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FIRE BRIGADE LAW

(2006 Revision)

Consolidated with Laws 12 of 1980, 5 of 1982, 6 of 1996 and 30 of 2005.

Revised under the authority of the Law Revision Law (1999 Revision).

Originally enacted-

Law 21 of 1979-11th June, 1979
Law 12 of 1980-18th March, 1980
Law 5 of 1982-13th July, 1982
Law 6 of 1996-8th July, 1996
Law 30 of 2005-9th November, 2005.

Consolidated and revised this 30th day of May, 2006.

Note (not forming part of the Law): This revision replaces the 1999 Revision which should now be discarded.

FIRE BRIGADE LAW

(2006 Revision)

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FIRE BRIGADE LAW

(2006 Revision)

1. This Law may be cited as the Fire Brigade Law (2006 Revision). Short title
2. In this Law - Definitions
 - “Brigade” means the Fire Brigade established under section 3;
 - “Chief Fire Officer” means the officer appointed under section 3 to have charge of the Brigade and includes any officer performing his duties as such;
 - “chief officer” means the chief officer having oversight of the Fire Brigade, referred to in section 3 of the Public Management and Finance Law (2005 Revision); 2005 Revision
 - “Commissioner” means the Commissioner of Police;
 - “fire equipment” means any installation or equipment for attacking, preventing, limiting or giving warning of a fire or providing means of access for that purpose;
 - “fire hazard” means a hazard arising from a fire;
 - “Governor” means the Governor in Cabinet;
 - “hazard” means any event, condition, act or thing which may cause, or increase the likelihood of, death, injury or illness to human beings, domestic animals, livestock or wildlife or the loss of, or injury to, property of any kind;
 - “Law” means this Law and any subordinate legislation made under it;
 - “Minister” means the member of Cabinet responsible for fire services;
 - “occupant” means a person who, independently of this Law, has a right to be present in any building or premises;
 - “occupier” means every person who, independently of this Law, exercises or has the right to exercise control over any building or premises;
 - “officer” means an officer of the Brigade as constituted by section 4; and
 - “vehicle” bears the meaning ascribed to that term in section 2 of the Traffic Law (2003 Revision). 2003 Revision
3. There is hereby established in the Islands a fire fighting service called the Fire Brigade which shall, subject to the supervision of the Minister, be commanded by a Chief Fire Officer and shall consist of the Chief Fire Officer and such other officers of such ranks and designations as the chief officer in The Fire Brigade

Law 27 of 2005	accordance with the Public Service Management Law, 2005 may, from time to time, appoint.
Constitution of the Brigade	4. (1) The Brigade shall consist of gazetted officers, permanent officers, probationary officers and volunteer officers who shall be appointed by the chief officer acting in accordance with the Public Service Management Law, 2005 and who shall, subject to section 3, have the rank and precedence prescribed by regulations.
2004 Revision	(2) Subject to this Law, officers of the Brigade, in the absence of any contract to the contrary, are pensionable under the Public Service Pensions Law (2004 Revision) and subject to the Public Service Management Law, 2005.
Chief Fire Officer's duties	5. The Chief Fire Officer's duties and responsibilities include- <ul style="list-style-type: none">(a) the preservation, care and control of all stores and fire and other equipment provided for the use of the Brigade;(b) the discipline, administration and training of the Brigade;(c) control of fire-fighting;(d) the elimination or reduction of fire hazards;(e) the release and rescue of persons and property from vehicles, aircraft and vessels in hazardous situations;(f) the control and mitigation of the effects of the escape or spilling of any hazardous substance;(g) any other responsibility or duty imposed on him by this Law; and(h) the enforcement of this Law.
Rules of discipline	6. The Governor may make rules in respect of the discipline of officers regarding their routine duties within the ambit of paragraph (b) of section 5.
Chief Fire Officer's powers	7. The Chief Fire Officer, in the course of carrying out his duties, shall have towards the general public, powers equivalent to the Commissioner in the carrying out of his duties and shall take precedence over the Commissioner when he is engaged in fighting a fire which has not been brought under control or in carrying out any of his duties falling within the scope of paragraphs (e) and (f) of section 5.
Officers' duties	8. The duties of officers include- <ul style="list-style-type: none">(a) fire fighting;(b) the elimination and reduction of fire hazards;(c) the enforcement of this Law;(d) the maintenance of stores and equipment;(e) compliance with the lawful orders of superior officers;

- (f) the carrying out of the duties imposed on them by this or any other law; and
- (g) such other duties as may be assigned to them, from time to time, by or from the Chief Fire Officer.

