

THE FIRE BRIGADE ACT

REGULATIONS
(*under section 16*)

The Fire Brigade Regulations, 1993

L.N. 4c/93
5A/98

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(Made by the Minister after consultation with the Fire Brigade Board
and published in Gazette Supplement dated January 21, 1993)

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PRELIMINARY

1. These Regulations may be cited as the Fire Brigade Regulations, 1993.

2. In these Regulations, unless the context otherwise requires—
“appropriate superior authority” in relation to a member accused
of a disciplinary offence which is to be dealt with summarily,
means—

(a) such officer in charge of a parish or area as the
Commissioner may designate as respects an accused
member other than one specified in paragraph (b);

(b) the Board, as respects the Commissioner, or any other
officer not below the rank of Assistant Commissioner;

“Board” means the Fire Brigade Board established under the Act;

“Brigade” means the Jamaica Fire Brigade;

“Chairman” means the Chairman of the Board;

“Commissioner” means the Commissioner of the Jamaica Fire
Brigade;

“fire service” means service in the Brigade;

“Medical Board” means a panel of three registered medical practitioners appointed for the purposes of these Regulations by the Board, as may from time to time be necessary;

“Medical Officer” means the registered medical practitioner in each parish engaged with the Brigade to perform medical services;

“member” means member of the Brigade;

“officer” has the meaning assigned to that expression under section 7 of the Act;

“subordinate officer” has the meaning assigned to that expression under section 7 of the Act;

“Tribunal” means an authority empowered by regulation 39 to hold a disciplinary inquiry.

CLASSIFICATION AND RANKS

3. The members of the Brigade shall be known by the following designations and shall rank in the order of the numbers specified in relation to each such designation—

- i — Commissioner
- ii — Deputy Commissioner
- iii — Assistant Commissioner
- iv — Superintendent
- v — Senior Deputy Superintendent
- vi — Deputy Superintendent
- vii — Senior Assistant Superintendent
- viii — Assistant Superintendent
- ix — Chief Officer
- Captain

- x — Assistant Chief Officer
- xi — District Officer
- xii — Subordinate Officer:
 - (a) Sergeant
 - (b) Corporal
 - (c) Lance Corporal
- xiii — Firemen:
 - (a) First Class
 - (b) Second Class
 - (c) Third Class

APPOINTMENT AND PROMOTIONS

4. The Commissioner shall make recommendations to the Board with respect to—

- (a) appointments;
- (b) promotions;
- (c) confirmation of individual members in their appointments.

5. In order to perform his functions under regulation 4 the Commissioner shall supervise the selection of persons for admission to the Brigade, for the grant of study leave to members and for the award to members of scholarships for special training.

6.—(1) From time to time as vacancies occur the Commissioner shall consider for recommendation to the Board the eligibility of each member for promotion.

(2) In the performance of his functions under paragraph (1) the Commissioner shall, as respects each member, take into account his experience, merit, ability, good conduct and also—

- (a) his general fitness;
- (b) his basic educational qualifications and any special qualifications;
- (c) any special course of training that he may have undergone;
- (d) any letters of commendation in respect of any special work done by the member;
- (e) comments made in official reports by any officer under whom the member concerned worked during his service;
- (f) the duties of the post for which he is a candidate;
- (g) any employment in the public service;
- (h) any special reports which the Commissioner may require.

(3) Notwithstanding anything in paragraphs (1) and (2) the Commissioner shall, in his recommendations to the Board, give preference to members who have manifested superior intelligence and efficiency in the performance of their functions.

7.—(1) In relation to an acting appointment as a prelude to a substantive appointment the procedure for making recommendations shall *mutatis mutandis* be the same as that prescribed in regulation 6, and every recommendation by the Commissioner in relation to such an acting appointment shall state whether or not the member recommended is in every way qualified to perform all the functions of the office in which he is to act.

(2) An acting appointment arising from the absence from duty of a member on leave may be made without strict regard being had to the provisions of regulation 6 if the Board is otherwise satisfied as to the ability and experience of the candidate.

(3) Where the Commissioner considers that there is no suitable candidate already in the Brigade available for the filling of any vacancy, the Commissioner shall recommend to the Board that such steps (including advertisement of the existence of such vacancy) as he may think necessary be taken for the filling of such vacancy.

