

**Reprint
as at 1 July 2017**

Fire Service Amendment Act 1990

Public Act 1990 No 136
Date of assent 21 December 1990

Fire Service Amendment Act 1990: repealed, on 1 July 2017, pursuant to section 195(a) of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Contents

	Page
Title	2
1 Short Title and commencement	2
2 Interpretation	2
5 Members of Commission	3
8 Deputies of members	3
14 Co-ordination schemes	3
19 Chief Fire Officer	3
24 Use of water in mains for fire protection, fire fighting, and hazardous substance emergency purposes	4
28 Expenditure of Commission	4
29 Commission to submit financial forecasts and estimates to Minister	4
31 New sections substituted	4
32 Income of Commission	4
33 Appropriation by Parliament	5
35 Levy	5
41 New sections substituted	6
42 Reserve Fund	6

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered in the Department of Internal Affairs.

45	Power to dispose of property	6
49	Appointments to vacancies	6
52	Repeals	6
56	Repeals	7
58	Repeals	7
65	Repeal and saving	7
67	Transitional provision in relation to financial year	8
68	Transitional provisions in relation to applications for grants from Rural Fire Fighting Fund	8
69	Transitional provision in relation to grants from Rural Fire Fighting Fund	8
70	Transitional provision in relation to National Rural Fire Officer	9
71	Validation	9
	Schedule	9
	Regulations revoked	

An Act to amend the Fire Service Act 1975

1 Short Title and commencement

- (1) This Act may be cited as the Fire Service Amendment Act 1990, and shall be read together with and deemed part of the Fire Service Act 1975 (hereinafter referred to as the principal Act).
- (2) Except as provided in sections 28(3), 31(3), 32(3), 33(4) and 39(3) of this Act, this Act shall come into force on the 1st day of January 1991.

2 Interpretation

- (1)
- (2) The following enactments are hereby consequentially repealed:
 - (a) Subsections (1) and (2) of section 2 of the Fire Service Amendment Act 1978:
 - (b) Section 2(4) of the Fire Service Amendment Act 1979:
 - (c) Subsections (1) to (4) of section 2 of the Fire Service Amendment Act 1986:
 - (d) Section 2 of the Fire Service Amendment Act (No 4) 1987:
 - (e) Section 2 of the Fire Service Amendment Act 1988.

3

4

2

5 Members of Commission

- (1)
- (2) The Fire Service Amendment Act 1979 is hereby consequentially amended by repealing section 2(1) and (2).

6

7

8 Deputies of members

- (1)
- (2) Section 3 of the Fire Service Amendment Act 1979 is hereby consequentially repealed.

9

10

11

12

13

14 Co-ordination schemes

- (1)
- (2) The following enactments are hereby consequentially repealed:
 - (a) Section 6 of the Fire Service Amendment Act 1978:
 - (b)

15

16

17

18

19 Chief Fire Officer

- (1)
- (2) Section 7 of the Fire Service Amendment Act 1978 is hereby consequentially repealed.

20

21

22

23

24 Use of water in mains for fire protection, fire fighting, and hazardous substance emergency purposes

(1)

(2)

(3) The Fire Service Amendment Act 1978 is hereby consequentially amended by repealing section 9(c) and (d).

25

26

27

28 Expenditure of Commission

(1) This subsection amended s 44(3) of the principal Act.

(2) The Fire Service Amendment Act 1978 is hereby amended by repealing section 14(2).

(3) This section shall come into force on the 1st day of July 1991.

29 Commission to submit financial forecasts and estimates to Minister

(1) This subsection substituted s 45 of the principal Act.

(2) Section 15 of the Fire Service Amendment Act 1978 and section 2(7) of the Fire Service Amendment Act 1986 are hereby consequentially repealed.

30

31 New sections substituted

(1) *[Repealed]*

(2) Section 4 of the Fire Service Amendment Act 1986 is hereby consequentially repealed.

(3) This section shall be deemed to have come into force on the 1st day of October 1990.

