

Reprint
as at 1 February 2021



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

Patsy Reddy, Governor-General

Order in Council

At Wellington this 28th day of May 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 187, 191, and 192 of the Fire and Emergency New Zealand Act 2017—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Internal Affairs.

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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 and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018.

2 Commencement

These regulations come into force on 1 July 2018.

3 Interpretation

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

Act means the Fire and Emergency New Zealand Act 2017

automatic sprinkler system means an automatic sprinkler system that satisfies the minimum standard required by regulation 24

building means,—

(a) for the purposes of Part 1, a building or part of a building that is described in Schedule 2; and

(b) for the purposes of Part 2, a relevant building

building code means,—

(a) until their revocation, the Building Regulations 1992 continued under section 415(2)(a) of the Building Act 2004; and

(b) after that revocation, the regulations made under section 400 of the Building Act 2004

evacuation scheme means an evacuation scheme—

(a) that is required under section 76 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

Hazardous Substances (Classification) Notice 2017 means the Hazardous Substances (Classification) Notice 2017 issued by the Environmental Protection Authority under Part 6 of the Hazardous Substances and New Organisms Act 1996

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)

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

person under control or supervision has the same meaning as in section 3(1) of the Corrections Act 2004

person who requires particular assistance—

- (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, in 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 in a fire emergency by using its means of escape from fire

relevant building means a relevant building as defined in section 75 of the Act

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.

4 **Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Part 1

Fire safety and evacuation procedures

Means of escape from fire for building

5 **Owner and tenants of building must maintain means of escape from fire for building**

- (1) The owner and every tenant of a building must maintain the means of escape from fire for the building so as to ensure that—

- (a) the means of escape are kept clear of obstacles at all times; and
 - (b) exit doors are unlocked and free of barriers or blockages so that the building's occupants can leave the building in the event of a fire emergency; and
 - (c) smoke-control and fire-stop doors are kept closed unless they are kept open in a way that complies with the building code; and
 - (d) stairwells and passageways are free of stored items and accumulation of waste.
- (2) The duty in subclause (1) is owed by a tenant only in respect of an act or omission by—
- (a) the tenant:
 - (b) a person who occupies floor space of the tenant (whether as a party to a tenancy agreement, lease, sublease, or other contractual arrangement):
 - (c) any occupant of the building who is an employee of the tenant.
- (3) This regulation does not apply to a person managing persons under control or supervision or persons detained in a hospital or secure facility if the person has a controlled process for the safe evacuation of the building.
- (4) In this regulation,—

hospital has the same meaning as in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992

secure facility has the same meaning as in section 5(1) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.

Regulation 5: replaced, on 13 December 2018, by regulation 4 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations 2018 (LI 2018/230).

6 **Flammable cleaning liquid and flammable material**

The owner and every tenant of a building must ensure that flammable cleaning liquid or flammable material in the building—

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

Evacuation of building

7 **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—
- (a) provide for the occupants to be evacuated to a place or places of safety; and

- (b) without limiting paragraph (a), provide for the safety of any person who requires particular assistance.
- (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 or other methods that are used for alerting occupants or that are available for use by the occupants; and
 - (c) any firefighting equipment that is available for use by the occupants; and
 - (d) the provision for any person who requires particular assistance; and
 - (e) how to alert FENZ to a fire emergency.
- (4) The owner of a building must erect clear, distinct, and legible signs and notices at appropriate places in the building that clearly summarise the matters specified in subclause (3)(a) to (e).
- (5) Without limiting subclause (4), the signs and notices required by that subclause must comply with the following requirements:
 - (a) the signs and notices must have a safety blue background and a white border; and
 - (b) lettering on the safety blue background must be white; and
 - (c) printed lettering on the signs and notices must be no less than 5 mm high; and
 - (d) any spaces on the signs or notices that are designed to contain hand-written information must be white and at least 10 mm high.
- (6) The place or places of safety for a building that is a relevant building must meet the requirements of regulation 26.

