

THE FIRE BRIGADE ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment of the Brigade.
4. Constitution of divisions of Brigade.
5. Functions of the Brigade.
- 5A. Establishment of Fire Brigade Board.
6. Special arrangements.
7. Composition of the Brigade.
8. Responsibility and functions of the Board.
- 8A. Appointment of Brigade members and Board staff.
- 8B. Pensions, gratuities and other retiring benefits.
- 8C. Annual operational reports.
- 8D. Power to give policy directions.
- 8E. Funds of the Board.
- 8F. Accounts and Audit.
9. Notification of fire or other disaster.
10. Powers of officer in charge at scene of fire or other disaster.
11. Rights of entry.
12. Powers and immunities.
13. Duty of Police.
14. Utilization of services of members of Jamaica Defence Force.
15. Damage done by the Brigade.
16. Regulations.
17. Offences.
18. *[Repealed by Act 9 of 1990, S. 3]*
19. *[Repealed by Act 9 of 1990, S. 3]*
20. Use of water supply.
21. Gratuity to volunteers.
22. Entry and inspection of specified buildings.
23. Appeals.

FIRE BRIGADE

24. Vesting of assets and transfer of liabilities.
25. Savings.
26. Transitional provision.

SCHEDULE

THE FIRE BRIGADE ACT

Acts
2 of 1988,
9 of 1990,
6 of 1992.

[18th October, 1988.]

1. This Act may be cited as the Fire Brigade Act.

Short title.

2. In this Act—

Interpreta-
tion.

“the Board” means the Fire Brigade Board established under section 5A;

6/1992
S. 2.

“the Brigade” means the Jamaica Fire Brigade established under section 3;

“Chairman” means the Chairman of the Board;

6/1992
S. 2.

“Commissioner” means the Commissioner of the Brigade appointed under section 8;

“fire equipment” includes all equipment, tools, implements, appliances and apparatus used in the service of the Brigade;

“functions” includes powers and duties;

6/1992
S. 2.

“officer in charge” means the officer for the time being in charge at a fire station or at the scene of a fire or other disaster;

“other disaster” includes earthquakes, floods, hurricanes, windstorms, the escape of dangerous fumes or fluids, explosions, oil spills and other dangerous pollutants of the air and sea;

“specified building” means any public building, office building, factory, warehouse, any building in which workers are employed, any building in which hazardous substance or material is stored, manufactured or processed, any building of more than one floor level constructed or intended for occu-

pation by more than one family, and any place of entertainment or building to which the public has access whether on payment of a fee or otherwise.

Establishment of the Brigade.

3. There is hereby established in and for Jamaica a fire service to be called the Jamaica Fire Brigade.

Constitution of divisions of Brigade.
6/1992
S. 3.

4. The Brigade may be comprised of one or more divisions as the Board, with the approval of the Minister, may determine by notice published in the *Gazette*.

Functions of the Brigade.

5.—(1) It shall be the duty of the Brigade to protect life and property in the case of fire or other disaster and, without prejudice to the generality of the foregoing, such duty shall include—

- (a) extinguishing fires;
- (b) protecting life and property endangered by fire or other disaster;
- (c) obtaining information with regard to potential risks from fire or other disaster;
- (d) inspecting specified buildings to ensure that reasonable steps are taken for the prevention of fire and for protection against the dangers of fire or other disaster;
- (e) making arrangements for ensuring that reasonable steps are taken to prevent or mitigate loss or injury arising from fire or other disaster.

(2) The Minister may, by order, require the Fire Brigade to undertake other functions for the purpose of preventing or mitigating risks of danger to life and property.

Establishment of Fire Brigade Board.
6/1992
S. 4.

5A.—(1) For the purposes of this Act, there is hereby established a body to be called the Fire Brigade Board which shall, subject to the provisions of this Act, be responsible

under the general authority of the Minister for the command, discipline and administration of the Brigade.

(2) The provisions of the Schedule shall have effect with respect to the constitution and procedure of the Board and otherwise in relation thereto. Schedule.

6.—(1) The Board with the approval of the Minister shall have power to make arrangements for assistance to the Brigade in the case of fire or other disaster occurring; and for this purpose may enter into agreements with persons who maintain fire services or other emergency services for the protection of life and property. Special
arrange-
ments.
6/1992
S. 5.

(2) Any person engaged pursuant to subsection (1) shall, on the occasion of a fire or other disaster, be under the command of the officer in charge at the scene of the fire or other disaster.

