

Hon. Dr. Findlay

FIRE BRIGADES.

ANALYSIS.

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A BILL INTITLED

AN ACT to make Provision for the Establishment of Fire Boards and Title.
for the Protection of Life and Property from Fire.

BE IT ENACTED by the General Assembly of New Zealand in
5 Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Fire Brigades Act, 1907.

Short Title.

Repeal.
Savings.

2. (1.) The Fire Brigades Act, 1906, is hereby repealed.

(2.) All elections, appointments, by-laws, rules, and regulations made, all things done, all rights acquired, and all obligations or liabilities incurred in pursuance or by virtue of the said Act, and subsisting or in force on the passing of this Act, shall, save so far as otherwise herein provided, 5
enure for the purposes of this Act as fully and effectually as if they had been made, done, acquired, or incurred in pursuance or by virtue of the corresponding provisions of this Act.

(3.) All matters and proceedings commenced under the provisions of the said Act may be continued under the corresponding provisions 10
of this Act.

(4.) The repeal of the said Act shall not invalidate or render illegal anything lawfully done in pursuance of that Act or under the authority thereof before the passing of this Act.

Interpretation.

3. In this Act, unless a different intention appears from the context 15
or subject-matter,—

“Board” means a Fire Board constituted under this Act or under the Fire Brigades Act, 1906 :

“Brigade” or “fire brigade” means any body of men organized for public fire-prevention purposes, but does not include 20
any brigade which is established for the protection of one or more specified buildings exclusively :

“Contributory local authority” means in the case of any fire district the local authority whose district is coterminous with the fire district : 25

“Insurance company” means any company, partnership, corporation, or person carrying on the business of fire insurance (whether exclusively or in conjunction with any other business); and includes the State Fire Insurance Department, and also the agent, attorney, or representative of any such 30
company, partnership, corporation, or person, whether such company, partnership, corporation, or person is incorporated or resident within New Zealand or not :

“Local authority” means a Borough Council, County Council, Town Board, or Road Board ; *except that where the context or 35
subject-matter so requires, the term means the corporation of the district of any such Council or Board :*

“Minister” means the Minister charged for the time being with the administration of this Act :

“Owner” includes, in the case of any land or buildings, the person 40
for the time being in receipt of or entitled to receive the rents and profits of such property, or who, if such property were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, executor, administrator, mortgagee in possession, or as agent or at- 45
torney for any other person :

“Superintendent” means a Superintendent of Fire Brigades appointed by a Board under the authority of this Act or of the Fire Brigades Act, 1906 ; and “Deputy Superintendent” means a Deputy Superintendent of Fire Brigades similarly 50
appointed.

Fire Districts.

Fire districts.

4. (1.) The Cities of Dunedin, Christchurch, Wellington, and Auckland, and all other districts which have before the passing of this Act been

declared to be fire districts by the Governor under the authority of the Fire Brigades Act, 1906, shall be fire districts under this Act, and shall be subject to the provisions of this Act accordingly.

(2.) This section shall apply to any district declared to be a fire district in accordance with the said Act, although such district could not be lawfully declared to be a fire district under this Act.

5 5. (1.) The Governor may by Order in Council, on the application of any Borough Council, County Council, or Road Board, declare the district within the jurisdiction of such Borough Council, County Council, 10 or Road Board to be a fire district under this Act, and the said district shall thereupon become a fire district accordingly.

Governor may declare district to be a fire district.

(2.) No such application may be made to the Governor unless—

(a.) The population of the said district is more than five thousand according to the then last preceding census ; and

15 (b.) A poll of the ratepayers of the said district has been taken in manner prescribed by the Local Elections Act, 1904, on a proposal to make such application, and such proposal has been duly declared to be carried.

20 6. (1.) Whenever in any fire district any area ceases to be within the jurisdiction of the contributory local authority, that area shall at the same time cease to be within the fire district.

Area ceasing to be, or becoming, part of fire district.

(2.) Whenever in the case of any fire district any area is added to the district within the jurisdiction of the contributory local authority, that area shall at the same time become part of the fire district.

25 (3.) The provisions contained in this section shall be deemed to have been also contained in the Fire Brigades Act, 1906, as from the passing of that Act.

30 7. (1.) The Governor ~~may at any time shall~~ by Order in Council, on the application of a Fire Board and of the contributory local authority of any fire district, declare that the fire district of that Board such district shall, as from a date to be specified in such Order in Council, cease to be a fire district, and the same shall ~~on~~ as from that date cease to be a fire district accordingly.

Dissolution of Fire Board when district ceases to be a fire district.

35 (2.) When any district so ceases to be a fire district the Fire Board of that district shall be dissolved, and all its property and liabilities shall become the property and liabilities of the corporation of the district of the contributory local authority.

New subclause.

