ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER F29

FIRE AND RESCUE SERVICE ACT

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—
Act 6/2013, in force 25 September 2013

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER F29

FIRE AND RESCUE SERVICE ACT

Showing the Law as at 15 December 2014

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—
Act 6/2013, in force 25 September 2013

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

FIRE AND RESCUE SERVICE ACT

TABLE OF CONTENTS

PART 1

PRELIMINARY

SECTION

1. Interpretation
2. Application of other laws

PART 2

ESTABLISHMENT OF THE
FIRE AND RESCUE SERVICE AND APPOINTMENTS

3. Establishment of the Fire and Rescue Service
4. Appointments and discipline
5. Qualification for appointment
6. Probation
7. Incremental date where period of probation is extended
8. Tenure of office of fire officers
9. Appointment for specified period
10. Resignation
11. Retrenchment
12. Oath and affirmation
13. Remuneration
14. Uniforms, equipment and other accoutrements
15. Accoutrements to be delivered up upon resignation
16. Hospital and medical attention
17. Funeral expenses

PART 3

POWERS, DUTIES, FUNCTIONS AND PRIVILEGES

18. Powers and functions of the Fire and Rescue Service
19. Authorised fire officers may exercise powers of the Fire and Rescue Service
20. Duties of fire officers
21. Power of entry, general
22. Obtaining information and investigating fires
23. Right of way to fire officers
24. Exemption from certain traffic laws

PART 4

ADMINISTRATIVE CONTROL OF THE FIRE AND RESCUE SERVICE

25. Command and administration
26. Standing Orders
27. Special services

PART 5

EXTINGUISHING FIRES AND SUPPLY OF WATER FOR FIRE-FIGHTING

28. Powers of the Fire and Rescue Service in extinguishing fires
29. Notice before destruction
30. Report of destruction
31. Compensation
32. Supply of water for fire-fighting
33. Installation of fire hydrants by water authority
34. Prescribed undertakings
35. Notice to be given of proposed works affecting water supply and fire hydrants
36. Chief Fire Officer may issue direction to water authority
37. Liability of water authority

PART 6

PUBLIC BUILDINGS FIRE SAFETY

38. Interpretation of Part 6
39. Extent of this Part
40. Means of escape from public buildings to be maintained
41. Prescribed fire safety installations
42. Fire and evacuation plans
43. Assistance with fire and evacuation plans, etc.
44. Fire safety management plan
45. Inspection of public buildings
46. Chief Fire Officer may require work to be done on public buildings
47. Requirement for certificate of compliance
48. Application for certificate of compliance
49. Consideration of application
50. Grant and refusal of certificate of compliance
51. Certificate of compliance to be displayed
52. Order for closure of public buildings
53. Injunction
54. Appeal against requirement contained in notice

PART 7

MISCONDUCT AND OFFENCES AGAINST DISCIPLINE

55. Offences against discipline, general
56. Complaints, reports and allegations respecting misconduct, etc.
57. Conduct of preliminary enquiries, etc.
58. Hearing and determination of charges
59. Exercise of disciplinary control over subordinate fire officers
60. Reduction in rank, suspensions and dismissals
61. Interdiction
62. Appeal by fire officer

PART 8

AUXILIARY FIRE OFFICERS

63. Appointment of auxiliary fire officers
64. Uniforms and other accoutrements of auxiliary fire officers
65. Direction of auxiliary fire officers
66. Injuries in the execution of duties
67. Offences by auxiliary fire officers

PART 9

OFFENCES AGAINST THE FIRE AND RESCUE SERVICE

68. General offences
69. Obtaining admission into the Fire and Rescue Service by fraud
70. Improper possession of clothing, etc. of the Fire and Rescue Service
71. Personation of members of the Fire and Rescue Service
72. False alarms
73. Assaulting etc. members of the Fire and Rescue Service
74. Refusing to assist members of the Fire and Rescue Service assaulted

PART 10

FIRE AND RESCUE SERVICE WELFARE ASSOCIATION

75. Establishment of the Association
76. Management of the Association
77. Receipts of benefits from unauthorized associations prohibited

PART 11

MISCELLANEOUS

78. Emergencies other than fire and road traffic accidents
79. Abandonment of office
80. Restriction on disclosure of information

81. Restriction on other employment and activities
82. Fire officers to exercise powers etc. of police officers
83. Protection for members of the Fire and Rescue Service
84. Insurance coverage
85. Police officers to assist the Fire and Rescue Service
86. Expenses
87. Regulations
88. Citation

SCHEDULE 1: Classification of offices
SCHEDULE 2: Oath and affirmation for due execution of office
SCHEDULE 3: Regulated purposes respecting building use

FIRE AND RESCUE SERVICE ACT

PART 1

PRELIMINARY

Interpretation

1. (1) In this Act, unless the context otherwise requires—

"Anguilla" includes the territory (including areas covered by water) of Anguilla and maritime areas under the sovereignty or jurisdiction of Anguilla;

"Association" means the Fire and Rescue Service Welfare Association established by section 75;

"authorised fire officer" means the Chief Fire Officer or any fire officer authorised by the Chief Fire Officer pursuant to section 19;

"building" includes dwelling and a part of a building or dwelling;

"developer", in relation to a prescribed undertaking, means a person who develops property including buildings for multiple occupancy or as tourist development or room accommodation establishment;

"emergency" means an event or situation which causes or is likely to cause—

(a) one or more individuals to die, be seriously injured or become seriously ill; or

(b) serious harm to life and health of plants and animals and generally the environment;

"Fire and Rescue Service" means the Anguilla Fire and Rescue Service established by section 3;

"fire officer" means a person occupying an office, or performing the duties respecting an office, in the Fire and Rescue Service;

"fire officer in charge of the fire" means the fire officer present at a fire and who has the sole charge and control of all operations for saving of life and for controlling and extinguishing the fire;

"General Orders" means the General Orders for the public service issued by the Governor or any regulations or other subsidiary legislation repealing and replacing such Orders;

"misconduct" includes—

(a) disgraceful or improper conduct that shows unfitness to be, or to continue as, a fire officer;

(b) behaviour that does not satisfy a standard of behaviour generally expected of fire officers; and

(c) such other acts of misconduct as may be prescribed;

"occupier", in relation to a building, means the person who is in actual occupation of the building or, if there is no such person, the owner of the building;

"owner", in relation to a building, means the person who for the time being is entitled to the rent of the building or would be so entitled if the building were let, and includes the developer of a public building;

"Pensions Laws" means the Pensions Act as amended by subsequent legislation enacted and any regulations made under that Act;

"prescribed undertaking" includes a hotel, building for multiple occupancy or other room accommodation establishment and any factory or other industrial undertaking as may be prescribed;

"private dwelling house" means—

(a) any building used or constructed or adapted to be used as the dwelling for one individual or one family; or

(b) in the case of a building used partly as a dwelling house and partly for other purposes, that part of the building used as the dwelling house for one individual or one family;

"public building" includes—

(a) a hotel, motel, inn, guest house and such other room accommodation establishment or building for multiple occupancy;

(b) a shop, factory and other work or business place employing 5 or more persons;

(c) a school, hospital and day care facility;

(d) a theatre, dancehall, discotheque and such other place of entertainment to which members of the public have access, whether or not on the payment of a fee;

(e) an oil or fuel storage depot or delivery station; and

(f) any explosive store and any facility for storage of toxic or dangerous substances;

"subordinate fire officer" means any person holding or acting in the office of Firefighter, Leading Firefighter or Fire Sub-Officer;

"water authority" means the authority responsible for the control, maintenance, regulation and management of water service and waterworks for Anguilla and includes the Water Department.

(Am. in L.R. 15/12/2008)

(2) References in this Act to "prescribed regulations" shall be construed as references to the General Orders, Public Service Commission Regulations and regulations made under this Act.

Application of other laws

2. The terms and conditions of employment of fire officers, not specifically provided for by this Act and regulations made under this Act, shall be governed by the provisions of—

(a) the Public Service Commission Act and regulations made under that Act;

(b) the Pensions Laws; and

(c) the General Orders.

PART 2

ESTABLISHMENT OF THE FIRE AND RESCUE SERVICE AND APPOINTMENTS

Establishment of the Fire and Rescue Service

3. (1) There shall be established and maintained in and for Anguilla a service to be known as the Anguilla Fire and Rescue Service comprising a Chief Fire Officer and such number of fire officers of such ranks as are set out in the Classification of Offices in Schedule 1 and such number of auxiliary fire officers as may from time to time be required.

(2) The Fire and Rescue Service shall have its headquarters in The Valley, Anguilla.

