

New Zealand.



ANALYSIS.

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Refer: 1920 List

1914, No. 24.

Title.

AN ACT to amend the Fire Brigades Act, 1908.

[19th October, 1914.]

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

Short Title.

1. (1.) This Act may be cited as the Fire Brigades Amendment Act, 1914, and shall form part of and be read together with the Fire Brigades Act, 1908 (hereinafter referred to as the principal Act).

Commencement.

(2.) This Act shall commence on the first day of April, nineteen hundred and fifteen.

Contracts with contiguous local authorities.

2. 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 the principal Act or this Act on Superintendents and officers and members of fire brigades shall apply as if the area included in such protection formed part of the fire district.

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

3. (1.) 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.

(2.) Section thirty-five of the principal Act is hereby repealed.

4. Section forty-three of the principal Act is hereby amended by inserting the following paragraph:—

“(hh.) The inspection at any time (without fee) of any electrical installation in use in any building.”

Section 43 of principal Act amended.

5. Every person who 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 not exceeding fifty pounds.

Concealing, &c., fire-plug or hydrant.

6. (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.

(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 section 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 not exceeding 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 not exceeding fifty pounds.

United Fire Districts.

7. (1.) Notwithstanding anything in the principal Act, the Governor, 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.

United fire districts may be constituted.

(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, 1908, on the proposal to make an application to the Governor 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 may, by Order in Council, declare the proposed district to be a united fire district and assign a name thereto.

Fire Boards in
united fire districts.

(5.) The Fire Board of a united fire district shall consist of—

(a.) One member appointed by the Governor :

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

Provided that if the uniting local authorities express the desire that any particular local authority shall have the right to elect two members, then the Governor 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.

Contributions to
the fund.

8. (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 section twenty-one of the principal Act, shall be paid as follows :—

(a.) One-half by the uniting local authorities ; and

(b.) One-half by the insurance companies in manner provided by the principal Act.

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

(3.) Where part only of a district is included in the fire district the rate authorized by section twenty-four of the principal Act shall be levied only over that part.

9. (1.) The Governor 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 the Order, cease to be a fire district, and the same shall as from that date cease to be a fire district accordingly.

(2.) When any district 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, 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 districts 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 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

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that company from the local authority in any Court of competent jurisdiction.

(5.) Where part only of the district of any such uniting local authority is at the date of 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.

10. Section five of the principal Act shall not apply in the case of a united fire district, but in case any area forming part of such united fire district ceases to be within the district of one of the uniting local authorities, such area,—

Alteration of boundaries of districts within united fire districts.

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

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

11. Except as hereinbefore provided, the provisions of the principal Act shall apply to united fire districts and to the Fire Boards thereof in the same way as they apply to other fire districts and Fire Boards.

Principal Act to apply to united fire districts under this Act.