40 (3.) In any such case the contributory local authority shall repay to the insurance companies carrying on business in the fire district at the date of the dissolution of the Board such sums as the Governor determines to be just and equitable, having regard to the value of the property so becoming vested in the local authority, and to the contributions made by such companies towards the cost of the 45 acquisition thereof by the Board. Every sum so repayable by the local authority to any insurance company shall constitute a debt recoverable by that company from the local authority in any Court of competent jurisdiction.

Fire Boards.

50 8. (1.) For every fire district there shall be a Fire Board, which shall consist of seven members, and shall be a body corporate having perpetual succession and a common seal.

Fire Boards.

55 (2.) The Fire Boards for the Cities of Dunedin, Christchurch, Wellington, and Auckland shall be called the Dunedin Fire Board, the Christchurch Fire Board, the Wellington Fire Board, and the Auckland

Fire Board respectively, and in like manner every other Fire Board shall be called by the name of the district of the contributory local authority.

(3.) Every Fire Board constituted under the authority of the Fire Brigades Act, 1906, before the passing of this Act shall continue to exist, and shall be subject to the provisions of this Act, as if constituted under the authority thereof, and the members of every such Board shall continue to be members thereof for the term for which they were elected or appointed, subject, however, to the provisions of this Act. 5

Members of
Fire Board.

9. Of the seven members of a Fire Board one shall be appointed by the Governor, three shall be elected by the contributory local authority, and three shall be elected by the insurance companies which for the time being are carrying on business within the fire district. 10

Election of members
of Fire Board by
insurance
companies.

10. (1.) The election of members of a Fire Board by the insurance companies shall be conducted in accordance with rules made from time to time in manner following by the representatives of the insurance companies carrying on business in New Zealand :— 15

(a.) The Minister shall from time to time, as he thinks fit, notify in the *Gazette*, and in such other manner as he thinks fit, the time and place of a meeting of representatives of the insurance companies carrying on business in New Zealand. 20

(b.) At every such meeting the representatives present shall elect one of their number to be the chairman, and all matters shall be decided by a majority of votes, each representative having one vote in respect of each insurance company represented by him. The chairman shall have a casting as well as a deliberative vote. 25

(c.) A copy, signed by the chairman, of the rules agreed upon at any such meeting shall be sent to the Minister, and if the said rules are approved by the Governor and gazetted they shall have the force of law. 30

(2.) All rules purporting to be made under the authority of this section of this Act, and approved by the Governor and gazetted, shall be conclusively presumed to have been duly made in pursuance of this Act, and shall not be questioned in any Court. 35

(3.) The rules purporting to be made under the authority of section four of the Fire Brigades Act, 1906, and published in the *Gazette* of the twenty-fifth day of April, nineteen hundred and seven, are hereby declared to have, and to have had from the said date, the force of law, and shall continue in force, as if duly made under the authority of this Act; but they may be rescinded, altered, or added to by rules made in pursuance of the provisions of this section. 40

Disqualification
of members of
Fire Board.

11. (1.) Any member of a Fire Board who is adjudicated bankrupt, or who assigns or attempts to assign his estate for the benefit of his creditors, or who compounds with his creditors for less than twenty shillings in the pound, or who is convicted on indictment of any crime, or who becomes of unsound mind, shall be ~~capable~~ *incapable* of continuing to be a member of the Fire Board, and his seat shall thereupon become vacant. 45

(2.) If any member of a Fire Board is without the leave of the Board absent from three consecutive meetings of the Board, the Board may declare the seat of that member to be vacant, and it shall thereupon become vacant accordingly. 50

(3.) No person shall be capable of being elected or appointed as a member of a Fire Board, or of continuing to be a member of a Fire Board, who holds or accepts any office or place of profit under such Board, or who is or becomes concerned or interested in any contract made by
5 the Board :

Provided that no person being a shareholder or member of any incorporated company consisting of more than twenty persons shall be disqualified from becoming or continuing to be a member of any
10 Fire Board by reason merely of a contract entered into between such company and the Board, but it shall not be lawful for any such shareholder or member to act as a member of the Board in any matter relating to such contract.

12. A member of a Fire Board may resign his office by writing delivered to the Chairman or Secretary of the Board, and in any such
15 case, or whenever any vacancy occurs in the Board from any other cause, the Chairman or Secretary shall notify the fact to the Board and also to the Minister, who shall take the necessary steps for the appointment or election of a member to fill the said vacancy. Resignations.

13. If from any cause any local authority or the insurance companies whose duty it is to elect a member of any Fire Board fail, neglect, or refuse to do so within the time appointed in that behalf, the Governor
20 in Council may appoint any person whomsoever to be a member of such Board in lieu of the member who ought so to have been elected, and such person shall be deemed for all purposes to have been elected by
25 the said local authority or insurance companies, as the case may be. Governor may appoint member on failure of local authority or insurance companies to elect.