(3) On 12 December 2008—

(a) all assets and liabilities of the Airport Fire Service shall be transferred to and vested in the Fire and Rescue Service by virtue of this section and without further assurance, and the Fire and Rescue Service shall have all the powers necessary to take possession of, recover and deal with such assets and discharge such liabilities;

(b) all deeds, bonds, instruments and contracts subsisting immediately before 12 December 2008 to which the Airport Fire Service is a party shall be of as full force and effect against or in favour of the Fire and Rescue Service and enforceable as fully and effectually as if, instead of the Airport Fire Service, the Fire and Rescue Service had been a party thereto; and

(c) any administrative action done or any privilege or benefit given by or to a fire officer in respect of a matter to which this Act applies shall be deemed to have been done or given in accordance with this Act.

(4) Any person who, immediately before 12 December 2008, holds or acts in a public office in the Airport Fire Service and whose office—

(a) is provided for in Schedule 1 shall continue to hold or act in the like office in the Fire and Rescue Service; or

(b) is not provided for in Schedule 1 shall be deemed on 12 December 2008, to hold the office in the Fire and Rescue Service appearing in Schedule 1 which has been designated to replace the former office held by that person.

(5) The Governor in Council may, from time to time by regulations, add to, vary or amend Schedule 1.

Appointments and discipline

4. (1) Subject to the provisions of this Act, the Governor—

(a) may, from time to time, appoint fit and proper persons to be fire officers;

(b) may, in accordance with prescribed regulations respecting appointment, specify the duties to be performed by such officers; and

(c) shall exercise disciplinary control over every fire officer acting after consultation with the Public Service Commission in accordance with prescribed regulations respecting discipline.

(2) The fire officers referred to in subsection (1) shall be public officers and every appointment to any office of fire officer shall be made in accordance with section 66 of the Constitution.

Qualification for appointment

5. (1) Subject to subsection (2), no person shall be appointed to the Fire and Rescue Service unless the person is a fit and proper person and the Chief Fire Officer has submitted a recommendation in writing for such appointment.

(2) A person shall not be appointed to the office of Firefighter in the Fire and Rescue Service unless the person satisfies such conditions respecting recruitment and appointment of persons as members of the Fire and Rescue Service as may be prescribed including but not limited to the following—

(a) the person has attained the age of 18 years but has not attained the age of 35 years; except that this condition may be dispensed with in the recruitment of persons as auxiliary fire officers;

(b) the person satisfactorily passes a medical examination, as to the bodily fitness of the person, which shall be carried out by a duly qualified medical doctor appointed for the purpose;

(c) the personal record and character of the person are satisfactory and the person produces evidence in writing in that behalf;

(d) the person attains such standard of education as may be prescribed; and

(e) the person passes such tests and interviews as may be prescribed or successfully completes a course of training as a trainee firefighter.

(3) For the purposes of paragraph (2)(c), a certificate issued by the Commissioner of Police to the effect that a person is of good character shall be *prima facie* evidence of that fact.

(4) In subsection (2), "trainee firefighter" means a person assigned to the Fire and Rescue Service to undergo a programme of induction training for the purpose of employment as a fire officer.

(Am. in L.R. 15/12/2008)

Probationary service

6. (1) A person on first appointment to the Fire and Rescue Service or on promotion in the Fire and Rescue Service from a non-pensionable to a pensionable post, shall be required to serve on probation for a period of one year but, the Governor may, on the recommendation of the Chief Fire Officer—

(a) dispense with or shorten the period of probation if the person has been recruited from another Fire and Rescue Service or equivalent service outside of Anguilla after having completed the required period of probation in that other Fire and Rescue Service or equivalent service outside of Anguilla; or

(b) extend the period of probation for such longer period not exceeding 6 months.

(2) At the end of the first 6 months during the probationary period, the Chief Fire Officer shall submit to the Permanent Secretary Public Administration a report on the fire officer so promoted or appointed on probation in the Fire and Rescue Service. One month before the end of the probationary period the Chief Fire Officer shall submit a further report and a recommendation—

(a) that the fire officer be confirmed in the appointment;

(b) that the probationary period be extended;

(c) that the officer's service be terminated; or

(d) that the officer reverts to his former post.

(3) Before any recommendation is made for the extension of the period of probation of a fire officer or for the termination of his appointment, the Chief Fire Officer shall inform the fire officer of his recommendation and of the specific reasons therefor and he shall invite the fire officer to submit any representations he may wish to make.

(4) If, after consideration of the final report of the Chief Fire Officer, the Governor, after consultation with the Public Service Commission, is satisfied that the services of a fire officer on probation has been satisfactory, the Governor may confirm the appointment of the fire officer with effect from the date of appointment.

(5) If the Governor after consultation with the Public Service Commission is not satisfied that the service of a fire officer on probation has been satisfactory, the Governor may extend the period of probation for that fire officer for a further period.

(6) The appointment on probation of a fire officer may, at any time during the period of probation and without any reason being given, be terminated by the Governor acting after consultation with the Public Service Commission.

(Act 6/2013, s. 2)

Incremental date where period of probation is extended

7. Where the period of probation of a fire officer has been extended and he is subsequently confirmed in his appointment, the Public Service Commission may recommend that the officer's increment be paid—

(a) with effect from the date it was due had this period of probation not been extended; or

(b) twelve months after the date it was due.

(Act 6/2013, s. 3)

Tenure of office of fire officers

8. (1) Fire officers shall hold office subject to the Constitution of Anguilla and any other written law.

(2) Without prejudice to the generality of subsection (1), a fire officer may, subject to the Pensions Laws and except where a period of employment is specified in any written law or agreement, hold office for an indefinite period.

Appointment for specified period

9. A person who is appointed for a specified period to an office specified in Schedule 1 shall cease to hold that office at the expiration of the specified period.

Resignation

10. (1) Subject to subsection (2), the Chief Fire Officer may, on an application in writing, grant to any member of the Fire and Rescue Service permission to resign or withdraw from or otherwise leave the Fire and Rescue Service at any time in accordance with prescribed regulations respecting voluntary termination of employment.

(2) No fire officer who is appointed on probation shall, during the period of appointment on probation, be at liberty to resign or withdraw from or otherwise leave the Fire and Rescue Service unless such fire officer first obtains the permission of the Chief Fire Officer so to do.

Retrenchment

11. The Governor may, on the recommendation of the Chief Fire Officer and after consultation with the Public Service Commission, terminate the services of a fire officer by way of retrenchment if the Governor is satisfied that—

(a) the services of the fire officer can no longer be gainfully utilised in the office held by the fire officer because such office has become redundant;

(b) it is not practicable to retain or redeploy the fire officer; and

(c) redundancy arrangements, approved by the Governor in Council, have been complied with in relation to the fire officer.

Oath and affirmation

12. (1) Every fire officer serving in Anguilla shall, on or after 12 December 2008, take and subscribe to the oath or make the affirmation for the due execution of the office of the fire officer in the form set out as Form 1 in Schedule 2 at such time as the Chief Fire Officer may direct.

(2) Every fire officer appointed to an office in the Fire and Rescue Service on or after 12 December 2008 shall, before entering upon the functions of such office, take and subscribe to the oath or make the affirmation referred to in subsection (1).

(3) The oath or affirmation shall, in every case, be administered by a Justice of the Peace or the Magistrate.

Remuneration

13. The Governor in Council may, by regulations—

(a) determine the basic salary in respect of any fire officer;

(b) establish the allowances that may be paid to any fire officer in addition to the basic salary of the fire officer; and

(c) give effect to any agreement as may be entered into between the Association and the Permanent Secretary of the Department of Public Administration acting on behalf of the Governor in Council.

Uniforms, equipment and other accoutrements

14. (1) The Governor in Council may provide and maintain such equipment, facilities and services as may be considered appropriate for promoting the economy, efficiency and effectiveness of the Fire and Rescue Service.

(2) Without prejudice to the generality of subsection (1), every fire officer shall be supplied with suitable uniform and be equipped with such articles and other accoutrements at the public expense in such manner as may, from time to time, be prescribed.

Accoutrements to be delivered up upon resignation

15. (1) Unless specially authorized to do so by regulations, no fire officer shall be entitled to keep or use for his own private use or benefit any uniform, equipment or other accoutrements supplied to the fire officer at the public expense, and the fire officer shall hold every such accoutrement at the order and disposal of the Chief Fire Officer.

(2) Every fire officer who resigns, withdraws or is dismissed from or otherwise leaves the Fire and Rescue Service shall immediately deliver up to the Chief Fire Officer or the person authorized by regulations for that purpose all articles, equipment and other accoutrements, save and except clothing, which were supplied to the fire officer at the public expense and which he has not been expressly authorized to keep or use for his private use or benefit.

(3) If a fire officer is reduced in rank, the fire officer shall deliver up all such articles which are not required by him in his new status and were supplied to him as a fire officer at the public expense.

(4) A fire officer who contravenes—

(a) subsection (2) commits an offence and is liable on summary conviction to a fine of $3,000 or to imprisonment for 6 months or to both; or

(b) subsection (3) commits an offence against discipline and is liable to be proceeded against in accordance with the provisions of Part 7 and prescribed regulations respecting discipline.

