



ST. CHRISTOPHER AND NEVIS

CHAPTER 19.04

FIRE AND RESCUE SERVICES ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

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CHAPTER 19.04

FIRE AND RESCUE SERVICES ACT

AN ACT TO PROVIDE FOR THE PREVENTION AND CONTROL OF OUT-BREAK OF FIRE; TO PROVIDE FOR THE PROTECTION, SAFETY AND RESCUE OF LIFE AND PROPERTY, AND IN THAT CONNECTION TO PROVIDE FOR THE ESTABLISHMENT OF AN AUTONOMOUS FIRE SERVICES DEPARTMENT, FOR ITS FUNCTIONS AND POWERS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Fire and Rescue Services Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Auxiliary member” means a person appointed under section 19 of this Act;

“calamity” means an occurrence by which life or property is endangered;

“Chief Fire Officer” means the Chief Fire Officer of the Service appointed under section 3 of this Act;

“fire-fighting purpose” means—

(a) the extinction of fire;

(b) the protection of life and property, in case of fire;

(c) the rescue of persons or property from premises where fire or its spread is apprehended;

“Fireperson” means any member of the Service appointed under section 3(2) of this Act as a Fireperson;

“Fire Officer” means any member of the Service who is below the rank of Junior Fire Officer;

“Fund” means the Fire Services Reward Fund established under section 3(2) of this Act;

“Junior Fire Officer” means any member of the Service who is below the rank of Senior Fire Officer;

“Minister” means the Minister responsible for fire services;

“premises” include any place;

“Rescue Services” mean administering basic life support, and performing whatever manner of rescue for human survival;

“Senior Fire Officer” means the Chief Fire Officer or any member of the Service who is above the rank of Junior Fire Officer;

“Service” means the Saint Kitts and Nevis Fire and Rescue Services Department established under section 3 of this Act;

“street” includes any highway, road, footway, square court, alley or passage whether a thorough fare or not.

PART II

ESTABLISHMENT OF FIRE AND RESCUE SERVICES DEPARTMENT, ITS FUNCTIONS AND POWERS

Establishment of Fire Services Department.

3. (1) There is established, in the Ministry responsible for National Security, a Service to be known as the Fire and Rescue Services Department.

(2) The Service shall consist of a Chief Fire Officer, a Deputy Chief Fire Officer, Divisional Fire Officers, and such number of Senior and Junior Fire Officers and Firepersons as may be appointed for the purpose.

(3) Any person who joins, or a police officer who elects to join, the Fire and Rescue Services Department shall, upon passage of this Act, be subject to the disciplinary control of the Public Service Commission.

(4) Any member of the police force who elects to become a Fire and Rescue Services officer on the passage of this Act, the period of employment served in the police force by that officer shall be deemed to be a continuous period of employment with the Fire and Rescue Services.

Functions of Service.

4. (1) The Service shall be responsible—
- (a) for working out well planned and executable fire prevention and inspection programmes;
 - (b) for working out detailed policy guidelines relating to—
 - (i) the extinguishing of fires,
 - (ii) the rescue and protection of life as well as property, in cases of fire or other calamity;
 - (c) for protecting and safeguarding the lives and properties of people and the economy by preventing or reducing the dangerous effects of fires and explosions;
 - (d) for extinguishing any fire outbreaks;
 - (e) for rescuing and protecting life and property in case of fire or other calamity;
 - (f) for carrying out regular inspection of business premises and residences;
 - (g) for carrying out public awareness campaigns about fire prevention methods;
 - (h) for carrying out any function conferred on it by this Act or any other law, or any function assigned to it by the Minister;

- (i) for doing anything which is incidental, related, necessary or desirable to carry out the above functions.

Powers of the Service.

5. (1) The Service may, in the discharge of its functions conferred on it by section 4 of this Act, authorise any person to enter or break into any premises—

- (a) in which fire has or is reasonably believed to have broken out;
- (b) for the purpose of—
 - (i) extinguishing fire,
 - (ii) preventing the spread of fire,
 - (iii) protecting the premises from acts for fire fighting purposes,
 - (iv) rescuing any person or property from any premises.

(2) The entry or breaking into the premises done under subsection (1) of this section may be done with or without the consent of the owner or occupier of the premises.

(3) Where an entry or breaking into the premises is done in pursuance of the powers conferred by this section, then the Service shall do all such things as are necessary for—

- (a) extinguishing the fire;
- (b) preventing the spreading of fire; or
- (c) accomplishing any other purpose giving rise to the entry or breaking.