14. (1.) No act or proceeding of any Fire Board shall be invalidated or be deemed illegal in consequence only of the number of
the members of such Board not being complete at the time of such act or proceeding. Acts of Board not invalid because number of members incomplete.

(2.) All acts and proceedings of a Fire Board shall, notwithstanding the fact that there was some defect in the appointment or election of any person as a member thereof, or that any member is disqualified or not entitled to act or vote, be as valid as if every such person had been duly appointed or elected, as the case may be, and was qualified to be and
30 to act and vote as a member of such Board. Acts of Board not invalid because number of members incomplete.

15. (1.) Every Fire Board shall be deemed to come into existence as a corporate body so soon as any member thereof has been duly appointed by the Governor in accordance with section *nine* of this Act, and no sooner. When Fire Board deemed to come into existence.

(2.) Nothing in this section shall be so construed as to prevent the election of elective members of the Board before the appointment of a member by the Governor.

(3.) The provisions of this section shall be deemed to have been also included in the Fire Brigades Act, 1906, as from the date of the
45 passing of that Act.

16. Every member of a Fire Board, whether elected or appointed, shall, unless he sooner resigns, dies, or vacates his seat, hold office until the election or appointment of his successor. Term of office.

17. The election and appointment of members of every Fire Board shall take place in the month of May in every alternate year, and the first of such biennial elections and appointments shall take place in the month of May, nineteen hundred and *nine*. Biennial election. &c.

First election of members in case of new Fire Board.

18. (1.) In the case of any fire district first constituted after the passing of this Act the Minister may by notification in the *Gazette* appoint a day for the holding of the first election of members of the Fire Board of that district, and the appointment by the Governor of a member of such Board may be made at any time after the constitution of such district. 5

(2.) Any such election shall take place and be conducted in the same manner, *mutatis mutandis*, as if it were a biennial election held under the provisions of the *last preceding* section, and all rules made by insurance companies, and for the time being in force with respect to such biennial elections shall be applicable, *mutatis mutandis*, to the elections provided for by this section. 10

(3.) If on the passing of this Act the number of the members of any Fire Board already constituted is incomplete, the election or appointment of any member required to complete the said number shall take place in accordance with the provisions of this section. 15

Extraordinary vacancy.

19. In the event of an extraordinary vacancy occurring in the office of a member of the Board, whether by death, resignation, or otherwise, such vacancy shall, within one month after the occurrence thereof, be filled by the appointment or election, as the case may be, of some person to be a member of the Board, who shall hold office so long only as his predecessor would have held it. 20

Revenues of Fire Boards.

Estimate of expenditure to be submitted to Minister.

20. (1.) On or before the thirtieth day of June in every year every Fire Board shall submit to the Minister for his approval an estimate of the probable expenditure necessary for the administration of this Act within the fire district for the year commencing on the first day of July following. 25

(2.) No such estimate shall have any force or effect until approved by the Minister. 30

(3.) Every such estimate shall include not only the amount of recurrent annual expenditure, but also the amount of capital expenditure necessary for the purchase of land, the erection of buildings, or for any other purpose contemplated by this Act, save that with the consent of the Minister the amount of any such capital expenditure incurred in any year may be apportioned and extended over a period of years. 35

(4.) Any such estimate may include the amount of any deficiency in the revenue of the Board for the preceding year.

(5.) In every such estimate account shall be taken of any surplus in the revenue of the Board for the preceding year. 40

(6.) In the case of every Board which is first constituted after the passing of this Act, the first estimate of expenditure made by such Board shall be for the year beginning on the first day of July next after the constitution of the Board, but such estimate may include the amount of any preliminary expenses incurred by the Board in the interval between the date of its constitution and the said first day of July. 45

(7.) In the case of every Board which is constituted before the passing of this Act, but the number of whose members first becomes complete after the passing of this Act, the first estimate of expenditure made by such Board shall be for the year beginning on the first day of July, 50

nineteen hundred and *eight*, but such estimate may include the amount of any preliminary expenses incurred by the Board in the interval between the date of its constitution and the said first day of July.

21. (1.) The amount of the annual expenditure so estimated shall be contributed and paid to the Board in manner and in the proportions following, that is to say:—

Proportion of contribution.

(a.) There shall be paid annually to the Board by the Colonial Treasurer out of the Consolidated Fund, without further appropriation than this Act, the sums following, that is to say:—

10 In the case of the Boards for the Cities of Auckland, Wellington, Christchurch, and Dunedin, the sum of one hundred and fifty pounds to each of such Boards:

15 In the case of the Board for the City of Wellington, the further sum of one hundred pounds in respect of the Parliamentary and Government Buildings situated in that city:

20 In the case of the Board of any other fire district, a sum equal to one-tenth of the said estimated annual expenditure, but not exceeding in any case the sum of fifty pounds.