Subsection (1) was repealed, as from 1 July 1998, by section 3(2)(b) Fire Service Amendment Act 1998 (1998 No 13).

32 Income of Commission

(1) *[Repealed]*

(2) The following enactments are hereby consequentially repealed:

- (a) Section 47A(1)(c) of the principal Act (as inserted by section 6 of the Fire Service Amendment Act 1986):
 - (b) Section 5 of the Fire Service Amendment Act 1986:
 - (c) The Fire Service Amendment Act (No 3) 1987.
- (3) This section shall come into force on the 1st day of July 1991.
- Subsection (1) was repealed, as from 1 July 1998, by section 3(2)(b) Fire Service Amendment Act 1998 (1998 No 13).

33 Appropriation by Parliament

- (1) This subsection substituted a new subsection for subsection (2) of s 47A of the principal Act.
- (2) Notwithstanding anything in section 47A of the principal Act, there shall be paid to the Commission in respect of the estimated expenditure of the Commission for the period beginning on the 1st day of April 1991 and ending with the close of the 30th day of June 1991, out of money appropriated by Parliament for the purpose, an amount by way of Crown contribution that shall be in addition to the amount payable by way of Crown contribution under that section.
- (3) The additional amount payable under subsection (2) of this section shall be determined by the Minister in consultation with the Minister of Finance.
- (4) This section shall be deemed to have come into force on the 1st day of April 1989.

34 [Repealed]

Subsection (3) was repealed, as from 2 July 2001, by section 149 Hazardous Substances and New Organisms Act 1996 (1996 No 30). See Parts 11 to 16 of that Act (comprising sections 151 to 259) as to the transitional provisions. See clause 2 Hazardous Substances and New Organisms Act Commencement Order (No 2) 2001 (SR 2001/171).

35 Levy

- (1) This subsection substituted s 48(2) and inserted s 48(2A) of the principal Act
- (2) Subject to subsection (3) of this section, the Fire Service Levy Notice 1989 (which is published in the *Gazette* of the 5th day of October 1989 at page 4855) shall, notwithstanding the amendment made to section 48 of the principal Act by subsection (1) of this section, continue in force.
- (3) The Governor-General may, by Order in Council made under section 48(2) of the principal Act (as substituted by subsection (1) of this section), revoke the Fire Service Levy Notice 1989 (which is published in the *Gazette* of the 5th day of October 1989 at page 4855).

36

37

38

39

40

41 New sections substituted

(1)

(2) Section 20 of the Fire Service Amendment Act 1978 is hereby consequentially repealed.

(3) The Fire Service (Volunteer Fire Brigade Members' Gratuities) Order 1988 (SR 1988/86) is hereby consequentially revoked.

42 Reserve Fund

(1)

(2) The Fire Service Amendment Act 1978 is hereby consequentially amended by repealing section 22.

43

44

45 Power to dispose of property

(1)

(2) The Fire Service Amendment Act 1978 is hereby consequentially amended by repealing section 23.

46

47

48

49 Appointments to vacancies

(1)

(2) The Fire Service Amendment Act (No 4) 1987 is hereby consequentially amended by repealing section 3.

50

51

52 Repeals

(1)

(2) The following enactments are hereby consequentially repealed:

(a) Section 24 of the Fire Service Amendment Act 1978:

(b) Section 4 of the Fire Service Amendment Act (No 4) 1987.

53

54

55

56 Repeals

(1)

(2) Section 25 of the Fire Service Amendment Act 1978 is hereby consequentially repealed.

57

58 Repeals

(1)

(2) Sections 26 and 27 of the Fire Service Amendment Act 1978 are hereby consequentially repealed.

59

60

61

62

63

64

65 Repeal and saving

(1) Section 5 of the Fire Service Amendment Act 1978 is hereby consequentially repealed.

(2) The Fire Service Amendment Act (No 4) 1987 is hereby consequentially repealed.

