Fire Service Amendment Act 2002

Public Act 2002 No 65
Date of assent 18 December 2002
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

(1) This Act is the Fire Service Amendment Act 2002.

(2) In this Act, the Fire Service Act 1975 is called "the principal Act".

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Evacuation schemes for public safety

Section 21A of the principal Act is amended by adding the following subsections:

"(13) For the purpose of carrying out his or her functions under this section, the National Commander, or any person authorised in writing by the National Commander, may have free access on reasonable conditions to all land and buildings (except household units).

"(14) Reasonable notice must be given in relation to any proposed entry, and identification must be shown on entry and at any subsequent time if requested.

"(15) This section does not apply to any Crown land or buildings, or any class or classes of Crown land or buildings, that—

"(a) are specified by the Minister by notice in the *Gazette*; or

"(b) are premises of the mission as defined in Schedule 1 of the Diplomatic Privileges and Immunities Act 1968."

4 Command and operation of Fire Service

Section 23(2) of the principal Act is amended by inserting, after the words "for the purposes of", the words "any of the matters set out in section 29 or".

5 Control of Fire Region

(1) Section 24A(1) of the principal Act is amended by omitting the words "in charge", and substituting the words "in the charge".

(2) Section 24A(2)(d) of the principal Act is amended by inserting, after the words "for the purposes of", the words "any of the matters set out in section 29 or".

6 Control of Fire Area

Section 25A(2)(d) of the principal Act is amended by inserting, after the words "for the purposes of", the words "any of the matters set out in section 29 or".

7 Commission may undertake to give special protection to Harbour Board or to owner of property outside a Fire District

(1) The heading to section 39 of the principal Act is amended by omitting the words "**to Harbour Board or**".

(2) Section 39 of the principal Act is amended—
(a) by omitting the words "with a Harbour Board or"; and
(b) by omitting the words "Harbour Board or of that".

8 Expenditure of Commission

(1) Section 44(1)(b) of the principal Act is amended by omitting the words "the members of the Appeal Board and any", and substituting the words "any person appointed by the Minister in relation to an".

(2) Section 44(1)(h) of the principal Act is amended by omitting the word "Commissioner", and substituting the word "Commission".

9 Commission to submit financial forecasts and estimates to Minister

Section 45(3) of the principal Act is amended by omitting the words "and any expenditure from the Restructuring Fund established under section 62B(1) of this Act".

10 Levy

Section 48(6)(a) of the principal Act is amended by omitting the word "property", and substituting the word "building".

11 Liability for levy where agents of owners of property negotiate contracts of fire insurance with insurance company not carrying on business in New Zealand

Section 49(2) of the principal Act is amended by inserting, after the words "a return", the words "in the prescribed form".

12 Liability for levy where owners of property negotiate contracts of fire insurance with insurance company not carrying on business in New Zealand

Section 49A(2) of the principal Act is amended by inserting, after the words "a return", the words "in the prescribed form".

13 Liability for levy by owner of property where cover for risk including fire is provided by any company, corporation, partnership, or person associated with owner of property

Section 49B(2) of the principal Act is amended by inserting, after the words "a return", the words "in the prescribed form".

14 Payment of levy

Section 50(2) of the principal Act is amended by inserting, after the words "a certificate", the words "in the prescribed form".

15 Companies, corporations, partnerships, and local and public authorities to supply evidence of insurance arrangements

Section 51A(1) of the principal Act is amended by inserting, after the words "a statutory declaration", the words "in the prescribed form".

16 New section 87 substituted

The principal Act is amended by repealing section 87, and substituting the following section:

"87 **Service of notices**

"(1) If a notice or other document must be served on a person for the purposes of this Act, it may be served—

"(a) by delivering it personally to the person; or

"(b) by delivering it at the usual or last known place of residence or business of the person, including by facsimile; or

"(c) by sending it by prepaid post addressed to the person at the usual or last known place of residence or business of the person.

"(2) If a notice or other document is to be served on a body (whether incorporated or not), service on an officer of the body in accordance with subsection (1) is service on the body.

"(3) If a notice or other document is to be served on a partnership, service on any 1 of the partners in accordance with subsection (1) or subsection (2) is service on the partnership.

"(4) If a notice or other document is sent by post to a person in accordance with subsection (1)(c), it must be treated as having been received by the person at the time at which the letter would have been delivered in the ordinary course of post."

17 Repeals

(1) Sections 62B to 62F of the principal Act are repealed.

(2) The Fire Service Amendment Act 1994 (1994 No 71) is consequentially repealed.

Legislative history

12 December 2002	Divided from Statutes Amendment Bill (No 2) (Bill 198–2), third reading
18 December 2002	Royal assent

This Act is administered in the Department of Internal Affairs.