(4) The Service shall, through any of its Fire Officer who is present at any fire, take all reasonable measures to ensure that water supplies for fire fighting purpose are adequate, and may use any convenient and suitable supply of water with or without the consent of the owner, except that, in any case, where water is taken from a private storage tank the Chief Fire Officer shall, as soon as practicable, after the fire replace the quantity of water taken.

(5) The Service may, in the discharge of its functions under this Act—

- (a) organise such workshops, seminars and conferences for the purpose of educating the public—
 - (i) in ways of controlling fire hazards,
 - (ii) in proper methods of evacuation,
 - (iii) in overall fire safety practices; and
- (b) enter any business premises and residence for the purpose of—
 - (i) carrying out regular fire prevention inspections,
 - (ii) controlling or eliminating hazardous conditions that may give rise to outbreak of fire.

(6) The Service shall have such auxiliary powers as are necessary to enable it to carry out its functions.

Mode of exercise of powers of the Service.

6. (1) The powers and functions of the Service may, subject to subsection (2) of this section, be exercised by an officer of the Service as the Chief Fire Officer may, in writing, authorise in that behalf.

(2) An officer of the Service shall exercise such functions and powers of the Service as are conferred on the Service or the officer under this Act or any other law.

Qualifications for appointment into the Service.

7. (1) Subject to subsection (2) of this section, no person shall be appointed to the Service unless he or she is a fit and proper person.

(2) A person shall not be appointed to the post of Junior Fire Officer or Fireperson if—

- (a) he or she is less than 18 years or more than 35 years of age;
- (b) he or she does not satisfactorily pass a medical examination as to his or her bodily fitness, which examination shall be carried out by a duly qualified medical doctor appointed for that purpose;
- (c) he or she does not produce evidence that he or she is of good character;
- (d) he or she has not attained the standard of education and passed such tests and interviews as may be prescribed under this Act;
- (e) he or she is not of the required height and chest measurement, according to the standard prescribed under this Act.

(3) The Chief Fire Officer may, in the recruitment of persons to the Auxiliary Fire and Rescue Service, recruit persons who are over the age of 40 years.

(4) For the purposes of paragraph (c) of subsection (2) of this section, a certificate of good character issued by the Commissioner of Police shall be sufficient.

Volunteer fire officers.

8. The Chief Fire Officer may, with the approval of the Minister, utilize the services of volunteer fire officers on such terms and conditions as the Minister may prescribe.

Control of the Service.

9. (1) The Chief Fire Officer shall, subject to the general order and direction of the Minister, be responsible for the efficient administration of the Service, and proper expenditure of any public moneys appropriated for the operation of the Service.

(2) The Chief Fire Officer may make available to the public the services of the Service, in any case, where the provision of such service is regarded by the Chief Fire Officer as a special service, and to charge such fees as may be prescribed for those services, except that no fees shall be charged for any measures taken for the purpose of rescuing life or extinguishing fire.

(3) The Chief Fire Officer may, in the discharge of his or her functions, order any member of the Service or request any member of the Police Force to remove a person whose presence in any premises interferes with or obstructs the operations of the Service.

(4) The Chief Fire Officer may, with the approval of the Minister, engage the services of any person to assist—

- (a) in extinguishing any fire;
- (b) in removing property from any building or place that is on fire or is in danger of fire;
- (c) in securing property removed in accordance with paragraph (b) of this subsection.

Powers exercisable by the Chief Fire Officer.

10. The Chief Fire Officer may, in the event of an outbreak of fire—

- (a) take command of any person who may voluntarily place his or her services at his or her disposal;
- (b) cause any water to be shut off from the mains and pipes in any area in order to give a greater supply and pressure of water in the area where the fire or danger of fire exists;
- (c) cause any water to be extracted or taken from any well, pond, stream, tank, cistern or receptacle for use in extinguishing any fire or the spread of fire;
- (d) generally, take any measures that may appear expedient for the protection of life and property, and in that connection shall have power—
 - (i) to break into or through any building,
 - (ii) to take possession of any building,
 - (iii) to pull down or destroy any building,
 - (iv) to destroy any material,

for the purpose of controlling or extinguishing any fire.

Powers exercisable by Fire officers.

11. (1) Any fire officer who is on duty may, in the event of an outbreak of fire, exercise the power conferred on the Service by subsection (3) of section 5 of this Act.

