

Reprint
as at 1 July 2018



Fire Safety and Evacuation of Buildings Regulations 2006 (SR 2006/123)

Fire Safety and Evacuation of Buildings Regulations 2006: revoked, on 1 July 2018, by regulation 36 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 (LI 2018/96).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 15th day of May 2006

Present:

Her Excellency the Governor-General in Council

Pursuant to section 92(1) and (2) of the Fire Service Act 1975, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Department of Internal Affairs.

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Regulations

1 Title

These regulations are the Fire Safety and Evacuation of Buildings Regulations 2006.

2 Commencement

These regulations come into force on 1 October 2006.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Fire Service Act 1975

AS/NZS means joint Australian and New Zealand Standard

building,—

(a) for the purposes of Part 1, means a building or part of a building that is described in Schedule 1; and

(b) for the purposes of Part 2,—

- (i) means a relevant building as defined in section 21A(1) of the Act; but
- (ii) does not include a relevant building defined in that section that satisfies the requirements of section 21B(2) and (3) of the Act

building code means,—

- (a) until their revocation, the Building Regulations 1992 (SR 1992/150) continued under section 415(2)(a) of the Building Act 2004; and
- (b) after their revocation, the regulations made under section 400 of the Building Act 2004

evacuation scheme means an evacuation scheme—

- (a) that is required under section 21B of the Act; and
- (b) that complies with Part 2 of these regulations

flammable material includes any materials contaminated with substances that are capable of initiating spontaneous ignition

NZS means New Zealand Standard

occupant, in relation to a building, includes any person lawfully entitled to be in the building (for example, a visitor)

owner, in relation to a building, means—

- (a) the person for the time being entitled to receive the rack rent for the building; or
- (b) the person who would be entitled to receive the rack rent for the building if the building were let at a rack rent

person with a disability —

- (a) means a person—
 - (i) who has an impairment or a combination of impairments that limits the extent to which the person can engage in the activities, pursuits, and processes of everyday life, including, without limitation, any of the following:
 - (A) a physical, sensory, neurological, or intellectual impairment;
 - (B) a mental illness; and
 - (ii) who is unable to sense or understand a fire alarm or leave a building, during a fire emergency, in a way that a person without the same disability would be capable of doing; and
- (b) includes any person who considers that he or she would be unable to leave a building during a fire emergency by using its means of escape from fire

tenant, in relation to a building, means a person who pays rent to the owner of the building, whether as a party to a tenancy agreement, lease, or other contractual arrangement.

- (2) A term or expression used in these regulations that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

Part 1

Fire safety for buildings described in Schedule 1

Means of escape from fire for building

4 Owner of building must maintain means of escape from fire for building

The owner of a building must maintain the means of escape from fire for the building so as to ensure that—

- (a) they are kept clear of obstacles at all times; and
- (b) their exit doors are not locked, barred, or blocked so as to prevent any of the building's occupants from leaving the building; and
- (c) their smoke-control and fire-stop doors are not kept open otherwise than in a way that complies with the building code; and
- (d) their stairwells and passageways are not used for storage or accumulation of waste.

5 Flammable cleaning liquid and flammable material not to be stored near or in means of escape from fire for building

Flammable cleaning liquid or flammable material in a building—

- (a) must be stored in non-combustible containers with close-fitting lids; and
- (b) must not be stored near or in the means of escape from fire for the building.

Evacuation of building

6 Owner of building must provide evacuation procedure

- (1) The owner of a building must have a procedure in place (**evacuation procedure**) for the safe, prompt, and efficient evacuation of the building's occupants in the event of a fire emergency requiring evacuation.
- (2) The procedure must provide for the occupants to be evacuated to a place or places of safety so that all the building's occupants can be accounted for.
- (3) The owner of a building must ensure that information about the evacuation procedure is readily available to the building's occupants, including information about—
 - (a) the routes of travel to the place or places of safety for the building; and

- (b) the fire alarm signals used or available for use by the occupants; and
 - (c) any firefighting equipment available for use by the occupants.
- (4) The owner of a building must erect signs and notices at appropriate places in the building that clearly indicate the evacuation procedure for the building.
- (5) This regulation does not apply if the owner of a building has an evacuation scheme for the building that has been approved under section 21C of the Act.

7 Tenants of building must follow evacuation procedure

Every tenant of a building must, in a fire emergency requiring evacuation of the building,—

- (a) follow the evacuation procedure provided by the owner of the building under regulation 6; and
- (b) ensure that every person who uses or occupies floor space of the tenant (whether as a party to a tenancy agreement, lease, sublease, or other contractual arrangement) follows that procedure.

