

## Reprint

as at 6 November 2008

# Factories and Commercial Premises (First Aid) Regulations 1985

(SR 1985/108)

Factories and Commercial Premises (First Aid) Regulations 1985: revoked, on 6 November 2008, by clause 3 of the Regulations Revocation Order 2008 (SR 2008/367).

PURSUANT to section 71 of the Factories and Commercial Premises Act 1981, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**These regulations are administered in the Department of Labour.**

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**1 Title and commencement**

- (1) These regulations may be cited as the Factories and Commercial Premises (First Aid) Regulations 1985.
- (2) These regulations shall come into force on the 1st day of July 1985.

**2 Interpretation**

In these regulations, unless the context otherwise requires,—  
**First-aid cabinet** means a box or cabinet in which first-aid supplies are kept

**First-aid supplies** means articles that are first-aid appliances or first-aid requisites

**nurse** means a health practitioner who is, or is deemed to be, registered with the Nursing Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of nursing whose scope of practice permits the performance of general nursing functions.

nurse: this definition was inserted, as from 18 September 2004, by section 175(3) Health Practitioners Competence Assurance Act 2003 (2003 No 48). See sections 178 to 227 of that Act as to the transitional provisions.

**The principal Act** means the Factories and Commercial Premises Act 1981.

**3 First-aid supplies in undertakings**

- (1) The occupier of an undertaking shall—

- (a) Ensure that first-aid supplies are provided for persons who may be injured in that undertaking; and
  - (b) Take all reasonable steps to ensure every person injured in that undertaking is, if first-aid treatment is necessary or desirable for that person, given adequate first-aid treatment without delay.
- (2) Except as otherwise required by these regulations, the first-aid supplies required by subclause (1)(a) of this regulation to be provided in an undertaking shall be as specified in the Schedule to these regulations.
- (3) Subclauses (1) and (2) of this regulation shall apply to any shop where first-aid supplies are kept for sale as if those supplies were provided for persons who may be injured in that shop.

#### **4 First-aid supplies to be properly maintained**

The occupier of an undertaking shall ensure that the first-aid supplies provided in that undertaking are—

- (a) Kept clean and tidy; and
- (b) Readily available for the treatment of injured persons at all times when workers are working in that undertaking.

#### **5 First-aid cabinets**

- (1) Subject to subclauses (2) and (3) of this regulation, the occupier of an undertaking shall ensure that—
- (a) The first-aid supplies required by regulation 3 of these regulations to be provided in that undertaking are kept in dustproof boxes or dustproof cabinets—
    - (i) In which nothing other than first-aid supplies is kept; and
    - (ii) Each of which either is made of an easily cleaned material with a smooth impervious surface, or is painted or enamelled inside and outside with a gloss paint or enamel; and
    - (iiA) The inside surface of the lid or door of which has a label marked clearly with a statement approved by the Secretary warning people giving first-aid treatment to take precautions against AIDS and Hepatitis B; and

- (iii) The outside surface of the lid or door of each of which is marked clearly with the words **FIRST AID** and the name of the person for the time being appointed under regulation 7 of these regulations in respect of that cabinet:
  - (b) The number and positions of first-aid cabinets in that undertaking are, in the opinion of an Inspector, reached after having regard to the layout of that undertaking and the nature of the work carried on in it, likely to enable compliance with regulation 3 of these regulations in respect of that undertaking:
  - (c) Every first-aid cabinet in that undertaking is kept clean and tidy, and is replenished at least once a month.
- (2) Where there is provided in any undertaking a room that complies with the requirements of subclause (1) of regulation 9 of these regulations (whether or not the occupier of that undertaking is required by that subclause to ensure that such a room is provided), it shall, to the extent that any first-aid supplies required by regulation 3 of these regulations to be provided in that undertaking are kept in that room, be a sufficient compliance with subclause (1)(a) of this regulation if those supplies are kept in cupboards.
- (3) Nothing in subclause (1) of this clause shall require the occupier of a shop where any first-aid supplies are kept for sale to keep any of those supplies in a cabinet.

Regulation 5(1)(a)(iiA) was inserted by regulation 2 Factories and Commercial Premises (First Aid) Regulations 1985, Amendment No 1 (SR 1991/42).

## **6 Location of first-aid cabinets**

- (1) The occupier of an undertaking shall ensure that—
  - (a) Subject to subclause (2) of this regulation, every first-aid cabinet in that undertaking is in a position that is well-lit, and close to a wash-hand basin with hot and cold running water, soap, a nail brush, and clean towels:
  - (b) Where any first-aid cabinet in that undertaking is not conspicuous, its location is clearly indicated by a sign with the words “FIRST AID” placed conspicuously near that location.