9. (1) When engaged in their duties officers shall, in relation to the public, have all the powers of constables and when engaged in fighting a fire which is out of control shall take precedence over constables of equivalent rank. Officers' powers

(2) In the performance of their duties, officers may, in order to extinguish any fire or to avert any immediate danger from any hazard to which this Law relates-

- (a) enter upon any premises or place with or without the consent of any occupant or occupier;
- (b) enter, break into, sink, move or demolish any vessel, vehicle or aircraft with or without the consent of any person in charge thereof; or
- (c) take such steps including the use of any water supply or water storage, the closure of any street or way and the demolition of any building, as in their opinion are desirable or necessary.

(3) Whether or not, for the purpose of this section and section 7, a fire is out of control is a question for the decision of the senior officer present thereat.

(4) Without prejudice to subsection (2), the Chief Fire Officer and any officer authorised in writing by him has, subject to section 13, right of entry to and search of any premises at all reasonable times for the purposes of carrying out any duty imposed upon him by this or any other law.

(5) No action for damages may be brought against-

- (a) the Brigade or any member thereof;
- (b) any constable;
- (c) any member of the public acting at the request of any officer; or
- (d) the Crown,

in respect of death, injury or loss incurred by any person occasioned in the course of carrying out any other responsibility or duty imposed by this or any other law.

10. The Chief Fire Officer has the right to be consulted by the building and electrical inspectorates, the public health and public works departments and all public undertakers in all matters involving fire hazards. Right of consultation

11. Notwithstanding the terms of any contract or policy of insurance, damage or loss caused to any property in the course of fighting or preventing the spread of Fire damage

any fire shall be included as fire damage or loss, as the case may be, as if such damage or loss were caused directly by the fire itself.

Volunteer officers

12. Volunteer officers may be recruited upon terms and conditions prescribed by regulations.

Securing entry to premises or place

13. Where a Justice of the Peace is credibly informed by the Chief Fire Officer that access to any premises or place under this Law for the purpose of the detection of fire hazards has been refused by any occupant or occupier of any premises or place, such Justice shall issue an entry warrant empowering the Chief Fire Officer to enter by force if necessary.

Regulations

14. (1) The Governor may make regulations-

- (a) defining fire hazards;
- (b) prescribing minimum standards of access to and egress from buildings;
- (c) prescribing fire equipment to be provided and maintained in various classes of buildings;
- (d) providing for fire hydrants;
- (e) providing for fire stations;
- (f) prescribing standards of training and methods of fire-fighting;
- (g) prescribing uniforms and badges of rank to be worn by officers;
- (h) for the storage of combustible substances in any premises;
- (i) prescribing the form of any notice, order, permit or other document or thing required by the Law to be served, made, issued or done;
- (j) securing with respect to buildings or premises that any standards laid down under this Law are observed;
- (k) securing the installation and maintenance in proper working order of systems, machinery and other things for the elimination or reduction of fire hazards, the control or management of fires and hazardous events;
- (l) empowering an officer at a fire or a place where there is immediate danger from a hazard to which this Law relates to take, or direct, such action as may be necessary to control or extinguish the fire or avert the danger, to perform any rescue and do such other things as are reasonably necessary in the performance of his duty;
- (m) authorising an officer exercising any power conferred by a regulation made under paragraph (1), by use of reasonable force if necessary, to prohibit any person, vehicle, vessel or object from approaching any fire or place, to remove or cause to be excluded

for any reasonable time any person, vehicle, vessel or thing from any area affected or likely to be affected by the fire or danger concerned;

- (n) preventing any obstruction of, or hindrance to, any officer performing any duty imposed upon him by this Law;
- (o) promulgating a fire prevention code for the better ensuring of safety of life, health and property from fire and the other hazards referred to in, or prescribed under, this Law;
- (p) authorising the delegation by the Chief Fire Officer to any person of all or any of his functions or powers, either absolutely or conditionally;
- (q) prescribing the circumstances and conditions upon which fires may be permitted in any open space;
- (r) restricting the use of combustible materials in the construction of any building;
- (s) regulating the storage of any combustible or hazardous substance;
- (t) prescribing conditions of recruiting and employing probationary and volunteer officers; and
- (u) prescribing anything required to be prescribed by this Law.

(2) A regulation made under subsection (1) may provide a penalty on conviction of a breach of it or of any other such regulation not exceeding the penalty provided for in section 15.

15. Whoever being a member of the public-

Offences

- (a) obstructs any officer acting in accordance with his duty under this Law;
- (b) fails to comply with any lawful direction oral or otherwise given him by an officer engaged in fire-fighting duties;
- (c) at any time obstructs any fire hydrant or other water point under the control of the Brigade or access of any fire station;
- (d) without good cause raises any fire alarm; or
- (e) contravenes any provisions of this Law directed to members of the public,

is guilty of an offence and liable on summary conviction to a fine of five thousand dollars and to imprisonment for three months.

Publication in consolidated and revised form authorised by the Governor in Cabinet this 30th day of May, 2006 .

Carmena Watler
Clerk of Cabinet

(Price \$ 2.40)