8 Owners or tenants of certain buildings must have employees trained to assist occupants to evacuate

- (1) Subclause (2) applies to a building described in paragraphs (d), (e), (j), (m), or (n) of Schedule 1.
- (2) The occupants of a building who are employees of the owner of the building or, if the building is tenanted, the occupants of the building who are employees of the tenant, must be trained to assist any other occupants of the building to evacuate the building, in a fire emergency requiring evacuation, in accordance with the evacuation procedure for the building.

Appliances

9 Appliances

- (1) The owner and the occupants of a building must take reasonable fire prevention precautions in relation to—
- (a) electrical wiring, equipment, and appliances, including portable electrical equipment and appliances; and
 - (b) gas reticulation systems, equipment, and appliances, including portable gas reticulation equipment and appliances; and
 - (c) equipment and appliances fuelled by flammable liquids (for example, kerosene), including portable equipment and appliances.
- (2) Any appliance that gives an open flame or is fuelled by a flammable liquid or gas must not be used in a building unless the appliance is constructed, secured, and protected in a manner that minimises the risk of fire to the building and its contents.

Open flames

10 Control of open flames

- (1) No fire may be lit in a building other than in—
 - (a) a fireplace that complies, at the time of its construction, with the building code and any bylaw or other relevant legal requirement; or
 - (b) an appliance maintained in proper repair.
- (2) No chimney may be used for a smithy, furnace, foundry, or other similar use unless the chimney—
 - (a) is constructed for the purpose; and
 - (b) complies, at the time of its construction, with the building code and any bylaw or other relevant legal requirement; and
 - (c) is properly maintained.
- (3) For the purposes of subclause (2), **chimney** includes any flue, vent, or stove pipe installed or provided to allow the escape of smoke, fumes, heat, and other products of combustion.

Packing and unpacking of goods

11 Packing and unpacking of goods

- (1) The packing or unpacking of goods packaged in straw, paper, wood-wool, or other flammable material may be undertaken in a building only in places—
 - (a) where the public is not permitted; and
 - (b) that are not directly connected to any stairway, liftwell, or other opening between floors that is not protected against the spread of fire, smoke, or fumes; and
 - (c) in which there is no lighting or heating device that could be used in a manner that could cause the packaging to ignite; and
 - (d) where smoking is not permitted.
- (2) Flammable packaging materials used in a building must be kept, outside of working hours,—
 - (a) away from the building; or
 - (b) in non-combustible containers with close-fitting lids in the building; or
 - (c) in a building that complies with regulation 12.

Storage of certain materials

12 Storage of certain materials inside and outside buildings

- (1) If a building is used or mostly used for the storage of 1 or more of the materials described in subclause (3), the building must be located in such a position that

- any fire in it cannot spread to any nearby building or to any road or other public place.
- (2) If a part of a building is used or mostly used for the storage of 1 or more of the materials described in subclause (3), it must be protected in such a way that any fire cannot spread to the rest of the building or any nearby building or to any road or other public place.
 - (3) No materials of the following type may be stored outside a building in a way that creates a fire hazard to the building, another building, or to any road or other public place:
 - (a) timber:
 - (b) firewood, or other wooden materials:
 - (c) hay, straw, or other dry plant cuttings:
 - (d) flammable packaging materials:
 - (e) waste of a type that is likely to burn if lit:
 - (f) any other flammable material.
 - (4) Paragraphs (b), (c), and (d) of regulation 11(1) apply, with all necessary modifications, to a building to which this regulation applies.

Firefighting equipment for use by building's occupants

13 Firefighting equipment for use by building's occupants

- (1) Any hand-held hose reel or other similar device installed in a building for fire-fighting by the building's occupants must be maintained under NZS 4503:2005—Hand operated fire-fighting equipment.
- (2) The National Commander may require an owner or a tenant of a building to install (at specified locations in the building) and maintain portable fire extinguishers—
 - (a) under a code of practice issued under section 21(4)(a)(iv) of the Act; or
 - (b) if there is no code of practice, as the National Commander determines.

Offences

14 Offences

Every person who breaches a provision of this Part commits an offence and is liable on conviction—

- (a) to a fine not exceeding \$200; and
- (b) if the offence is a continuing offence, to a further fine not exceeding \$20 for each day or part of a day that the offence continues.

Regulation 14: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 2

Evacuation schemes for buildings described in section 21A(1) of Act

Prescribed matters (other than forms)

15 Minimum amounts of hazardous substances prescribed

The quantities of hazardous substances specified in Schedule 2 are the minimum amounts for the purposes of section 21A(1)(d) of the Act.