8 Duties of occupants of building regarding evacuation procedure

- (1) Every tenant of a building must ensure that every person who uses or occupies floor space of the tenant (whether as a party to a tenancy agreement, lease, sub-lease, or other contractual arrangement) is informed of the evacuation procedure provided by the owner of the building under regulation 7.
- (2) Every occupant of a building must, in a fire emergency or alarm of fire, follow the evacuation procedure provided by the owner of the building under regulation 7.

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

- (1) This regulation applies to a building described in paragraph (4), (5), (8), (9), (10), (13), (14), or (27) of Schedule 2.

- (2) The owner of the building must ensure that occupants who are employees of the owner are trained to assist any other occupants of the building to evacuate the building in a fire emergency in accordance with the evacuation procedure for the building.
- (3) Every tenant of the building must ensure that occupants who are employees of the tenant are trained to assist any other occupants of the building to evacuate the building in a fire emergency in accordance with the evacuation procedure for the building.

Regulation 5: amended, on 13 December 2018, by regulation 5 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations 2018 (LI 2018/230).

Appliances and systems

10 Appliances and systems

- (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

11 Control of open flames

- (1) No fire may be lit in a building other than in—
 - (a) a fireplace that complied, at the time of its construction, with the building code and any bylaw or other relevant legal requirement and is maintained in proper repair; or
 - (b) an appliance maintained in proper repair.
- (2) No chimney may be used in a building unless the chimney—
 - (a) is constructed for the purpose; and
 - (b) complied, 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

12 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 may 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 13.

Storage of certain materials

13 Storage of certain materials inside and outside buildings

- (1) A building must not be primarily used for the storage of 1 or more of the materials described in subclause (5), unless the building is 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 primarily used for the storage of 1 or more of the materials described in subclause (5), 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) If a building or part of a building is primarily used for the storage of 1 or more of the materials described in subclause (5), the materials may be stored only in places that are as described in regulation 12(1)(b) to (d).
- (4) No materials described in subclause (5) 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.
- (5) The materials are—
- (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.

Firefighting equipment for use by building's occupants

14 Maintenance of firefighting equipment for use by building's occupants

The owner of any hand-operated firefighting equipment installed in a building for firefighting by the building's occupants must maintain it in accordance with NZS 4503:2005—Hand operated fire-fighting equipment.

15 Owner or tenant of building must install hand-operated firefighting equipment if required by FENZ

- (1) The owner or tenant of a building must comply with a requirement by FENZ under subclause (2).
- (2) FENZ may, in writing, require the owner or tenant of a building to install hand-operated firefighting equipment in a particular location in the building if—
 - (a) the building has only a single means of escape; and
 - (b) the building has no automatic sprinkler system; and
 - (c) FENZ is satisfied that activities occurring in the building and the locations of those activities in the building make it more likely that fire could affect the means of escape from the building.

This Part does not limit Part 2 in relation to relevant building

16 This Part does not limit Part 2 in relation to relevant building

Nothing in this Part limits the requirements under Part 2 in relation to a relevant building.

Offences

17 Offences

Offences for contraventions of this Part are in the Fire and Emergency New Zealand (Offences) Regulations 2018.

Regulation 17: replaced, on 13 December 2018, by regulation 6 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations 2018 (LI 2018/230).

Part 2 Evacuation schemes

Application for approval of evacuation scheme

18 Application for approval of evacuation scheme

- (1) An application by the owner of a relevant building under section 77 of the Act for approval of an evacuation scheme must be made to FENZ and must—
 - (a) contain the information specified in Schedule 4; and
 - (b) be accompanied by a copy of the proposed evacuation scheme.
- (2) The application must be made,—
 - (a) in the case of a relevant building that is, or is part of, a new building, before (but not earlier than 30 working days before) the date on which the relevant building is first lawfully occupied (either partially or fully); or
 - (b) in the case of a relevant building that is, or is part of, an existing building, before (but not more than 30 working days before) the date on which the building or part of the building becomes a relevant building.

19 FENZ must decide whether to approve evacuation scheme no later than 20 working days after receipt of application

- (1) FENZ must decide whether to approve an evacuation scheme under section 77 of the Act no later than 20 working days after receiving the application under regulation 18.
- (2) However, the period in which FENZ must make a decision may be extended once only, by no more than 10 working days, if—
 - (a) FENZ 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 FENZ.
- (3) If FENZ declines to approve the evacuation scheme, FENZ must notify the applicant, in writing,—
 - (a) of its reasons for declining to approve the scheme; and
 - (b) of the amendments to the scheme that 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 FENZ 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.