7.—(1) The Brigade shall consist of—

- (a) a Commissioner who, subject to the general order and direction of the Board, shall have the sole operational command and superintendence of the Brigade;
- (b) such number of Deputy Commissioners, Assistant Commissioners, Superintendents, Senior Deputy Superintendents, Deputy Superintendents, Senior Assistant Superintendents, Assistant Superintendents, Chief Officers, Captains, Assistant Chief Officers, District Officers, subordinate officers and firemen as the Board may determine.

Composi-
tion of the
Brigade.
6/1992
S. 6 (a).

(2) It shall be the duty of the Commissioner to see that all fire engines, fire boats and fire equipment are kept in good order and repair and are used for the purposes of the Brigade under this Act. 6/1992
S 6 (c).

(3) An officer shall have such command and such duties as the Commissioner may direct.

(4) An officer or subordinate officer who is posted to any division may be charged—

- (a) with the general direction and superintendence of the members of the Brigade posted in such division; or
- (b) with the direction and superintendence of the members of the Brigade posted in any part of such division assigned to him, so, however, that he shall be subject to the command and control of any other officer or subordinate officer as the case may require, charged under paragraph (a) with the general direction and superintendence of such division.

6/1992
S. 6 (d).

(5) For the purposes of this section and section 9 (2)—

- (a) “officer” means all members of the Brigade above the rank of Sergeant;
- (b) “subordinate officer” means any member of the Brigade in the rank of Sergeant Corporal or Lance Corporal.

(6) For the purposes of this section and section 9 (2)—

- (a) “officer” means all members of the Brigade above the rank of District Officer;
- (b) “subordinate officer” means any member of the Brigade in the rank of District Officer, Sergeant or Corporal.

Responsibility
and functions of
the Board.
6/1992
S. 7.

8.—(1) The Board shall be responsible for the efficient conduct and administration of the Brigade and for the proper expenditure of all public moneys appropriated for the Brigade.

[The inclusion of this page is authorized by L.N. 42/1995]

(2) It shall be the duty of the Board to carry out all necessary measures to ensure the proper functioning of the Brigade.

8A.—(1) The Board may appoint and employ at such remuneration and on such terms and conditions as it may determine—

Appoint-
ment of
Brigade
members
and Board
staff.
6/1992
S. 8.

- (a) a Commissioner, such other members of the Brigade; and
- (b) such other employees and agents, as may be necessary for the purpose of the Brigade:

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister;
- (b) no appointment shall be made without the prior approval of the Minister to any post to which a salary in excess of the prescribed rate is assigned.

(2) In subsection (1) “prescribed rate” means a rate of fifty thousand dollars per annum or such higher rate as the Minister may, by order, prescribe.

(3) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any public officer in the service of Jamaica to any post with the Brigade or the Board, as the case may require, and any public officer so appointed shall, in relation to pension, gratuity or other allowance, and to other rights as a public officer, be treated as continuing in the service of the Government.

8B. The Board may, with the approval of the Minister—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or not;

Pensions,
gratui-
ties and
other re-
tiring
benefits.
6/1992
S. 8.

(b) make regulations, for medical benefits, pensions, gratuities and other retiring or disability or death benefits relating to members of the Brigade and employees and agents of the Board and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such officers or servants.

Annual
operational
reports.
6/1992
S. 8.

8C. The Board shall, within three months after the end of each financial year submit to the Minister a report on the operation of the Brigade and the Board during the previous year and without prejudice to the generality of the foregoing, as to—

- (a) the condition of the fire engines, fire boats, fire equipment and other property of the Brigade;
- (b) the income and expenditure of the Brigade, in detail, for the previous year;
- (c) particulars of fires and other disasters known to it to have occurred in the previous year and the estimated damage;
- (d) such other particulars and recommendations as may be required by the Minister.

Power to
give
policy
directions.
6/1992
S. 8.

8D. The Minister may, after consultation with the Chairman, give to the Board such directions of a general character as to the policy to be followed by the Board in the discharge of its functions as appear to the Minister to be necessary in the public interest and the Board shall give effect to such directions.

Funds of
the
Board.
6/1992
S. 8.

8E. The funds of the Board shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Board.

8F.—(1) The Board shall keep proper accounts and other records in relation to its activities and shall prepare annually a statement of accounts in a form satisfactory to the Minister.