16 Automatic sprinkler systems prescribed

- (1) For the purposes of section 21B of the Act, an automatic sprinkler system is a system that—
 - (a) satisfies sections 105 and 108 of the Building Act 2004 (in relation to the sprinkler system); and
 - (b) is appropriate to the use and occupancy of the building; and
 - (c) complies with subclause (2).
- (2) A sprinkler system must comply, at the time that it was installed, with one of the following standards:
 - (a) NZS 4541:2007—Automatic fire sprinkler systems:
 - (b) NZS 4515:2003—Fire sprinkler systems for residential occupancies:
 - (c) NZS 4517:2002—Fire sprinkler systems for houses.

Regulation 16(2)(a): amended, on 6 November 2008, by regulation 4 of the Fire Safety and Evacuation of Buildings Amendment Regulations 2008 (SR 2008/382).

Evacuation schemes

17 General matters to be included in evacuation scheme

An evacuation scheme for a building must—

- (a) designate 1 or more places of safety—
 - (i) inside or outside the building, if the building has an automatic sprinkler system; or
 - (ii) outside the building, in any other case; and
- (b) specify how the building's occupants are alerted to a fire emergency in the building; and
- (c) specify how the building's occupants are informed of—
 - (i) the measures they should take for their personal safety, once alerted to a fire emergency; and
 - (ii) the need, if necessary, to evacuate to the place or places of safety for the building; and

- (iii) where the place of safety is, or the places of safety are, and the fastest way to get to it or them; and
- (d) include a list of any firefighting equipment available for use by the building's occupants in a fire emergency and the location of the equipment; and
- (e) include a requirement that an appropriate number of signs and notices be erected in the building, at the routes of travel to the place or places of safety for the building, displaying the information set out in clause 1 of Schedule 3; and
- (f) include a requirement that the owner of the building notify the National Commander, in writing, if 1 or more of the events set out in clause 8 of Schedule 3 occurs; and
- (g) include a requirement that trial evacuations of the building be undertaken in the manner set out in clauses 2 to 4 of Schedule 3, if the building is a building used—
 - (i) for the purposes of providing early childhood facilities (other than in a household unit); or
 - (ii) as an educational institution; and
- (h) for any other building, include a requirement that either—
 - (i) trial evacuations of the building be undertaken in the manner set out in clauses 2 to 4 of Schedule 3; or
 - (ii) the owner of the building prepare and implement an evacuation training programme in the manner set out in clauses 5 to 7 of Schedule 3.

18 Matters to be included in evacuation scheme in relation to persons with disability

An evacuation scheme for a building must—

- (a) designate 1 or more places in the building where persons with a disability are to gather if, in a fire emergency requiring evacuation, they are unable to evacuate the building using its means of escape from fire; and
- (b) specify how, in a fire emergency, the building's occupants and the attending firefighters are notified of the place or places; and
- (c) specify how, in a fire emergency, the attending firefighters are notified of whether there are any people at the place or places; and
- (d) include details of any equipment available for assisting occupants who are persons with a disability to evacuate the building in a fire emergency and how people are trained in its use.

19 Matters to be included in evacuation scheme for certain buildings with automatic sprinkler systems

- (1) This regulation applies to a building that has—
 - (a) an automatic sprinkler system; and
 - (b) an evacuation scheme that is designed to enable evacuation in a fire emergency to a place or places of safety inside the building.
- (2) The evacuation scheme for the building must—
 - (a) require certain persons specified in the scheme (whether by name or position held) to remain, in a fire emergency, with the building's occupants at the place or places of safety inside the building; and
 - (b) require the building's occupants, in a fire emergency, to be evacuated from the place or places of safety inside the building to a place or places of safety outside the building if directed to do so by a member of the Fire Service or a person referred to in paragraph (a).

Applications for approval of evacuation scheme

20 Applications for approval of evacuation scheme for new building

- (1) An application under section 21C of the Act for a new building must be made no later than 30 days after the earlier of—
 - (a) the date on which a building code compliance certificate is issued for the building under the Building Act 2004;
 - (b) the date on which the building is first lawfully occupied.
- (2) An application must be in form 1 of Schedule 4.

21 Applications for approval of evacuation scheme for existing building

- (1) An application under section 21C of the Act for an existing building must be made no later than 6 months after the commencement of these regulations.
- (2) An application must be in form 1 of Schedule 4.
- (3) This regulation does not apply to an existing building to which section 21I of the Act applies.

22 Prescribed form for voluntary application for approval of evacuation scheme

The prescribed form for the purposes of section 21H(2) of the Act is form 1 of Schedule 4.