Revocation or required variation of evacuation scheme

20 Revocation of approved evacuation scheme under section 78 of Act

- (1) If FENZ proposes to revoke the approval of an approved evacuation scheme under section 78 of the Act, FENZ must—
 - (a) notify the building owner in writing of the proposed revocation and the reasons for it; and
 - (b) advise the building owner that the owner may, no later than 10 working days after the notice under paragraph (a) is sent, make written submissions to FENZ in relation to the proposed revocation.
- (2) No later than 10 working days after the expiry of the period for making submissions in subclause (1)(b), FENZ must advise the building owner in writing that—
 - (a) the approval of the evacuation scheme is revoked and that the owner is required to comply with section 78(2) of the Act; or
 - (b) FENZ has decided not to revoke the approval of the evacuation scheme.

21 Requirement for variation of approved evacuation scheme under section 78 of Act

If FENZ requires the variation of an approved evacuation scheme under section 78 of the Act, FENZ must—

- (a) notify the building owner in writing of the required variation and the reasons for it; and
- (b) advise the owner that the owner is required to comply with section 78(2) of the Act.

Notification requirement for FENZ if building owner notifies under section 76(3) of Act

22 Notification requirement for FENZ if building owner notifies under section 76(3) of Act

- (1) This regulation applies if—
 - (a) the owner of a building notifies FENZ in accordance with section 76(3)(c) of the Act that the building does not require an evacuation scheme; and
 - (b) FENZ agrees that an evacuation scheme is not necessary.
- (2) FENZ must notify the building owner in writing that it agrees that no evacuation scheme is required.

Other prescribed matters

23 Minimum amounts of hazardous substances

The quantities of hazardous substances specified in Schedule 3 are the minimum amounts for the purposes of section 75(1)(d) of the Act.

24 Automatic sprinkler systems

- (1) For the purposes of section 76 of the Act, the minimum standard for an automatic sprinkler system is that the system—
 - (a) satisfies sections 105 and 108 of the Building Act 2004 (in relation to the sprinkler system); and
 - (b) is appropriate for 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 at least one of the following standards:
 - (a) NZS 4541:2007—Automatic fire sprinkler systems:
 - (b) NZS 4541:2013—Automatic fire sprinkler systems:
 - (c) NZS 4515:2003—Fire sprinkler systems for residential occupancies:
 - (d) NZS 4515:2009—Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 square metres).

Requirements for evacuation schemes

25 General matters to be included in evacuation scheme

An evacuation scheme for a building must—

- (a) set out the evacuation procedure for the building that is in place to meet the requirements of regulation 7 and any additional requirements under any of regulations 26 to 28; and
- (b) include details of any equipment available for assisting any person who requires particular assistance to evacuate the building in a fire emergency or alarm of fire and confirmation that people are trained in its use; and
- (c) include a requirement that trial evacuations of the building be undertaken in the manner set out in regulations 29, 31, and 32, 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
- (d) for any building other than a building described in paragraph (c), include a requirement that either—

- (i) trial evacuations of the building be undertaken in the manner set out in regulations 29, 31, and 32; or
- (ii) the owner of the building—
 - (A) prepare and implement an evacuation training programme in the manner set out in regulations 33 and 34; and
 - (B) carry out trial evacuations of the building in the manner set out in regulations 30 to 32.

26 Requirements for evacuation scheme in relation to places of safety

- (1) The 1 or more places of safety designated in an evacuation scheme must—
 - (a) be inside or outside the building, if the building has an automatic sprinkler system; or
 - (b) be outside the building, in any other case.
- (2) A place of safety inside a building must—
 - (a) meet the requirements set out in paragraph (b) of the definition of place of safety in clause A2 of the building code; and
 - (b) be a place from which the occupants are able to safely exit the building.

