

**Reprint
as at 1 July 2017**

Forest and Rural Fires Amendment Act 1990

Public Act 1990 No 137
Date of assent 21 December 1990

Forest and Rural Fires Amendment Act 1990: repealed, on 1 July 2017, pursuant to section 195(b) of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

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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 by the Department of Internal Affairs.

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An Act to amend the Forest and Rural Fires Act 1977

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Forest and Rural Fires Amendment Act 1990, and shall be read together with and deemed part of the Forest and Rural Fires Act 1977 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of January 1991.

2 Interpretation

- (1) This subsection amended the definition of the term **brigade** in s 2(1) of the principal Act.
- (2) This subsection repealed the definition of the term **county area** in s 2(1) of the principal Act.

- (3) This subsection substituted a new definition for the original definition of the term **district** in s 2(1) of the principal Act.
- (4) This subsection substituted a new definition for the original definition of the term **Fire Authority** in s 2(1) of the principal Act.
- (5) *[Repealed]*
- (6) This subsection substituted definitions of the terms **Minister**, **National Commander**, **National Rural Fire Officer**, and **National Rural Fire Authority** for the original definition of the term **Minister** in s 2(1) of the principal Act.
- (7) The said section 2(1) is hereby further amended by repealing the definition of the term **prescribed** (as substituted by section 2(2) of the Forest and Rural Fires Amendment Act 1987).
- (8) *[Repealed]*
- (9) *This subsection substituted a new definition for the original definition of the term **Rural Fire Mediator** or **Mediator** in s 2(1) of the principal Act.*
- (10) *This subsection substituted a new definition for the original definition of the term **specialty protected property** in s 2(1) of the principal Act.*
- (11) *This subsection inserted the definition of the term **territorial area** in s 2(1) of the principal Act.*
- (12) Section 2(2) of the Forest and Rural Fires Amendment Act 1987 is hereby consequentially repealed.

Subsections (5) and (8) were repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). See sections 273 to 314 of that Act as to the savings and transitional provisions.

3 Repeal of sections relating to delegation of powers

- (1) The Forest and Rural Fires Act 1977 is hereby amended by repealing sections 3A and 3B (as inserted by section 3 of the Forest and Rural Fires Amendment Act 1987).
- (2) Section 3 of the Forest and Rural Fires Amendment Act 1987 is hereby consequentially repealed.

4 New sections substituted

This section substituted sections 4 to 6 of the principal Act.

5 Fire Authority in rural fire districts

This section substituted s 7 of the principal Act.

6 Rural fire committees

This section substituted s 8 of the principal Act.

7 Fire Authority's powers in areas of urban vegetation

This section amended s 9(b) of the principal Act.

8 Fire Authority in territorial areas

This section substituted s 10 of the principal Act.

9 Duties of Fire Authorities

- (1) *This subsection amended s 12(3) of the principal Act.*
- (2) *This subsection amended s 12(4)(g) of the principal Act.*
- (3) *This subsection amended s 12(4)(h) of the principal Act.*

10 Joint, etc, exercise of statutory control powers

- (1) *This subsection amended s 14(3) of the principal Act.*
- (2) *This subsection amended s 14(5) of the principal Act.*

11 Supply of apparatus and fire fighting services

This section amended s 15(3) of the principal Act.

12 Forest areas

- (1) *This subsection amended s 17(2) of the principal Act.*
- (2) *This subsection amended s 17(11) of the principal Act.*

13 Obligations of Rural Fire Authorities and National Rural Fire Authority in respect of fire control measures

- (1) *This subsection substituted s 18 of the principal Act.*
- (2) *This subsection amended Schedule 3 of the State-Owned Enterprises Act 1986.*

14 Fire control measures

This section amended s 19(1)(a) of the principal Act.

15 Prohibition of fires during extreme fire hazard

This section amended s 20(1) of the principal Act.

16 Prohibition of certain operations during period of fire hazard

This section amended s 21(1)(c) of the principal Act.

17 Restricted or prohibited fire seasons

This section substituted s 22(1) of the principal Act.

18 Appeal from notice to make firebreak or escape route or remove combustible material

This section amended s 28(1) of the principal Act.