(5) The Magistrate may issue a warrant to search for and seize all such articles, equipment and other accoutrements as are required by subsection (2) to be delivered up and are not so delivered up wherever the same may be found and to arrest the person in whose possession the same may be found.

Hospital and medical attention

16. (1) Every fire officer shall be entitled to hospital treatment and medical, surgical, ophthalmic and dental attention and treatment at the public expense subject to such terms and conditions as may be prescribed by regulations:

Provided that no such regulations shall make provision for the deduction from the remuneration of a fire officer who receives any treatment under this section arising as a result of an injury suffered by that fire officer in the execution of his duty.

(2) If a fire officer is incapacitated for duty by his own misconduct, the Governor in Council may order that such fire officer shall forfeit the whole or any part of his remuneration for the period during which he is so incapacitated.

Funeral expenses

17. Where a fire officer dies—

(a) in the actual execution of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct; or

(b) as a result of contracting a disease to which he is specifically exposed by the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct;

the Governor in Council may direct the funeral expenses of the deceased fire officer be borne by the Government.

PART 3

POWERS, DUTIES, FUNCTIONS AND PRIVILEGES

Powers and functions of Fire and Rescue Service

18. (1) The Fire and Rescue Service shall provide—

(a) an efficient and first response to fires, distress calls, road traffic accidents, hurricanes and other natural and man-made disasters; and

(b) a proactive response intended to ensure public safety generally through inspections, prevention and protection activities and public education.

(2) Without prejudice to the generality of subsection (1), the Fire and Rescue Service shall be responsible for—

(a) extinguishing fires and taking such preventative measures as may be necessary for the prevention of fires, explosions or damage to life or health;

(b) rescuing people and protecting life and property in the event of fire, road traffic accidents, hurricanes and other natural and man-made disasters;

(c) carrying out regular inspections of public buildings and business premises to ensure safe living and working environments or to reduce risks of fire and other hazards relating to life, health and safety in such buildings and premises;

(d) carrying out regular inspections of premises at which chemicals or toxic substances which may cause fire, explosion or damage to health are stored or kept;

(e) preparing and planning fire prevention and inspection programmes;

(f) providing advice in respect of the preparation and establishment of policy guidelines for the purpose of—

(i) extinguishing fires in Anguilla,

(ii) setting and establishing fire safety standards; and

(iii) rescuing and protecting life and property in the event of fires, road traffic accidents, hurricanes and other natural and man-made disasters;

(g) protecting and safeguarding lives and properties and the economy by preventing or reducing the dangerous effects of fires, explosions or other hazards relating to life, health or safety;

(h) promoting fire safety in Anguilla and carrying out public awareness campaigns about fire prevention methods;

(i) providing guidance as may be required for the development of strategies to reduce the number of false alarms from residents and fire detection equipment;

(j) advising the water authority and owners of prescribed undertakings in relation to the positioning and installation of fire hydrants and ensuring that fire hydrants installed are kept in a serviceable state;

(k) carrying out any other function—

(i) conferred on the Fire and Rescue Service by this Act or any other law, or

(ii) as may be assigned to Fire and Rescue Service by the Governor;

(l) doing anything which is incidental, related, necessary or desirable to carry out the functions referred to in paragraphs (a) to (k).

(3) The Fire and Rescue Service may, in the discharge of its functions under this Act—

(a) organize workshops, seminars and conferences for the purpose of educating the public in—

(i) safety procedures and practices generally employed in the event of fire, road traffic accidents or other disasters,

(ii) the proper methods of evacuation and for reducing or controlling the impact of disasters on life, health and safety,

(iii) the proper methods of controlling or reducing fires, and

(iv) the proper methods for reducing or controlling damage and other dangers to health from the spillage or storage of fuels, oils, chemicals or toxic substances;

(b) from time to time as the Chief Fire Officer considers necessary, enter any public building or business premises for the purpose of—

(i) carrying out inspections respecting fire prevention and safety, or

(ii) controlling or eliminating hazardous conditions that may give rise to the outbreak of fire.

(4) The Fire and Rescue Service shall have such auxiliary or ancillary powers as are necessary to enable it to carry out its functions and, in particular, the Fire and Rescue Service shall—

(a) secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements;

(b) secure the provision of training for its personnel;

(c) make arrangement for ensuring that reasonable steps are taken to prevent damage to property resulting from action taken for the purposes mentioned in subsection (2) and sections 20(2)(a) and (b);

(d) make arrangement for dealing with calls for help and for summoning its personnel; and

(e) make arrangement for obtaining information needed for the purposes mentioned in this section.

Authorised fire officers may exercise powers of the Fire and Rescue Service

19. (1) The Chief Fire Officer may, in writing, designate any fire officer to be an authorised officer to exercise any power, any class of power or all the powers conferred by this Act on an authorised officer.

(2) The powers and functions of the Fire and Rescue Service may, subject to the provisions of Part 4, be exercised by any authorised fire officer designated in writing in that behalf.

Duties of fire officers

20. (1) A fire officer shall exercise powers as are or may be conferred on and perform such functions as are required to be performed by, the Fire and Rescue Service or the fire officer under this Act or any other law.

(2) Without prejudice to the generality of subsection (1), it shall be the duty of every fire officer—

(a) to preserve life and property from fires, road traffic accidents, hurricanes and other natural and man-made disasters;

(b) to take all reasonable steps to ensure the control, reduction or elimination of hazards—

(i) relating specifically to fires or explosions and generally to life, health or safety, or

(ii) that are likely to result from the spillage or release of fuel, oil or chemical or toxic substances which may result in damage to health or the environment;

(c) to report any hazard referred to in paragraph (b) to the Chief Fire Officer for necessary action;

(d) to report to the Chief Fire Officer or the Commissioner of Police any act or omission occurring either before, during or after a fire, hurricane or other natural and man-made disaster which, in the opinion of the fire officer, contributed directly or indirectly to damage or danger to persons, property or the environment; and

(e) generally, to do and perform all duties appertaining to the office of a member of the Fire and Rescue Service.

Power of entry, general

21. (1) The Fire and Rescue Service may, in the discharge and performance of its powers and functions under section 18, authorise any person to enter any premises with or without the use of force if the premises are on fire or the Fire and Rescue Service has reasonable cause to believe that the premises are on fire for the purpose of—

(a) rescuing any person from such premises;

(b) controlling the spread of the fire or extinguishing the fire; or

(c) protecting such premises or any property on such premises from acts for fire fighting purposes.

(2) Where a person is authorised to enter any premises under subsection (1), the person—

(a) may enter such premises, if necessary, with or without the consent of the owner or occupier of such premises; and

(b) shall, upon entry, do all such things as are necessary for controlling the spread of the fire, extinguishing the fire or accomplishing any other purpose giving rise to such entry.

Obtaining information and investigating fires

22. (1) Subject to the provisions of this section, an authorised fire officer may, at any reasonable time, enter any premises—

(a) for the purpose of obtaining information needed for the discharge of the duties and functions of the Fire and Rescue Service and fire officers under sections 18 and 20;

(b) in or on which there has been a fire or explosion, for the purpose of investigating the cause of the fire or explosion or the factors that contributed to the spread of the fire; or

(c) from which there has been a release of chemicals or toxic substances which may cause damage to health or the environment, for the purpose of investigating the cause of such release.

(2) Where any premises are occupied as a private dwelling house, an authorised fire officer may not enter such premises by force or demand entry as of right to such premises for any purpose referred to in subsection (1) unless a notice in writing is given at least 24 hours before the entry to the occupier of the premises.

(3) An authorised fire officer may not enter as of right any premises at which there has been a fire for the purpose of investigating the cause of such fire if such premises are unoccupied but were, immediately prior to the fire, occupied as a private dwelling house unless a notice in writing is given at least 24 hours before the entry to the person who immediately prior to the fire had been the occupier of such premises.

(4) An authorised fire officer may apply to the Magistrate for a warrant to enter any premises if the authorised fire officer considers it necessary to enter the premises for any of the purposes referred to in subsection (1)—

(a) but is unable or is of the opinion that he is likely to be unable to do so otherwise than by force; or

(b) without giving notice as required under subsection (2) or (3).

(5) Where the Magistrate, on an application under subsection (4), is satisfied that it is necessary for the authorised fire officer to enter the premises to which the application relates, the Magistrate may issue a warrant authorising the fire officer to enter such premises, at any reasonable time, without giving notice as required under subsection (2) or (3) and, if necessary, by force.

(6) Every authorised fire officer in exercising the power of entry under this section shall, if so required, produce evidence of his designation under section 18 and any warrant under subsection (5) at any time during the exercise of such power.

Right of way to fire officers

23. (1) A driver of a vehicle shall, to the extent practicable, give clear and uninterrupted passage to a fire officer or to any person acting under the direction of a fire officer who appears to be doing any act for the purpose of controlling or extinguishing a fire or dealing with any other emergency.