(2) A fire officer who is present at any fire may take all reasonable measures to ensure that water supplies for fire fighting purpose are adequate, and may use any convenient and suitable supply of water with or without the consent of the owner, except that where water is taken from a private storage, the Chief Fire Officer shall, immediately after the fire, replace the quantity of water taken.

(3) A fire officer who is present at any fire may, for fire fighting purposes—

- (a) close to traffic any street or regulate such traffic if it is necessary or desirable to do so;
- (b) designate a fire zone into which no unauthorised person is allowed to enter or remain except for fire fighting purposes.

(4) A fire officer may, with the consent of the Chief Fire Officer, examine any building, structure, premises, vehicle or vessel, excluding a private dwelling house, by arrangement with the owner or occupier for the purpose of ascertaining all material circumstances that may affect fire-fighting purposes.

(5) Any fire officer who is on duty at any fire shall have the power, authorities and immunities of the member of the Police Force, and may, without a warrant, arrest any person who assaults or obstructs a member of the Service in the execution of his or her duties under this Act.

Protection of members of the Service.

12. (1) No liability shall attach to a member of Service or any person engaged or volunteering in the performance, in good faith, of any function conferred by this Act on a member of the Service.

(2) Any damage occasioned by the Service in the execution of its functions under this Act shall be deemed to be damage by fire within the meaning of any insurance policy against fire.

PART III

FIRE SERVICES ASSOCIATION AND RESTRICTION OF ACTIVITIES OF THE ASSOCIATION

Constitution of Fire Services Association.

13. (1) For the purpose of enabling Junior Fire Officers and Firemen, to consider and bring to the notice of the Chief Fire Officer and the Minister matters affecting their general welfare and efficiency, there shall be established an organisation to be called the Fire Services Association which shall act through a Committee as provided by rules made under this Act.

(2) No representation shall be made by the Fire Services Association in relation to any question of discipline, promotion, transfer, posting, leave or any other matter in so far as it affects individual cases.

(3) The Fire Services Association shall be entirely independent of and unassociated with any body outside the Service other than a Fire Services Association in the Organisation of Eastern Caribbean States or the Caribbean Community.

Rules of Fire Services Association.

14. The Chief Fire Officer may, after consultation with the Fire Services Association and with the approval of the Minister, make rules for the constitution and management of the Fire Services Association and for any matters relating thereto.

Members of the Service not to join unauthorised associations.

15. (1) No member of the Service shall join or become a member of any unauthorised association.

(2) Any member of the Service who contravenes subsection (1) of this section commits a disciplinary offence and is liable to be dismissed from the Service and to forfeit all rights to any pension, gratuity or other allowance.

Members of the Service prohibited from receiving benefits from unauthorised association.

16. (1) No member of the Service shall receive any benefit, financial or otherwise, from any unauthorised association and no such association shall receive any money from a member of the Service.

(2) A member of the Service who contravenes the provisions of this section and any member of any unauthorised association who is knowingly a party to the contravention commit an offence and liable, on summary conviction, to a fine of one hundred dollars each.

Meaning of “unauthorised association”.

17. For the purposes of sections 15 and 16 of this Act, “unauthorised association” means—

- (a) any league or association or body of persons, whether registered or not, that has for its objects or one of its objects the promotion of feelings of ill-will and hostility between different classes or races;
- (b) any other association, society or club, any of the objects of which may be subversive of good discipline on the part of a member of the Service, and which the Chief Fire Officer, with the approval of the Minister, declares to be an unauthorised association.

Members of Service not to engage in trade or business.

18. A member of the Service shall not engage in any private business or trade without the consent of the Minister signified in writing by the Chief Fire Officer.

PART IV

AUXILIARY FIRE AND RESCUE SERVICE

Auxiliary Fire Officers.

19. There is established an auxiliary service to be known as the Auxiliary Fire and Rescue Service consisting of such number of Auxiliary Junior Fire Officers and Auxiliary Firepersons as may be appointed for the purposes of this Act.

Parades and drills.

20. (1) An auxiliary member of the Service referred to in this Part shall, whether or not he or she has been called out of service, attend and carry out such parades and drills in such places and at such times and in such manner as may be ordered by the Chief Fire Officer.

(2) An auxiliary member of the Service referred to in this Part shall, when called out for service, carry out such duties in such places and at such times and in such manner as may be ordered by the Chief Fire Officer or Deputy Chief Fire Officer.

