

New Zealand.



ANALYSIS.

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<i>Duties and Powers of Fire Boards.</i>	
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1926, No. 11.

Title.

AN ACT to consolidate and amend the Law relating to the Establishment of Fire Boards and the Protection of Life and Property from Fire.
[9th September, 1926.]

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

Short Title and commencement.

1. This Act may be cited as the Fire Brigades Act, 1926, and shall come into force on the first day of January, nineteen hundred and twenty-seven.

Interpretation.

1908, No. 63, sec. 2

2. In this Act, unless a contrary intention appears,—

“Board” means a Fire Board under this Act:

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

“Contributory local authority” in relation to a fire district, not being a united fire district, means the local authority whose district is coterminous with the fire district, and in relation to a united fire district means any one of the uniting local authorities:

“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 Office, and also the agent, attorney, or representative of any such company, partnership, corporation, or person, whether such company, partnership, corporation, or person is incorporated or resident in New Zealand or not:

“Local authority” means a Borough Council, County Council, Town Board, or Road Board; except that where the context or subject-matter so requires, the term means the Corporation of which such Council or Board is the governing body:

“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 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 attorney for any other person :

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

Fire Districts.

3. (1.) The Governor-General may by Order in Council, on the application of any Borough Council, County Council, Town Board, or Road Board, declare the district within the jurisdiction of that Borough Council, County Council, Town Board, or Road Board to be a fire district under this Act as from a date to be specified in that behalf in such Order in Council, and the said district shall become a fire district accordingly.

Governor-General may constitute fire districts.

1908, No. 63, sec. 4
 1913, No. 51, sec. 2

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

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

(b.) A poll of the ratepayers of the said district has been taken in manner prescribed by the Local Elections and Polls Act, 1925, on a proposal to make such application, and such proposal has been duly declared to be carried.

(3.) No such proposal shall be deemed to be carried unless affirmed by a majority of the valid votes recorded.

(4.) A poll under this section may be taken in pursuance of a resolution of the local authority ; and shall be taken by a local authority within one month after presentation to it of a petition in that behalf signed by not less than ten per centum of the ratepayers of its district. If in any case the proposal is declared to be carried it shall be the duty of the local authority, within one month after the declaration of the result of the poll, to make application to the Governor-General for the issue of an Order in Council declaring the district to be a fire district.

4. (1.) Whenever in the case of 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.

1908, No. 63, sec. 5

(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.

5. (1.) The Governor-General shall by Order in Council, on the application of the contributory local authority of any fire district, declare that such district shall, as from a date to be specified in that behalf in such Order in Council, cease to be a fire district, and the same shall as from that date cease to be a fire district accordingly.

Abolition of fire district.

Ibid., sec. 6
 1908, No. 243, sec. 2

(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 contributory local authority.

(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-General 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 acquisition thereof by the Board.

(4.) 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.

(5.) No application under this section shall be made by a contributory local authority until a poll of the ratepayers of the district of that local authority has been taken in manner prescribed by the Local Elections and Polls Act, 1925, on a proposal to make such application, and the proposal has been duly declared to be carried.

(6.) No such proposal shall be deemed to be carried unless affirmed by a majority of the valid votes recorded.

Dissolution of Fire Boards in certain cases.

6. (1.) Where for any reason, other than the issue of an Order in Council under the last preceding section, a fire district ceases to exist, the Governor-General shall, by Order in Council, dissolve the Fire Board thereof, and thereupon all the property and liabilities of that Board shall become the property and liabilities of any other Fire Board then exercising jurisdiction over the area formerly comprised in the fire district, or, if there is no such Board, in the local authority within whose district such area is situated.

(2.) Where such property and liabilities so become the property and liabilities of a local authority the provisions of subsections three and four of the last preceding section shall apply as between the local authority and the insurance companies carrying on business in the fire district at the date when it ceased to exist.

United Fire Districts.

United fire districts may be constituted. 1914, No. 24, sec. 7

7. (1.) Notwithstanding anything in the foregoing provisions of this Act, the Governor-General, on the application of any two or more local authorities, may, by Order in Council, constitute a united fire district under and subject to the provisions of this section.

(2.) The united fire district shall comprise one continuous area, and may include the whole or part of the district of any local authority concurring in the application. For the purposes of this section two or more continuous areas connected by a bridge or bridges open for vehicular traffic shall be deemed one continuous area.

(3.) No such application shall be granted unless—

(a.) A poll of the ratepayers of each such district or part (as the case may be) has been taken separately in manner prescribed by the Local Elections and Polls Act, 1925, on the proposal to make an application to the Governor-General to constitute a united fire district under this section, and such proposal has in each case been affirmed by a majority of the valid votes recorded and has been duly declared to be carried; and

(b.) The aggregate of the population of the proposed united fire district is more than two thousand five hundred, according to the then last preceding census.

(4.) On receipt of such application, and on being satisfied that the provisions of this section have been complied with, the Governor-General may, by Order in Council, declare the proposed district to be a united fire district as from a date to be specified in that behalf in the Order in Council, and may assign a name thereto.

8. (1.) The Governor-General may, by Order in Council, on the application of all the uniting local authorities of a united fire district, declare that such district shall, as from a date to be specified in that behalf in the Order in Council, cease to be a fire district, and the same shall as from that date cease to be a fire district accordingly.

Dissolution of united fire districts and the Boards thereof.