(b.) Of the residue of the amount of the said estimated annual expenditure, after deducting the amount so paid or payable by the Colonial Treasurer, one-half shall be paid by the contributory local authority and one-half by the insurance companies in manner hereinafter provided.

25 (2.) The amounts to be so contributed shall in every case be payable in equal quarterly payments in advance on the first day of July, the first day of October, the first day of January, and the first day of April in every year.

30 (3.) The provisions of this section shall be deemed to have been also included in the Fire Brigades Act, 1906, as from the passing of that Act, in lieu of the provisions of sections eleven and twelve of that Act.

22. For the purpose of ascertaining the amount to be contributed by each insurance company the following provisions shall apply:—

Contributions by insurance companies.

35 (a.) Every such company shall annually, at such time as the Minister by notice in the *Gazette* from time to time prescribes, transmit to the Board a return showing the total gross amount of the premiums received by or due to such company during the year ending on the thirty-first day of December then previous in respect of the insurances held by such company within the fire district, after deducting the amount of premium paid by way of reinsurance to any other insurance company contributing under this Act in respect of the premiums so received by it.

45 (b.) Every such return shall be accompanied by a statutory declaration by the manager, secretary, or agent of the company that according to the books thereof, and to the best of his knowledge and belief, the return contains a true statement of the amount of such premiums.

50 (c.) If any company liable to contribute under this Act makes default in transmitting such return and declaration at the time prescribed by the Minister, or furnishes an incorrect

or incomplete return, such company shall be liable to a fine of *five* pounds for every day during which it is so in default.

- (d.) The contribution of each such company shall bear the same proportion to the amount payable by all the insurance companies liable to contribute as the amount of premiums as shown by each such return bears to the total amount of premiums as shown by all such returns. 5
- (e.) All such returns, and all information obtained and all extracts made in order to verify such returns, shall be kept secret by the Board and every member thereof, and by every officer and person appointed thereby; and every person guilty of the non-observance of the secrecy hereby required shall be liable, on conviction, to a fine of not exceeding *fifty* pounds. 10
- (f.) For the purpose of verifying any such return the Board may require the Audit Office to examine the books and accounts of the company making such return, and it shall be the duty of the Audit Office to make such examination accordingly and to report the result of the same to the Board, and the said company shall forthwith on demand submit such books and accounts accordingly to any duly authorised officer of the Audit Office, and for any default in so doing the company shall be liable to a fine of *five* pounds for every day during which such default continues. 15
- (g.) Every company receiving any premium by way of reinsurance in respect of property in any fire district shall be deemed to hold an insurance on that property for the purposes of this section, and shall include the amount of such premium in its return accordingly. 20

Interest payable on default by insurance companies.

23. (1.) If any insurance company liable to contribute under this Act fails to pay any such quarterly payment as is hereinbefore prescribed within thirty days after such payment becomes due, the amount of such payment, together with interest thereon at the rate of ten per centum per annum, computed from the expiration of such thirty days, may be recovered as a debt due from such company to the Board. 25

By local authority.

(2.) If any local authority liable to contribute under this Act fails to pay any such quarterly payment within thirty days as aforesaid, the amount of such payment, together with interest thereon at the rate and computed in manner aforesaid, may be paid to the Board by the Colonial Treasurer, and deducted by him from any moneys payable to such local authority by way of subsidy under any Act, or may be recovered as a debt due from such local authority to the Board. 30

Contribution of local authority may be raised by rate.

24. (1.) In order to raise the amount required by section twenty-one hereof to be contributed by the local authority, it may either pay the same out of its general rate or make and levy for that purpose a separate rate on the value of the buildings in the fire district, exclusive of the value of the sites on which such buildings are erected. 35

(2.) No rate of any description shall be levied by any local authority on any property vested in and occupied by a Fire Board. 40

25. A Fire Board may from time to time borrow money by way of a bank overdraft or otherwise, and may, by way of security for any such loan, mortgage, with the consent of the Minister, any property vested in the Board: Board may borrow money not exceeding half of estimated expenditure.

5 Provided that it shall not be lawful for any Board to borrow any money which, together with all other moneys already borrowed and then owing, exceeds in amount one-half of the estimated expenditure of the Board, as approved by the Minister, for the financial year then current.

10 *Property of Fire Boards.*

26. (1.) It shall be the duty of every Fire Board to establish and maintain efficient brigades for the suppression and extinction of fires, and for protecting life and property from loss or damage by fire, and to provide such buildings and equipment as it deems necessary for such purposes. Duties of Fire Boards.