Accounts
and audit.
6/1992
S. 8.

(2) The accounts of the Board shall be audited annually under such arrangements and in such manner as may be approved by the Auditor-General and the members, officers and agents of the Board shall grant to the person conducting such audit access to all the books, documents, cash and securities of the Board and shall give to him on request all such information as shall be within their knowledge in relation to the operation of the Board.

(3) Within three months after the end of each financial year or within such further time as may be allowed by the Minister, the Board shall send the statement of its accounts referred to in subsection (1) to the Minister, together with a copy of any report made by the auditor on that statement and on the accounts of the Board.

9.—(1) The officer in charge of a fire station shall, on receiving notification that a fire has broken out or that any other disaster has occurred or is imminent, immediately dispatch such members of the Brigade and fire engines and fire equipment as he may consider necessary to the scene of the fire or other disaster.

Notification
of fire or
other disaster.

(2) Notwithstanding anything to the contrary, any member of the Brigade may be ordered by the Commissioner or the officer or subordinate officer charged with the general direction and superintendence of a division of the Brigade pursuant to section 7 (4) to go, for any purpose connected with the execution of his duty, to any place within Jamaica, for the purpose of dealing with an outbreak of fire or on the occasion of any other disaster.

Powers of
officer in
charge at
scene of fire
or other
disaster.

10. On the occasion of a fire or other disaster the Commissioner or officer in charge may in his discretion—

- (a) take command of other persons who may place their services at his disposal;
- (b) remove or order any member of the Brigade to remove any person who by his presence or conduct interferes with or obstructs the operations of the Brigade;
- (c) cause any water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire or other disaster is occurring;
- (d) direct the closing of any street in or near the place where a fire is occurring or where any other disaster has occurred or is imminent;
- (e) order the removal of any furniture, goods or other property from any building on fire or in danger of fire or other disaster;
- (f) take possession of and, if necessary, break down any building, wall, fence or structure for the purpose of extinguishing or preventing the spread of fire or the mitigation or control of other disaster;
- (g) generally take any measure that may appear in the circumstances to be necessary for the protection of life and property.

Rights of
entry.

11. Any member of the Brigade, if he considers it necessary for the purpose of carrying out his functions under this Act, may, without the consent of the owner or occupier, enter and, if necessary, break into any building which he has reasonable cause to believe is on fire or is at risk either from spread of fire or from other disaster.

12. The members of the Brigade on duty at the scene of any fire or other disaster shall have the powers, authorities and immunities of Constables and shall have power to arrest without warrant any person who may assault or obstruct or impede the members of the Brigade in the discharge of their duties.

Powers and
Immunities.

13. On the occasion of a fire or other disaster it shall be the duty of the Police to proceed immediately to the scene of the fire or other disaster in sufficient force to maintain order there and do all things generally for the assistance of the Brigade in extinguishing the fire or in performing its functions under this Act and, for such purposes, the Police may—

Duty of
Police.

- (a) close any street in or near to which the fire is burning or other disaster has occurred;
- (b) remove any person interfering with or obstructing the movements of the members of the Brigade; and
- (c) generally assist in the operations of the Brigade.

14.—(1) The Minister responsible for defence may, whenever he is satisfied that it is necessary so to do, order such members of the Jamaica Defence Force as the Chief of Staff shall from time to time nominate to extinguish fires and protect life and property in the case of any fire or other disaster.

Utilization
of services
of members
of Jamaica
Defence
Force.

(2) Members of the Jamaica Defence Force on duty pursuant to subsection (1) shall have the like powers, authorities and immunities as members of the Brigade on duty under this Act.

[The inclusion of this page is authorized by L.N. 42/1995]

(3) Members of the Jamaica Defence Force on duty pursuant to this section may use the fire engines, fire boats, fire equipment and other property provided for use of the Brigade.

Damage
done by
the Brigade.

15.—(1) No member of the Brigade, or member of the Jamaica Defence Force on duty pursuant to section 14 (1), or person under the command of the officer in charge, acting *bona fide* in carrying out the functions of the Brigade under this Act shall be liable for any damage or for any act done in carrying out such functions under this Act.

(2) Any damage occasioned by any member of the Brigade or by any member of the Jamaica Defence Force on duty pursuant to section 14 (1) or by any person under the command of the officer in charge in the exercise of the powers conferred under this Act in the case of a fire or other disaster, shall be deemed to be damage by fire or other disaster within the meaning of any policy of insurance against fire or other disaster, as the case may be.