(2) A driver of a vehicle who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of $1,000 and, in the case of a second or subsequent offence, to a fine of $3,000 or to imprisonment for a term of 6 months or to both.

Exemption from certain traffic laws

24. (1) Subject to the provisions of this section, any fire officer who drives a motor vehicle while in the execution of his duties under this Act or regulations made under this Act is exempt from liability to prosecution for any offence against any law relating to—

(a) the driving of a motor vehicle in any prescribed direction on specific roads or against traffic signs or traffic lights; or

(b) the maximum speed at which a motor vehicle is lawfully permitted to be driven on any public road;

if driving the motor vehicle in accordance with that law would be likely to hinder the due execution of his duties.

(2) Where a fire officer drives a motor vehicle while in the execution of his duties under this Act or regulations made under this Act, the fire officer shall at all times—

(a) ensure that he drives such vehicle at a speed at which he is capable of having proper control of such vehicle; and

(b) where applicable, ensure that such vehicle is displaying the correct emergency lights and siren.

(3) Nothing in this section shall be construed as exempting a fire officer from liability to prosecution for an offence against the traffic laws of Anguilla if the officer commits such offence as a result of his negligent, reckless or dangerous driving of a motor vehicle.

PART 4

ADMINISTRATIVE CONTROL OF THE FIRE AND RESCUE SERVICE

Command and administration

25. (1) The Chief Fire Officer shall—

(a) have command and superintendence of the Fire and Rescue Service; and

(b) subject to the provisions of the Financial Administration and Audit Act, be responsible for the proper expenditure of all public moneys appropriated for the Fire and Rescue Service.

(2) Without limiting the generality of subsection (1), the Chief Fire Officer shall be responsible for ensuring that—

(a) the strategies and policies established for the Fire and Rescue Service under this Act are followed and implemented by the Fire and Rescue Service; and

(b) performance standards respecting the efficient and effective performance of the functions of the Fire and Rescue Service are established.

(3) The Chief Fire Officer may, in the discharge of his functions, order any fire officer or request any subordinate police officer to remove a person whose presence at any premises—

(a) impedes, obstructs or interferes with the operations of the Fire and Rescue Service; or

(b) in the opinion of the Chief Fire Officer, is likely to impede, obstruct or interfere with the operations of the Fire and Rescue Service.

(4) Subject to the approval of the Governor in Council, the Chief Fire Officer may engage the services of any person to assist in—

(a) extinguishing any fire;

(b) removing property from any building which is on fire or is in danger of fire; or

(c) securing any property as may be removed under paragraph (b).

Standing Orders

26. (1) The Chief Fire Officer may, from time to time, issue Standing Orders not inconsistent with this Act or regulations made under this Act for any of the following purposes—

(a) the description and issue of equipment, uniform and other accoutrements, to be supplied to the Fire and Rescue Service;

(b) regulating the duties to be performed by members of the Fire and Rescue Service;

(c) the management and good governance of all buildings, accommodation, equipment, stores and furniture supplied for the use of the Fire and Rescue Service;

(d) the posting of members of the Fire and Rescue Service and the duties to be performed by such members;

(e) plans and procedures for dealing with any emergency;

(f) subject to subsection (2), the welfare of members of the Fire and Rescue Service and the management of canteens and recreation rooms owned or operated by the Fire and Rescue Service or the Association;

(g) such other matters as may be necessary for—

(i) rendering the Fire and Rescue Service effective in the discharge of its duties,

(ii) preventing abuse or neglect of duty by fire officers, and

(iii) generally carrying out the objects of this Act.

(2) The Chief Fire Officer shall consult with the Executive Committee of the Association before he issues any Standing Orders in respect of the welfare of members of the Fire and Rescue Service or the management of canteens and recreation rooms owned or operated by the Association.

(3) A Standing Order shall have no force and effect unless the Standing Order is approved by the Governor in Council, and every Standing Order so approved shall be brought to the notice of every member of the Fire and Rescue Service.

Special services

27. (1) The Chief Fire Officer may, upon receipt of an application in the prescribed form and subject to the exigencies of the Fire and Rescue Service—

(a) make available to any person the services of the Fire and Rescue Service where the provision of such services is regarded by the Chief Fire Officer as a special service;

(b) make available to any person the services of a fire officer who is not placed on the roster for duty where such services are required for the prevention of damage to life and property by fire, explosion or other hazards relating to life, health or safety; and

(c) charge such fees as may be prescribed for the provision of the services referred to in paragraphs (a) and (b) except that no fees shall be charged for measures taken for the purpose of saving life, extinguishing fire or performing such humanitarian acts as the Chief Fire Officer may consider fit.

(2) The reference in paragraph (1)(a) to "special service" shall be construed as including references to any assistance provided by the Chief Fire Officer under section 43.

PART 5

EXTINGUISHING FIRES AND SUPPLY OF WATER FOR FIRE-FIGHTING

Powers of the Fire and Rescue Service in extinguishing fires

28. (1) Any fire officer who is on duty may, without the consent of the owner or occupier of any premises which are on fire or which the fire officer has reasonable cause to believe are on fire—

(a) enter such premises and, if necessary, use force to enter such premises; and

(b) do all such things as the fire officer considers necessary for—

(i) extinguishing the fire or, as the case may be, protecting the premises from fire,

(ii) rescuing any person or removing any property from on such premises and securing any property so removed, or

(iii) protecting such premises from acts for fire fighting purposes.

(2) The fire officer having the highest rank who is present at any fire shall have the sole charge and control of all operations for extinguishing the fire and for the saving of life, including—

(a) the fixing of the positions of fire appliances;

(b) the attaching of hose to any water pipes;

(c) the use of any water supply; and

(d) the selection of the part of the premises which are on fire, or the part of adjoining premises, against which water is to be directed.

(3) On the occasion of a fire, the Chief Fire Officer or fire officer in charge of the fire may—

(a) take command of other persons who may voluntarily place their services at the disposal of the Fire and Rescue Service;

(b) direct persons referred to in paragraph (a) to assist in extinguishing any fire or in removing furniture or other property from any building which is on fire or in danger of fire and to secure any furniture or other property so removed;

(c) remove, or direct any other fire officer or request any subordinate police officer to remove, any person who by his presence impedes, obstructs or interferes with the operations of the Fire and Rescue Service;

(d) cause any water to be shut off from the water mains and pipes of any district or community in order to give a greater supply and pressure of water in the district or community where the fire is or the danger of fire exists;

(e) cause water to be extracted or taken from any well, pond, stream, tank, receptacle or water facility, whether in the possession or control of the water authority or otherwise, for use in extinguishing any fire or controlling or preventing the spread of fire;

(f) generally, take such measures that appear expedient for the protection of life and property with power, by himself or other fire officers, members of the Police Force or such other persons as the Chief Fire Officer may authorise to forcibly enter any premises or take possession of, or pull down or destroy any building or other property for the purpose of controlling or extinguishing any fire.

(4) On the occasion of a fire, the senior police officer who is present at any fire or, in the absence of such police officer, the fire officer in charge of the fire may stop, prohibit, control or otherwise regulate the movement of vehicles on, in or from any road or street if in the opinion of that officer such stoppage, prohibition, control or regulation is necessary or desirable for fire fighting purposes.

Notice before destruction

29. (1) Before any building or other property is pulled down or destroyed pursuant to section 28(3)(f) the Chief Fire Officer or fire officer in charge of the fire shall give to the owner of the building or other property to be pulled down or destroyed or, in the absence of such owner, to the person in charge of the building or other property notice of the need to pull down or destroy the building or other property so as to enable the Fire and Rescue Service to control the fire.

(2) Where a building or other property is not itself on fire but is in imminent danger of fire, the notice referred to in subsection (1) shall indicate the building or other property which is to be pulled down or destroyed with sufficient certainty so as to enable the building or other property and its location to be identified precisely.

(3) The Chief Fire Officer or fire officer in charge of the fire shall allow as much time as may be practicable to elapse between the giving of a notice under subsection (2) and the issue of the order for destruction so as to permit the owner or occupier of the building or other property to remove any property as is capable of being removed so as to diminish the damage likely to result from the destruction.

Report of destruction

30. Where any building or other property which was not itself on fire but which was in imminent danger of fire is destroyed pursuant to section 28(3)(f), the Chief Fire Officer shall forward without delay to the Governor a report of the circumstances under which the building or other property was destroyed describing, with all possible details, the damage or injury resulting from such destruction.

Compensation

31. (1) Subject to the provisions of this section, where the owner of a building or other property destroyed pursuant to section 28(3)(f) makes a claim in writing for compensation in respect of damage or injury resulting from such destruction, the Governor in Council may direct the payment of such sum of money as may be considered fit or as such owner may accept in full satisfaction of such claim on such terms as may be considered fit.

(2) Where the amount of compensation claimed in any one case exceeds the sum of $10,000, the same shall not be paid unless the House of Assembly, by a resolution, approves the payment of that amount.