15 (2.) In the case of any Fire Board first constituted after the passing of this Act, the duty imposed by this section shall be imposed as from the thirtieth day of June next following the date of the constitution of the Board.

20 (3.) In the case of any Fire Board which has been constituted before the passing of this Act, but the number of whose members first becomes complete after the passing of this Act, the duty imposed by this section shall be imposed as from the thirtieth day of June, nineteen hundred and *eight*.

25 27. A Fire Board may purchase, lease, or otherwise acquire and hold such real and personal property as the Board deems necessary for the purposes of this Act. Board may hold property.

30 28. (1.) Every Fire Board may sell, lease, or otherwise dispose of any real or personal property vested in it, and may mortgage or otherwise charge any freehold or leasehold lands, but every such dealing shall be subject to the previous consent of the Minister. *mortgage, charge, or otherwise dispose of any real or personal property vested in it.* Board may dispose of property vested in it.

New subclauses.

35 (2.) Every such sale, lease, mortgage, charge, or other disposition of any land or buildings shall be subject to the consent of the Minister.

40 (3.) No land or buildings which have become vested in a Board by virtue of section twenty-nine of this Act shall be sold, leased, mortgaged, charged, or otherwise disposed of by the Board without the consent of the local authority from which the said land or buildings were acquired until all moneys payable by the Board to such local authority in respect of such property under the provisions of the said section have been fully paid.

45 (4.) The Minister or the said local authority in so consenting to any such sale, lease, mortgage, charge, or other disposition may impose conditions as to the manner in which any moneys so obtained by the Board shall be expended for fire-prevention purposes, and the Board shall expend the same accordingly.

50 29. (1.) All plant and other property (not being land or buildings) used for public fire-prevention purposes in any fire district at the date All plant, &c., vested in Board.

of the constitution of that district, and belonging to any local authority within that district, shall, *except as hereinafter provided*, become vested by virtue of this Act in the Fire Board of that district.

Transfer of land and buildings.

(2.) All land and buildings used for public fire-prevention purposes in any fire district at the date of the constitution of that district, and vested in fee-simple in any local authority within that district, shall, *except as hereinafter provided*, be transferred by the local authority owning the same to the Fire Board, and that Board shall accept such transfer. Pending any such transfer the Board shall be entitled to the use and occupation of such land and buildings. 5 10

Valuation of property.

(3.) All plant, land, buildings, or other property which by virtue of the foregoing provisions of this section becomes vested in or is transferred to a Fire Board shall be valued either by agreement or by arbitration under the provisions of the Arbitration Act, 1890, as if this Act were a submission within the meaning of the said Act. 15

(4.) The Fire Board shall pay to the local authority which owned the said property ~~interest on~~ the capital value thereof as so determined ~~at the rate of four per centum per annum for the period of twenty-five years from the date at which possession of the said property was obtained by the Board, but the Board shall not be under any obligation to pay to any local authority the capital value of any such property (together with~~ *New.* 20

interest thereon) by twenty-six annual instalments equal to five per centum of the said capital value. Every such instalment shall be deemed to include both principal and interest, and shall be paid at such time or times as the Board and the local authority agree upon, and in default of any such agreement, then at the end of each financial year of the Board. 25

Where property transferred liable to mortgage.

(5.) If any property which so becomes vested in or is so transferred to a Fire Board is subject to any mortgage or charge, the local authority which owned such property shall indemnify the Fire Board against any liability for such mortgage or charge, and the capital value, ~~on which the interest payable by the Fire Board is calculated~~ *to be determined as aforesaid*, shall be the capital value of the said property as if free from any such mortgage or charge. 30 35

Disputes as to transfer to be determined by arbitration.

(6.) If any local authority objects to transfer any land or buildings to a Fire Board under the provisions of this section on the ground that it is inexpedient in the public interest that such land or buildings should be permanently devoted to fire-prevention purposes, the dispute shall be determined by arbitration in manner aforesaid; and if the objection of the local authority is maintained by the arbitrators, the said land or buildings shall be exempt from the operation of this section. 40

(7.) Any dispute as to the application of this section to any property, liability, or other matter shall be determined by arbitration in manner aforesaid. 45

(8.) No stamp or other duty shall be chargeable upon any conveyance, transfer, or other assurance executed in pursuance of the provisions of this section.

(9.) No property shall be deemed to be used or held in trust for public fire-prevention purposes within the meaning of this section if it is used for the protection of one or more specified buildings exclusively. 50

Board may refuse to accept property.

(10.) Notwithstanding anything contained in this section, a Fire Board may, within the time and in the manner hereinafter mentioned,

refuse to accept any land, buildings, plant, or other property, and in such case this section shall have and be deemed to have had no operation with respect to that property. Every such refusal shall be made and notice thereof given to the local authority owning such property on 5 or before the first day of January, nineteen hundred and *eight*, in the case of Fire Boards constituted before the passing of this Act, and within two months after the first meeting of the Board in any other case.