23 National Commander must decide whether to approve application no later than 20 working days after its receipt

- (1) The National Commander must decide whether to approve an evacuation scheme under section 21C of the Act no later than 20 working days after receiving the application.
- (2) However, the period in which the National Commander must make a decision may be extended once only, by no more than 10 working days, if—
 - (a) the National Commander requires further information from the applicant or any other person in relation to the application; or
 - (b) a trial evacuation is carried out in relation to the building concerned and the evacuation is observed by the National Commander.
- (3) If the evacuation scheme is not approved, the National Commander must notify the applicant, in writing,—
 - (a) of his or her reasons for not approving the scheme; and
 - (b) of the amendments to the scheme the owner of the building concerned is required to make so that the application may be approved; and
 - (c) that the owner must reapply for approval of an amended scheme no later than 20 working days after the owner receives the notice.
- (4) An amendment required by the National Commander under subclause (3)(b)—
 - (a) must be an amendment to the scheme, not a modification of the building; and
 - (b) must not require the building to meet performance criteria that exceed the requirements of the building code.

*Notification for building for which no evacuation scheme required***24 Prescribed form of notification for building for which no evacuation scheme required**

The prescribed form for the purposes of section 21E(2) of the Act is form 2 of Schedule 4.

*Revocation***25 Revocation**

The Fire Safety and Evacuation of Buildings Regulations 1992 (SR 1992/361) are revoked.

Schedule 1

Buildings to which Part 1 applies

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The buildings in respect of which Part 1 applies are, without limitation, as follows:

- (a) land, sea, and air passenger transport terminals and facilities and interchanges, whether wholly on land or otherwise:
- (b) public toilets wherever situated:
- (c) banks:
- (d) childcare centres and kindergartens:
- (e) day-care centres and facilities:
- (f) commercial buildings and premises for business and professional purposes, including computer centres:
- (g) central, regional, and local government offices and facilities:
- (h) courthouses:
- (i) police stations:
- (j) hotels, motels, hostels, halls of residence, holiday cabins, groups of pensioner flats, boarding houses, guest houses, and other premises providing accommodation for the public:
- (k) hospitals, whether public or private, and rest homes:
- (l) medical and dental surgeries, and medical and paramedical and other primary health care centres:
- (m) educational institutions, including public and private primary, intermediate, and secondary schools, universities, polytechnics, and other tertiary institutions:
- (n) libraries, museums, art galleries, and other cultural institutions:
- (o) churches, chapels, and other places of public worship:
- (p) places of assembly, including auditoriums, theatres, cinemas, halls, sports stadiums, conference facilities, clubrooms, recreation centres, and swimming baths:
- (q) shops, shopping centres, and shopping malls:
- (r) restaurants, bars, cafeterias, and catering facilities:
- (s) showrooms and auction rooms:
- (t) public laundries:
- (u) petrol and service stations:
- (v) funeral parlours:
- (w) television and radio stations:
- (x) car parks, parking buildings, and parking facilities:

- (y) factories and industrial buildings where more than 10 persons are employed:
- (z) other buildings, premises, or facilities to which the public are to be admitted, whether for free or on payment of a charge.

Schedule 2
Minimum amounts of hazardous substances for purposes of section 21A(1)(d) of Act

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Part 1
Hazardous substances classified under Hazardous Substances (Classification) Regulations 2001

Property of substance (and physical state)	Hazard classification under Hazardous Substances (Classification) Regulations 2001 (SR 2001/113)	Quantity
Explosive	1.1A, 1.1B, 1.1C, 1.1D, 1.1E, 1.2B, 1.2C, 1.2D, 1.2E, 1.2F, 1.2G, 1.2H, 1.2I, 1.2J, 1.2K, or 1.2L	5 kg
	1.3C, 1.3F, 1.3G, 1.3H, 1.3J, 1.3K, or 1.3L	10 kg
	1.4B, 1.4C, 1.4D, 1.4E, 1.4F, 1.4G, 1.4S, 1.5D, or 1.6N	20 kg
Flammable (gas)	2.1.1A	30 kg or 20 m ³
	2.1.1B	100 kg or 60 m ³
	2.1.2A	300 L
Flammable (liquid)	3.1A	10 L
	3.1B	100 L
	3.1C or 3.1D	1 000 L
	3.2A, 3.2B, or 3.2C	10 L
Flammable (solid)	4.1.1A	10 kg
	4.1.1B	100 kg
Flammable (substance)	4.1.2A or 4.1.2B	5 kg or 5 L
	4.1.2C or 4.1.2D	10 kg or 10 L
	4.1.2E, 4.1.2F, or 4.1.2G	20 kg or 20 L
Flammable (solid)	4.1.3A, 4.1.3B, or 4.1.3C	10 kg
Flammable (substance)	4.2A	10 kg or 10 L
	4.2B	100 kg or 100 L
	4.2C	1 000 kg or 1 000 L