(4) On appointment to the Brigade, the member appointed under the provisions of paragraph (3) shall be required to serve a probationary period of one year unless in any particular case a shorter period is specified by the Board.

(5) Subject to the provisions of paragraphs (3) and (4) the appointment on probation of an officer may at any time during the period of probation, and without any reason being given, be terminated by the Board upon one month's notice in writing or payment of one month's salary in lieu thereof.

8.—(1) The Board after consultation with the Commissioner shall determine the form and manner in which applications are to be made for appointment to the Brigade and for the conduct of any examination for recruitment thereto, and shall determine whether any candidate has the necessary qualifications for appointment to the Brigade.

(2) The Commissioner may interview candidates for appointment and shall consider in respect of each candidate—

- (a) his educational qualifications;
- (b) his general fitness;
- (c) any previous employment in the Brigade or otherwise; and
- (d) any reports which the Commissioner may require from persons appearing to him to have knowledge of the candidate.

(3) Without prejudice to the foregoing provisions of this regulation, the Board may appoint as firemen individuals who possess the qualifications from time to time prescribed for admission to the Brigade, and may fill all vacancies occurring in the firemen ranks.

(4) In making any appointment or in filling any vacancies pursuant to paragraph (3) the Board shall (acting in accordance with paragraph (2)) make selections in accordance with any conditions for the time being in force in relation to candidates for the particular post.

9.—(1) The Board may from time to time appoint one or more Selection Committees to assist in the selection of candidates for appointment to the Brigade and the composition of any such Selection Committee and the form in which its reports are to be submitted shall be determined by the Board, so, however, that the Commissioner or his nominee shall be an *ex officio* member of each such Committee.

(2) On the consideration of any report of a Selection Committee, the Board may in its discretion summon for interview any of the candidates recommended by such Selection Committee.

10.—(1) The Commissioner shall in each year furnish to the Board, Performance Evaluation Reports in respect of the twelve months immediately preceding—

- (a) the 1st day of November, in respect of officers; and
- (b) the 1st day of December, in respect of subordinate officers.

(2) In order to assist the Commissioner in performing his functions under this regulation, the officer in charge of each fire area or branch, as the case may be, shall in each year furnish to the Commissioner, Performance Evaluation Reports in respect of the twelve months immediately preceding the first day of October of such year, upon all members serving in the fire area or branch under his command.

11. Any member who has been reduced in rank for misconduct—

- (a) once, shall not be again promoted or recommended for promotion before the expiration of a period of one year after such demotion;
- (b) more than once, shall not be promoted or recommended for promotion save in the most exceptional circumstances.

ADMISSION, PROBATIONARY SERVICE AND TERMINATION OF APPOINTMENTS

12. A candidate for appointment to the Brigade as a fireman shall—

- (a) produce satisfactory reference as to character and if he has served in any branch of the Jamaica Defence Force, the Jamaica Constabulary Force or in a civil capacity in the public service produce satisfactory proof of his good conduct while in such service;
- (b) be under the age of twenty-eight years provided that a candidate above that age may be admitted if he has had such previous service or specialized skills as in the opinion of the Board renders his admission desirable;

- (c) be certified by a Medical Officer to be in good health, of sound constitution and fitted both mentally and physically to perform the duties of his office;
- (d) satisfy the Board that he is sufficiently educated by passing a written examination and interview; and
- (e) complete an application in such form as the Board may from time to time prescribe.

13.—(1) Subordinate officers and firemen may be enlisted for a term of five years and may within three months of the expiration of a term apply to be re-enlisted for a further such term.

(2) Subject to regulation 45, enlistment under paragraph (1) may only be terminated prior to expiration of the term—

- (a) by three months' written notice—
 - (i) from the subordinate officer or fireman to the Commissioner, through his immediate superior, of his intention to withdraw from the Brigade; or
 - (ii) to the subordinate officer or fireman from the Commissioner; or
- (b) in exceptional circumstances upon application by the member to the Commissioner.

14. On appointment to the Brigade a fireman shall—

- (a) be on probation for a period of one year from the date of his appointment;
- (b) during the period of probation, be liable to have his services dispensed with at any time if the Board considers that he is not fitted mentally or physically to perform the duties of his office, or that he is not likely to become an efficient and well conducted member:

Provided that a member whose services are to be dispensed with shall be entitled to receive one month's notice in writing from the Board or one month's pay in lieu of notice;

- (c) at the end of the period of probation, if his service has not been dispensed with, be deemed to have been duly confirmed as respects his enlistment.