1914, No. 24, sec. 9

(2.) When any area so ceases to be a fire district the Fire Board of that district shall be dissolved, and its property and liabilities shall become the property and liabilities of the Corporations of the several uniting local authorities in such proportions as may be mutually agreed on by those local authorities, or, in default of agreement, in such proportions as the Governor-General, in the same or any subsequent Order in Council, may determine.

(3.) In any such case each uniting local authority shall repay to the insurance companies carrying on business in the united fire district at the date of the dissolution of the Board such sums as the Governor-General determines to be just and equitable, having regard to the value of the property so becoming vested in the local authorities respectively, and to the contributions made by such companies towards the cost of the acquisition of such property by the Board.

(4.) Every sum repayable under this section by a local authority to an insurance company shall constitute a debt recoverable by that company from the local authority in any Court of competent jurisdiction.

(5.) Where part only of the district of a local authority is at the time of the dissolution of the Fire Board included within the united fire district all assets received by the Corporation of that local authority under this section shall (subject to the satisfaction of any liabilities devolving on the Corporation under this section) be deemed to be received in trust to be applied from time to time for the benefit of that part only of the district of such local authority in such manner as the local authority deems fit, and such liabilities shall be deemed liabilities of such Corporation in respect of that part only of its district.

9. Section four of this Act shall have no application in the case of a united fire district, but where any area forming part of a united fire district ceases to be within the district of one of the uniting local authorities the following provisions shall apply:—

Alteration of boundaries of districts within united fire districts

Ibid., sec. 10

(a.) If such area is added to the district of another of the uniting local authorities, it shall remain part of the united fire district:

(b.) If it is not so added, it shall cease to be part of the united fire district.

10. Except as otherwise expressly provided in this Act, the provisions of this Act relative respectively to fire districts and Fire Boards shall apply with respect to united fire districts and the Fire Boards thereof in the same way as they apply with respect to other fire districts and Fire Boards.

Provisions applicable to united fire districts.

Ibid., sec. 11

Fire Boards.

Fire Boards.

1908, No. 63, sec. 7

11. (1.) For every fire district there shall be a Fire Board, which shall, save as may be otherwise provided pursuant to section thirteen or section fourteen hereof, consist of five members.

(2.) Every such Board shall be a body corporate by the name of "The [*Name of the district of the contributory local authority*] Fire Board," as, for example, the Auckland Fire Board, and shall have perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

Members of Fire Board.

Ibid., sec. 9

12. Of the members of a Fire Board, other than the Board of a united fire district, one shall be appointed by the Governor-General, two shall be elected by the contributory local authority, and two shall be elected by the insurance companies which for the time being are carrying on business within the fire district.

Governor-General at request of Fire Board may increase total number of members.

13. (1.) Notwithstanding anything to the contrary in section eleven hereof, the Governor-General, at the request of the Fire Board of a fire district having a population of more than twenty thousand, may, by Order in Council, increase by two the total number of members of the Board, one of such additional members to be elected by the contributory local authority and one by the insurance companies carrying on business within the fire district.

(2.) When any such Order takes effect otherwise than at a biennial election of members of the Board the contributory local authority and the insurance companies shall, on being directed so to do by the Minister, each proceed to elect one member as if to fill an extraordinary vacancy.

Fire Boards in united fire districts. 1914, No. 24, sec. 7 (5)

14. The Fire Board of a united fire district shall consist of—

(a.) One member appointed by the Governor-General :

(b.) One member elected by each of the uniting local authorities :

Provided that if the Governor-General is satisfied that the uniting local authorities have agreed that any particular local authority shall have the right to elect two members, he may, by Order in Council, direct that two members be elected by that local authority and one by each of the other uniting local authorities :

(c.) A number of members (equal to that elected by the uniting local authorities) elected by the insurance companies for the time being carrying on business in the united fire district.

Election of members of Fire Board by insurance companies.

1908, No. 63, sec. 10

15. (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 :—

(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.

(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 deliberative vote, and in the case of an equality of votes shall also have a casting-vote.

- (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-General and gazetted they shall have the force of law.

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

16. (1.) The following persons shall be incapable of being elected or appointed to be or of being members of a Fire Board, that is to say:—

- (a.) An alien :
 (b.) A person of unsound mind :
 (c.) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired, or is subject to conditions not yet fulfilled :
 (d.) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him :
 (e.) Any person holding any office or place of profit under or in the gift of the Board :
 (f.) Any person who is directly or indirectly concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is not the general manager) in any contract made by the Board, if the payment made or to be made by or on behalf of the Board in respect of any such contract exceeds five pounds in the case of a single contract or ten pounds altogether in any financial year in the case of two or more contracts :

Disqualification of members of Fire Board.

Cf. 1920, No. 48, sec. 40

Provided that an interest in any loan raised by the Board, whether on security or otherwise, shall not constitute a disqualification under this paragraph.

(2.) No person shall be capable of being appointed by the Governor-General to be a member of a Fire Board pursuant to section twelve or to paragraph (a) of section fourteen hereof, or of continuing to be a member by virtue of such appointment, who is or becomes a member or servant of a contributory local authority, or a director, servant, or agent of any insurance company.

17. (1.) If any person, while holding office as a member of a Fire Board, becomes incapable of continuing to hold office under the last preceding section his office shall be thereby vacated, and such vacancy shall be deemed an extraordinary vacancy.

Extraordinary vacancies.

Cf. *ibid.*, sec. 41

(2.) Every person who does any act as a member of a Fire Board while incapacitated under the last preceding section otherwise than under paragraph (b) thereof is liable to a fine of fifty pounds.

(3.) It shall be the duty of the Audit Office to institute proceedings under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person.

Vacation of office
by members of Fire
Board.