27 Requirements relating to provision for place of safety for persons who require particular assistance

- (1) An evacuation scheme for a building must either—
 - (a) provide for any persons requiring particular assistance to evacuate the building using its means of escape from fire; or
 - (b) provide for those persons a place of safety inside the building that complies with regulation 26.
- (2) This regulation does not limit regulation 26 in relation to the provision of a place of safety inside the building for persons other than persons who require particular assistance.

28 Requirements in relation to places of safety inside building

- (1) This regulation applies to an evacuation scheme that is designed to enable evacuation in a fire emergency or alarm of fire to a place or places of safety inside the building.
- (2) The evacuation scheme for the building must—
 - (a) specify how, in a fire emergency or alarm of fire, the building's occupants and the attending firefighters are notified of the place or places of safety; and
 - (b) require certain persons specified in the scheme (whether by name or position held) to remain, in a fire emergency or alarm of fire, with the building's occupants at the place or places of safety inside the building; and

- (c) specify how, in a fire emergency or alarm of fire, the attending firefighters are notified of whether there are any people at the place or places of safety; and
- (d) require the building's occupants, in a fire emergency or alarm of fire, 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 evacuate by a person who is a member of FENZ personnel or a person referred to in paragraph (b).

Trial evacuations

29 Requirements for trial evacuations of building to which regulation 25(c) or (d)(i) applies

- (1) The owner of a building to which regulation 25(c) or (d)(i) applies must undertake trial evacuations of the building's occupants—
 - (a) at intervals of not more than 6 months; and
 - (b) at any other additional time in accordance with a requirement under subclause (3).
- (2) For the purpose of calculating the timing requirement under subclause (1)(a), an unscheduled evacuation of the building's occupants is counted as a trial evacuation as long as the owner of the building complies with regulation 32 in respect of that evacuation.
- (3) FENZ may, by written notice, require the owner of a building to which regulation 25(c) or (d)(i) applies to hold a trial evacuation of 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).
- (4) FENZ may act under subclause (3) only if FENZ is satisfied that there are reasonable grounds to believe that the evacuation scheme for the building no longer complies with these regulations.
- (5) Despite subclause (1)(a), if a building is designated a managed isolation or quarantine facility, the owner of the building is not required to undertake trial evacuations of the building's occupants while the Epidemic Preparedness (COVID-19) Notice 2020 (the **COVID-19 Notice**) is in force.
- (6) Despite subclause (1)(a), for buildings other than the type of building referred to in subclause (5), the owner of a building is not required to undertake trial evacuations of the building's occupants while—
 - (a) the COVID-19 Notice is in force; and
 - (b) physical distancing requirements are in place for the area in which the building is located.
- (7) For the purposes of calculating the intervals of not more than 6 months referred to in subclause (1)(a),—

- (a) if a building is designated a managed isolation or quarantine facility, any days when the COVID-19 Notice is in force must be excluded:
 - (b) for buildings other than the type of building referred to in subclause (5), any days when both the COVID-19 Notice is in force and the physical distancing requirements referred to in subclause (6)(b) are in place must be excluded.
- (8) This subclause and subclauses (5) to (7) and (9) are revoked immediately after the expiry of the 6-month period that starts on the date on which the COVID-19 Notice expires or is revoked.
- (9) In this regulation,—

managed isolation or quarantine facility has the meaning given in section 5(1) of the COVID-19 Public Health Response Act 2020

physical distancing requirements means any requirements imposed under an enactment for people to stay physically distant from other people to prevent the outbreak or spread of COVID-19.

Regulation 29(5): replaced, on 1 February 2021, by regulation 4 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 29(6): replaced, on 1 February 2021, by regulation 4 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 29(7): replaced, on 1 February 2021, by regulation 4 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 29(8): inserted, on 1 February 2021, by regulation 4 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 29(9): inserted, on 1 February 2021, by regulation 4 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

30 Requirements for trial evacuations of building to which regulation 25(d)(ii)(B) applies

The owner of a building to which regulation 25(d)(ii)(B) applies must undertake a trial evacuation of the building's occupants if and when required by FENZ.

31 Persons who require particular assistance and persons under control or supervision in trial evacuation

In a trial evacuation, persons who require particular assistance and persons under control or supervision—

- (a) are not required to go outside the building; but

- (b) if they do not go outside the building, must be gathered as close as is reasonably possible to an exit from the building or in a place of safety that complies with regulation 26.