15. Every person admitted to the Brigade as a fireman shall—
- (a) serve as a Third Class Fireman until promoted;
 - (b) at the expiration of two years' service as a Third Class Fireman, if certified by the Commissioner to be of good character and efficient be promoted to the rank of Second Class Fireman;
 - (c) after two years' service as a Second Class Fireman, if certified by the Commissioner to be of good character and efficient be promoted to the rank of First Class Fireman.

16.—(1) Every fireman or subordinate officer shall if there has not been recorded against him more than two minor breaches of discipline in any one year, be awarded—

- (a) one Good Conduct Chevron at the expiration of each such two years of service to a maximum of six such years;
- (b) a similar Good Conduct Chevron at the expiration of ten, fifteen and twenty years of good conduct,

so, however, that no fireman or subordinate officer as the case may be may have more than six such Good Conduct Chevrons at any one time.

(2) Each Good Conduct Chevron shall entitle the fireman or sub-officer as the case may be to such daily payment as may be approved from time to time.

(3) In this regulation, "minor breach of discipline" means a disciplinary offence under these Regulations in respect of which a penalty not exceeding three days' pay has been imposed.

17. In order to qualify for promotion to any rank of subordinate officer, a member shall pass such written and oral examination as the Board after consultation with the Commissioner shall require, and shall be certified by the Commissioner to be of good character and efficient.

UNIFORMS, EQUIPMENT AND ACCOUTREMENTS

18.—(1) Officers, subordinate officers and firemen shall wear such uniforms and receive such equipment and accoutrements, for use in the execution of their duties, as may be approved by the Board on the recommendation of the Commissioner.

(2) Any person who is appointed in the service of the Brigade to the rank of officer, subordinate officer or fireman in circumstances other than those referred to in paragraph (3), shall, on being so appointed, receive an initial issue of uniforms, equipment and accoutrements and thereafter may receive such uniforms, equipment and accoutrements as the Board may, from time to time, direct.

(3) A person shall—

- (a) on entering the service of the Brigade for training as a fireman, receive, as part of the initial issue referred to in paragraph (2), such uniforms, equipment and accoutrements as are necessary for such training; and
- (b) on successful completion of the training, receive the remainder of the initial issue,

and thereafter shall receive uniforms, equipment and accoutrements in accordance with these Regulations.

(4) Notwithstanding paragraphs (2) and (3) the Board may in the circumstances of the case, replace free of cost—

(a) any uniform which—

- (i) is lost or damaged in the line of duty at a fire or other disaster; or
- (ii) is ill fitting or contains manufacturing flaws; or
- (iii) has deteriorated due to fair wear and tear; or
- (iv) is in need of replacement as the Board sees fit;

(b) any equipment or accoutrement which—

- (i) is lost or damaged in the line of duty at a fire or other disaster; or
- (ii) contains manufacturing flaws; or
- (iii) has deteriorated due to fair wear and tear; or
- (iv) is in need of replacement as the Board sees fit.

(5) Except in cases of loss, where any uniform, equipment or accoutrement is replaced pursuant to paragraph (4), the member shall, before being issued with the replacement, return such uniform, equipment or accoutrement to the Board.

(6) Where the loss or damage to any uniform, equipment or accoutrement is caused by a member's default, the cost of replacement thereof or repairs thereto shall be recoverable as a debt due to the Brigade and shall be deducted from the pay of the member.

(7) Subject to paragraph (6) a member of the Brigade shall be reissued by the Brigade with a fresh issue of any uniform, equipment or accoutrement which had been paid for by that member.

(8) No member shall give away or lend any uniform, equipment or accoutrement to any person except when so authorized by the Board.

(9) Any unauthorized person who wears, uses or has in his possession any uniform, equipment or accoutrement which is the property of the Brigade shall be guilty of an offence against these Regulations.

(10) All uniforms, equipment and accoutrements issued by the Brigade to a member of the Brigade shall remain the property of the Brigade, and shall be returned to the Brigade by any person who ceases to be a member of the Brigade.