(3) Where a dispute arises as to the amount claimed in respect of damage or injury referred to in this section, the amount claimed may be deemed to be a civil debt and may be recovered in civil proceedings which may be brought against the Crown under the Crown Proceedings Act.

(4) The Court shall, in assessing the compensation to be awarded under subsection (3), take into account—

(a) the risk of the building or other property being damaged or destroyed by reason of the fire or by the water necessarily used to extinguish the fire; and

(b) any moneys which the owner may be entitled to receive under any policy of insurance against fire respecting the building or other property.

Supply of water for fire-fighting

32. (1) The Fire and Rescue Service shall take all reasonable measures for ensuring the provision of an adequate supply of water for use in the event of fire.

(2) Without prejudice to the generality of subsection (1), in the event of fire the Fire and Rescue Service may, through the senior fire officer present at the fire, use any convenient and suitable supply of water including water from a private water storage facility with or without the consent of the owner.

(3) Where water is taken pursuant to subsection (2) from a private storage facility not forming part of or connected to the property which is on fire or is in imminent danger of fire, the Chief Fire Officer shall, as soon as practicable after the fire is extinguished, cause the quantity of water taken to be replaced.

(4) Where the Chief Fire Officer is satisfied that the existing supply of water provided by the water authority for domestic and industrial purposes is likely to be inadequate in the event of fire, the Permanent Secretary of the Ministry of Finance may, on the advice of the Chief Fire Officer, enter into an agreement with the water authority for the provision of such additional supply of water as may be specified in the agreement.

(5) The water authority shall not unreasonably refuse to enter into any agreement under subsection (4) and any question whether the water authority has unreasonably refused to enter into an agreement under this section shall be determined by the Chief Fire Officer.

(6) For the purposes of this section, the Permanent Secretary of the Ministry of Finance may, after consultation with the water authority, enter into any agreement whereby the water authority shall be empowered to take measures, on such terms as to payment, necessary to ensure that an adequate supply of water will be available in the event of fire.

Installation of fire hydrants by water authority

33. (1) The Chief Fire Officer may, from time to time as he considers it necessary for the purposes of this Act, direct the water authority to—

(a) install fire hydrants on water mains other than trunk mains at such places and locations as the Chief Fire Officer may determine for affording a supply of water for the purpose of fire-fighting;

(b) service, repair, maintain, keep in good order, replace or renew any fire hydrant referred to in paragraph (a); and

(c) clearly indicate the location of every fire hydrant referred to in paragraph (a) by a prominent notice or distinguishing mark as he may approve.

(2) For the purposes of subsection (1)—

(a) a fire hydrant shall be of such design as the Chief Fire Officer may specify;

(b) the water authority shall act in accordance with such directions as the Chief Fire Officer may issue; and

(c) the notice or distinguishing mark may be placed on any wall or fence adjoining a highway or other place to which members of the public have access.

(3) Where a fire hydrant is installed pursuant to subsection (1), the Chief Fire Officer shall immediately cause a key of the fire hydrant to be deposited at every fire station and at such other place as he may appoint or designate.

(4) Subject to subsection (5), the cost of indicating the location of fire hydrants, providing keys of fire hydrants and purchasing, installing, servicing, maintaining, repairing, replacing and renewing fire hydrants under this section shall be charged on and paid out of such moneys as may be appropriated by the House of Assembly for the purposes of the Fire and Rescue Service.

(5) The Fire and Rescue Service is not liable for the cost of repairing or replacing any fire hydrant under this section which is destroyed or damaged as a result of the fire hydrant being used by or with the approval of the water authority for a purpose other than a purpose of the Fire and Rescue Service including fire-fighting but, such cost shall be borne or recovered by the water authority.

Prescribed undertakings

34. Notwithstanding sections 32 and 33, the owner or developer of a prescribed undertaking shall take such measures to ensure that in the event of a fire at the prescribed undertaking, water for fire-fighting purposes is supplied to the Fire and Rescue Service from a water storage facility situate at the prescribed undertaking through a pressured system with such fire hydrants as may be prescribed.

Notice to be given of proposed works affecting water supply and fire hydrants

35. (1) Where the water authority proposes to carry out any works for the purpose of supplying water to any district or community, the water authority shall not less than 6 weeks before the commencement of the proposed works give to the Chief Fire Officer a notice in writing of the proposed works.

(2) Not less than 7 days before the commencement of any works that may affect any fire hydrant, the water authority shall give notice of such works to the Chief Fire Officer but, where in an emergency it is not practicable for such notice to be given, the water authority shall give the notice as soon as reasonably practicable.

(3) Where the water authority proposes to lay a water main, the Chief Fire Officer may require the water authority to lay a water main of such minimum size as the Chief Fire Officer may specify.

(4) Where there is a difference of opinion or any dispute arises between the Chief Fire Officer and the water authority as to the minimum size of the water main required under subsection (3), the decision or opinion of the Chief Fire Officer on the subject shall prevail.

Chief Fire Officer may issue direction to water authority

36. (1) Where the Chief Fire Officer has reasonable cause to believe that the water authority fails to perform an obligation under this Part, the Chief Fire Officer shall, as soon as reasonably practicable, by notice in writing inform the water authority of such belief and direct it to perform such obligation within such time as may be specified in the written notice.

(2) Where the water authority fails to comply with a direction given pursuant to subsection (1), the water authority commits an offence and is liable on summary conviction to a fine of $2,000 and to a further fine of $50 for each day during which such failure continues after the expiration of the time specified in such notice.

(3) If the water authority commits an offence under this section and it is proved that the offence occurred with the consent or connivance of or was attributable to any neglect on the part of an officer of the water authority, that officer commits an offence and is liable on summary conviction to a fine of $1,000 or to imprisonment for 6 months or to both.

(4) It shall be a defence to any information charging the water authority for an offence under this section, if it is proved to the satisfaction of the Magistrate that the failure to comply with the direction within the time specified in the notice was due by reason of the execution of necessary works or an unavoidable circumstance or cause.

(5) For the purposes of this section, the water authority shall be treated as if it were a body corporate.

(6) The reference in subsection (3) to "officer of the water authority" shall be construed as including a reference to the Director of the Water Department and any person who purports to act in such capacity.

Liability of water authority

37. (1) Without prejudice to any other proceedings which may be instituted against the water authority under this Act or any other law, a person who suffers injury as a result of the failure of the water authority to perform any of its obligations under this Part may make an application to the Magistrate claiming compensation for such injury if the claim for compensation is not in excess of $10,000.

(2) Subject to subsection (3), the Magistrate may, on an application made by an injured person under this section, order the water authority to pay such compensation not in excess of $10,000 as the Magistrate may determine for the injury suffered by the injured person.

(3) If in the opinion of the Magistrate an application under subsection (1) may be more conveniently dealt with by the High Court, the Magistrate may so order and issue no order respecting compensation.

(4) No appeal shall lie against any decision by the Magistrate under subsection (3) but, the High Court may by order in any proceedings before it relating to the application referred to in that subsection remit that application to the Magistrate for hearing and determination.

PART 6

PUBLIC BUILDINGS FIRE SAFETY

Interpretation of Part 6

38. In this Part, unless the context otherwise requires—

"building code" means the building code of Anguilla within the meaning of any enactment respecting building standards or such building standards as the Director of Physical Planning may specify in writing;

"fire prevention and safety regulations" means regulations respecting fire prevention and safety made under this Act or any other enactment;

"fire safety installation" means a fire safety installation within the meaning of the building code or any other enactment;

"fire safety management plan", in relation to a public building, means a fire safety management plan within the meaning of section 44;

"fire safety management plan guidelines" means guidelines for preparing a fire safety management plan referred to in section 44;

"fire safety standard " means a standard of safety and reliability set or established in respect of fire prevention and control;

"fire safety standards guidelines" means guidelines issued in respect a fire safety standard within the meaning of section 44;

"maintain" includes install and establish;

"means of escape" includes emergency exits, emergency doors and routes to emergency exits;

"prescribed fire safety installation", in relation to a public building, means a prescribed fire safety installation within the meaning of section 41—

(a) which was at any time required to be maintained in the public building by or under any Act, and includes a prerequisite to the granting of any approval or the issue of any notice, certificate or instrument; and

(b) which was not at any time authorised by or under any enactment not to be maintained any longer;

"regulated purpose", in relation to the use of a public building, means the use of a public building for a purpose specified in Schedule 3 or regulations made under section 47.

Extent of this Part

39. (1) This Part applies to every public building including any building which is, or which is treated as part of, a prison for the purposes of the Prisons Act.

(2) An authorised fire officer is not competent to exercise a power conferred by section 45 in relation to a building which is, or which is treated as part of, a prison for the purposes of the Prisons Act without the consent of the person in charge of the prison within the meaning of that Act.