(11.) Section thirty-one of the Fire Brigades Act, 1906, shall be deemed never to have come into operation, and the provisions of this 10 section shall be deemed to have been also included in the said Act as from the date of the passing thereof.

(12.) The date at which property shall vest or be deemed to have 15 vested in any Fire Board by virtue of the provisions of this section, and the date at which any Fire Board is entitled by virtue of these provisions to take possession of any property and to obtain a transfer thereof, shall be determined as follows :—

(a.) In the case of any Board which has been constituted, and the number of whose members has been completed before the 20 passing of this Act, the said date is the first day of July, nineteen hundred and *seven*.

(b.) In the case of any Board which is first constituted after the passing of this Act, the said date is the first day of July next after the constitution of that Board.

(c.) In the case of any Board which has been constituted before the 25 passing of this Act, but the number of whose members first becomes complete after the passing of this Act, the said date is the first day of July, nineteen hundred and *eight*.

Superintendent of Fire Brigades.

30 (1.) In every fire district there shall be a Superintendent of Fire Brigades, a Deputy Superintendent of Fire Brigades, and a Secretary of the Fire Board. Officers of Fire Board.

(2.) The said officers shall be appointed and removable by the Board and shall receive such salaries as the Board determines.

35 (3.) All persons appointed to any such office under the authority of the Fire Brigades Act, 1906, shall continue in office as if appointed under this Act.

40 (4.) Every Fire Board may from time to time appoint and remove all such officers and members of brigades, and all such other officers and servants, as it deems necessary for the administration of this Act, and may pay to such officers, members, and servants such salaries or other remuneration as it thinks fit.

45 31. Subject to any by-laws or regulations made by the Board, every Superintendent shall perform the following duties and may exercise the following powers in the case of any fire happening within the fire district :— Duties of Superintendent.

(a.) He shall upon any alarm of fire proceed with all possible speed to the place where such fire has occurred, and endeavour by all practicable means to extinguish the fire and prevent the spreading thereof, and to save lives and property in 50 danger :

- (b.) He shall control and direct the brigades engaged at the fire, and all persons who there place their services at his disposal :
- (c.) He may enter and, if necessary, break into any building on fire or any building or premises adjacent thereto : 5
- (d.) He may remove from any such building or premises, without responsibility for any consequent loss or damage, any inflammable, explosive, or dangerous material found therein :
- (e.) For the purpose of extinguishing or preventing the spreading of any fire he may cause any building which is on fire, or which is adjacent to or in the vicinity of any building on fire, to be pulled down wholly or partially, or otherwise destroyed or damaged : 10
- (f.) He may cause water to be shut off from any main or pipe in order to obtain a greater pressure and supply of water for the purpose of extinguishing any fire : 15
- (g.) He may cause any street, private road, right-of-way, or thoroughfare in the vicinity of any fire to be closed for traffic during the continuance of any fire :
- (h.) He may shut off or disconnect, or order any person having the control thereof to shut off or disconnect, the supply of gas or electricity to any building which is on fire or which is in the vicinity of any building which is on fire, or to any electric tramway in the vicinity of any building on fire : 20
- (i.) He may remove, by force if necessary, any person who by his presence, or otherwise howsoever, interferes with the operations of any brigade : 25
- (j.) He may at the time of a fire, or afterwards, pull down or shore up any building or any portion of a building which in his opinion has been so damaged by fire as to be or to be likely to become dangerous to life or property, and the expense of any such operation shall be borne by the owner of such building, and shall be paid by him to the Board. 30
- (k.) Generally he may do all other things which are reasonably necessary for the extinction of any fire or for preventing the spreading thereof. 35

Deputy Superintendent to act in absence of Superintendent.

32. During the absence from any fire of the Superintendent the Deputy Superintendent, and during the absence of both the Superintendent and Deputy Superintendent any officer for the time being in charge of any brigade engaged at such fire, shall have all the powers and duties hereinbefore conferred and imposed on the Superintendent. 40

Police to assist Superintendent.

33. The authority of every Superintendent, or Deputy Superintendent, or any officer of a fire brigade shall be recognised by all members of the Police Force and all other persons, and it shall be the duty of every constable present at any fire to assist the any such Superintendent, or Deputy Superintendent, or officer in the maintenance of his authority and in enforcing obedience by all persons to his lawful orders. 45

Superintendent to have access to buildings, &c.

34. (1.) Every Superintendent or Deputy Superintendent shall have free access at all reasonable times to any building, land, or premises, and to any part thereof, for the purpose of ascertaining whether the 50

requirements of this Act or of any by-laws made under the authority thereof have been duly observed with respect to such building, land, or premises.