(11) Any person who ceases to be a member of the Brigade and who fails to return to the Brigade any issue or item of uniform, equipment or accoutrement issued by the Brigade shall be indebted to the Brigade for such issue or item not returned; and the cost of replacement thereof shall be recoverable as a debt due to the Brigade and shall be deducted from the pay or any monies owed to the member by the Brigade.

(12) No badge, emblem or decoration other than those approved by the Board or awarded under the National Honours and Awards Act shall be worn on or with the uniform of the Brigade and any badge, emblem or decoration so approved or awarded shall only be worn in such circumstances as are specified in the Dress Code Regulations of the Brigade.

DUTIES AND TRAINING

19. The Commissioner shall—

- (a) order such drills with or without appliances as in his opinion may be necessary for training the members of and maintaining the efficiency of the Brigade;

- (b) whenever required by the Board and at the end of each financial year, furnish an inventory of all appliances, equipment and other articles belonging to the Board and in use by the Brigade and also a report on the working of the Brigade during such financial year;
- (c) as soon as possible after a fire, report on the form from time to time approved by the Board particulars as to the cause of the fire, the vehicles, appliances, number of men and methods employed in putting out the fire or preventing its spread and whether any and what premises were broken into or taken possession of and as to the insurance carried on all buildings or other property damaged or destroyed;
- (d) generally enforce these and any other regulations pertaining to the fire service which may from time to time be in force.

20. Each officer shall—

- (a) have immediate charge of all such appliances, accoutrements, tools and equipment as may be placed under his care by the Commissioner and shall be responsible to the Commissioner for their good condition;
- (b) make himself acquainted with all the fire engines of the Brigade, and with all the water supplies and fire hydrants within the limits of his operations;
- (c) when 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 despatch such members of the Brigade and fire appliances with equipment as he may consider necessary to the scene of the fire or other disaster;
- (d) perform such inspections of premises as may be directed by the Commissioner and report to him any contravention of regulations for the prevention of fire which may come to his notice;
- (e) visit the night watch-room attendants at fire stations and firemen at places of amusement and other places at such times as the Commissioner may direct and report to the Commissioner the result of such inspections;

- (f) perform such clerical duties in connection with the Brigade, as the Commissioner may from time to time require;
- (g) report to the Commissioner upon becoming aware thereof, any defect in any fire appliances or fire equipment or breach of regulations or neglect of duty or insubordination on the part of any member;
- (h) at all times, so conduct himself as to be an example to the members under him.

21. Each Sergeant shall—

- (a) receive the orders and instructions of the Commissioner and as the case may require, officers, and report to such officers as the Commissioner may from time to time direct;
- (b) in the absence of the assigned officers take command of the fire division or branch to which he is posted and perform the duties laid down for such officers;
- (c) be responsible for seeing that all the orders of the Commissioner and, as the case may require, officers are promptly and efficiently carried out and immediately report any misconduct or infringement of regulations on the part of any Corporal, Lance Corporal or fireman;
- (d) be responsible for the conduct of the members under his command and for the good condition of the fire appliances, equipment, buildings and premises of the station to which he is posted and shall see that all appliances and equipment of the Corporals, Lance Corporals and firemen are properly cared for and in good order.

22. Each Corporal shall—

- (a) make himself acquainted with these Regulations and with the duties of Sergeant;
- (b) in the absence of his immediate senior perform the duties devolving on such senior;

- (c) ensure that the Lance Corporals and firemen under his command promptly obey all orders given to them in a smart manner and shall immediately report any misconduct, delay, infringement of regulations or insubordination.

23. Every Lance Corporal and fireman shall—

- (a) obey the orders of the Commissioner or as the case may require officers (whether issued directly or through a Sergeant or Corporal) and shall also obey the orders of the Sergeant or Corporal and shall not question the prudence of any order but shall obey the same smartly;
- (b) perform for the Brigade any work for which he may be qualified or for which the Commissioner may consider him qualified and which the Commissioner may consider necessary for the efficient performance of the duties of the Brigade and for the keeping of the building and premises, vehicles, appliances, tools and equipment of the Brigade in good order and condition;
- (c) report any injury received by him in the course of his duties within one hour of the receipt of such injury or within one hour of his return to the fire station if the injury was received while he was away from the station or at the first available opportunity thereafter;
- (d) while on sick leave, unless confined to bed or to his room by order of the Medical Officer, visit the Medical Officer when so directed by him;
- (e) when acting as dutyman, on a call or alarm being received use his best endeavours to ascertain the locality and nature of the supposed fire or other disaster, and immediately alarm the station notwithstanding that he may believe the call to be a false alarm;
- (f) salute in a smart manner on meeting the Commissioner or other officers of the Brigade and stand strictly to attention.

