

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
29th July, 1879.*

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE COUNCIL, 10TH AUGUST, 1880.]

Mr. Stevens.

FIRE PREVENTION AND THE FIRE BRIGADES.

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A BILL INTITULED

AN ACT to provide for the Establishment of Fire Brigades.

Title.

WHEREAS it is expedient to make provision for the further and better protection of life and property from loss and damage by fire in the several Municipal Corporations :

Preamble.

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

1. The Short Title of this Act is "The Fire Prevention and the Fire Brigades Act, 1880."

Short Title.

2. After the passing of this Act the duty of extinguishing fires and protecting life and property in case of fire in cities and boroughs shall be intrusted to the City or Municipal Councils.

Duty of extinguishing fires intrusted to City Councils.

3. They may provide and maintain a force of firemen or may agree with any volunteer fire brigade or other persons to provide the necessary labour for the extinguishing of fires, and for the payment to any such brigade or other persons out of the general account of the borough funds or by a rate to be levied as provided by section ~~sixteen~~ fifteen of this Act.

They may establish fire brigades.

4. The Council may provide all such engines, machinery, appliances, and buildings as it thinks fit for securing and promptly using an efficient supply of water for extinguishing fires.

May provide engines, &c.

And engines, &c., shall be property of Council.

5. The engines and all other property of the said brigades necessary for the proper and efficient discharge of their duty shall vest in and become the absolute property of the City or Municipal Council in which such brigades are organized, and be under its control and direction.

Name and command of fire brigades.

6. Every brigade enrolled under this Act shall be called after the name of the city or borough in which it is organized, and shall be under the command of an officer who shall be called the superintendent of fire brigade. 5

Appointment of officers.

7. Any Municipal Council may from time to time appoint and may remove and re-appoint the superintendent of fire brigade and one or more fire inspectors, one of whom shall be chief fire inspector. Every such appointment shall be by warrant under the hand of the Mayor, and every appointment as well as every removal or resignation of such officer shall be publicly notified in the borough. 10

Duties of officer in charge of brigade at a fire.

8. On the occasion of a fire, the superintendent of fire brigade, the chief fire inspector, or other fire inspector in charge may do the following things:— 15

- (1.) He may take the command of any fire brigade, fire police, salvage corps, or other persons who by previous agreement with the Council have placed their services at the disposal of the Council or who for the time place themselves at his disposal.
- (2.) He may order any fireman, fire police officer, or police-constable to remove any persons who, by their presence or otherwise howsoever, interfere with or impede the labours of the fire brigade or other persons in extinguishing the fire. 20
- (3.) He may take any measures he thinks best for the protection of life and property. 25
- (4.) He may, with any assistance he requires, break into, take possession of, or pull down, any premises for preventing the spread of fire, doing, however, as little damage as possible thereby.
- (5.) He may interfere with the supply of water in waterworks or elsewhere as he thinks fit, in order to get a greater supply or pressure in the neighbourhood of the fire, and no penalty, damage, or claim for compensation shall be recoverable by or against any person in consequence of any act done under the authority of this section. 30

Damage to property in extinguishing fire to be deemed within meaning of insurance policy.

9. All damage to property caused by any fire inspector or any person acting under his orders in the due execution of their duties under this Act shall be deemed to be damage by fire within the meaning of any policy of insurance against fire, anything in such policy to the contrary notwithstanding. 35

Penalty for interference with fire brigade.

10. If any person or persons shall interfere with or otherwise obstruct any officer or member of a fire brigade in the performance of his duty at any fire or at any other time, he or they shall forfeit and pay, for every such offence, any sum not exceeding *five* pounds. 40

Penalty for damaging property in custody of fire brigade.

11. If any person (whether a member of a fire brigade or otherwise) shall wilfully damage or destroy any engine or other property in the use or placed in the custody of any brigade for the discharge of their duty, he or she shall be liable to forfeit and pay, for every such offence, any sum not exceeding *five* pounds, in addition to the sum at which such damage or destruction shall be assessed. 45

Fire police and salvage corps.

12. The Mayor of any City or Municipal Council may accept the services of any fit person or persons, not exceeding in number fifty men, who shall act as a fire police, who shall frame rules and appoint officers subject to the approval of the Mayor for the time being, and whose duty it shall be to attend at any fire to aid and assist the enrolled police force, to watch over any property saved, to 50

preserve order, and to carry out any instructions which may be given by the superintendent of fire brigade or fire inspector in command; and he may accept the services of any fit person or persons, not exceeding in number fifty men, who shall act as a salvage corps, and whose duty it shall be to attend at any fire to aid in the saving from loss or injury any property, as they may be directed by the superintendent of fire brigade or the fire inspector in command.