Resignation etc.

21. An auxiliary member of the Service referred to in this Part may, except when called out for service, on giving one month’s notice in writing, resign from the auxiliary service, except that the notice may be dispensed with by the Minister.

Remuneration of auxiliary Fire Officers.

22. A member of the auxiliary service shall, when called out for service or for parades or drills, be entitled to payment for his or her services at a rate prescribed by the Minister.

Sick and injury benefits.

23. (1) A member of the auxiliary service who, through no fault of his or her own, contracts any illness or sustains bodily injury while in actual discharge of his or her duties under this Act shall be provided with medicines, medical comfort, and medical attendance at public expense, as the Minister may prescribe.

(2) A member of the auxiliary service who sustains injury in the circumstances specified in subsection (1) of this section and becomes permanently disabled, whether totally or partially, as a result of that injury shall be granted such pension or gratuity upon such terms and conditions as may be prescribed.

(3) Where bodily injury referred to in subsection (1) of this section results in death there shall be awarded to the dependents of the deceased a pension or gratuity upon such terms and conditions as may be prescribed.

(4) For the purposes of this section, “dependants” has the meaning assigned to it by the Pensions Act, Cap. 22.06.

Penalty for refusing service.

24. A member of the auxiliary service who, without reasonable cause, refuses or neglects to serve when called out for service commits an offence and is liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

PART V

MISCELLANEOUS PROVISIONS

*Destruction of property and compensation for damaged property.***Notice of destruction.**

25. (1) The Chief Fire Officer or the Deputy Chief Fire Officer shall, before a house, building or part of a house or building, or other property is destroyed pursuant to section 10(d) of this Act, give written or verbal notice to the owner of the house, building, or other property, as the case may be, and in the absence of the owner the notice shall be given to the person who is in charge of the house, building, or other property, and if none can be traced the Chief Fire Officer or Deputy Chief Fire Officer shall, having regard to all the circumstances, use his or her discretion.

(2) Where a house, building or other property to be destroyed is not itself on fire but is in imminent danger of being on fire, the notice given shall indicate what house, building or other property is to be destroyed, except that when the order for destruction is about to be given the Chief Fire Officer or Deputy Chief Fire Officer shall allow as much time as practicable to elapse between the giving of the notice and the actual order for destruction, and do all in his or her power to diminish, by removal of goods or otherwise, the damage likely to be caused by the destruction.

(3) Where a house, building, or any part thereof that was not itself on fire but was in imminent danger of fire, is destroyed pursuant to the provisions of section 10(d) the Superintendent shall forward to the Minister, without delay, a report of the circumstances under which the house, building or other property was destroyed describing with all possible detail the damage caused by the destruction.

Compensation.

26. (1) Subject to subsections (1) and (2) of this section, the Minister may, on a claim made by the owner of property destroyed pursuant to section 10 (d) of this Act, recommend payment of the amount claimed by the owner or any lesser amount in full satisfaction of the claim.

(2) No amount shall be payable under this section unless the property was destroyed on the order of the Chief Fire Officer, Deputy Chief Fire Officer or that of a Senior Fire Officer.

(3) Where the amount recommended in any one case exceeds five thousand dollars it shall not be paid until a vote for the amount is obtained from the National Assembly.

(4) Where the amount of compensation cannot be agreed upon between the owner and the Minister it shall be determined in civil proceedings brought by the owner against the Crown.

(5) In assessing compensation under this section, the court shall take into account—

- (a) the amount to which the owner may be entitled under any insurance policy covering the house, building or other property; and
- (b) the risk of the house, building or other property being burnt or damaged by reason of the fire or by the water necessarily used to extinguish the fire.

(6) Persons whose services are engaged pursuant to paragraph (a) of section 10 of this Act shall be entitled to such remuneration for their services as may be prescribed.

*Conditions of service of Staff***Conditions of Service.**

27. (1) Members of the Service shall, subject to this section, be employed on such terms and conditions as are necessary and appropriate for the performance of their duties, which terms and conditions of service shall, on the recommendation of the Service, be determined by the Minister.

(2) A member of staff of the Service shall be supplied with suitable uniform and equipment at public expense in such manner as may be prescribed.

(3) A member of the Service shall be entitled to free medical, eye and dental treatment, whether within or outside the Federation.

Funeral expenses.

28. Where a member of the Service dies while he or she is in the Service, the Minister shall order that his or her funeral expenses be met by the Government.