24. The officer on duty at any fire station shall inspect all firemen detailed for duty away from the station and shall make a record of such inspection in the Occurrence Book kept in the Watchroom of the particular station.

25.—(1) Unless otherwise directed by the Commissioner all subordinate officers and firemen other than those on special duty shall attend parades at all fire stations at the times specified in operational directions or at any other time required by the Commissioner.

(2) In this regulation "operational directions" means such orders, directions or rules as the Commissioner may make for the administration of the Brigade.

26.—(1) Every officer, subordinate officer, or fireman who absents himself from duty for more than three days without satisfactory explanation shall be held automatically to have vacated his position and shall be liable to summary discharge by the Board.

(2) A member so dismissed shall be served with a notification in writing of his dismissal and where such a member cannot be located, service shall be deemed to be effected by sending such notification by prepaid registered post to his last known address.

MEDICAL ATTENDANCE

27.—(1) Subject to paragraph (2), a member shall not be absent from duty on account of injury or illness except with the authority of a Medical Officer.

(2) When on account of some unavoidable cause the authority of a Medical Officer cannot be given, the certificate of another medical practitioner may be accepted.

28. The Board shall provide free medical treatment by a Medical Officer for every member who is incapacitated from duty by injury or illness not caused by his own default and shall supply to such member such medicines and drugs as a Medical Officer may consider necessary:

Provided that if a Medical Officer certifies that a member requires specialist treatment, such treatment shall be provided without cost to the member if his incapacity was due to an injury received without his default in the course of his duty; in all other circumstances, the provision of specialist treatment shall be at the discretion of the Board.

29. The Board shall provide free dental and optical treatment including the provision of dentures and spectacles when necessary for every member in respect of whom a Medical Officer has certified that such treatment is necessary for the member's health and continued efficiency in the Brigade and that the necessity does not arise from the neglect or default of the member.

LEAVE

30.—(1) Every member shall so far as the exigencies of the Brigade permit be granted leave of absence as follows—

- (a) twenty-four hours off duty after completion of each tour of duty of an average eight hours;
- (b) such annual and departmental leave as the Board may determine:

Provided that a member on probation is not entitled to receive any annual leave during the first six months after his appointment.

(2) A member absent from duty with the authority of a Medical Officer on account of injury or illness, is entitled to receive full pay for a period not exceeding an aggregate of fourteen (14) days in any calendar year or such further period as the Board may, in any particular circumstance determine.

(3) If the absence of a member pursuant to paragraph (2) is continuous, the Board may grant half pay for a further period not exceeding four weeks if the member is entitled to free medical attention under regulation 28.

(4) If the absence of a member is caused by injury sustained in the performance of his duties and he is on leave with full pay, he must be seen by a Medical Board before the expiration of twelve months of such leave.

PERSONAL RECORDS

31. A personal record shall be kept in respect of each member, wherein shall be entered his photograph, description, particulars of the date and place of his birth, his family, his previous service (if any) in the Jamaica Defence Force, Jamaica Constabulary Force, municipal service, Parish Council Service, or other public service, and in respect of service in the Brigade the date of his appointment, all changes in pay and promotions, all periods of sickness and leave of absence, all commendations, rewards and punishment and the date of his ceasing to be a member of the Brigade with the reason therefor or, cause or manner thereof.

32. On leaving the Brigade, every member shall be given a certificate showing his rank and setting out the period of his service and the reason for and other circumstances of his leaving the Brigade and the Commissioner may append thereto any recommendations which he considers appropriate.