(3) Notwithstanding anything in this Act if, immediately before the commencement of this section, an appeal under any of the sections repealed or amended by this Act was pending or if there is a right for such appeal, the provisions of the principal Act, so far as they are applicable, shall continue to apply to that appeal as if those sections had not been repealed or amended.

66

67 Transitional provision in relation to financial year

Notwithstanding anything in the principal Act or in any other provision of this Act, the period of 15 months beginning on the 1st day of April 1990 and ending with the close of the 30th day of June 1991 shall be deemed, for the purposes of the principal Act and of any other Act applying in relation to the Commission, to be a financial year of the Commission.

68 Transitional provisions in relation to applications for grants from Rural Fire Fighting Fund

- (1) Where, at the commencement of this section, a determination under section 46C(1) of the principal Act (as enacted in 1986) has not been made on any application for assistance from the Rural Fire Fighting Fund made before the commencement of this section pursuant to section 46B of the principal Act (as enacted in 1986), the National Rural Fire Authority shall determine—
 - (a) Whether the application should be approved; and
 - (b) Where the National Rural Fire Authority determines that the application should be approved, whether the approval should be for the whole or part of the amount stated in the application.
- (2) Notwithstanding the repeal by this Act of section 46A of the principal Act (as enacted in 1986), an application for assistance in respect of a fire that occurred before the commencement of this section may, after the commencement of this section, be made under that section as if that section were still in force and, subject to subsections (3) to (5) of this section, subsections (1) to (4) of section 46B of the principal Act (as enacted in 1986) shall, in relation to any such application, apply accordingly as if they were still in force.
- (3) The National Fire Authority shall determine—
 - (a) Whether any application made pursuant to subsection (2) of this section should be approved; and
 - (b) Where the National Rural Fire Authority determines that an application made pursuant to subsection (2) of this section should be approved, whether the approval should be for the whole or part of the amount stated in the application.
- (4) The National Rural Fire Authority in making its determination under subsection (1) or subsection (3) of this section shall have regard to advice from the National Rural Fire Officer as to the facts of the application and the reasonableness or otherwise of the costs claimed.
- (5) Any determination under subsection (1) or subsection (3) of this section may be subject to such terms and conditions as the National Rural Fire Authority thinks fit.

69 Transitional provision in relation to grants from Rural Fire Fighting Fund

Where—

- (a) The Minister has, before the commencement of this section, made, under section 46C(1) of the principal Act (as enacted in 1986), a determination approving a grant; or
- (b) The National Rural Fire Authority has, under section 68(1) or section 68(3) of this Act, made a determination approving a grant,—

the National Rural Fire Authority shall cause the amount of the grant to be paid from the Rural Fire Fighting Fund in accordance with the terms and conditions contained in the determination (including any conditions requiring the grant to be paid by instalments), and shall, where necessary, complete the payment of any further instalments required by a determination made before the commencement of this section.

70 Transitional provision in relation to National Rural Fire Officer

Where, before the commencement of this section, the Commission has, pursuant to a directive from the Minister under section 14(2)(h) of this Act (as enacted in 1975) appointed any person to be, for the purposes of the principal Act and the Forest and Rural Fires Act 1977, the National Rural Fire Officer, that person, if in office on the commencement of this section, shall be deemed to have been appointed under section 17W of the principal Act (as enacted by section 15 of this Act) for a term of 3 years beginning on the date of that person's appointment by the Commission.

71 Validation

Any action taken under the principal Act in the period beginning with the 1st day of October 1990 and ending with the close of the 31st day of December 1990 which would have been valid if the provisions of this Act and of the Forest and Rural Fires Amendment Act 1990 that come into force on the 1st day of January 1991 had come into force on the 1st day of October 1990 is hereby declared to be and always to have been valid.

Schedule
Regulations revoked

Eprint notes**1 *General***

This is an eprint of the Fire Service Amendment Act 1990 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Fire and Emergency New Zealand Act 2017 (2017 No 17): section 195(a)