Payment of pension or gratuity to dependants.

29. (1) The Minister shall, where a member of the Service dies while in service, as a result of injury or as a result of contracting a disease specifically attributable to the nature of his or her work while in service and the injury or disease is not wholly or mainly due to or aggravated by his or her own serious and culpable negligence or

misconduct, and such death occurs within ten years of the date of injury, grant a pension or gratuity to the dependants of the deceased person.

(2) The pension or gratuity referred to in subsection (1) of this section shall be paid on such terms and conditions as may be prescribed by the Minister.

Disciplining of Staff

Disciplinary offences.

30. (1) The Chief Fire Officer shall be responsible for the disciplining of any member of the Service, below the rank of Senior Fire Officer, who is charged with a disciplinary offence specified in subsection (2) of this section.

(2) The disciplinary offences referred to in subsection (1) of this section are—

- (a) insubordination;
- (b) wilful disobedience to lawful orders;
- (c) malingering;
- (d) pawning, selling, losing by neglect, making away with, wilfully spoiling or damaging accoutrements or any public property;
- (e) being under the influence of any drug or alcoholic beverage while on duty;
- (f) being absent from duty without leave;
- (g) doing anything that is likely to prejudice the good order and discipline of the Service;
- (h) smoking while on duty;
- (i) doing anything that amounts to misconduct.

(3) A person who commits a disciplinary offence specified in subsection (2) of this section is liable to one or more of the following punishments—

- (a) dismissal from service;
- (b) reduction to a lower grade or rate of pay;
- (c) a penalty equivalent to not less than one day's basic pay and not more than seven days' basic pay; or
- (d) a severe reprimand or a reprimand.

(4) In addition to any other punishment that may be given, the offender is, in case of absence without leave, liable to forfeiture of pay for the period of absence, and in that connection, a part of a day shall be counted as a whole day.

(5) Where the Chief Fire Officer finds that the member of the Service should be reduced in rank, suspended or dismissed, then the decision in that respect shall be made by the Minister.

Member of the Service on resignation etc. to deliver up all articles.

31. (1) No member of the Service shall keep or use for his or her own private use or benefit any article supplied to him or her at the public expense unless specially authorised to do so by Regulations, but he or she shall hold every such article at the order and disposal of the Minister.

(2) Every member of the Service who is dismissed or resigns from or otherwise leaves the Service shall immediately deliver up to the Chief Fire Officer or the person authorised by regulations for that purpose all articles that have been supplied to him or her at the public expense and he or she has not been expressly authorised to keep or use for his or her private benefit.

(3) Every person who contravenes subsection (2) commits an offence and is liable, on summary conviction, to a fine of four thousand dollars or to imprisonment for three months.

(4) Any Magistrate may issue a warrant—

(a) to search for and seize all articles to which subsection (2) relates wherever they may be found; and

(b) to arrest the person in whose possession they are.

Establishment of Fund.

32. (1) There is established a Fund to be known as the Fire and Rescue Service Fund, which Fund shall have an account in a bank approved by the Minister.

(2) The funds of the Fund shall consist of fines imposed on and collected from members of the Service found guilty of disciplinary offences.

(3) All fines imposed on members of the Service shall, in respect of disciplinary offences, be paid to the Accountant General who shall deposit the fines on the account of the Fund.

Purpose of the Fund.

33. (1) The Minister shall, on the recommendation of the Chief Fire Officer, apply the funds of the Fund in making special rewards to members of the Service who have rendered exceptional, dangerous or arduous service.

(2) The Chief Fire Officer shall keep an account of the disbursements of the funds of the Fund, and the accounts shall be audited by the Chief Auditor.

Police to aid the Service

Police to aid the Service on request.

34. (1) The Chief Fire Officer or the Deputy Chief Fire Officer may, in case of fire, request, through the Commissioner of Police or next senior member of the Police Force available, the assistance of the Police Force, and on receipt of such request, the Commissioner of Police or next senior member of the Police Force available shall make such arrangements for assistance as he or she considers fit, having regard to all the circumstances and the general availability of members of the Police Force at the time.

(2) A member of the Police Force detailed for duty under subsection (1) of this section shall perform such duties as directed at the time by the senior member of the Police Force present after consultation, as necessary, with the Chief Fire Officer or the Deputy Chief Fire Officer.