DISCIPLINE

Disciplinary Offences

33.—(1) A member commits a disciplinary offence if as respects the Brigade he is guilty of—

- (a) discreditable conduct, that is to say, if he acts in a disorderly manner or any manner prejudicial to discipline or likely to bring discredit on the reputation of the Brigade;

- (b) insubordinate or oppressive conduct, that is to say, if he—
- (i) is insubordinate by word, act or demeanour; or
 - (ii) is guilty of oppressive or tyrannical conduct towards a member junior in rank; or
 - (iii) uses obscene, abusive, or insulting language to any other member; or
 - (iv) wilfully or negligently makes any false complaint or statement against any member; or
 - (v) assaults any member; or
 - (vi) withholds any complaint or report against any member;
- (c) disobedience to orders, that is to say, if he disobeys or without sufficient cause, omits or neglects to carry out any lawful order, written or otherwise;
- (d) neglect of duty, that is to say, if he—
- (i) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which is his duty; or
 - (ii) idles or gossips while on duty; or
 - (iii) leaves his place of duty without due permission or sufficient cause; or
 - (iv) fails to report any matter which it is his duty to report; or
 - (v) omits to make any necessary entry in any official document or book; or
 - (vi) neglects, or without good and sufficient cause, omits to carry out any instruction of the Medical Officer, or while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty;
- (e) falsehood or prevarication, that is to say, if he—
- (i) knowingly makes or signs any false statement in any official document or book; or
 - (ii) wilfully or negligently makes any false, misleading or inaccurate statement; or

- (iii) without good and sufficient cause, destroys or mutilates any official document or record, or alters or erases any entry therein;
- (f) breach of confidence, that is to say, if he—
 - (i) divulges any matter which it is his duty to keep secret;
 - (ii) without proper authority communicates to the public media, or to any unauthorized person, any matter connected with the Brigade;
 - (iii) without proper authority shows to any person outside the Brigade any book or written or printed document the property of the Brigade;
 - (iv) makes any anonymous communication to the Board or to the Commissioner;
 - (v) canvasses any member of the Board with regard to any matter concerning the Brigade;
 - (vi) signs or circulates any petition or statement with regard to any matter concerning the Brigade, except through the proper channel or correspondence with the Commissioner; or
 - (vii) calls or attends any unauthorized meeting to discuss any matter concerning the Brigade;
- (g) corrupt practice, that is to say, if he—
 - (i) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial without the consent of the Commissioner; or
 - (ii) improperly uses his character and position as a member of the Brigade for his private advantage;
- (h) unlawful or unnecessary exercise of authority, that is to say, if he—
 - (i) without good and sufficient cause makes any unlawful or unnecessary arrest or breaks into any building;
 - (ii) is uncivil to any member of the public;
- (i) malingering, that is to say, if he feigns or exaggerates any illness or injury with a view to evading duty;
- (j) absence without leave or being late for duty, that is to say,

if he without reasonable excuse is absent without leave from, or is late for, parade or any other duty;

- (k) untidiness, that is to say, if while on duty or while off duty in uniform—
 - (i) he is improperly dressed or dirty, or untidy in his personal clothing or accoutrement; or
 - (ii) the hair on his head is not properly groomed; or
 - (iii) his cheeks and chin are not clean shaven; provided however that any member who has obtained from a Medical Officer and delivered to the Commissioner a recommendation in writing that he be excused from compliance with this provision, may be so excused;
- (l) damage to equipment, clothing or other articles supplied, that is to say, if he—
 - (i) wilfully or by carelessness causes any waste, loss or damage to any fire engine, equipment, article of clothing, accoutrements or to any book, document or other property of the Brigade, operated by him, served out to him, used by him or entrusted to his care; or
 - (ii) fails to report any loss or damage as aforementioned;
- (m) drunkenness, that is to say, if he, while on or off duty, is unfit for duty due to consumption of intoxicating liquor;
- (n) unfit for duty due to the consumption of any drug other than pursuant to the lawful directions of a registered medical practitioner;
- (o) drinking on duty or soliciting drink, that is to say, if he—
 - (i) without the consent of his superior officer, drinks or receives from any other person any intoxicating liquor while he is on duty; or
 - (ii) demands or endeavours to persuade any other person to give him or to purchase or obtain for him, any intoxicating liquor while he is on duty;
- (p) entering licensed premises while on duty, that is to say, if he enters while on duty, any premises licensed under the Spirit Licence Act or any other premises where liquor is stored or distributed, other than in the execution of his duty;

- (g) improper conduct, that is to say, if he—
- (i) lends money to any member superior in rank or borrows from or accepts any present from any member inferior in rank;
 - (ii) connives at, or is knowingly an accessory to any breach of these Regulations.