Cf. 1908, No. 63,
sec. 12

18. (1.) A member of a Fire Board may resign his office by writing delivered to the Chairman or Secretary of the Board, and in such case, or in case of his death or his absence without leave of the Board from two consecutive meetings of the Board, his office shall become vacant, and such vacancy shall be deemed an extraordinary vacancy.

(2.) If any member of a local authority is elected by that local authority to be a member of a Fire Board and thereafter ceases to be a member of the local authority, he shall, on the expiration of one month after he has so ceased to be a member of the local authority, vacate his office as a member of the Fire Board, unless in the meantime he has been confirmed in his office by resolution of the local authority. Any vacancy so created shall be deemed an extraordinary vacancy.

(3.) In the event of an extraordinary vacancy occurring in the office of a member of the Board, the Chairman or Secretary shall notify the fact to the Board and to the Minister, who shall take the necessary steps to have such vacancy filled within one month after the occurrence thereof, 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.

Governor-General
may appoint
member on failure
of local authority or
insurance companies
to elect.

Ibid., sec. 13

19. 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-General 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 the said local authority or insurance companies, as the case may be.

Acts of Board not
invalid though
number of
members
incomplete.

Ibid., sec. 14

20. (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.

(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 to act and vote as a member of such Board.

When Fire Board
deemed to come
into existence.

Cf. *ibid.*, sec. 15

21. (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-General in accordance with section twelve or section fourteen hereof, and no sooner.

(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-General.

Term of office.

Ibid., sec. 16

22. 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.

Biennial elections
and appointments.

Ibid., sec. 17

23. The election and appointment of members of every Fire Board shall take place in the month of February in every alternate year, and the first of such biennial elections and appointments after the coming into operation of this Act shall, except as hereinafter provided, take place in the month of February, nineteen hundred and twenty-seven.

24. (1.) In the case of any fire district first constituted after the coming into operation 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-General of a member of such Board may be made at any time after the constitution of such district.

First election and appointment of members in case of new Fire Board. 1908, No. 63, sec. 18

(2.) Any such election shall take place and be conducted in the same manner, with the necessary modifications, 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, with the necessary modifications, be applicable to the elections provided for by this section.

Revenues of Fire Boards.

25. (1.) Save as provided in subsection seven hereof, every Fire Board shall on or before the thirty-first day of March in every year 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 April following.

Estimate of expenditure to be submitted to Minister.

Cf. ibid., sec. 20 1913, No. 51, sec. 4

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

(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 (exclusive of any moneys proposed to be appropriated out of the Capital Expenditure Fund), 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.

(4.) Every such estimate may include an amount to be expended by the Board for the purpose of providing in any building, the property of the Board, means of recreation for members of the brigades under the control of the Board, and for the payment of the reasonable and actual expenses of members of such brigades attending any demonstration or conference of the United Fire Brigades' Association, and for the payment of the reasonable and actual expenses of members of the Board attending any conference of Fire Boards.

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

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

(7.) The first estimate of expenditure to be prepared pursuant to this section after the coming into operation of this Act by Fire Boards existing on the thirtieth day of June, nineteen hundred and twenty-six, shall be for the period of nine months commencing on the first day of July, nineteen hundred and twenty-seven, and ending on the thirty-first day of March, nineteen hundred and twenty-eight.

(8.) In the case of every Board which is first constituted after the thirtieth day of June, nineteen hundred and twenty-six, the first estimate of expenditure made by such Board shall be for the year beginning on the first day of April next after the constitution of the Board, but such estimate may include the amount of any expenses

incurred by the Board in the interval between the date of its constitution and the said first day of April.

Contributions
towards
expenditure of
Board.

1908, No. 63, sec. 21

26. (1.) Except as otherwise provided in this and the next succeeding section, 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:—

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

(i.) In the case of the Board for the City of Wellington, the sum of four hundred pounds :

(ii.) In the case of the Boards for the cities of Auckland, Christchurch, and Dunedin the sum of three hundred pounds to each of such Boards :

(iii.) In the case of the Board of any other fire district the population of which is more than fifty thousand, the sum of three hundred pounds :

(iv.) In the case of the Board of any fire district the population of which is not more than fifty thousand but is more than thirty thousand, the sum of two hundred pounds :

(v.) In the case of the Board of any fire district the population of which is not more than thirty thousand but is more than fifteen thousand, the sum of one hundred pounds :

(vi.) In the case of the Board of a fire district the population of which is not more than fifteen thousand but is more than six thousand, the sum of seventy-five pounds :

(vii.) In the case of the Board of any other fire district, a sum equal to one-tenth of the 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 Minister of Finance, one-half shall be paid by the contributory local authority and one-half by the insurance companies in manner hereinafter provided.

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

(3.) The following special provisions shall apply in the case of Fire Boards in existence on the thirtieth day of June, nineteen hundred and twenty-six, namely:—

(a.) The contributions by the Minister of Finance for the periods commencing on the first day of January and the first day of April, nineteen hundred and twenty-seven, respectively, in respect of an estimate of expenditure approved for the year ending on the thirtieth day of June, nineteen hundred and twenty-seven, shall continue to be payable as if this Act had not been passed.

(b.) In respect of the estimate of expenditure approved pursuant to section twenty-five hereof for the period of nine months

commencing on the first day of July, nineteen hundred and twenty-seven, there shall be payable to each Board on the first day of July and the first day of October, nineteen hundred and twenty-seven, and the first day of January, nineteen hundred and twenty-eight, a sum equal to one-fourth of the total amount that would be payable to such Board pursuant to subsection one hereof if such estimate were for a period of one year.