Property of substance (and physical state)	Hazard classification under Hazardous Substances (Classification) Regulations 2001 (SR 2001/113)	Quantity
Flammable (solid)	4.3A	10 kg
	4.3B	100 kg
	4.3C	1 000 kg
Capacity to oxidise (liquid or solid)	5.1.1A	5 kg
	5.1.1B	50 kg
	5.1.1C	500 kg
Capacity to oxidise (gas)	5.1.2A	10 kg or 10 m ³
Capacity to oxidise	5.2A or 5.2B	1 kg or 1 L
	5.2C or 5.2D	5 kg or 5 L
	5.2E or 5.2F	10 kg or 10 L
Toxic (substance)	6.1A, 6.1B, or 6.1C	10 kg or 10 L
Toxic (gas)	6.1A, 6.1B, or 6.1C	0.5 kg or 2.5 m ³
Toxic	6.1D	100 kg
Corrosive (substance)	8.1A or 8.2A	10 kg or 10 L
Corrosive (gas)	8.1A or 8.2A	0.5 kg or 0.25 m ³
Corrosive (substance)	8.2B	100 kg or 100 L
Corrosive (gas)	8.2B	5 kg or 2.5 m ³
Corrosive (substance)	8.2C or 8.3A	1 000 kg or 1 000 L

Schedule 2 Part 1 Ecotoxic: item revoked, on 6 November 2008, by regulation 5 of the Fire Safety and Evacuation of Buildings Amendment Regulations 2008 (SR 2008/382).

Part 2

Infectious and radioactive substances

Property of substance	Hazard	Quantity
Infectious	Risk Group 3 microorganisms as defined in AS/NZS 2243.3:2002 Safety in laboratories—Microbiological aspects and containment facilities	Any amount
Ionizing radioactive material	Category 1, 2, or 3 radionuclide as listed in Table 2 of Appendix 1 of International Atomic Energy Agency Safety Standards Series No RS-G-1.9 Categorization of Radioactive Sources (as at the commencement of these regulations)	Any amount

Schedule 3

Requirements relating to evacuation schemes

r 17(e)–(h)

1 Signs and notices

A sign or notice for the purposes of regulation 17(e) must contain the following information:

- (a) how to raise an alarm of fire;
- (b) what to do if an alarm of fire is raised.

Trial evacuations

2 Building owner must undertake trial evacuations

- (1) The owner of a building to which regulation 17(g) or (h)(i) applies must undertake a trial evacuation of the building's occupants at intervals of not more than 6 months.
- (2) Despite subclause (1), no person with a disability or person under control or supervision is required to take part in any trial evacuation to the extent that they must go outside the building.
- (3) Not less than 10 days before holding a trial evacuation, the building owner must notify the National Commander, in writing, of the proposed evacuation.
- (4) A notice must specify—
 - (a) the name and address of the building; and
 - (b) the date and time of the proposed evacuation; and
 - (c) the name and contact details of the person responsible for holding the proposed evacuation.
- (5) In subclause (2), **person under control or supervision** has the same meaning as in section 3(1) of the Corrections Act 2004.

3 Building owner must notify National Commander of result of trial evacuation

- (1) The owner of a building to which regulation 17(g) or (h)(i) applies must notify the National Commander of the result of each trial evacuation of the building—
 - (a) in writing; and
 - (b) no later than 10 working days after the evacuation.
- (2) A notice must include—
 - (a) the name and address of the building; and
 - (b) the date and time of the evacuation; and
 - (c) the time taken to complete the evacuation; and

- (d) whether any person was injured during the evacuation and, if so, the nature of the injuries that the person or persons sustained.

4 National Commander may require building owner to hold trial evacuation

- (1) The National Commander may, by written notice, require the owner of a building to which regulation 17(g) or (h)(i) applies to hold a trial evacuation for the building at a specified time and on a specified date (being not less than 2 days after notice is given to the building owner).
- (2) The National Commander may act under subclause (1) only if he or she believes, on reasonable grounds, that the evacuation scheme for the building no longer complies with these regulations.
- (3) Clause 3 of this schedule applies to any trial evacuation required under this clause.

Evacuation training programmes

5 Evacuation training programmes

- (1) The owner of a building to which regulation 17(h)(ii) applies must prepare and implement an evacuation training programme that clearly demonstrates how the permanent occupants of the building are capable of managing, in a fire emergency, an evacuation of all the occupants from the building.
- (2) Without limiting subclause (1), an evacuation training programme must include details of how the permanent occupants are trained and assessed (at intervals of not more than 6 months) in relation to—
 - (a) the matters referred to in regulation 17(b) and (c); and
 - (b) the use of any firefighting equipment in the building; and
 - (c) the use of any emergency equipment in the building for assisting occupants who are persons with a disability to evacuate from the building.
- (3) For the purposes of this clause and clause 7, **permanent occupant**, in relation to a building, means a person who—
 - (a) has a place of work in the building; or
 - (b) lives in the building.