19 Regulations may require maintenance of fire fighting equipment by rural fire committees

- (a) *This subsection amended s 30(1) of the principal Act.*
- (b) *This subsection amended s 30(2) of the principal Act.*

20 Maintenance of apparatus by persons cutting timber

This section amended s 33(2) of the principal Act.

21 Requisition by Fire Officer of assistance to extinguish fires

- (a) *This paragraph amended s 38(2) of the principal Act.*
- (b) *This paragraph amended s 38(6) of the principal Act.*
- (c) *This paragraph amended s 38(7) of the principal Act.*

22 Regional fire emergency

- (1) *This subsection substituted s 39 of the principal Act.*
- (2) *This subsection amended Schedule 3 of the State-Owned Enterprises Act 1986 by repealing so much of that Schedule as related to s 39 of the Forest and Rural Fires Act 1977.*

23 Levy for costs of fire fighting in districts other than State areas

- (1) *This subsection amended s 46(1) of the principal Act.*
- (2) *This subsection repealed s 18(c) of the Fire Service Amendment Act 1986.*

24 Appeals against levies and determinations

This section amended s 49(1) of the principal Act.

25 Payment of fire control costs following regional fire emergency

- (1) *This subsection substituted s 51 of the principal Act.*
- (2) *This subsection amended Schedule 3 of the State-Owned Enterprises Act 1986 by repealing so much of that Schedule as related to s 51 of the Forest and Rural Fires Act 1977.*

26 Appeal against apportionment of fire fighting costs in regional fire emergency

This section substituted s 52 of the principal Act.

27 Fire Authority may borrow money

This section amended s 54(1) of the principal Act.

28 New sections substituted

This section substituted sections 56 and 57 of the principal Act.

29 Inquiries as to fires

This section substituted s 59(1) of the principal Act.

30 Repeal of provisions relating to annual levy on fire authorities

- (1) *This section repealed ss 60A to 60F of the principal Act.*
- (2) Section 7(1) of the Forest and Rural Fires Amendment Act 1989 is hereby consequentially repealed.

31 Notices

- (1) *This subsection amended s 63(1) and (2) of the principal Act.*
- (2) *This subsection amended Schedule 3 of the State-Owned Enterprises Act 1986.*

32 New sections substituted

- 1 *This section substituted s 64, and inserted s 64A of the principal Act.*

33 Annual report

This section substituted s 66 of the principal Act.

34 Regulations

This section amended s 67(1) of the principal Act.

35 Reserve powers of Ministry of Forestry

This section repealed s 68 of the principal Act.

36 Repeals

Sections 2(1)(a) and 7 of the Forest and Rural Fires Amendment Act 1987 are hereby repealed.

37 Transitional provisions in relation to documents, etc

- (1) Without limiting any other provision of this Act or of the Acts Interpretation Act 1924, it is hereby declared that—
 - (a) The repeal or amendment or substitution of any provision of any Act by any provision of this Act shall not affect any document made or anything whatsoever done under the provision so repealed or amended or substituted and every such document or thing, so far as it is subsisting or in force at the time of the repeal or amendment or substitution and could have been made or done under the Forest and Rural Fires Act 1977 (as amended by this Act) shall continue to have effect as if it had been made or done under the corresponding provision of the Forest and Rural Fires Act 1977) (as amended by this Act); and

- (b) Any Order in Council which has been made under section 4 or section 7 or section 8 or section 22 of the Forest and Rural Fires Act 1977, so far as that Order in Council is subsisting or in force at the time of the repeal or amendment or substitution of that section by this Act, shall continue to have effect as if it were a notice in the *Gazette* published under the corresponding provision of the Forest and Rural Fires Act 1977 (as amended by this Act).
- (2) Where any Order in Council continues to have effect by virtue of subsection (1)(b) of this section, the National Rural Fire Authority may, by notice in the *Gazette* made under the corresponding provision of the Forest and Rural Fires Act 1977 (as amended by this Act), amend any such Order in Council or declare that it shall cease to have effect.

38 Validation

Any action taken under the Forest and Rural Fires Act 1977 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 Fire Service 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.

Eprint notes**1 *General***

This is an eprint of the Forest and Rural Fires 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(b)