(4.) If any question arises as to the population of any fire district, a certificate under the hand of the Government Statistician as to such population shall be sufficient evidence thereof for the purposes of this section.

27. (1.) The amount of the estimated annual expenditure of the Fire Board of a united fire district, after deducting the amount payable by the Minister of Finance pursuant to the last preceding section, shall be paid as follows:—

Contributions to the fund of a united fire district.
1914, No. 24, sec. 8

- (a.) One-half by the uniting local authorities; and
- (b.) One-half by the insurance companies in manner provided by section twenty-eight hereof.

(2.) The amount to be paid by the several uniting local authorities shall be in proportion to the rateable values of the rateable property in their districts or in such parts of their districts as are included in the united fire district.

(3.) Where part only of a district is included in the fire district the separate rate authorized by section thirty hereof shall be levied only over that part.

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

Contributions by insurance companies.
1908, No. 63, sec. 22
1913, No. 51, sec. 6
1924, No. 64, sec. 43

- (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.
- (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.
- (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.

- (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 fifty pounds.
- (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 authorized 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.
- (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.
- (h.) Every broker, agent, or other person who, on behalf of any insurance company not carrying on business in New Zealand, negotiates any contract insuring any property in New Zealand against fire shall, for the purposes of this section, himself be deemed to be an insurance company.

(2.) Where an owner of property within the fire district insures such property against fire either with an insurance company not carrying on business in New Zealand or with an office or branch outside New Zealand of an insurance company carrying on business in New Zealand, such owner shall, in respect of the premium paid for such insurance (whether such premium was paid within or beyond New Zealand), be liable for the contribution of such company in respect of such premium under the provisions of paragraph (d) of the last preceding subsection.

(3.) Every such owner shall, within forty-eight hours after effecting any such insurance, notify the Fire Board thereof, giving such particulars as may be prescribed, and if he fails so to notify the Board or makes an incorrect or incomplete notification he commits an offence, and is liable to a fine of five pounds for every day during which such default continues.

29. (1.) If any insurance company or any owner of insured property liable to contribute under this Act fails to make any 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 or owner to the Board.

(2.) If any local authority liable to contribute under this Act fails to make any payment within thirty days as aforesaid, the amount of

such payment, together with interest thereon at the rate and computed in manner aforesaid, may, without further appropriation than this section, be paid to the Board by the Minister of Finance, 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. (1.) In order to raise the amount required to be contributed by it towards the annual expenditure of a Fire Board, any local authority 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.

Contribution of local authority may be raised by rate.
1908, No. 63, sec. 24

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

31. (1.) With respect to all moneys required by a Board for the purpose of acquiring land, or of erecting buildings, or of making additions or improvements to buildings, or of purchasing plant or appliances for the equipment of any fire brigade, or of paying off any moneys lawfully borrowed by the Board, the following provisions shall apply.

Borrowing-powers of Boards.
1908, No. 243, sec. 6
1913, No. 51, sec. 7
1920, No. 83, sec. 39
1924, No. 64, sec. 42

(2.) The Board, instead of computing the moneys so required as part of the expenditure of the Board in manner provided by section twenty-five hereof, may, if it thinks fit, raise those moneys by way of loan, whether on a bank overdraft or by the issue of debentures, or in such other manner as the Board thinks fit.

(3.) No money shall be so borrowed by a Board except with the consent in writing of the Minister.

(4.) Save in the case of a loan raised for the purpose of paying off a previous loan, the powers vested in a Board by this section shall not be so exercised that the total amount of money so borrowed and for the time being unpaid exceeds at any time in the case of the Fire Board for any of the cities of Auckland, Wellington, Christchurch, and Dunedin respectively the sum of twenty thousand pounds, and in the case of any other Fire Board the sum of ten thousand pounds :

Provided that the Governor-General in Council may, on the application of any Fire Board, extend the powers of that Board to borrow moneys in excess of the limits fixed by this section.

32. In the case of a Fire Board first constituted after the coming into operation of this Act the Board shall be empowered to incur expenditure and to borrow moneys for such purposes and in such amounts as the Minister may from time to time authorize in writing during the period after its constitution and until the first day of April next after its constitution.

Financial arrangements in respect of new Boards.
1913, No. 51, sec. 5

Sinking Funds.

33. (1.) For the purpose of providing for the repayment of any loan a Fire Board may establish a sinking fund, and where a Board so establishes such a fund the estimate of expenditure submitted to the Minister in any year pursuant to section twenty-five hereof shall include an amount to be appropriated to that fund.

Fire Board may establish sinking funds for repayment of loans.

(2.) Save as provided in the next succeeding subsection, the provisions of sections forty, forty-one, forty-three, and forty-four of the Local

Bodies' Loans Act, 1926, shall, with the necessary modifications, apply to every sinking fund so established in like manner as if it were a sinking fund established by a local authority within the meaning of that Act.

(3.) All moneys received by the Sinking Fund Commissioners from the Board may be invested by them in the manner following, that is to say:—

- (a.) In New Zealand Government securities; or
- (b.) On deposit in any bank lawfully carrying on the business of banking in New Zealand; or
- (c.) In any other securities that may from time to time be authorized by the Governor-General in Council:

Provided that where the Public Trustee is appointed as the sole Sinking Fund Commissioner of any sinking fund he shall invest the moneys of that sinking fund in the Common Fund of the Public Trust Office, or in such other manner as may be specially authorized in that behalf by the Governor-General in Council.