6 Building owner must notify National Commander of evacuation training programme

- (1) The owner of a building to which regulation 17(h)(ii) applies must notify the National Commander, in writing, of the evacuation training programme for the building.
- (2) The owner of an existing building that does not have an evacuation scheme to which section 21I of the Act applies must give notice under subclause (1)—
 - (a) no later than 6 months after the commencement of these regulations; and

- (b) at 6-monthly intervals as from the date on which the first notice is provided under paragraph (a).
- (3) For any other building, the owner of the building must give notice under sub-clause (1)—
 - (a) no later than 30 days after the earlier of—
 - (i) the date on which a building code compliance certificate is issued for the building under the Building Act 2004;
 - (ii) the date on which the building is first lawfully occupied; and
 - (b) at 6-monthly intervals as from the date on which the first notice is provided under paragraph (a).

7 Content of notice

A notice under clause 6(1) must include—

- (a) the name and address of the building; and
- (b) the full name and contact address of the owner of the building; and
- (c) the date the evacuation training programme was prepared or amended (as the case may be); and
- (d) an outline of the content of the programme; and
- (e) the full name and contact telephone number of the person responsible for the training of the permanent occupants; and
- (f) the number of permanent occupants who have completed the programme in the 6-month period concerned and the results of their assessments.

Notification requirements in relation to certain events

8 Building owner must notify National Commander if certain events occur

The owner of a building which has an approved evacuation scheme under section 21C of the Act must notify the National Commander, in writing, if—

- (a) building work is carried out on the building under section 112 or 133AT of the Building Act 2004 resulting in its means of escape from fire being significantly affected;
- (b) the means of escape from fire for the building are required to be altered under section 107 of the Building Act 2004;
- (c) the building's life is extended under section 116 of the Building Act 2004;
- (d) the occupancy of the building is changed to the extent that its means of escape from fire are no longer adequate;
- (e) the building is no longer required to have an evacuation scheme (for example, the building is demolished or is no longer used for a purpose described in section 21A(1)(a) to (h) of the Act).

Schedule 3 clause 8(a): amended, on 1 July 2017, by section 43(2) of the Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22).

Schedule 4

Forms

rr 20(2), 21(2), 22, 24

Form 1

Application for approval of an evacuation scheme

rr 20(2), 21(2), 22

Sections 21C and 21H, Fire Service Act 1975

- To** The National Commander
New Zealand Fire Service
C/- [*name and address of Fire District Office in which building is located*]
- From** Full name of building owner:
*Full name of person authorised by building owner to make the application
(**authorised applicant**):
Postal address of building owner*/authorised applicant*:
Telephone number of building owner*/authorised applicant*:
Fax number of building owner*/authorised applicant*:
Email address of building owner*/authorised applicant*:

*Delete if inapplicable.

[*Note: The owner, in relation to a building for which a unit plan within the meaning of section 2 of the Unit Titles Act 1972 has been deposited, means the body corporate. In any other case, the owner of a building is the person, for the time being, entitled to receive the rack rent for the building, or who would be entitled to receive the rack rent if the property were let at a rack rent.*]

[*Note: If the applicant is not the building owner but a person authorised by the building owner to make the application, proof of authorisation must be attached to this application.*]

[*Name of building owner*] seeks approval of the evacuation scheme for the building described below:

- 1 General information
Name of building:
Certificate of title reference and legal description of land on which building located:
Street address of building:
 - 2 This is an application for a new*/existing* building.
- *Delete one.
- 3 Is this an application for approval of a voluntary scheme under section 21H of the Fire Service Act 1975?
Yes*/No*

*Delete one.

[Note: *If the answer is "Yes", go to question 5.*]

- 4 The building requires an evacuation scheme because the building is used for the following purposes:
- *the gathering together, for any purpose, of 100 or more persons:
 - *providing employment facilities for 10 or more persons:
 - *providing accommodation for more than 5 persons (other than in 3 or fewer household units):
 - *storing or processing hazardous substances in quantities exceeding the minimum amounts prescribed in Schedule 2 of the Fire Safety and Evacuation of Buildings Regulations 2006:
 - *providing early childhood facilities (other than in a household unit):
 - *providing nursing, medical, or geriatric care (other than in a household unit):
 - *providing specialised care for people with disabilities (other than in a household unit):
 - *providing accommodation for persons under lawful detention (not being persons subject to home detention).

*Delete if inapplicable.