32 Building owner must notify FENZ of result of trial evacuation

- (1) This regulation applies if—
 - (a) the owner of a building undertakes a trial evacuation required under regulation 29 or 30; or
 - (b) there is an unscheduled evacuation of a building's occupants.
- (2) The owner of the building must notify FENZ of the result of the evacuation of the building—
 - (a) in writing; and
 - (b) no later than 10 working days after the evacuation.
- (3) The 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; and
 - (e) whether all evacuation alarm systems worked (whether audible or non-audible), exit ways were clear, signs were in place, and all equipment worked; and
 - (f) whether all occupants were evacuated in accordance with the evacuation scheme; and
 - (g) whether the evacuation was completed safely; and
 - (h) whether systems were in place to assist anyone who could not self-evacuate and, if so, whether the systems functioned; and
 - (i) when the last training session for permanent occupants was held.

Evacuation training programmes

33 Evacuation training programmes

- (1) The owner of a building to which regulation 25(d)(ii)(A) 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 7(3)(a) and (b); and

- (b) the use of any firefighting equipment in the building; and
 - (c) the use of any emergency equipment in the building for assisting persons who require particular assistance to evacuate the building.
- (3) Despite subclauses (1) and (2), if a building is designated a managed isolation or quarantine facility, the owner of the building is not required to implement an evacuation training programme while the Epidemic Preparedness (COVID-19) Notice 2020 (the **COVID-19 Notice**) is in force.
- (4) Despite subclauses (1) and (2), for buildings other than the type of building referred to in subclause (3), the owner of a building is not required to implement an evacuation training programme while—
- (a) the COVID-19 Notice is in force; and
 - (b) physical distancing requirements are in place for the area in which the building is located.
- (5) For the purposes of calculating the intervals of not more than 6 months referred to in subclause (2),—
- (a) if a building is designated a managed isolation or quarantine facility, any days when the COVID-19 Notice is in force must be excluded:
 - (b) for buildings other than the type of building referred to in subclause (3), any days when both the COVID-19 Notice is in force and the physical distancing requirements referred to in subclause (4)(b) are in place must be excluded.
- (6) This subclause and subclauses (3) to (5) and (7) are revoked immediately after the expiry of the 6-month period that starts on the date on which the COVID-19 Notice expires or is revoked.
- (7) In this regulation,—

managed isolation or quarantine facility has the meaning given in section 5(1) of the COVID-19 Public Health Response Act 2020

physical distancing requirements means any requirements imposed under an enactment for people to stay physically distant from other people to prevent the outbreak or spread of COVID-19.

Regulation 33(3): replaced, on 1 February 2021, by regulation 5 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 33(4): replaced, on 1 February 2021, by regulation 5 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 33(5): replaced, on 1 February 2021, by regulation 5 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 33(6): inserted, on 1 February 2021, by regulation 5 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 33(7): inserted, on 1 February 2021, by regulation 5 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

34 Building owner must notify FENZ of evacuation training programme

- (1) The owner of a building to which regulation 25(d)(ii)(A) applies must notify FENZ, in writing, of the evacuation training programme for the building prepared and implemented under regulation 33.
- (2) The notice under subclause (1) must be given—
 - (a) no later than 30 days after the evacuation scheme for the building is first approved under section 77 of the Act; and
 - (b) at 6-monthly intervals as from the date on which the first notice is provided under paragraph (a).
- (3) The notice 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 on which 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, whether it was initial or refresher training in each case, and the results of their assessments.
- (4) Despite subclauses (1) and (2), if a building is designated a managed isolation or quarantine facility, the owner of the building is not required to notify FENZ of the evacuation training programme for the building while the Epidemic Preparedness (COVID-19) Notice 2020 (the **COVID-19 Notice**) is in force.
- (5) Despite subclauses (1) and (2), for buildings other than the type of building referred to in subclause (4), the owner of a building is not required to notify FENZ of the evacuation training programme for the building while—
 - (a) the COVID-19 Notice is in force; and
 - (b) physical distancing requirements are in place for the area in which the building is located.
- (6) For the purposes of calculating the 6-monthly intervals referred to in subclause (2)(b),—
 - (a) if a building is designated a managed isolation or quarantine facility, any days when the COVID-19 Notice is in force must be excluded;
 - (b) for buildings other than the type of building referred to in subclause (4), any days when both the COVID-19 Notice is in force and the physical

distancing requirements referred to in subclause (5)(b) are in place must be excluded.