(4.) Every sinking fund established by any Fire Board before the commencement of this Act is hereby declared to have been lawfully established and shall be deemed to have been established under this section. A Fire Board which established any such fund shall forthwith appoint Sinking Fund Commissioners for such fund, and shall pay to them all moneys heretofore appropriated for the purposes of such fund and all moneys received by way of interest in respect of the investment thereof.

Capital Expenditure Fund.

34. (1.) Notwithstanding anything to the contrary in the foregoing provisions of this Act, a Board, with the consent of the Minister, may for the purposes mentioned in section thirty-one hereof, or for any of such purposes, establish a fund to be called the Capital Expenditure Fund.

(2.) The estimate of expenditure submitted to the Minister in any year pursuant to section twenty-five hereof may include an amount to be appropriated to the Capital Expenditure Fund.

35. (1.) Save as provided in subsection three hereof, a Board having established a Capital Expenditure Fund shall appoint three Commissioners (one of whom shall be nominated by the contributory local authority or contributory local authorities and one by the insurance companies) to be called the Capital Expenditure Fund Commissioners of the Fire Board, and thereupon sections forty, forty-one, and forty-four of the Local Bodies' Loans Act, 1926, shall, with the necessary modifications, apply to such Commissioners in like manner as if they were Sinking Fund Commissioners appointed under the said section forty, and as if the Fire Board were a local authority within the meaning of that Act.

(2.) No member or employee of the Board shall be appointed a Commissioner under this section.

(3.) Notwithstanding anything in subsection one hereof, the Board may appoint the Public Trustee to be the sole Commissioner of the Capital Expenditure Fund.

36. The Board shall pay to the Capital Expenditure Fund Commissioners all moneys that may from time to time be appropriated by it for the purposes of that fund.

Validation of existing sinking funds.

Board may establish Capital Expenditure Fund.
Cf. 1920, No. 48, sec. 114

Capital Expenditure Fund Commissioners.
Cf. *ibid.*, sec. 115

Moneys appropriated for fund to be paid to Commissioners.
Cf. *ibid.*, sec. 116

37. (1.) The Commissioners may invest all moneys received by them pursuant to the last preceding section in the manner following, that is to say:—

- (a.) In New Zealand Government securities; or
- (b.) On deposit in any bank lawfully carrying on the business of banking in New Zealand; or
- (c.) In any other securities that may from time to time be authorized by the Governor-General in Council:

Provided that where the Public Trustee is appointed as the sole Commissioner of the Capital Expenditure Fund he shall invest the moneys of that fund in the Common Fund of the Public Trust Office, or in such other manner as may be specially authorized in that behalf by the Governor-General in Council.

(2.) In preparing the yearly statement of accounts pursuant to section forty-four of the Local Bodies' Loans Act, 1926, as applied by this Act, the Commissioners shall show in detail the amount of all moneys paid to or received by them as aforesaid.

38. All moneys received by the Commissioners as aforesaid, together with all accumulations thereof, shall be held by the Commissioners upon trust to pay the same to the Board, either in one sum or from time to time by instalments, for any of the purposes for which the Capital Expenditure Fund is established.

39. (1.) Before incurring any expenditure to be met out of moneys standing to the credit of the Capital Expenditure Fund the Board shall submit to the Minister for his approval an estimate of such expenditure, with full particulars of the purpose or purposes for which it is proposed to incur the same.

(2.) It shall not be lawful for the Board to incur such expenditure unless and until such estimate, or such estimate as amended in accordance with any direction of the Minister, has been approved by the Minister.

40. (1.) Every demand made by the Board upon the Commissioners for any sum shall be accompanied by a copy of the resolution duly passed by the Board calling up such money, and by a copy of the estimate approved by the Minister of the expenditure in respect of which such demand is made. No such demand shall be for a less sum in any case than three hundred pounds, or for the total amount standing to the credit of the Capital Expenditure Fund if that amount is less than three hundred pounds.

(2.) The copy of the resolution and of the estimate aforesaid shall be certified to be correct by the Chairman and Secretary of the Board.

41. The approval by the Minister of any estimate accompanying such a demand as aforesaid shall be sufficient authority for the Commissioners to pay to the Board the total amount of such estimate, and the Commissioners shall not be obliged to see to the application of any moneys so paid by them to the Board.

Gratuities or Pensions on Retirement of Officers Fund.

42. (1.) A Board, with the consent of the Minister, may establish a fund to be called the Gratuities or Pensions on Retirement of Officers Fund (hereinafter referred to as the Gratuities and Pensions Fund), out of which provision may be made for the payment of gratuities or

How fund to be invested by Commissioners.
Cf. 1920, No. 48, sec. 117

Application of fund by Commissioners.
Cf. *ibid.*, sec. 118

Expenditure out of fund to be approved by Minister.

Demands on Commissioners.
Cf. *ibid.*, sec. 119

Commissioners not to be responsible to see to application of fund by Board.
Cf. *ibid.*, sec. 122

Board may establish Gratuities or Pensions on Retirement of Officers Fund.

pensions on retirement to officers or servants in the permanent employment of the Board, or to their dependants.

(2.) In making application for the Minister's consent as aforesaid the Board shall submit for his approval a statement of the purposes for which the fund is to be used.

(3.) The estimate of expenditure to be submitted to the Minister by the Board in any year pursuant to section twenty-five hereof may include an amount to be appropriated to the Gratuities and Pensions Fund.