*Annual Report***Submission of annual report.**

35. (1) The Service shall, within three months after the end of each financial year, prepare a general annual report of its activities during that year, and transmit it to the Minister who shall consider it and lay copies of the report before the National Assembly.

(2) The Service shall attach to the report the statement of accounts for the year and a copy of any report made by the auditor on it.

(3) The report shall also include information relating to the plans, past and present activities of the Service, and the financial position of the Service, as the Minister may, from time to time, direct.

*Regulations and General Orders***Regulations.**

36. (1) The Minister may, subject to this section, generally make regulations to give effect to the provisions of this Act.

(2) Notwithstanding the generality of subsection (1) of this section, the Minister may, in particular make regulations providing for—

- (a) the conditions of service of members of the Service;
- (b) the training of members of the Service;
- (c) supplementary powers of fire officers;
- (d) the precautions and measures to be taken for the prevention of fire;
- (e) the provision and maintenance of adequate equipment and facilities for rescue operations;
- (f) the provision and maintenance of adequate protection against fire and spread of fire;
- (g) the provision, maintenance and regulation of adequate means of escape and associated safeguards for the protection of life from fire;
- (h) the removal and rectification of fire hazards;
- (i) the investigation into the causes and circumstances of any fire;
- (j) the regulation of the type and nature of fire extinguishers or heating appliances offered for sale;
- (k) the regulation of servicing and recharging of fire extinguishers;
- (l) the keeping and production of statistical records or other information relating to fire and fire losses;
- (m) any matter or control which may from time to time be considered expedient for fire protection;
- (n) the description, the ranks and insignia of the Service;
- (o) the discipline and punishment of subordinate officers and members of other ranks;

- (p) the description of uniforms and equipment to be provided;
- (q) a tariff of fees to be paid to the Service for any special duty rendered by any fire officer or for equipment supplied;
- (r) the payment of any such fees to the Consolidated Fund or to a fire officer rendering the special duty;
- (s) matters which are necessary or expedient for rendering the efficient discharge of the functions of the Service;
- (t) the prescription of anything required or authorised to be prescribed under this Act.

General Orders.

37. (1) The Chief Fire Officer may, with the approval of the Cabinet, make General Orders, which are not inconsistent with the provisions of this Act or any Regulations made under the Act, for the general control, direction, and information of the members of the Service.

(2) Notwithstanding the generality of subsection (1) of this section, the General Orders may provide for any or all of the following matters—

- (a) organisation, administration, training and discipline;
- (b) all fire service duties;
- (c) dress, clothing and equipment;
- (d) accommodation, buildings, stores, furniture and equipment;
- (e) classifications and promotions;
- (f) inspections, drills, exercises and parades;
- (g) welfare of fire officers;
- (h) management and good government of all canteens, messes and recreation rooms;
- (i) services to be performed by fire officers;
- (j) the manner and form of reports, correspondence and other records;
- (k) the performance of any act which may be necessary for the proper carrying out of the provisions of this Act or any regulations made thereunder;
- (l) such other matters as may be necessary or expedient for preventing abuse or neglect of duty, for rendering the Service efficient in the discharge of its functions and for carrying out the objects of this Act.

Offences

Offences by members of the Service.

38. A member of the Service who—

- (a) assaults another member of the Service; or
- (b) draws, lifts, engages in any violence against another member of the Service;

commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars or imprisonment for a term not exceeding one year or both.

False alarm.

39. A person who gives or causes to be given a fire alarm which he or she knows to be false commits an offence and is liable, on summary conviction, to a fine not exceeding two thousand dollars, and in respect of a subsequent offence, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

Obstructing execution of Act.

40. (1) Subject to subsection (2) any person who wilfully obstructs a police officer or a fire officer acting in the execution of his or her duties under this Act or under the regulations made under this Act commits an offence and is liable, on conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or both.

(2) If the offence constituted under this section is committed while a police officer or a fire officer is engaged in operation for fire-fighting purpose, the offender may be arrested without warrant by any such officer and shall be liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or both.

Assaulting Officers of the Service.

41. (1) Subject to subsection (2) of this section, a person who—

- (a) assaults, obstructs or resists an officer of the Service in the execution of his or her duty or any person acting in his or her assistance; or
- (b) aids, abets or incites any person so to assault, or obstructs or resists the officer in the execution of his or her duty or a person acting in his or her assistance,

commits an offence and is liable, on summary conviction, to a fine of one thousand dollars or to imprisonment for a term of six months.