(2) Any case not provided for by these Regulations shall be reported to the Board and the Board may issue instructions as to how the case is to be dealt with, and the case shall be dealt with accordingly.

INVESTIGATION

34.—(1) Where it is alleged that a member has committed a disciplinary offence and after the investigation of the charge it appears that—

- (a) the charge is for an offence that can be dealt with summarily, it shall be so dealt with by the appropriate superior authority;
- (b) the charge is not for an offence which can be dealt with summarily, it shall be referred to the Tribunal who shall hold an inquiry with respect thereto;
- (c) an offence against any enactment appears to have been committed, the matter shall, unless criminal proceedings have been or are about to be instituted, be referred to the Director of Public Prosecutions for advice as to whether criminal proceedings ought to be instituted;
- (d) there is insufficient basis for proceeding further the charge shall be dismissed.

(2) If the Director of Public Prosecutions advises that criminal proceedings ought to be so instituted, disciplinary proceedings shall not be initiated before the determination of the criminal proceedings so instituted.

35. Where criminal proceedings have been instituted against a member, disciplinary proceedings upon any grounds arising out of the criminal charge shall not be taken until after judgment has been given and the time allowed for an appeal from the judgment has expired,

and where a member after conviction has appealed, disciplinary proceedings shall not be taken until after the withdrawal of or determination of the appeal.

SUMMARY PROCEDURE

36. References in these Regulations to dealing summarily means the hearing and determination by an appropriate superior authority in such manner as it deems fit of a charge against a member after notification of the charge to such member, whether orally or in writing.

37.—(1) Disciplinary offences other than those specified in subsection (2) may be dealt with summarily.

(2) The offences to which paragraph (1) refers are those specified at paragraphs (a), (b) (ii), (b) (v), (e), (f), (g), (h) (ii), (n) and (q) of regulation 33.

(3) If the appropriate superior authority determines that the accused is guilty of a disciplinary offence it shall so find, and may sentence the accused to one of the following punishments, that is to say—

- (a) deprivation of a Good Conduct Chevron;
- (b) a fine of a sum not exceeding three days' pay;
- (c) severe reprimand;
- (d) reprimand.

38. Upon the conclusion of summary proceedings, the appropriate superior authority shall submit to the Commissioner a report of such proceedings.

DISCIPLINARY INQUIRY

39.—(1) A disciplinary inquiry shall be heard by a Tribunal consisting of—

- (a) the Board, where the relevant charge is against the Commissioner or other officer not below the rank of Assistant Commissioner; or
- (b) the Commissioner, in all other cases.

40.—(1) Every member in respect of whom a disciplinary inquiry is to be held shall as soon as possible be informed in writing of the exact charge against him.

(2) The written charge shall disclose a disciplinary offence under these Regulations with specific particulars thereof.

(3) The written charge which shall be entered on a form approved by the Board (hereinafter referred to as the Charge Sheet) together with the report or complaint on which the charge is founded and all reports thereon (whether confidential or otherwise) or copies thereof, shall be delivered as soon as practicable to the member charged, who shall initial them to show that he has seen them.

(4) The member charged shall either be allowed to retain for the purpose of his defence, the reports which are handed to him, or shall be allowed a reasonable opportunity to make copies of the reports for that purpose.

(5) The member charged shall state in writing on the Charge Sheet whether he admits or denies the charge and may explain in writing any facts or circumstances forming a part of the charge or he may state that he desires to offer his explanation to the Tribunal and shall, if he so desires, be afforded an opportunity of doing so.

(6) If the Tribunal is not satisfied with the explanation given by a member who has denied a charge made under regulation 39 the member shall be directed in writing to appear before the Tribunal at a time and place mentioned in the direction and shall be afforded an opportunity of hearing the evidence tendered against him and of cross-examining the witnesses called in support of the charge and of giving evidence and calling witnesses in his defence.

(7) If the member charged refuses or neglects without reasonable cause to appear at the time and place so appointed pursuant to paragraph (1), the charge may be heard and decided in his absence.

(8) The member charged shall, if he desires the presence when the charge is heard of any witnesses to material facts, state in writing the names and addresses of the witnesses and any such witnesses who are members, shall be directed to attend and any witnesses who are not members shall be given due notice of the time and place of the hearing.

(9) The member charged and the person or authority preferring the charges may each be represented by another member, an attorney-at-law, or trade union representative.