(4.) The provisions of section thirty-five hereof, as to the appointment of Commissioners in respect of the Capital Expenditure Fund, shall apply with reference to the [Gratuities and Pensions Fund, and Commissioners so appointed shall have with respect to the Gratuities and Pensions Fund the same powers and duties as are by this Act conferred and imposed on Commissioners of the Capital Expenditure Fund.

(5.) Payments may from time to time be made by the Board out of moneys standing to the credit of the Gratuities and Pensions Fund for the purposes thereof as approved by the Minister, but for no other purpose:

Provided that not more than two hundred and fifty pounds shall be paid to or in respect of any officer or servant of the Board, whether in a lump sum or by instalments.

Property of Fire Boards.

Duties of Fire
Boards.

1908, No. 63, sec. 26

43. (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.

(2.) In the case of any Fire Board first constituted after the thirtieth day of June, nineteen hundred and twenty-six, the duty imposed by this section shall be imposed as from the thirty-first day of March next following the date of the constitution of the Board.

Board may hold
property, and may
take site for fire-
brigade station.

Ibid., sec. 27
1908, No. 243, sec. 4

44. 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, and may take or acquire under the Public Works Act, 1908, as for a public work, any land which may be required as a site for a fire-brigade station or as an extension of any such site, and all the provisions of the said Act shall apply to any such taking or acquisition in the same manner as if a Fire Board was a local authority within the meaning of that Act.

Board may dispose
of property vested
in it.

1908, No. 63, sec. 28

45. (1.) Every Fire Board may sell, lease, mortgage, charge, or otherwise dispose of any real or personal property vested in it.

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

(3.) No land or buildings which have become vested in a Board by virtue of the next succeeding section 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.

(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.

46. (1.) All plant and other property (not being land or buildings) used for public fire-prevention purposes in any fire district at the date 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.

All plant, &c., used for fire-prevention purposes to be vested in Fire Board.

1908, No. 63, sec. 29

(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.

Transfer of land and buildings.

(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, 1908, as if this section were a submission within the meaning of that Act.

Valuation of property.

(4.) The Fire Board shall pay to the local authority which owned the said property the capital value thereof as so determined (together with interest thereon) by twenty-six annual instalments equal to five per centum of the said capital value.

(5.) 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.

(6.) 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, to be determined as aforesaid, shall be the capital value of the said property as if free from any such mortgage or charge.

Transfer of mortgaged property.

(7.) 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.

Disputes as to transfer to be determined by arbitration.

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

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

(10.) 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.

Board may refuse to accept property.

(11.) Notwithstanding anything 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 within two months after the first meeting of the Board.

Date when property to vest in Board.

(12.) The date at which property shall vest or be deemed to have 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 the first day of April next after the constitution of that Board, but pending such vesting or transfer the Board shall be entitled to the use and occupation of any land and buildings, and the use of any other property to which this section applies.

Superintendent of Fire Brigades.

Officers of Fire Board.
1908, No. 63, sec. 30

47. (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. No servant or agent of any insurance company shall be capable of holding office as the Secretary of a Fire Board.

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

(3.) Every Fire Board may also 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.

Duties of Superintendent.
Ibid., sec. 31

48. 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 :—

- (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 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 :
- (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 :

- (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 :
- (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 :
- (i.) He may remove, by force if necessary, any person who by his presence, or otherwise howsoever, interferes with the operations of any brigade :
- (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 :
- (k.) Generally he may do all other things which are reasonably necessary for the extinction of any fire or for preventing the spreading thereof.

49. 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.

Deputy Superintendent to act in absence of Superintendent.
1908, No. 63, sec. 32

50. The authority of every Superintendent, or Deputy Superintendent, or any officer of a fire brigade, shall be recognized 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 any such Superintendent, Deputy Superintendent, or officer in the maintenance of his authority and in enforcing obedience by all persons to his lawful orders.

Police to assist Superintendent.
Ibid., sec. 33

51. (1.) Every Superintendent or Deputy Superintendent or other officer lawfully exercising any function of a 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 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.

Superintendent to have access to buildings, &c.
Ibid., sec. 34

(2.) Every person who obstructs or hinders any Superintendent or Deputy Superintendent or other officer as aforesaid in the exercise of the powers conferred by this section is liable to a fine of twenty pounds.

52. No liability shall attach to the Fire Board or any of its members or officers in respect of any damage to property occasioned by the Superintendent or any officer or member of a fire brigade in the *bona fide* exercise of his duty at or in connection with any fire, but such damage shall be deemed damage by fire within the meaning of any policy of insurance against fire covering the damaged property.

Damage by fire brigade to be damage by fire within meaning of fire policy.
1914, No. 24, sec. 3

Meetings of Fire Boards.

Meetings of Fire Board.

Cf. 1908, No. 63, sec. 36

53. (1.) The first meeting of every Fire Board that may be constituted after the coming into operation of this Act shall be held at a time and place to be fixed in that behalf by the Minister.

(2.) An annual meeting of every Fire Board shall be held in the month of March in every year.

(3.) Other meetings shall be held as the Board shall from time to time determine.

(4.) At the first meeting of every Board, and at every annual meeting, and as often as the office of Chairman becomes vacant, the members shall elect one of their number to be Chairman, who shall hold office until the appointment of his successor.

(5.) 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.

(6.) The Chairman at any meeting shall have a deliberative vote, and, in case of an equality of votes, shall also have a casting-vote.

(7.) No business shall be transacted at any meeting of a Fire Board unless at least a quorum of members is present thereat during the whole time at which the business is transacted.

(8.) A quorum shall consist of half of the whole number of the members of the Board (irrespective of any extraordinary vacancies) when that number is even, and a majority of such members when the number is odd.