- (2) An Inspector, having regard to the layout of any undertaking and the nature of the work carried on in it, may exempt its occupier from all or any of the requirements of subclause (1)(a) of this regulation, either unconditionally or subject to any conditions that Inspector thinks fit; and until the exemption concerned is amended or revoked by any Inspector, these regulations shall apply accordingly.

**7 Occupier to appoint person in charge**

The occupier of an undertaking at which more than 5 workers are usually employed at any one time shall ensure that a person engaged at that undertaking is put in charge of all first-aid supplies, first-aid cabinets, and first-aid rooms in that undertaking; and where shifts are worked in that undertaking shall ensure that another such person is appointed that first-mentioned person's deputy in respect of each shift on which that first-mentioned person is not engaged and that other person is engaged.

**8 Undertakings employing more than 50 workers to have trained person in charge of first aid**

- (1) Subject to subclause (2) of this regulation, the occupier of an undertaking at which more than 50 workers are usually employed at any one time shall ensure that at all times the person put in charge of first-aid supplies in that undertaking under regulation 7 of these regulations is—
- (a) A nurse; or
  - (b) The holder of a certificate (issued or renewed not more than 3 years ago) issued by—
    - (i) The St. John Ambulance Association; or
    - (ii) The New Zealand Red Cross Society (Incorporated); or
    - (iii) A trainer with qualifications for the time being approved by the Secretary.
- (2) The occupier of an undertaking is not failing to comply with subclause (1) of this clause if for the time being no person described in paragraph (a) or paragraph (b) of that subclause is in charge of first-aid supplies in that factory under regulation 7 of these regulations but—

- (a) Such a person was so in charge not more than 6 months ago:
- (b) That occupier is taking all reasonable steps to—
  - (i) Employ such a person; or
  - (ii) Arrange for a person engaged at that undertaking to become such a person.

Subclause (1)(a) was amended, as from 18 September 2004, by section 175(3) Health Practitioners Competence Assurance Act 2003 (2003 No 48) by omitting the word “registered”. *See* sections 178 to 227 of that Act as to the transitional provisions.

Regulation 8(1)(b) was substituted by regulation 3 Factories and Commercial Premises (First Aid) Regulations 1985, Amendment No 1 (SR 1991/42).

## **9 Undertakings employing more than 100 workers to have first-aid rooms**

- (1) The occupier of an undertaking at which more than 100 workers are usually employed at any one time shall ensure that there is provided in that undertaking, and used exclusively for the giving of first-aid treatment, a room—
  - (a) With a floor area of at least 10m<sup>2</sup>:
  - (b) With walls and ceiling of a smooth impervious surface painted in light colours:
  - (c) With a floor surface of a durable and easily cleaned material:
  - (d) Capable of being lit, heated, and ventilated, to the satisfaction of an Inspector:
  - (e) Provided with a wash-hand basin with hot and cold running water, soap, a nail brush, and clean towels:
  - (f) Fitted with cupboards for the storage of first-aid supplies:
  - (g) Furnished with a chair, a couch, a pillow, and a blanket.
- (2) The occupier of an undertaking required by subclause (1) of this regulation to ensure that a room is provided in that undertaking shall take all reasonable steps to ensure that that room and the first-aid supplies and other articles contained in it are properly maintained and kept clean and tidy.

**10 Register of first-aid treatments**

The occupier of an undertaking shall keep in that undertaking, together with or as part of the register of accidents required to be kept by section 53(1) of the principal Act, a record of—

- (a) The nature of every first-aid treatment given in that undertaking; and
- (b) The date on which it was given; and
- (c) The name of the person to whom it was given; and
- (d) The nature of the injury or illness in respect of which it was given.

**11 Inspector may grant exemptions**

An Inspector who is satisfied that, by reason of exceptional circumstances or the nature of the work carried on in an undertaking, all or any of the requirements of regulations 7 to 9 of these regulations need not apply in respect of that undertaking may by notice in writing served on the occupier of that undertaking exempt that occupier from all or any of those requirements in respect of that undertaking for 2 years or such lesser period as is specified in that notice, either unconditionally or subject to any conditions that Inspector thinks fit; and until the exemption concerned expires, or is amended or revoked by any Inspector, these regulations shall apply to that undertaking accordingly.

**12 No derogation from other provisions**

These regulations are in addition to, and shall not derogate from, any award.