(10) A member who a Tribunal finds guilty of a disciplinary offence is liable to—

- (a) discharge;
- (b) suspension from duty for a period not exceeding twenty-eight days, without pay or with half pay only;
- (c) reduction in rank;
- (d) severe reprimand; or
- (e) the deprivation of Good Conduct Chevrons.

(11) The decision of the Tribunal shall be written upon the Charge Sheet and notified forthwith to the member charged who shall write on the Charge Sheet his acknowledgement of having read the decision.

(12) Notices required to be given may be given by such person as the Tribunal may generally or in any particular case direct.

SUSPENSION

41.—(1) Where—

- (a) any disciplinary inquiry or criminal proceedings have been or are about to be instituted against a member; or
- (b) the Board or Commissioner becomes aware of any misconduct on the part of a member; and
- (c) the Board or Commissioner in either case referred to in paragraph (a) or (b), is of the opinion that it is necessary or desirable in the public interest that the member should be forthwith suspended from duty,

the Board or Commissioner, as the case may be, may direct that the member be suspended from duty.

(2) The order for suspension shall be in writing stating the reasons therefor and shall be made by the Chairman of the Board or Commissioner and a copy thereof shall forthwith be delivered to the member concerned.

(3) A member so suspended shall from the date of suspension be paid half pay until the final conclusion of the proceedings relating to the charge against him and appeal (if any).

(4) When as a result of the relevant disciplinary inquiry the member concerned—

- (a) is ordered to be discharged, he shall not be entitled to any further payment in respect of the period during which he was suspended;
- (b) is fined, the pay withheld shall be applied against the fine and the balance (if any) paid to him;
- (c) is suspended without pay, he shall forfeit the half pay retained by him during his suspension pending trial;
- (b) is fined, the pay withheld shall be applied against the fine deemed to commence on the day on which he was suspended pending trial and any pay withheld in excess of the period ordered, shall be paid to him;
- (e) he is acquitted of the charge, he shall receive so much of his pay as may have been withheld.

(5) A member who has been summoned or arrested on a criminal charge may be forthwith suspended from duty without pay and deprived of all uniforms and other Government property in his possession and if admitted to bail may earn his livelihood as if he were not a member of the Brigade.

(6) A member who has been suspended from duty may not leave Jamaica without the permission of the Board acting on the recommendation of the Commissioner, and shall give to the Commissioner an address at which he may be found.

(7) All documents required to be served pursuant to these Regulations on a member who is under suspension from duty, shall be deemed to be properly served if sent by pre-paid registered mail to the address given by that member in accordance with paragraph (6).

(8) A member convicted of a criminal charge involving dishonesty, fraud or moral turpitude or convicted of a criminal charge and sentenced to imprisonment shall not receive any of his emoluments after the date of such conviction pending the determination of the Board.

REVIEW AND APPEAL

42.—(1) An aggrieved member may appeal to the Commissioner from a decision of an officer designated to conduct summary proceedings pursuant to regulation 2.

(2) The Commissioner may at the hearing of the appeal—

- (a) allow the appeal; or
- (b) dismiss the appeal with such consequential orders setting aside or varying the decision as he thinks fit.

(3) Appeal proceedings under this regulation shall be regarded as a disciplinary inquiry by a Tribunal consisting of the Commissioner and the provisions of these Regulations shall *mutatis mutandis* apply.

43.—(1) Within fourteen days after a Tribunal consisting of the Commissioner has (initially or on appeal) found an accused member guilty of a disciplinary offence the accused may in writing request the Board to review the decision.

(2) On a review pursuant to paragraph (1) the Board may—

- (a) quash the decision;
- (b) substitute another decision;
- (c) confirm the decision.

44. Subject to the provisions of the Judicature (Appellate Jurisdiction) Act, an appeal from any decision of the Board (acting summarily or as a Tribunal) lies to the Court of Appeal.

DISCHARGE

45. In addition to any other provision in this regard a member of the Brigade may be discharged—

- (a) by direction of the Board on the recommendation of the Commissioner that the member is no longer efficient or on the certificate of a Medical Officer that he is physically unfit to perform the duties of his office;
- (b) by the Board at the request of the member;
- (c) on his giving at least three months' notice of his desire to retire if the Commissioner shall certify that the exigencies of the service allow for such discharge.