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

Duties and Powers of Fire Boards.

Members of Board not personally responsible for acts of Board.

Ibid., sec. 37

No action against Board for failure to provide against fire.

Ibid., sec. 38

Use of common seal.

Ibid., sec. 39

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

55. 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.

56. 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.

Contracts of Fire Board.

Ibid., sec. 40

57. (1.) Any contract which if made between private persons must be by deed shall, if made by a Fire Board, be in writing under the seal of the Board.

(2.) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by a Fire Board, be either under the seal of the Board or in writing signed by some person thereunto lawfully authorized by the Board.

(3.) Any contract which if made between private persons may be made verbally without writing may be similarly made on behalf of the Board by any person thereunto lawfully authorized by the Board.

58. It shall be lawful for any Fire Board, if it thinks fit, to pay to any member thereof the amount reasonably and 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.

Payment of travelling-expenses of members.
1908, No. 63, sec. 41

59. (1.) Every Fire Board shall keep full and correct accounts of all moneys received and expended by it, and of its assets and liabilities; and, save as provided in subsection four hereof, shall, within twenty-eight days after the thirty-first day of March 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.

Fire Board to keep accounts.
Ibid., sec. 42

(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.

Balance-sheet to be submitted to Parliament.

(3.) A copy of such balance-sheet and statement shall also be sent by the Fire Board to each contributory insurance company and local authority in the fire district.

(4.) In the case of every Fire Board existing on the thirtieth day of June, nineteen hundred and twenty-six, the following special provisions shall apply, namely:—

- (a.) The first balance-sheet and statement as aforesaid to be prepared after the coming into operation of this Act shall be for the year ending on the thirtieth day of June, nineteen hundred and twenty-seven:
- (b.) The next such balance-sheet and statement shall be for the period of nine months ending on the thirty-first day of March, nineteen hundred and twenty-eight:
- (c.) Thereafter such balance-sheet and statement shall be prepared for each financial year ending on the thirty-first day of March.

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

Fire Board may make by-laws.
Ibid., sec. 43
1914, No. 24, sec. 4

- (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:
- (d.) The regulation of the storage of kerosene, explosives, empty crates, cases, and other packages, shavings, hay, straw, and other inflammable substances:
- (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 land or building on or in which any such fire takes place, or by the owner of any personal property stored thereon or therein, of fees for the services of such brigade:

- (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 :
- (h.) The payment of fees for the services of the brigade in connection with any fire due to the breach or non-observance of any Act, regulation, or by-law by the owner or occupier of the land or building on or in which such fire takes place :
- (i.) 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 :
- (j.) The inspection at any time (without fee) of any electrical installation in use in any building :
- (k.) Requiring owners of buildings to provide such fire-escapes as may be deemed necessary :
- (l.) The payment of fees by the owners or occupiers of buildings for the inspection of such buildings for the purposes of section seventy-one hereof :
- (m.) 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.

(3.) Where a Fire Board makes by-laws pursuant to paragraph (k) of subsection one hereof requiring owners of buildings to provide fire-escapes, by-laws of a like nature made by a contributory local authority shall have no application to such buildings.

Volunteer fire police.
Cf. 1920, No. 48, s. 260 (2).

61. Every person enrolled as a member of volunteer fire police established by a Fire Board shall be enrolled by the Chairman of the Board, and his services accepted for one year from the date of his enrolment, and shall be sworn in before a Justice, and thereafter during the period of his service under such fire police, and whilst so acting, shall be deemed to be and shall have all the power and authority and responsibility of a constable.

Board may establish force for saving property.
1908, No. 63, sec. 44

62. 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 to have use of water-mains, &c.
Ibid., sec. 45

63. 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 conducted under the authority of the Board :

Provided that the water in a private well or tank shall not be used for the purpose of drills only except with the consent of the owner.

Contracts between Fire Board and contiguous local authorities.
1914, No. 24, sec. 2

64. A Fire Board and the local authority of any district contiguous to the fire district may agree for the protection from fire of the whole or part of the district of such local authority, and, where such agreement is entered into, all powers, privileges, and immunities conferred by this Act on Superintendents and officers and members

of fire brigades shall apply as if the area to which the agreement relates formed part of the fire district.

65. (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 fires. 1908, No. 63, sec. 46

(2.) In any such case the Board may, pending the holding of the inquest as to that fire, take and retain possession of any property damaged, or the remains of any property destroyed, by the fire, and where the fire occurred in any premises take and retain possession of such premises.

(3.) At any such inquest the Board may be represented by a member thereof, or by the Superintendent or Deputy Superintendent, or by any person authorized by the Board, who may adduce evidence and examine and cross-examine witnesses.

66. A Fire Board may expend such part of its revenues as it thinks fit in the payment of premiums on policies of accident insurance issued by any insurance company to or in respect of officers or members of any fire brigade under the control of such Board.

Payment by Board of accident-insurance premiums for members of fire brigade. Ibid., sec. 47

Miscellaneous.

67. (1.) Every person who, whether in a fire district or not, interferes with any fire-alarm without lawful justification, or wilfully gives 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 of not exceeding fifty pounds.

Offence to give false alarm of fire. Ibid., sec. 48

(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.

68. Every person who, whether in a fire district or not, wilfully covers up, encloses, or conceals any fire-plug or hydrant so as to render its position difficult to ascertain, or obliterates or removes any mark, sign, or letter used for the purpose of indicating the position of or distinguishing any fire-plug or hydrant, is liable to a fine of fifty pounds.