(2) Where a Magistrate is of the opinion that a matter is a fit subject for prosecution by indictment, he or she shall commit the offender for trial before the High Court and that Court may, after conviction, impose a fine of two thousand dollars or imprisonment for a term of two years.

Improper possession of clothing of the Service.

42. A person, not being an employee of the Service—

- (a) who has in his or her possession any article of clothing, accoutrement or appurtenance supplied to any employee of the Service and is unable to account for the possession of the articles in a satisfactory manner; or
- (b) who knowingly purchases, obtains, solicits or entices an employee of the Service to sell or dispose of—
 - (i) his or her official clothes,
 - (ii) any article of public property,
 - (iii) any article provided for the vehicles of the Service;

commits an offence and is, on summary conviction, liable to a fine of three thousand dollars or to imprisonment for a term of two years.

Personation of employees of the Service.

43. A person who, not being an employee of the Service—
- (a) puts on or assumes, either in whole or in part,
 - (i) the dress, name, designation or description of any employee of the Service,
 - (ii) any dress, name, or designation resembling and intended to resemble the dress, name or designation of any employee of the Service;
 - (b) in any way pretends to be an employee of the Service for the purpose of—
 - (i) obtaining admission into any house or other place; or
 - (ii) doing any act which such person would not by law be entitled to do of his or her own authority,

commits an offence and is liable, on summary conviction, to a fine of eight hundred dollars or to imprisonment for a term of six months.

Refusing to assist employee of the Service.

44. (1) Any person who, when called upon to assist an employee of the Service who is assaulted or resisted or is in danger of being assaulted or resisted while in the execution of his or her duty refuses or neglects to do so commits an offence and is liable, on summary conviction, to a fine of two hundred dollars or to imprisonment for a term of three months.

(2) Any person who sustains injury or death as a result of complying with any request under subsection (1) of this section shall be entitled to compensation.

General Offences.

45. A person who—
- (a) wilfully removes, or assists or is concerned with removing any chain, rope or other barrier placed in, upon or across any street pursuant to the provisions of this Act;
 - (b) obstructs any hydrant by placing or causing to be placed thereon or thereby any matter or thing;
 - (c) wilfully damages any vehicle engine, hydrant or other apparatus of the Service;
 - (d) unless authorised by an officer of the Service or by a member of the Police Force, removes or is concerned in removing any furniture or goods from any building on fire or in danger of fire; or
 - (e) removes, damages or injures any mark placed for the purpose of indicating the location of any hydrant,

commits an offence and is liable, on summary conviction to a fine of five hundred dollars or to imprisonment for a term of six months or both.

Repeals and Savings.

46. The provisions of sections 6, 7, 8, 9, 10 and 11 of the Basseterre Act, Cap. 175 are repealed, except that any regulations made under that Act relating to the Fire Brigade shall remain in force in respect of fire officers until new regulations are made under this Act.

SCHEDULE

(Preserved by section 46 of Act 6 of 1999)

THE FIRE BRIGADE REGULATIONS**Short Title.**

1. These Regulations may be cited as the Fire Brigade Regulations.

Management.

2. The Fire Brigade shall be under the management and supervision of the Chief Fire Officer.

Appointment of Members.

3. All appointments to the Fire Brigade shall be made by the Chief Fire Officer subject to the approval of the Minister.

Equipment.

4. The plant of the Fire Brigade shall consist of such equipment as may from time to time be approved by the Minister.

Composition.

5. The Fire Brigade shall consist of the Chief Fire Officer, the Foreperson and fifteen persons, who shall receive such salaries as may from time to time be voted by the National Assembly.

Resignation.

6. A Fireperson desirous of leaving the Fire Brigade shall give one month's notice of his or her intention to do so, and prior to receiving his or her pay he or she shall deliver to the Chief Fire Officer all clothing and accoutrements issued to him or her as a member of the Fire Brigade.

Discipline.

7. The utmost order shall be observed and any important occurrence or information affecting the Fire Brigade shall be at once reported to the Chief Fire Officer, whose orders shall be implicitly obeyed.

Care of Apparatus.

8. Constant watchfulness shall be kept over the fire apparatus at a fire to prevent malicious or accidental damages thereto, and after a fire the utmost care shall be observed in cleaning, washing and drying the equipment.

Access to Water Supply.