(7) This subclause and subclauses (4) to (6) and (8) are revoked immediately after the expiry of the 6-month period that starts on the date on which the COVID-19 Notice expires or is revoked.

(8) In this regulation,—

managed isolation or quarantine facility has the meaning given in section 5(1) of the COVID-19 Public Health Response Act 2020

physical distancing requirements means any requirements imposed under an enactment for people to stay physically distant from other people to prevent the outbreak or spread of COVID-19.

Regulation 34(4): replaced, on 1 February 2021, by regulation 6 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 34(5): replaced, on 1 February 2021, by regulation 6 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 34(6): replaced, on 1 February 2021, by regulation 6 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 34(7): inserted, on 1 February 2021, by regulation 6 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Regulation 34(8): inserted, on 1 February 2021, by regulation 6 of the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312).

Notification requirements in relation to certain events

35 Building owner must notify FENZ if certain events occur

(1) The owner of a building that has an approved evacuation scheme under section 77 of the Act must notify FENZ if—

- (a) the building's fire detection and suppression system is non-operational for any period of time;
- (b) the means of escape from fire for the building are required to be altered under section 107 of the Building Act 2004;
- (c) building work is carried out on the building under section 112 or 133AT of the Building Act 2004 that affects the building's means of escape from fire;
- (d) the building's life is extended under section 116 of the Building Act 2004;
- (e) the occupancy of the building is changed to the extent that the building's means of escape from fire are materially affected;

- (f) there are changes to the place or places of safety specified in the evacuation scheme;
 - (g) there is a change of purpose or activities within the building;
 - (h) 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 75(1)(a) to (i) of the Act).
- (2) A notice under subclause (1) must be in writing and be given—
- (a) before the occurrence of the relevant matter in subclause (1); or
 - (b) if it is not reasonably possible to comply with paragraph (a), as soon as practicable after the occurrence.
- (3) The owner of a building that has an approved evacuation scheme under section 77 of the Act must notify FENZ—
- (a) if the nominated contact person for the building (whether that is the owner or another person) will be absent from New Zealand for longer than 21 consecutive days; or
 - (b) in any case where the owner is not the nominated contact person for the building, if—
 - (i) the owner will be absent from New Zealand for longer than 21 consecutive days; and
 - (ii) the nominated contact person for the building will also be absent from New Zealand for the whole or part of the period that the owner will be absent from New Zealand.
- (4) A notice under subclause (3)—
- (a) must be in writing; and
 - (b) must be given before the absence described in subclause (3)(a) or (b)(i) occurs; and
 - (c) must nominate an alternative contact person for the building during the absence.

Revocation

36 Revocation

The Fire Safety and Evacuation of Buildings Regulations 2006 (SR 2006/123) are revoked.

Schedule 1

Transitional, savings, and related provisions

r 4

Part 1

Provisions relating to these regulations as made

1 Application of specific requirements under regulation 7(5) for signs and notices under regulation 7(4)

Regulation 7(5) applies only in respect of any sign or notice erected for the purpose of regulation 7(4) on or after 1 January 2019.

Schedule 2

Buildings to which Part 1 applies

r 3

The buildings in respect of which Part 1 applies are as follows:

- (1) land, sea, and air passenger transport terminals and facilities and interchanges, whether wholly on land or otherwise:
- (2) public toilets wherever situated:
- (3) banks:
- (4) childcare centres and kindergartens:
- (5) day-care centres and facilities:
- (6) commercial buildings and premises for business and professional purposes, including computer centres:
- (7) central, regional, and local government offices and facilities:
- (8) courthouses:
- (9) police stations:
- (10) hotels, motels, hostels, halls of residence, holiday cabins, groups of pensioner flats, boarding houses, guest houses, and other premises providing accommodation for the public:
- (11) hospitals, whether public or private, and rest homes:
- (12) medical and dental surgeries, and medical and paramedical and other primary health care centres:
- (13) educational institutions, including public and private primary, intermediate, and secondary schools, universities, Te Pūkenga—New Zealand Institute of Skills and Technology and its Crown entity subsidiaries, and other tertiary institutions:
- (14) libraries, museums, art galleries, and other cultural institutions:

- (15) churches, chapels, and other places of public worship:
- (16) places of assembly, including auditoriums, theatres, cinemas, halls, sports stadiums, conference facilities, clubrooms, recreation centres, and swimming baths:
- (17) shops, shopping centres, and shopping malls:
- (18) restaurants, bars, cafeterias, and catering facilities:
- (19) showrooms and auction rooms:
- (20) public laundries:
- (21) petrol and service stations:
- (22) funeral parlours:
- (23) television and radio stations:
- (24) car parking buildings, and parking facilities:
- (25) factories and industrial buildings:
- (26) other buildings to which the public are to be admitted, whether without charge or on payment of a charge:
- (27) a relevant building.

Schedule 2 paragraph (13): amended, on 25 September 2020, by clause 4(2) of the Education (Name Change for NZIST) Order 2020 (LI 2020/260).

Schedule 2 paragraph (13): amended, on 1 April 2020, by section 78(2) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Schedule 3

Minimum amounts of hazardous substances for purposes of section 75(1)(d) of Act

r 23

Part 1

Hazardous substances classified under Hazardous Substances (Classification) Notice 2017

Property of substance (and physical state)	Hazard classification under Hazardous Substances (Classification) Notice 2017	Quantity
Explosive	1.1 or 1.2	0 kg
	1.3	10 kg
	1.4, 1.5, or 1.6	20 kg
Flammable (gas)	2.1.1A (other than LPG)	30 kg or 30 m ³
	2.1.1A (LPG only)	100 kg or 60 m ³
	2.1.1B	100 kg or 60 m ³

Property of substance (and physical state)	Hazard classification under Hazardous Substances (Classification) Notice 2017	Quantity
	2.1.2A	300 ℓ
Flammable (liquid)	3.1A	15 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
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 or 10 ℓ
Capacity to oxidise (gas)	5.1.2A	0.5 kg or 2.5 m ³
Capacity to oxidise	5.2A, 5.2B, 5.2C, 5.2D, 5.2E, or 5.2F	10 kg
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	0.5 kg or 0.25 m ³
Corrosive (solid, liquid, or gas)	8.2C or 8.3A	500 kg or 500 ℓ

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
Ionising 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 4

Application for approval of evacuation scheme

r 18

An application for approval of an evacuation scheme must contain the following information:

- (a) the name and street address of the building:
- (b) the record of title reference and legal description of the land on which the building is located:
- (c) whether the application is for a new or existing building:
- (d) which of the purposes in section 75(1)(a) to (i) of the Act the building is used for:
- (e) the name and contact details of the owner of the building:
- (f) the name and contact details of the contact person for the building:
- (g) the use or uses of the building:
- (h) the activities undertaken within the building:
- (i) the number of floors within the building:
- (j) details of the normal occupancy of the building at different times of the day and week:
- (k) the maximum occupancy of the building:
- (l) whether the building has, or is likely to have, occupants who require assistance to evacuate, or notification of the need to evacuate:
- (m) whether the building is required to have an emergency response plan under the Health and Safety at Work Act 2015:
- (n) if hazardous substances are present in the building in quantities exceeding the minimum amounts prescribed in Schedule 3, the quantities and types of those hazardous substances:

- (o) a description of the fire protection and suppression system of the building:
- (p) how evacuations will be managed where there are occupants who require assistance to evacuate or notification of the need to evacuate:
- (q) details of the matters provided in the evacuation scheme to comply with the requirements of regulations 25 to 28:
- (r) a copy of the proposed evacuation scheme.

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 31 May 2018.

Reprints notes

1 *General*

This is a reprint of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 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 (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020 (LI 2020/312)

Education (Name Change for NZIST) Order 2020 (LI 2020/260): clause 4(2)

Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1): section 78(2)

Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations 2018 (LI 2018/230)