Regulations,
6/1992
S. 9.

16.—(1) The Minister may, after consultation with the Board make regulations generally for the better carrying out of the provisions of this Act and without prejudice to the generality of the foregoing may make regulations in relation to any or all of the following—

- (a) the requirements for admission of members into the Brigade, the period of service, and the training, government and good conduct of such members;
- (b) the uniform to be worn by, the hours and places of training and exercise of, and the distribution of duties among members of the Brigade;
- (c) the services required of the members of the Brigade and the manner of their performance of such services;

- (d) the terms and conditions of enlistment in the Brigade;
- (e) gratuities or awards to any member of the Brigade for extraordinary or meritorious service performed by him while on duty;
- (f) for the purposes specified in section 5.

(2) Regulations made under this section shall be subject to negative resolution.

17. Every person who—

Offences.

- (a) obstructs, impedes or assaults any member of the Brigade, or any member of the Jamaica Defence Force on duty pursuant to section 14 (1) or any person under the command of an officer in charge of the Brigade in the execution of his duty;
- (b) aids or abets any other person in any act mentioned in paragraph (a);
- (c) wilfully removes or assists or is concerned in the moving of any chain, rope or barrier placed in or across any street under the authority of this Act;
- (d) not being a member of the Brigade, wears the uniform of the Brigade or something similar so as to mislead;
- (e) obstructs the use of any fire plug or hydrant in any manner whatsoever;
- (f) wilfully damages any fire engine, fire boat, fire equipment or other property of the Brigade;
- (g) unlawfully removes or is concerned with the unlawful removal of any furniture or goods from any building on fire or in danger of fire or other disaster;

- (h) gives or causes to be given in any manner whatsoever to the Brigade any false alarm of a fire or other disaster without having good reason to believe in the existence of such fire or other disaster (the proof whereof shall be on such person),

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand dollars or to imprisonment with hard labour for a term not exceeding three months.

18. *[Repealed by Act 9 of 1990, S. 3]*

19. *[Repealed by Act 9 of 1990, S. 3]*

Use of
water
supply.

20. The Brigade may use for the purposes of extinguishing fires any convenient or suitable supply of water.

Gratuity to
volunteers.
6/1992
S. 10.

21. The Minister may, after consultation with the Board, authorize the payment of a gratuity to any person not a member of the Brigade, who has suffered injury during any time he was assisting in the functions of the Brigade on the outbreak of a fire or other disaster; and where such person has died as a result of the injury, the gratuity may be given to his wife and dependants or to his legal personal representatives.

Entry and
inspection
of specified
buildings.

22.—(1) Any officer authorized by the Commissioner in that behalf may, on producing, if required to do so, documentary evidence of his authority, enter any specified building or part thereof at any reasonable time for the purpose of determining the condition of the building with regard to its safety against fire or other disaster.

(2) Where an officer on inspection of a specified building is of the opinion that the building constitutes or is likely to constitute a hazard he shall submit a written report of his inspection to the Commissioner.

(3) The Commissioner, if he is satisfied that the condition of a specified building constitutes or is likely to constitute a hazard, may, by notice in writing served on the occupier, require the occupier, within a period specified in the notice, to carry out such work on the building as may be specified in the notice or to take such other action as may be required in order to render it safe.

(4) Where the work to be carried out pursuant to subsection (3) is of a structural nature, the notice under that subsection shall be served on the owner of the building or, if he cannot be found, on his agent or on the occupier on his behalf.

(5) The Commissioner may extend the time specified in a notice to enable the requirements in the notice to be met.

(6) Any person who fails to comply with the requirements of a notice issued by the Commissioner under this section shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months and in the case of a continuing offence, to a fine not exceeding five hundred dollars for each day during which the offence continues after conviction.

23. Within twenty-one days of service of a notice issued pursuant to section 22(3), the person served may appeal to the Chief Technical Director on the ground that the requirements in the notice are unreasonable having regard to the condition of the building or the activities carried on therein and the Chief Technical Director may make such order as he thinks just. Appeals.

Vesting of
assets and
transfer of
liabilities.
6/1992
S. 11.

24. All fire engines, fire boats, fire stations, fire equipment and all other assets (including rights and interests) purchased by, belonging to or vested in the Government of Jamaica for the purpose of the Brigade shall be transferred to and vested in the Board on the 1st January, 1993.