(3) Nothing in this Part shall prejudice any right or obligation of the owner of a private dwelling house to take measures respecting fire prevention and safety in relation to such dwelling house under any other enactment.

Means of escape from public buildings to be maintained

40. (1) The occupier of a public building shall maintain at all times, free from obstruction, adequate means of escape from such building in the event of fire in or threatening such building.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $2,000, and in the case of a continuing offence to a further fine of $200 for each day during which the offence continues after conviction for the offence.

Prescribed fire safety installations

41. (1) The owner or occupier of a public building—

(a) shall maintain, at all times, every prescribed fire safety installation to a standard of safety and reliability as may be set out in a certificate of compliance issued in respect of such building; and

(b) shall not keep or maintain on the premises of such building any explosive, toxic or other hazardous material which may result in fire, explosion or damage to health or the environment, unless otherwise expressly authorised so to do.

(2) Where the Chief Fire Officer is satisfied that the occupancy of any public building or the nature of the business carried on in any public building constitutes or is likely to constitute a serious risk to life, health or safety, the Chief Fire Officer may, by notice in writing served on the owner of the public building or if such owner cannot be found on his agent or the occupier, require that the public building be provided with fire safety installations or such other protective devices of such a nature and within such period as may be specified in the notice in order to make such building safe for use.

(3) Without prejudice to subsection (1), the developer of a prescribed undertaking shall install proper fire and other hazard safety systems including fire hydrants of such design and at such locations on the prescribed undertaking as the Chief Fire Officer may direct.

(4) Where fire hydrants have been installed on the premises a prescribed undertaking of pursuant to subsection (3), the developer of the prescribed undertaking shall—

(a) ensure that, in the event of fire in or threatening such undertaking, the Fire and Rescue Service has access to the key of each fire hydrant;

(b) be responsible for servicing, repairing and keeping in good working order every fire hydrant;

(c) cause the location of each fire hydrant to be clearly indicated by a prominent notice or distinguishing mark placed in a conspicuous place adjoining the fire hydrant.

(5) Subject to subsection (6), a person who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of $3,000, and in the case of a continuing offence to a further fine of $300 for each day during which the offence continues after conviction for the offence.

(6) It shall be a defence to a charge that a person, in contravention of subsection (1), has failed to maintain in a public building a prescribed fire safety installation if the person who is so charged proves that—

(a) the prescribed fire safety installation would not be required to be maintained in such building if such building were constructed at the time of the alleged offence and was not necessary for the safe use of such building; or

(b) as an alternative to the prescribed fire safety installation, there is maintained in such building a fire safety installation of equivalent or greater effectiveness.

Fire and evacuation plans

42. (1) The occupier of a public building shall—

(a) maintain, at all times, a fire and evacuation plan outlining the actions to be taken by persons within such building; and

(b) ensure that persons working or residing in or otherwise using the public building are provided with instructions respecting the actions to be taken by them;

adequate to ensure their safety in the event of fire in or threatening such building.

(2) An occupier of a public building who contravenes any provision of subsection (1) commits an offence and is liable on summary conviction to a fine of $1,000, and in the case of a continuing offence to a further fine of $200 for each day during which the offence continues after conviction for the offence.

Assistance with fire and evacuation plans, etc.

43. (1) For the purposes of this Part, the Chief Fire Officer may direct an authorized fire officer, where applicable, to provide assistance to any owner or occupier of a public building so as to enable such owner or occupier to undertake fire risk assessment necessary to ensure compliance with laws relating to fire safety.

(2) The Chief Fire Officer may provide assistance to the occupier of any public building in the preparation and implementation of the fire and evacuation plan required to be maintained by such occupier pursuant to section 42 and any regulations made under this Part in relation to such a plan.

(3) The Chief Fire Officer may charge such fees as may be prescribed for the provision of any assistance under this section and the occupier or owner of the public building to whom assistance is provided shall pay the Comptroller of Inland Revenue such fees as the Chief Fire Officer may charge.

Fire safety management plan

44. (1) After 12 December 2008, the owner of every public building shall—

(a) prepare a fire safety management plan for the public building which must be updated, as soon as practicable but not later than 30 days, after the occurrence of a change in circumstances affecting the plan's compliance with the fire safety standards; and

(b) ensure that a copy of the current fire safety management plan in respect of such building is kept in the public building and is available for inspection, free of charge, by every occupier of such building and any member of the public at all reasonable times upon request.

(2) A fire safety management plan prepared in respect of a public building must conform with the fire safety standards and must state—

(a) the allowable number of occupiers for such building;

(b) a list of the prescribed fire safety installations in such building, together with the brand name and model number of each such installation, if applicable;

(c) the proposed maintenance schedule for the prescribed fire safety installations in such building;

(d) the fire and evacuation plan adequate to ensure the safety of the occupiers of such building, including occupiers who are mentally or physically challenged, in the event of a fire in or threatening such building; and

(e) in relation to emergency evacuation and fire management and prevention, the proposed training programme for occupiers of such building and persons otherwise having or making use of such building.

(3) The owner of a public building shall—

(a) in ensuring that such building conforms with the fire safety standards, have regard to the information in any fire safety standards guidelines as may be issued; and

(b) in preparing a fire safety management plan in respect of such building, have regard to the information in any fire safety standards guidelines and fire safety management plan guidelines as may be issued.

(4) The Chief Fire Officer may, after consulting any entity as he considers appropriate, issue fire safety management plan guidelines respecting public buildings.

(5) Where the Chief Fire Officer issues fire safety management plan guidelines under subsection (4), he shall—

(a) publish a notice in respect of the issue of such guidelines in a newspaper of general circulation in Anguilla;

(b) state the places where copies of such guidelines may be inspected or bought; and

(c) keep a copy of such guidelines and any document applied, adopted or incorporated by the guidelines available for inspection, without charge—

(i) during normal working business hours at the Public Library and the office of the Chief Fire Officer, and

(ii) on the Government's website on the internet.

(6) An authorised fire officer shall, in carrying out a function or power conferred on him under this Act or any other enactment respecting safety in public buildings, have regard to—

(a) in the case of a matter relating to a fire safety standard, such information contained in any fire safety standards guidelines as may be issued; and

(b) in the case of a matter relating to the fire safety management plan, such information contained in any fire safety standards guidelines and fire safety management plan guidelines as may be issued.

(7) The owner of a public building who fails to comply with any provision of subsection (1), (2) or (3) commits an offence and is liable on summary conviction to a fine of $2,000 or to imprisonment for a term of 6 months or to both, and in the case of a second or subsequent conviction to a fine of $5,000.

Inspection of public buildings

45. (1) For the purpose of determining the condition of a public building respecting safety and fire prevention, an authorised fire officer may, on producing documentary evidence of his authority if required to do so, enter the public building at any reasonable hour during any day, except on a Saturday, Sunday or public holiday.

(2) Where an authorised fire officer enters a public building pursuant to subsection (1), the authorized fire officer may—

(a) inspect the whole or part of such building, the water supply available in the whole or part of such building and the means of access to and escape from such building;

(b) determine the condition of such building respecting fire prevention and risks to life, health or safety;

(c) identify and record the part of such building that poses the greatest risks to life, health or safety;

(d) require the owner, occupier, manager or any person having control of such building to give such information or assistance as may be required to permit the authorised fire officer to exercise any of the powers conferred on him by this section; and

(e) do any or all such things as the authorised fire officer considers necessary for determining the condition of the public building respecting safety and fire prevention.

(3) Subject to the prior approval of the Chief Fire Officer, an authorised fire officer may, in the exercise of any of the powers conferred on him under this Act, take with him any person whose assistance he considers necessary for that purpose.

(4) Any person who—

(a) wilfully obstructs an authorised fire officer in the exercise of his duties under this section; or

(b) without reasonable excuse, fails to comply with any requirement of an authorised fire officer under paragraph (2)(d);

commits an offence and is liable on summary conviction to a fine of $2,000 or to imprisonment for 6 months or to both.

Chief Fire Officer may require work to be done on public buildings

46. (1) Subject to subsection (2), where the Chief Fire Officer is satisfied that the condition of any public building constitutes or is likely to constitute a serious risk to life, health or safety, the Chief Fire Officer may, by notice in writing served on the occupier of the public building, require work of such a nature and extent be carried out on the public building within the period as may be specified in the notice in order to remove such risk.

(2) Where the work to be carried out under subsection (1) is of a structural nature, such notice shall be served on the owner of the public building or if the owner cannot be found on his agent or the occupier of the public building.

(3) A person who is served with a notice pursuant to subsection (1) or (2) must comply with the requirements of the notice and, notwithstanding that the time specified for complying has passed, the obligation of the person to comply continues until that person complies with the notice.

(4) The Chief Fire Officer may, on an application in writing made by a person referred to in subsection (3), enlarge the period specified for complying with the requirements of the notice.

(5) An application referred to in subsection (4) must state the reason for seeking an enlargement of the period and the date on which the applicant intends to comply with the requirements of the notice.