Concealing fire-plug or hydrant. 1914, No. 24, sec. 5

69. (1.) The owner of any premises where a fire occurs shall, on being requested so to do by any member of the Board, or by any officer of the Board, inform such member or officer whether the premises are insured or not, and at the like request shall furnish such officer or member with full particulars of the insurance (if any) thereon, including the names of the companies with which the insurance is effected, and the amount of the insurance.

Owner to give information as to insurance. Ibid., sec. 6

(2.) The owner of any personal property which may be in any premises where a fire occurs, or which may be destroyed or damaged by fire, shall, at the like request, give the like information and furnish the like particulars as are required by the last preceding subsection to be given with respect to premises.

(3.) Every such owner who refuses to comply with any request as aforesaid is liable to a fine of fifty pounds.

(4.) Every person who wilfully gives any false information, or who wilfully gives any incorrect particulars with regard to such insurance as aforesaid, is liable to a term of imprisonment not exceeding two years, or to a fine of fifty pounds.

Inspector of
Fire Brigades.
1908, No. 63, sec. 49
1908, No. 243, sec. 7

70. (1.) There may from time to time be appointed as an officer of the Public Service some fit person to be the Inspector of Fire Brigades.

(2.) There may also from time to time be appointed as an officer of the Public Service some fit person to be the 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 administration of this Act, and who, in case 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.

(3.) 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 for the efficient administration of this Act.

(4.) 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.

(5.) 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.

(6.) It shall be the duty of every Fire Board and of all officers and servants of the Board at all times to afford to the Inspector of Fire Brigades such assistance, facilities, and information as he may reasonably require in the execution of his powers and duties under this Act.

(7.) In order to enable the Inspector of Fire Brigades to inspect and to test the efficiency of any fire brigade under the control of a Fire Board, it shall be the duty of the Superintendent of any such brigade at all reasonable times to cause the brigade to carry out such evolutions as the Inspector requires on any visit of inspection.

(8.) Notwithstanding anything to the contrary in this Act, it shall be lawful for the Inspector of Fire Brigades,—

(a.) At such times and in such places as he thinks fit, for the purpose of testing the efficiency of any fire brigade under the control of a Fire Board, to call out any such brigade on an alarm of fire, and for that purpose to interfere with any fire-alarm, or to cause any fire-bell to be rung, or to do such other things as would be reasonably necessary for summoning and calling out any such brigade on a genuine outbreak of fire :

(b.) At all reasonable times to enter upon any land or any building for the purpose of performing any duties imposed upon him by or under this Act.

Public buildings to
be provided with
fire-escapes, &c.
1908, No. 63, sec. 51
Cf. 1913, No. 51,
sec. 8

71. (1.) It shall not be lawful for the occupier of any building situated in a fire district to use 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 with such sufficient safeguards against and means of escape in case of fire as are required by by-laws of the Board; or, where no such by-laws have been made, unless such building is provided with such safeguards against and means of escape in case of fire as the Superintendent or any other officer appointed by him for the purpose deems sufficient.

(2.) The Superintendent, or any officer appointed by him as aforesaid, 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.

(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 of fifty pounds.

(5.) The occupier of any building may appeal to the Magistrate's Court from any decision or direction of the Superintendent as aforesaid, and the decision of the Magistrate's Court on such appeal shall for the purposes of this section take the place of the decision of the Superintendent.

(6.) The said appeal shall be made in such manner and subject to such conditions as are prescribed.

72. (1.) The occupier of any building to which the last preceding section relates shall comply with any direction of the Superintendent, or of any officer authorized in that behalf by the Superintendent, to keep all passages in and exits from such building or any part thereof free from obstruction, and to prevent persons from standing or sitting therein while the building is being used for any such purpose as aforesaid, and the Superintendent or such other officer as aforesaid may himself remove any such obstruction and direct any person remaining in any such passage or exit to leave the same.

Passages in and exits from public buildings to be kept free from obstruction.

(2.) Every person who fails to comply with any such direction of the Superintendent or other officer as aforesaid, or who in any way hinders or prevents the removal of any such obstruction, commits an offence, and is liable to a fine of fifty pounds.

73. Every person who commits an offence against this Act for which no specific penalty is elsewhere provided is liable to a fine of ten pounds, and if the offence is a continuing one, then to a further fine of two pounds for each day on which the offence is continued after the first day.

General penalty.

74. The Governor-General may from time to time, by Order in Council, make any regulations which he deems necessary for the effectual administration of this Act.

Regulations.

1908, No. 63, sec. 52

75. The enactments mentioned in the Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply:—

Repeals.

(a.) All Orders in Council, Boards, corporations, brigades, elections, appointments, applications, polls, notices, by-laws, rules, regulations, and generally all acts of authority which originated

Savings.

Ibid., sec. 1 (2)

under any of the said enactments or any enactment thereby repealed and are subsisting or in force on the coming into operation of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

- (b.) All matters and proceedings commenced under any such enactment and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act.

Schedule.

SCHEDULE.

ENACTMENTS REPEALED.

- 1908, No. 63.—The Fire Brigades Act, 1908.
1908, No. 243.—The Fire Brigades Amendment Act, 1908.
1913, No. 51.—The Fire Brigades Amendment Act, 1913.
1914, No. 24.—The Fire Brigades Amendment Act, 1914.
1919, No. 55.—The Appropriation Act, 1919: Section 31.
1920, No. 83.—The Finance Act, 1920: Section 39.
1924, No. 64.—The Finance Act, 1924: Sections 42, 43. and 44.