(2.) Every person who obstructs or hinders any Superintendent or Deputy Superintendent in the exercise of the powers conferred by this section shall be liable to a fine not exceeding *twenty* pounds.

35. Any damage to property occasioned by a fire brigade, or by a Superintendent, Deputy Superintendent, or by any officer or member of a fire brigade, at or in connection with any fire occurring in a fire district shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged.

Damage by fire brigade to be damage by fire within meaning of insurance policy.

Duties and Powers of Fire Boards.

36. (1.) Every Fire Board shall hold at least four meetings in every year—that is to say, in the months of June, September, December, and March.

Meetings of Fire Board.

(2.) At the first meeting of every Board and at every annual meeting—that is to say, the meeting to be held in the month of June—and as often as the office of Chairman shall become vacant, the members shall elect one of their number to be Chairman, who shall hold office until the appointment of his successor.

(3.) The Chairman shall preside at each meeting of the Board at which he is present ; but in his absence from any meeting the members present shall elect a member to act as Chairman at such meeting.

(4.) The Chairman at any meeting shall have a casting as well as a deliberative vote.

(5.) Subject to the provisions of this Act, every Board may regulate its own proceedings.

(6.) The first meeting of any Fire Board which is first constituted after the passing of this Act, or of any Fire Board which has been constituted before the passing of this Act, but the number of whose members first becomes complete after the passing of this Act, shall be held on such day as the Minister, by notification in the *Gazette*, appoints.

(7.) At every meeting of a Fire Board four members shall form a quorum, and no business shall be transacted at any meeting unless a quorum is present thereat.

37. No member of any Fire Board shall be personally responsible for any act or omission of the Board of which he is a member.

No personal responsibility on member of Fire Board.

38. No action shall be brought against any Fire Board to recover damages for any loss or damage due to the failure or neglect of the Board to perform its statutory duty of making adequate provision for the suppression of fires and the protection of life and property against fire.

No action against Board for failure to provide against fire.

39. The common seal of a Fire Board shall not be affixed to any deed or instrument except in the presence of two of the members of the Board, and every deed or instrument for which such seal is required shall be signed by two of the members and by the secretary of the Board.

Use of common seal.

40. (1.) Every contract which if made by a private person would require to be under seal shall, if made by a Fire Board, be made under its common seal in manner hereinbefore provided.

Provisions as to contracts of Fire Board.

(2.) Every contract which if made by a private person would require to be in writing shall, if made by a Fire Board, be in writing signed by some person thereunto lawfully authorised by the Board.

(3.) Every other contract may be made verbally on behalf of the Board by any person thereunto lawfully authorised by the Board.

Payment of travelling-expenses of members.

41. It shall be lawful for any Fire Board, if it thinks fit, to pay to any member thereof the amount actually expended by him by way of travelling-expenses in attending the meetings of the Board or in the performance of his duties as a member of the Board. 5

Fire Board to keep accounts.

42. (1.) Every Fire Board shall keep full and correct accounts of all moneys received and expended, and of all assets and liabilities; and shall, within twenty-eight days after the thirtieth day of June in every year, cause to be prepared a balance-sheet, together with a statement of income and expenditure for the financial year ending on that day. 10

Balance-sheet to be submitted to Parliament.

(2.) Such balance-sheet and statement, after being audited by the Audit Office, shall be sent to the Minister, who shall, within ten days after the receipt thereof, lay the same before Parliament if sitting, and if not, then within ten days after the commencement of the next ensuing session. A copy of such balance-sheet and statement shall also be sent to each contributing insurance company and local authority in the fire district. 15

Fire Board may make by-laws.

43. (1.) Every Fire Board may from time to time make by-laws providing for any of the following matters:— 20

- (a.) The maintenance of discipline and the insuring of good conduct on the part of the officers and members of any brigade:
- (b.) The enrolment of persons as a volunteer fire brigade or volunteer fire police, and the control and duties of such persons:
- (c.) The payment of gratuities for voluntary or special services rendered by any person, whether a member of any brigade or not, in respect of any fire: 25
- (d.) The regulation of the storage of kerosene, explosives, empty crates, cases and other packages, shavings, hay, straw, and other inflammable substances: 30
- (e.) The establishment, maintenance, use, and protection of fire-alarm circuits:
- (f.) The attendance and services of any brigade at fires taking place outside the boundaries of the fire district, and the payment by the owner or occupier of any building in which any such fire takes place of fees for the services of such brigade: 35
- (g.) The attendance and services of any brigade at fires taking place on board any ship or vessel, and the payment by the owners of such ship or vessel of fees for the services so rendered by the brigade: 40
- (h.) The prohibition of the use of any electrical installation in any building until such installation has been inspected and approved by officers appointed by the Board, and the payment of fees for such inspection: 45
- (i.) The payment of fees by the owners or occupiers of buildings for the inspection of such buildings under section *fifty* of this Act:
- (j.) The imposition of fines, not exceeding *twenty* pounds, for the breach of any such by-law.