- 5 The average number of occupants of the building is: [*total number of occupants and, if building has more than one floor, the number of occupants per floor*]

[Note: *Completing this paragraph is optional.*]

- 6 The building has*/does not have* an automatic sprinkler system.

*Delete one.

[Note: *If the building does not have a sprinkler system, go to question 9.*]

- 7 The sprinkler system is installed*/is not installed* in accordance with one of the standards specified in regulation 16 of the Fire Safety and Evacuation of Buildings Regulations 2006.

*Delete one.

[Note: *If the sprinkler system is not installed in accordance with a standard, go to question 9.*]

- 8 The standard the sprinkler system is installed to is:

- 9 The building does*/does not* store or process 1 or more hazardous substances in an amount or amounts exceeding the minimum amounts prescribed in Schedule 2 of the Fire Safety and Evacuation of Buildings Regulations 2006.

*Delete one.

[Note: *If the building does not store or process hazardous substances exceeding the minimum amounts, go to question 11.*]

- 10 The following hazardous substances exceeding the minimum amounts are stored or processed in the building:
[List the approximate aggregate quantity of hazardous substances with each relevant hazard classification against that classification.]
- 11 The building is*/is not* required to have an emergency plan under the Hazardous Substances and New Organisms Act 1996.

*Delete one.

[Note: Completing this paragraph is optional.]

- 12 The building is occupied—
AM:
PM:

[Note: Completing this paragraph is optional.]

[Note: If this paragraph is completed, the times listed must be the times when the building is occupied under normal circumstances (for example, normal working hours, shift hours, overtime hours, and afterhours). If different times apply on different days of the week this should be clearly stated (for example, if the building is intermittently occupied by users other than under normal circumstances (such as a school used by people in the evenings)). If any part of the building is closed or not able to be occupied at certain times, provide relevant information.]

- 13 The maximum occupancy of the building at any time is: *[maximum number of occupants]*.

[Note: Completing this paragraph is optional.]

- 14 The place of safety for the building is*/places of safety for the building are*:

*Delete one.

[Note: If the building has an automatic sprinkler system that satisfies a standard specified in regulation 16 of the Fire Safety and Evacuation of Buildings Regulations 2006, the place or places of safety may be inside or outside the building. In every other case, the place or places of safety must be outside the building.]

- 15 Method of alerting building's occupants to a fire emergency in the building:
[Describe how notification is given (for example, an alarm sounding throughout the building is activated by the person who discovers the fire), including reference to any fixed fire detection or fire suppression systems in the building (for example, smoke detectors).]

- 16 Actions to be taken by building's occupants:
[Describe how the building occupants are informed of the measures they should take once alerted to a fire emergency, and the need, if necessary, to evacuate to the place or places of safety for the building when an alarm of fire is made. Describe in detail all the means of escape from fire for the building, including alternative routes if any primary route is unable to be used.]

- 17 The building's occupants are informed of the place of safety and the fastest way to get to it*/places of safety and the fastest way to get to them*:
[describe how occupants are informed]

*Delete one.

- 18 Additional information in relation to evacuations to a place or places of safety inside the building:
[State how the place or places of safety are safe from fire and how various fire scenarios in the building will be managed.]
[State how the place or places of safety are capable of accommodating all building occupants likely to be evacuated.]
[If any hazardous substances are contained or processed at the place or places of safety, state how the occupants will be protected from them.]
[State how the building occupants are notified of the need, if necessary, to evacuate to another place whether inside or outside the building.]

[Note: Complete this paragraph if the place or places of safety for the building is or are inside the building.]

- 19 The persons who will remain, in a fire emergency, with the building's occupants at the place or places of safety inside the building are: *[specify by name or position held]*

[Note: Complete this paragraph if the building has an automatic sprinkler system and the evacuation scheme is designed to enable evacuation in a fire emergency to a place or places of safety inside the building.]

[Note: Regulation 19(2)(b) of the Fire Safety and Evacuation of Buildings Regulations 2006 requires the building's occupants, in a fire emergency, to be evacuated from the place or places of safety inside the building to a place or places of safety outside the building if directed to do so by a member of the Fire Service or a person referred to above.]

- 20 Firefighting equipment available:
[List any firefighting equipment available for use by the building's occupants and the location of the equipment.]

- 21 Display of signs and notices:
[Provide copy of signs and notices. State where in the building they are located.]

[Note: Signs must comply with regulation 17(e) and clause 1 of Schedule 3 of the Fire Safety and Evacuation of Buildings Regulations 2006.]

- 22 Evacuation of people with disabilities:
[Describe the location of the place or places in the building where, in a fire emergency, any occupants who are persons with a disability will gather if they are unable to use the building's means of escape from fire to evacuate. Describe how the occupants are notified of this place. Describe how, in a fire emergency, attending firefighters are notified of the place or places and whether anyone is at the place or places.]