Savings.

25. Where in any written law there is a reference to a Fire Brigade constituted under either the Parochial Fire Brigade Act or the Kingston and St. Andrew Fire Brigade Act (now repealed), or to any member thereof, the reference shall be construed as a reference to the Fire Brigade constituted under this Act or a member of such Brigade.

Transitional
provision.
6/1992
S. 12.

26.—(1) Subject to the provisions of this section, on the 1st January, 1993, the officers, subordinate officers and firemen holding office under this Act as in force immediately before the 1st January, 1993, shall be deemed to have been transferred on secondment to the service of the Brigade as reconstituted pursuant to the Fire Brigade (Amendment) Act, 1992 for a period of six months or such longer period as the Board may determine.

(2) During the period of secondment to the Brigade pursuant to subsection (1), an officer, subordinate officer or fireman shall be employed on terms and conditions not less favourable (as may be determined by the Board) than those enjoyed by such person in his substantive position, at the 1st January, 1993.

(3) Instead of accepting a transfer on secondment pursuant to subsection (1), an officer, subordinate officer or fireman may, within thirty days after the 1st January, 1993, by notice in writing made to the Chairman of the Board, elect to be retired on the ground that his substantive position has been abolished by virtue of the section.

(4) During the period of secondment, an officer, subordinate officer or fireman may, by notice in writing made to the Chairman of the Board, elect—

- (a) to be retired on the ground specified in subsection (3); or
- (b) to apply for a post in the Brigade.

(5) Where an officer, subordinate officer or fireman on secondment pursuant to subsection (1)—

- (a) has not elected to apply for a post under paragraph (b) of subsection (4); or
- (b) has not been accepted for appointment to the Brigade,

he shall be treated as if he has elected to be retired in accordance with paragraph (a) of subsection (4)

6/1992
S. 12.

SCHEDULE

(Section 5A)

Appoint-
ment of
members.

1. The Board shall consist of not more than seven nor less than five persons to be appointed by the Minister one of whom shall be the Commissioner who shall be an ex-officio member.

Temporary
appoint-
ments.

2. The Minister may appoint any person to act temporarily in the place of any member of the Board in the case of the absence or inability to act of such member.

Chairman.

3.—(1) The Minister shall appoint one of the members of the Board to be the Chairman thereof.

(2) The Board may by instrument in writing direct that subject to such conditions as may be specified in that instrument, such of the functions of the Board as may be so specified shall (without prejudice to the performance of those functions by the Board) be performed by the Chairman.

(3) The Minister shall appoint one of the members of the Board to be the Deputy Chairman thereof.

(4) In the case of the absence or inability to act of the Chairman the Deputy Chairman shall perform the functions of the Chairman.

(5) In the case of the absence or inability to act of the Chairman and the Deputy Chairman the Minister may appoint one of the remaining members of the Board to perform the functions of the Chairman.

(6) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining members of the Board shall elect one of their number to act as Chairman at that meeting.

Tenure of
office.

4.—(1) A member of the Board shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as may be specified in the instrument appointing him, and shall be eligible for reappointment.

(2) The Minister may at any time revoke the appointment of any member of the Board.

Resig-
nation.

5.—(1) Any member of the Board, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

6. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

7.—(1) The seal of the Board shall be authenticated by the signatures of the Chairman or one member of the Board authorized to act in that behalf and the Secretary of the Board. Authentication of seal and documents.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairman or any member authorized to act in that behalf or the Secretary of the Board.

8.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board shall determine. Procedure and meetings.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Board.

(3) The Chairman or, in the case of the absence or inability to act of the Chairman, the Deputy Chairman or the person elected to act as Chairman in accordance with the provisions of sub-paragraph (6) of paragraph 3 shall preside at the meetings of the Board, and when so presiding the Chairman, Deputy Chairman or the person elected as aforesaid to act as Chairman, as the case may be, shall have an original and a casting vote.

(4) The quorum of the Board shall be three including the Chairman or the Deputy Chairman or the person elected to act as Chairman as aforesaid.

(5) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

(6) The validity of any proceeding of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. There shall be paid to the Chairman and other members of the Board such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine. Remuneration of members.

Protection of members of Board.

10.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph the Board shall be liable to the extent that it would be if the said member were an employee or agent of the Board.

Office of member of Board not public office for the purposes of Chapter V of the Constitution.

11. The office of member of the Board shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.