9. Any District Magistrate, Justice of the Peace, Inspector of Police, Chief Fire Officer or other member of the Fire Brigade acting under the orders of the Chief Fire Officer, shall have at a fire free access to any premises having any pump, well, cistern or water-pipe, and any damage done to such pump, well, cistern or water-pipe, or to any fence or building enclosing the same shall upon valuation be paid out of the public funds.

Improper use of Fire.

10. The fireperson shall report any person whom they may find making any improper use of fire, or placing fire in dangerous proximity to any building or fence.

Responsibility of Foreperson.

11. The foreperson shall be held responsible to the Chief Fire Officer for the condition of the Fire Brigade station, and also for the fire apparatus.

Uniform and Equipment.

12. Each member of the Fire Brigade shall be supplied with a helmet, 2 khaki tunics, 2 khaki shirts, 3 pairs khaki trousers, 1 suit of blue serge uniform, 2 pairs boots, 1 belt, 1 spanner and 1 axe which will be replaced as occasion may require.

Responsibility of Members.

13. Each person shall be held responsible for the cleanliness of his or her clothing and equipment.

Parades.

14. (1) There shall be at least one general parade each week when the Foreperson will satisfy himself or herself that the clothing and equipment of the persons are in a clean and serviceable condition.

(2) Any irregularities discovered shall be reported to the Chief Fire Officer.

Drill.

15. There shall be held a weekly fire drill of the Fire Brigade until such time as the persons shall be considered efficient by the Chief Fire Officer, after which the drills may be reduced to one each fortnight.

Hydrants.

16. The members of the Fire Brigade must be fully acquainted with the position of all the hydrants which shall be tested at least once a month, and if any defects be discovered they must be at once reported by the Foreperson to the Chief Fire Officer of the Fire Brigade.

Watch.

17. (1) A watch will be kept at the Fire Brigade Station throughout the 24 hours of the day, and the person detailed for this duty, will, during the hours of his or her watch remain on the verandah in front of the person's quarters.

(2) He or she shall be properly dressed in uniform both by day and night.

(3) He or she shall rouse the next person for this duty at least fifteen minutes before the time at which his or her own turn is to expire.

(4) His or her belt and accoutrements will be kept hanging at a convenient place in the station so that when an alarm of fire is given he or she can quickly get them. He or she must not sleep while on this duty.

(5) In the event of an alarm of fire reaching the station he or she shall at once rouse his or her comrades (if at night) and ring the alarm bell which connects the station with the homes of the Chief Fire Officer and foreperson.

(6) He or she shall also ring the fire bell to warn absent members of the Fire Brigade.

Alarm.

18. (1) When an alarm of fire is received, it will not be necessary for those present in the station to await the arrival of absent members of the Fire Brigade.

(2) They will dress with all possible haste in uniform and proceed with the fire engine to the scene of the fire.

Absence.

19. (1) No member of the Fire Brigade shall absent himself or herself from the station without the permission of the Foreperson who is empowered to grant leave not exceeding two hours to a person desiring it; but not more than two persons shall be so indulged at any one time.

(2) More extended leave must be obtained from the Chief Fire Officer.

(3) Arrangements shall also be made so as to enable two persons to go to their homes at night.

(4) This privilege shall be enjoyed by the person in rotation.

Leave to Foreperson.

20. (1) Should the Foreperson require leave he or she shall apply to the Chief Fire Officer for it.

(2) In his or her absence the next senior person shall assume the duties of Foreperson.

Care of Square.

21. When not required for duty the members of the Fire Brigade may be employed in keeping the Square in order, but not more than three persons shall be so employed at any one time.

Appearance on Verandah.

22. Members of the Fire Brigade shall not appear on the verandah of the Fire Brigade Station unless dressed in uniform.

Loiterers.

23. (1) No person, save those on business, shall resort to or remain in the station or verandah.

(2) The person on watch shall be held responsible that this rule is not infringed.

Number and Rank.

24. (1) Fireperson shall wear a number on their collars as follows: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.

(2) The lowest number shall indicate the senior man and so on in rotation.

Station Diary.

25. A diary will be kept and maintained by the fireperson detailed for watch duty in which shall be entered particulars of all duties performed daily in the station and of the movements of the Fire Brigade personnel.

Punishment.

26. The Chief Fire Officer shall have power to award punishment by a fine not exceeding five dollars, to any member of the Fire Brigade who shall, on satisfactory evidence, be found guilty of any breach of these regulations, or of any offence affecting his or her character or position as a member of the Fire Brigade, and such fine shall be recovered under the provisions of the Act.