(6) A person who contravenes subsection (3) commits an offence and, subject to subsection (7), is liable on summary conviction to a fine of $1,000 or to imprisonment for 3 months and in the case of a continuing offence to a further fine of $200 for each day during which the offence continues after conviction for the offence.

(7) Subject to subsection (8), service of a notice under this section does not prejudice any proceedings which may be instituted under this Act in respect of the non-compliance to which the notice relates.

(8) A person who is served with a notice pursuant to this section is not liable, during the period afforded to comply with the requirements of such notice and any further period during which that person is relieved by this Part from any penalty for failure to comply with such notice, to any penalty prescribed under this section for a continuing offence.

Requirement for certificate of compliance

47. (1) The Governor in Council may, by regulations, prohibit the use of any public building for any regulated purpose specified in Schedule 3 unless there is in existence a valid certificate of compliance issued under section 48 in relation to the use of the public building for that purpose.

(2) Regulations made under subsection (1)—

(a) shall be expressed to apply in relation to a regulated purpose specified in Schedule 3 unless the Governor is satisfied that urgent action is required to reduce the risk of fire in relation to a use not specified in that Schedule;

(b) may be expressed to apply in relation to all public buildings or any public building of a description specified in the regulations; or

(c) may revoke a certificate of compliance issued before the making of the regulations that authorised the use of a public building for a regulated purpose to which the regulations relate.

(3) An occupier of any public building who makes use of a public building in contravention of any regulation made under this section commits an offence and is liable on summary conviction to a fine of $10,000, and in the case of a continuing offence to a further fine of $500 for each day during which the offence continues after conviction for the offence.

(4) Subject to subsection (5), an occupier of a public building is not liable to any penalty under this section by reason of any public building being used in contravention of any regulation made under this section on and from the date the occupier applies for a certificate of compliance under section 48 to and including the date a certificate of compliance or a notice refusing the application is given pursuant to section 50 to the occupier.

(5) Subsection (4) does not apply in relation to an application made after a previous application has been refused.

Application for certificate of compliance

48. Every application for a certificate of compliance in respect of the use of any public building for a regulated purpose to which regulations made under section 47 relate shall—

(a) be made by the owner or occupier of the public building in such form as may be prescribed;

(b) be accompanied by the prescribed information and the prescribed fee;

(c) specify the public building and the regulated purpose to which the certificate of compliance shall relate; and

(d) be addressed to the Chief Fire Officer.

Consideration of application

49. (1) Upon receipt of an application for a certificate of compliance, the Chief Fire Officer shall refer the application to an authorised fire officer and direct such officer—

(a) to inspect the public building to which the application relates in accordance with the provisions of section 45; and

(b) to consider and make a decision in respect of the application in accordance with the provisions of this section.

(2) The authorised fire officer shall, during an inspection of a public building under paragraph (1)(a), verify that—

(a) sections 40, 41, 42, and 44 and regulations made pursuant to this Part which apply to such building are complied with; and

(b) adequate fire safety and fire prevention measures have been taken or are being maintained in respect of that public building;

having regard to the use of the building for the regulated purpose specified in the application.

(3) Where, upon an inspection under this section, the authorised fire officer has reasonable cause to believe that steps are required to be taken in respect of any matter prescribed by subsection (2) before the certificate of compliance is issued, the authorised fire officer shall give a written notice to the applicant specifying the steps required to be taken and the time within which such steps are to be taken.

(4) The authorised fire officer may, at any time on an application in writing, enlarge the period allowed under subsection (3).

(5) The authorised fire officer shall not, as a prerequisite to for verifying that adequate fire safety and fire prevention measures have been taken or are being maintained by the occupier in respect of a public building, impose on the occupier of such building a more onerous requirement for the maintenance of fire safety installations than that—

(a) required to be maintained pursuant to section 40 immediately before the inspection; or

(b) prescribed in respect of fire safety and fire prevention by regulations made under this Part.

(6) A notice issued under subsection (3) to the extent that it specifies that an alteration is to be made to the structure of any public building before an application may be granted is not valid unless the authorised fire officer, before issuing the notice, first consults with the Director of Physical Planning in relation to the alteration.

Grant and refusal of certificate of compliance

50. (1) The authorised fire officer shall, upon an inspection under section 49, refuse the application by notice in writing given to the applicant if he is not satisfied that the requirements referred to in section 49(2) are met or steps required to be taken by the applicant pursuant to a notice given under section 49(3) have been taken.

(2) The notice of refusal referred to in subsection (1) shall state the grounds of refusal and any steps required to be taken by the applicant before any further application may be considered and determined.

(3) The authorised fire officer shall, upon an inspection under section 49, issue a certificate of compliance authorising the use of a public building for the purpose specified in the application if he is satisfied that the requirements referred to in section 49(2) are met or steps required to be taken by the applicant pursuant to a notice given under section 49(3) have been taken.

(4) A certificate of compliance—

(a) shall state, specifically or by reference, the type, number and location of fire safety installations, the maintenance of which were required for the issue of the certificate;

(b) shall set out the location of every source of water in respect of the public building to which the certificate relates; and

(c) may, subject to the provisions of this Act and regulations made under section 46, be issued in any convenient form for the use of a public building for one or more regulated purposes or in respect of one or more public buildings.

(5) Unless otherwise provided, a certificate of compliance issued under this section shall be valid for one year from the date of issue and, subject to the provisions of this Act, may be renewed.

(6) Where an authorised fire officer fails to issue a certificate of compliance or a notice of refusal to an applicant before a date 30 days after—

(a) the expiration of the time allowed under a notice given under section 49(3) if a notice is given under that subsection; or

(b) the receipt of the application by the Chief Fire Officer if a notice is not given under section 49(3);

the provisions of section 54 shall apply as if the applicant had been given on that date a notice of refusal.

Certificate of compliance to be displayed

51. Where a certificate of compliance is issued under section 50, the owner or occupier of the public building to which such certificate relates shall ensure that the certificate of compliance is at all times prominently displayed at a conspicuous place in a public part of such building.

Order for closure of public buildings

52. (1) Where a person fails to comply with the requirements of a notice issued pursuant to section 46(1) or (2), the Chief Fire Officer may, without prejudice to any proceedings which may be instituted for an offence under section 46(6), apply to the Magistrate for an order for the closure of the public building to which such notice relates.

(2) Without prejudice to the provisions of the Magistrate's Code of Procedure Act, the application under subsection (1) shall be supported by an affidavit—

(a) setting out the particulars on which it is alleged that the public building, the occupancy of such building or nature of the business carried on in such building constitutes or is likely to constitute a serious risk to life, health or safety;

(b) setting out a copy of the notice served; and

(c) alleging the fact that the requirements of such notice have not been complied with.

(3) The Magistrate shall hear and determine an application made under this section, and may make a final order for the closure of the public building or the cessation of the occupancy of such building or any business that is being carried on in such building.

(4) Notwithstanding subsection (3), the Magistrate may, if the interests of the justice so require, hear and determine the application *ex parte* and make an interim order for the closure of the public building to which the application relates or the cessation of the occupancy of such building or any business that is being carried on in such building pending the final determination of the application.

(5) A person aggrieved by an order of the Magistrate under subsection (3) may, within one month of the date of the making of the order, apply to the Magistrate for review of that order.

Injunction

53. (1) Notwithstanding the provisions of any other enactment to the contrary, where the Chief Fire Officer is satisfied that—

(a) the condition of a public building presents a serious risk to the life, health or safety of persons in the event of fire, explosions or otherwise; and

(b) the use of such building should be prohibited or restricted until steps are taken to eliminate the risk referred to in paragraph (a) or to reduce such risk to an acceptable level;

the Chief Fire Officer may, without first serving any notice as is required under section 46, apply to the High Court for an injunction prohibiting or restricting the use of such building.

(2) The High Court may issue an injunction for a limited or an indefinite period of time in respect of the use of the public building for the purpose specified in the order.

(3) Unless a contrary intention is shown, an injunction against any occupier of a public building shall be taken to be made against all the occupiers, from time to time, of such building.

Appeal against requirement contained in notice

54. A person who is given or served with a notice pursuant to section 46, 49 or 50 may, within 14 days after receipt of the notice, appeal to a Judge in Chambers on the ground—

(a) of denial of natural justice or an error of law; or

(b) that the requirements of the Chief Fire Officer are unreasonable having regard to the condition or occupancy of the public building or to the nature of the business carried on in the public building.