(2.) All such by-laws shall, when approved by the Minister and gazetted, have the force of law. 50

44. Any Fire Board may, if it thinks fit, establish and maintain a force of men charged with the duty of attending at fires and saving property, and may furnish such force with all necessary appliances and plant for the performance of such duties.

Board may establish force for saving property.

5 45. Every Fire Board, its officers and servants, shall have the use of all water-mains, water-plugs, and valve-pipes belonging to any local authority having jurisdiction in the fire district or any part thereof, and of all water therein or in any well or tank, free of charge, for the purpose of extinguishing any fire, or for the purpose of drills
10 conducted under the authority of the Board.

Board to have use of water-mains, &c.

46. (1.) In the case of any fire within a fire district the Board of that district may require any Coroner having jurisdiction within that district to hold an inquest as to that fire, and the said Coroner shall hold such inquest accordingly.

Board may require inquest as to any fire.

15 (2.) In any such case the Board may take and retain possession of any premises where the fire occurred, and of the contents of such premises, pending the holding of the inquest as to that fire.

(3.) At any inquest on a fire within a fire district, the Board may be represented by a member thereof or by the Superintendent or Deputy
20 Superintendent, or by any person authorised by the Board, who may adduce evidence and examine and cross-examine witnesses.

Miscellaneous.

47. (1.) Every person who, whether in a fire district or not, interferes with any fire-alarm without lawful justification, or wilfully gives
25 or causes to be given, or attempts to give or cause to be given, to any fire brigade any false alarm of fire commits an offence, and is liable to imprisonment for a period not exceeding *one* month or to a fine not exceeding *fifty* pounds.

Offence to give false alarm of fire.

30 (2.) If such false alarm is so given in a fire district, the amount of such fine shall be paid to the Fire Board of that district, and in any other case the said amount shall be paid to the local authority, trustees, or other persons in whom the plant and appliances used by the brigade are vested.

35 48. (1.) The Governor may from time to time appoint some fit person to be Inspector of Fire Brigades.

Inspector of Fire Brigades.

(2.) The Governor may also from time to time appoint some fit person to be Deputy Inspector of Fire Brigades, who, under the control of the Inspector of Fire Brigades, shall perform such duties as he is called upon to perform in the carrying-out of this Act, and who, in case
40 of the absence, illness, or other temporary incapacity of the Inspector of Fire Brigades, shall act in his name and on his behalf, and while so acting shall have and may exercise all the powers, duties, and functions of the Inspector of Fire Brigades.

45 (3.) Such Inspector of Fire Brigades and Deputy Inspector shall be paid such salaries as are from time to time appropriated by Parliament.

(4.) The Inspector of Fire Brigades shall at least once in each year inspect every brigade under the control of any Fire Board, and shall give such advice and assistance to the Board as he may deem necessary
50 for the efficient administration of this Act.

(5.) The Inspector of Fire Brigades shall report to the Minister at least once in each year as to the administration of this Act by the Board in every fire district, and as to the efficiency of any brigade under the control of such Board.

(6.) The Inspector of Fire Brigades shall perform such other duties in connection with the administration of this Act as are from time to time prescribed by regulations. 5

Municipal Corporations Act modified.

49. Sections three hundred and ten to three hundred and seventeen of the Municipal Corporations Act, 1900, shall not apply to any borough which is a fire district. 10

Public buildings to be provided with fire-escapes, &c.

50. (1.) It shall not be lawful for the occupier of any building *situated in a fire district* to use ~~the same~~ *such building* or any part thereof, or to permit the same or any part thereof to be used, for public meetings, or as assembly-rooms, or as a theatre, or music-hall, or dancing-hall, or for any public performances or public amusements whatever, or for purposes of public worship, or for any local authority to license any building for any such purpose, unless the same is provided to the satisfaction of the Superintendent, or such officer as he may appoint, with sufficient safeguards against and means of escape in case of fire. 15 20

(2.) The Superintendent shall at all times have free access to any and every part of any such building in order to ascertain whether or not such provision exists, and shall annually report to the Board thereon in the case of every such building.

(3.) The Board on receipt of such report shall forward the same, or a copy thereof, to the Mayor or Chairman of the local authority within whose district such building is situate. 25

(4.) Every person who commits any breach of the provisions of this section, or who obstructs or hinders the Superintendent or such other officer as aforesaid in inspecting any building to which this section applies, is liable to a fine not exceeding *fifty* pounds. 30

Regulations.

51. The Governor may by Order in Council make any regulations which he deems necessary for the effectual administration of this Act.