



Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 14th day of December 2020

Present:

The Right Hon Jacinda Ardern presiding 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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Regulations

1 Title

These regulations are the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations (No 2) 2020.

2 Commencement

These regulations come into force on 1 February 2021.

3 Principal regulations

These regulations amend the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 (the **principal regulations**).

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

Replace regulation 29(5) to (7) with:

- (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.

5 Regulation 33 amended (Evacuation training programmes)

Replace regulation 33(3) to (5) with:

- (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.

6 Regulation 34 amended (Building owner must notify FENZ of evacuation training programme)

Replace regulation 34(4) to (6) with:

- (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.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 February 2021, amend the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 (the **principal regulations**). Similar amendments were made to the principal regulations by the Fire and Emergency New Zealand (COVID-19—Fire Safety, Evacuation Procedures, and Evacuation Schemes) Amendment Regulations 2020 (the **earlier amendment regulations**) which came into force

on 22 May 2020. The affected provisions in the principal regulations require owners of buildings to—

- conduct trial evacuations of a building’s occupants at intervals of not more than 6 months (regulation 29(1)(a));
- implement an evacuation training programme that meets specified requirements, and includes details of the training and assessment of the permanent occupants of the building at intervals of not more than 6 months (regulation 33(1) and (2));
- give notice of the evacuation training programme for the building at 6-monthly intervals (regulation 34(1) and (2)(b)).

The earlier amendment regulations had the effect of—

- temporarily suspending those requirements on and from 22 May 2020 and for the remainder of the period the Epidemic Preparedness (COVID-19) Notice 2020 (the **COVID-19 Notice**) is in force;
- requiring the calculation of the 6-month intervals in each case to exclude any days when the COVID-19 Notice is in force.

The changes made by the earlier amendment regulations are retained by these regulations for buildings that are designated as managed isolation or quarantine facilities. For these buildings, the usual requirements for trial evacuations and evacuation training programmes are suspended while the COVID-19 Notice is in force and the calculation of the 6-month intervals excludes any days when that notice is in force.

These regulations add a second factor to apply to buildings that are not designated as managed isolation or quarantine facilities. For these buildings, the usual requirements for trial evacuations and evacuation training programmes are suspended, and the calculation of the 6-month intervals excludes any days, when both—

- the COVID-19 Notice is in force; and
- physical distancing requirements are in place for the area in which the building is located.

For these temporary changes to the principal regulations,—

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.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 17 December 2020.

These regulations are administered by the Department of Internal Affairs.