[If there is specific equipment for assisting persons with a disability to evacuate, state what it is and how people are trained in its use.]

23 Trial evacuations/evacuation training programmes:

Either

***(a)** trial evacuations—

- (i) will be conducted in the manner set out in clauses 2 to 4 of Schedule 3 of the Fire Safety and Evacuation of Buildings Regulations 2006 at the following intervals: *[state frequency, which must be at intervals of not more than 6 months]*; and
- (ii) will be managed by the following person: *[describe by position not name if possible]*

or

***(b)** an evacuation training programme—

- (i) will be implemented in the manner set out in clauses 5 to 7 of Schedule 3 of the Fire Safety and Evacuation of Buildings Regulations 2006; and
- (ii) will be managed by the following person: *[describe by position not name if possible]*.

*Delete one.

[Note: There is no option in relation to a building used for the purpose of providing early childhood facilities (other than in a household unit) or as an educational institution. Trial evacuations must be held for it. See regulation 17(g) of the Fire Safety and Evacuation of Buildings Regulations 2006.]

24 Training of staff to manage evacuation:
[Details of training undertaken by staff to manage an evacuation, and how capabilities for managing evacuation will be maintained.]

[Note: Complete this paragraph only if question 23(a) applies.]

25 Special provisions or conditions:
[Include any special provisions or conditions required for the proposed scheme (for example, what happens if a sprinkler or means of warning system is shut down or becomes inoperative) or whether there are any legal restrictions on the maximum number of building occupants at any particular time.]

[Note: Completing this paragraph is optional.]

26 The owner of the building will notify the National Commander, in writing, if 1 or more of the following events occurs:

- building work is carried out on the building under section 112 or 133AT of the Building Act 2004 resulting in its means of escape from fire being significantly affected:

- the means of escape from fire for the building are required to be altered as a specified system under section 107 of the Building Act 2004:
- if the building is a building with a specified intended life within the meaning of section 7 of the Building Act 2004, its life is extended under section 116 of that Act:
- the occupancy of the building is changed to the extent that its means of escape from fire are no longer adequate:
- the building is no longer required to have an evacuation scheme (for example, the building is demolished or is no longer used for a purpose described in section 21A(1)(a) to (h) of the Act).

.....
Signature

.....
Date

Schedule 4 form 1: amended, on 1 July 2017, by section 43(3) of the Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22).

Schedule 4 form 1: amended, on 6 November 2008, by regulation 6 of the Fire Safety and Evacuation of Buildings Amendment Regulations 2008 (SR 2008/382).

Form 2

Notice that building does not require an evacuation scheme

r 24

Section 21E, Fire Service Act 1975

To The National Commander
New Zealand Fire Service
C/- [name and address of Fire District Office in which building is located]

From Full name of building owner:
*Full name of person authorised by building owner to make the application
(**authorised applicant**):
Postal address of building owner*/authorised applicant*:
Telephone number of building owner*/authorised applicant*:
Fax number of building owner*/authorised applicant*:
Email address of building owner*/authorised applicant*:

*Delete if inapplicable.

[Note: *The owner, in relation to a building for which a unit plan within the meaning of section 2 of the Unit Titles Act 1972 has been deposited, means the body corporate. In any other case, the owner of a building is the person, for the time being, entitled to receive the rack rent for the building, or who would be entitled to receive the rack rent if the property were let at a rack rent.*]

[Note: *If the applicant is not the building owner but a person authorised by the building owner to make the application (authorised applicant), proof of authorisation must be attached to this application.*]

1 The building does not require an evacuation scheme because it has an automatic sprinkler system that complies with regulation 16 of the Fire Safety and Evacuation of Buildings Regulations 2006 and—

Either

*(a) it is used for providing employment facilities for 10 or more people:

or

*(b) it is used for providing accommodation for more than 5 persons (other than in 3 or fewer household units).

*Delete one.

2 [Name of building owner] does not wish to apply for approval of a voluntary scheme under section 21H of the Fire Service Act 1975.

.....
Signature

.....
Date

Reprinted as at
1 July 2018

Fire Safety and Evacuation of Buildings Regulations
2006

Schedule 4

Rebecca Kitteridge,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 18 May 2006.

Reprints notes

1 *General*

This is a reprint of the Fire Safety and Evacuation of Buildings Regulations 2006 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 (LI 2018/96): regulation 36

Building (Earthquake-prone Buildings) Amendment Act 2016 (2016 No 22): section 43

Criminal Procedure Act 2011 (2011 No 81): section 413

Fire Safety and Evacuation of Buildings Amendment Regulations 2008 (SR 2008/382)