13. Every member of such fire police as aforesaid, having been duly enrolled by the Mayor, shall be sworn in before a Justice of the Peace as in the Schedule to this Act; and shall thereafter, during the period of his services under such fire police, be taken and deemed to be and shall have all the power, authority, and responsibility of a constable.

Members must be sworn in.

14. It shall not be lawful to use any building within a borough of two or more stories high as a hotel, or public lodging-house, or place of public entertainment, without providing on the outside of such building some sufficient means of escape in case of fire; such means of escape to be constructed in such manner as shall be required by the surveyor or other officer appointed by the Council.

Fire escapes.

Any person offending against the provisions of this section shall be liable on conviction, for every such offence, to a penalty not exceeding *twenty* pounds.

This section shall not apply to any building already used as a hotel, place of public entertainment, or public lodging-house, until the expiration of two calendar months after the passing of this Act.

15. For the purpose of providing all expenses that may be incurred by any Council in carrying into effect this Act, the Council shall, if it thinks fit, make and levy a rate, but the total amount of such rate shall not exceed *one* penny in the pound in any one year.

Special rate may be levied for purposes of this Act.

16. Insurance companies insuring from fire any property in any city or borough shall collectively pay *pro rata* annually to the City or Borough Council, by way of contribution towards the expenses of carrying this Act into effect, a sum not exceeding one-third of the entire cost incurred by the City or Borough Council for fire prevention purposes during the year, for fire prevention: Provided that the payment to be so made by the fire insurance companies, collectively as aforesaid, shall not exceed a rate of one-and-a-half per centum of the premiums received in respect of property in the city or borough during the year, less the amount of all reinsurances paid by them to other fire insurance companies carrying on business in the Colony of New Zealand, in respect of the property on which such premiums have been received.

Contribution of insurance companies towards expenses.

17. The said payment by insurance companies shall be made in ~~advance on the thirty-first day of March in every year~~ *quarterly instalments on the first day of January, the first day of April, the first day of July, and the first day of October in every year; each such instalment to be in respect of the three months immediately preceding such date of payment, and the first of such payments to be made on the thirty-first day of March* July, one thousand eight hundred and eighty-one.

Date of payment of the same fixed.

18. All contributions due from an insurance company to the Council in pursuance of this Act shall be deemed to be specialty debts due from the company to the Council, and be recovered accordingly.

Such contributions to be deemed specialty debts.

19. For the purpose of ascertaining the amount to be contributed by every such insurance company as aforesaid, every insurance company insuring property from fire in the city or borough shall, on the *thirty-first* day of *December*, one thousand eight hundred and eighty, with respect to the amount insured in the year one thousand eight hundred and seventy-nine, and on the *thirty-first* day of *December* of every succeeding year, or on such other days as the Council may appoint, make a return to the said Council of the amount of premiums received

Amount of contribution how arrived at.

during the year by it in respect of property in the city or borough, less reinsurances paid on account of the property so insured.

Declaration must accompany statement.

20. There shall be annexed to the return so made a declaration made by the manager or other officer performing the duties of manager of the company by whom it is made, stating that he has examined the return with the books of the company, and that, to the best of his knowledge, information, and belief, it contains a true and faithful account of the amount of premiums received by the company to which he belongs in respect of property in the city or borough during the year less reinsurances paid on account of the property so insured.

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Date of coming into effect of annual returns.

21. The returns made on the *thirty-first* day of *December* of one year shall not come into effect till the *thirty-first* day of *March* of the succeeding year, and shall be the basis of the contribution for that year.

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Penalty for default in making up returns.

22. If any insurance company makes default in making such returns to the Council as are required by this Act, it shall be liable to a penalty not exceeding *five* pounds for every week during which it is so in default.

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Salvage corps established by insurance companies to be assisted by fire brigades.

23. If the companies insuring property within any borough, or any such number of them as may, in the opinion of the Borough Council, be sufficient, establish a force of men charged with the duty of attending at fires and saving insured property, it shall be the duty of the officer in command of the fire brigade to afford the necessary assistance to that force in the performance of their duties, and, upon the application of any officer of that force to hand over to their custody property that may be saved from fire.

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Schedule.

SCHEDULE.

WE, the undersigned, do swear that we will well and truly serve our Sovereign Lady the Queen in the offices of special fire constables in the City or Borough of _____, enrolled under "The Fire Brigades Act, 1880," without favour or ill-will, and will continue to so serve until we are legally discharged; that we will see and cause Her Majesty's peace to be kept and preserved; and that we will prevent, to the best of our power, all offences against the same; and that, while we shall continue to hold the said office, we will, to the best of our skill and knowledge, discharge all the duties thereof faithfully according to law.

(Signed)

A.B.

C.D.

Sworn before me, this _____ day of _____, 188 _____, at _____, in the Colony of New Zealand.

E. F.,

A Justice of the Peace.