**13 Appeals against decisions of Inspectors**

Section 59 of the principal Act shall apply to every decision of an Inspector under these regulations as if it is a requisition; and the occupier of any undertaking may appeal against any such decision accordingly.

**14 Offences**

Every person commits an offence against these regulations, and shall be liable on summary conviction to the penalties provided in that behalf in section 62(1)(b) of the principal Act,

who acts in contravention of, or fails or refuses duly and faithfully to comply with, any requirement, obligation, rule, or provision, imposed or enacted, or required to be observed, under these regulations.

## 15 Revocations

The following regulations are hereby consequentially revoked:

- (a) The First Aid (Factories) Regulations 1966<sup>1</sup>;
- (b) The First Aid (Factories) Regulations 1966, Amendment No 1<sup>2</sup>;
- (c) The First Aid (Factories) Regulations 1966, Amendment No 2<sup>3</sup>;
- (d) The First Aid (Factories) Regulations 1966, Amendment No 3<sup>4</sup>;

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## Schedule

### Minimum scales of first-aid appliances and requisites

	Number of Persons Usually Engaged at Any One Time								
Factories	5 or fewer	6-25	26-50	51-75	76-100	101- 250	251 or more		
Other Under- takings	25 or fewer	26-50	—						
Triangular bandages	2	2	2	4	4	6	6		

<sup>1</sup> SR 1966/39

<sup>2</sup> SR 1973/155

<sup>3</sup> SR 1975/217

<sup>4</sup> SR 1981/365



	Number of Persons Usually Engaged at Any One Time						
Roller bandages (including crepe bandages-50mm and 75mm sizes)	3	5	7	9	12	16	24
Sterile dressings (75mm X 75mm packets)	2	5	5	10	10	15	15
Adhesive wound dressing strip (100mm packets)	1	1	2	2	3	3	5
Waterproof adhesive plaster (50mm wide reels)	1	1	1	1	1	2	2
Sterile, non- adhesive pads (100mm X100mm packets)	5	5	5	5	10	10	10
Sterile eye pads	1	2	2	4	4	6	6
Container for use in pouring water over the eye (eg, plastic squeeze bottle)	1	1	1	1	1	1	1
Receptacle for soiled dressings (eg, bucket with foot operated lid)	-	-	-	1	1	1	1
Antiseptic liquid approved by the Medical Officer of Health	125ml	2×125ml	2×250ml	2×250ml	2×250ml	4×250ml	4×250ml

	Number of Persons Usually Engaged at Any One Time						
Safety pins	1 card	1 card	1 card	1 card	1 box	1 box	1 box
Scissors (surgical or equivalent-stainless steel)	1 pair	1 pair	1 pair	1 pair	1 pair	2 pairs	2 pairs
Splinter forceps, fine point (stainless steel)	1	1	1	1	1	1	1
Accident register and pen or pencil	1	1	1	1	1	1	1
First-aid booklet (issued by the Departments of Labour and Health or Red Cross/St John)	1	1	1	1	1	1	1
Card listing local emergency numbers	1	1	1	1	1	1	1
Disposable gloves (large size or multi-fitting)	2 pairs	4 pairs	4 pairs	8 pairs	8 pairs	12 pairs	12 pairs

This Schedule has been amended by regulation 4 Factories and Commercial Premises (First Aid) Regulations 1985, Amendment No 1 (SR 1991/42) by substituting the words "Sterile, non-adhesive pads" for the words "Paraffin gauze", omitting the item relating to antiseptic cream, and inserting the item "Disposable gloves (large size or multi-fitting)".

C J HILL,  
Acting for Clerk of the Executive Council.

### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations replace, in an amended form, the First Aid (Factories) Regulations 1966.

The principal amendment is the extension of the operation of the regulations to undertakings other than factories (shops, offices, warehouses, etc). The minimum quantities of first-aid supplies for most non-factory undertakings where fewer than 50 workers are usually employed at any one time are, however, smaller than those required for factories with the same staffing.

Other amendments enable a shop where first-aid supplies are kept for sale to treat those supplies as also being kept for use, and enable Factory Inspectors to exempt undertakings from requirements of the regulations where compliance is impracticable, or where some special circumstances make compliance unnecessary or undesirable.

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Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 30 May 1985.

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**Notes****1 General**

This is an eprint of the Factories and Commercial Premises (First Aid) Regulations 1985. It incorporates all the amendments to the regulations as at 6 November 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

**3 List of amendments incorporated in this eprint (most recent first)**

Regulations Revocation Order 2008 (SR 2008/367): clause 3

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