PART 7

MISCONDUCT AND OFFENCES AGAINST DISCIPLINE

Offences against discipline, general

55. (1) A fire officer commits an offence against discipline if the fire officer—

(a) wilfully fails to comply with a provision of a code of practice for fire officers;

(b) wilfully disobeys any lawful direction or order of the Chief Fire Officer or another person having authority over the fire officer;

(c) feigns or exaggerate any sickness or injury with a view to evading duty or intentionally fails to work properly;

(d) smokes while on duty;

(e) pawns, sells, loses by neglect, makes away with, wilfully spoils or damages any article supplied under this Act at the public expense;

(f) without lawful excuse, is under the influence of any controlled drug while on duty;

(g) is absent from duty without leave duly granted or without reasonable cause;

(h) contravenes any Standing Order issued by the Chief Fire Officer and which is in force;

(i) does anything that is likely to prejudice the good order, efficient conduct and discipline of the Fire and Rescue Service; or

(j) does any act which amounts to an act of misconduct or tends to bring the Fire and Rescue Service or the public service into disrepute.

(2) Subject to the provisions of this Act, a person who commits a disciplinary offence specified in subsection (1) or any disciplinary regulation made under this Act is liable upon grounds shown to the satisfaction of the Governor or the Chief Fire Officer to one or more of the following penalties—

(a) dismissal from the Fire and Rescue Service;

(b) reduction to an office of lower rank with a corresponding reduction in pay;

(c) suspension without pay for not more than 7 days;

(d) forfeiture or deferment of a salary increment or increase;

(e) a pecuniary penalty not in excess of $125; or

(f) a reprimand, whether severe or otherwise.

(3) Without prejudice to subsection (2), a fire officer who is absent from duty without leave duly granted or without reasonable cause is liable to forfeiture of pay for the period of absence from duty without such leave.

(4) In subsection (1), the expression "controlled drug" has the meaning assigned to it in the Drug (Prevention of Misuse) Act.

Complaints, reports and allegations respecting misconduct, etc.

56. (1) Subject to the provisions of this section, a person alleging himself to be aggrieved by a fire officer occasioned by a breach or contravention of any provision of section 15(4) or 55(1) or any disciplinary regulation made under this Act may make a report in writing in that regard to the Chief Fire Officer or Governor in accordance with prescribed regulations respecting discipline.

(2) A fire officer who wishes to make a complaint may do so to a fire officer who is immediately senior in office to him, and where he considers himself wronged by that senior fire officer, he shall complain to a higher authority who shall deal with the complaint and advise the Chief Fire Officer and the Governor accordingly.

(3) A fire officer to whom a complaint is made shall immediately acknowledge receipt of such complaint in writing and cause enquiries to be made into such complaint, and if satisfied with the justice of the complaint shall take such steps as may be necessary for giving full redress including referring the matter to a higher authority.

(4) The reference in subsection (1) to "disciplinary regulation" shall be construed as a reference to regulation in respect of the conduct or discipline of members of the Fire and Rescue Service.

Conduct of preliminary enquiries, etc.

57. Where a report, complaint or allegation is made under section 56 in which it appears that a fire officer may have committed an offence or act of misconduct, the provisions of the Public Service Commission Regulations providing for—

(a) investigations, hearings and determinations of complaints and allegations in relation to the commission of acts of misconduct or criminal offences by public officers;

(b) appeals from decisions and the variation of punishment resulting from such investigations, hearings and determinations; and

(c) dismissals, suspensions or reduction in pay of public officers in relation to the commission of such acts of misconduct or criminal offences;

shall, subject to the provisions of this Part and regulations made under this Act, apply *mutatis mutandis* in relation to every report, complaint and allegation made under section 56.

Hearing and determination of charges

58. (1) Where, upon a preliminary investigation of a report, complaint or allegation made under section 56, a charge is made against a fire officer for the breach or contravention of any provision of section 15(4) or 55(1) or any disciplinary regulation made under this Act, the Chief Fire Officer—

(a) shall, subject to paragraph (b) and section 59, hear and determine the charge and submit to the Governor; and

(b) in the case of a subordinate fire officer, may in writing appoint a Fire Station Officer to hear and determine the charge and submit to the Chief Fire Officer;

a report thereon containing any notes of evidence and, if such charge against the fire officer is proved, the recommendation in respect of the penalty to be imposed.

(2) The Chief Fire Officer or the Fire Station Officer shall, in the conduct of a hearing under this section, have the same power in respect of securing and compelling the attendance of witnesses and their examination upon oath and otherwise as is conferred upon the Magistrate under the Magistrate's Code of Procedure Act.

(3) At the hearing under this section, the fire officer may conduct his own defence either in person or may be represented by a fire officer of same or higher rank of his choice or by the Association.

(4) Where the Chief Fire Officer intends to institute disciplinary proceedings against a fire officer on the grounds of absence from duty without leave duly granted or without reasonable cause, the Chief Fire Officer may—

(a) appoint any medical practitioner or medical practitioners to examine the fire officer and to report on the officer's mental or physical condition or both; and

(b) direct the officer to submit to the examination referred to in paragraph (a).

(5) Any person who, on the hearing of any charge under this section, gives false evidence on oath commits the offence of perjury.

Exercise of disciplinary control over subordinate fire officers

59. (1) Subject to the provisions of this Part, the Chief Fire Officer may exercise disciplinary control over any subordinate fire officer in accordance with prescribed regulations respecting discipline.

(2) Where, upon a hearing, a subordinate fire officer is found guilty of committing any criminal offence or an offence against discipline specified in this Act or any regulations made under this Act, the Chief Fire Officer may, subject to subsection (3), impose such penalty as prescribed.

(3) Where the Chief Fire Officer determines that the penalty to be imposed on a subordinate fire officer referred to in subsection (2) is—

(a) dismissal from the Fire and Rescue Service;

(b) reduction to an office of lower rank with a corresponding reduction in pay; or

(c) suspension without pay for not more than 7 days;

the Chief Fire Officer shall forward a report in that regard together with his recommendation to the Governor and the Governor shall, subject to section 62, act in accordance with section 60.

(4) For the purpose of computing the period of absence referred to in paragraph (3)(b), a part of a day shall be counted as a whole day.

Reduction in rank, suspensions and dismissals

60. (1) Subject to the provisions of this Part, the Governor may in accordance with prescribed regulations respecting discipline—

(a) reduce any fire officer from any office to another office of lower rank; or

(b) suspend, without pay for not more than 7 days, a fire officer.

(2) The Governor may, after consultation with the Public Service Commission—

(a) dismiss any fire officer at any time and on the ground of misconduct from the Fire and Rescue Service; or

(b) dispense with the services of any fire officer who the Governor considers unfit for further service in the Fire and Rescue Service;

in accordance with prescribed regulations respecting discipline and termination of service.

Interdiction

61. (1) Where in any case the Governor considers that the interests of the Fire and Rescue Service require that a fire officer should cease forthwith to exercise the powers and functions of his office, Governor may, after consultation with the Public Service Commission, interdict or suspend the fire officer from the exercise of the powers and functions of his office—

(a) if proceedings for the dismissal of the fire officer are being taken or are about to be taken; or

(b) if criminal proceedings are being instituted against the fire officer.

(2) A fire officer who is suspended under subsection (1) shall, during the period of suspension—

(a) remain subject to the discipline of the Fire and Rescue Service; and

(b) receive not less than half the pay of his grade or rank together with any other emoluments to which the fire officer may be entitled, unless regulations prescribe that only a portion of such other emoluments shall be payable during a period of suspension.

(3) Where any proceedings referred to in subsection (1) result in—

(a) the exculpation of the fire officer, the fire officer shall be entitled to receive the full amount of the pay and other emoluments which the fire officer would have received if the fire officer had not been suspended; or

(b) any punishment, the fire officer shall not be entitled to any part of the pay or emoluments not received under this section unless the Governor, after considering the recommendation of the Commission, directs otherwise.

Appeal by fire officer

62. (1) Where a fire officer is aggrieved by a decision of a Fire Station Officer or the Chief Fire Officer under section 58 or 59, the fire officer may, within 7 days after such decision has been communicated to him, appeal from that decision to the Governor.

(2) Where any appeal is made under subsection (1), the report of any hearing under section 57 or 58 in which the appellant was a party and any statement which may have been made by the appellant in his defence shall be submitted to the Governor.

(3) The Governor shall, after consultation with the Public Service Commission, consider an appeal made under this section, having regard to any statement or other document submitted to him under section 56 and subsection (2) and may affirm or set aside the decision appealed against or make any other decision which the Chief Fire Officer could have made.

(4) Every appeal under this section shall be in writing and the decision of the Governor shall be final.

PART 8

AUXILIARY FIRE OFFICERS

Appointment of auxiliary fire officers

63. (1) The Chief Fire Officer may appoint fit and proper persons to be auxiliary fire officers on such terms and conditions as he, in consultation with the Permanent Secretary of the Ministry of Finance and the Permanent Secretary of the Department of Public Administration, may set.

(2) An auxiliary fire officer shall, during his term of office, have all such powers, authorities, immunities and privileges and be subject to all such duties, responsibilities and discipline as are conferred or imposed upon a fire officer.

(3) Every person appointed as an auxiliary fire officer on or after 12 December 2008 shall, before entering upon his duties, take and subscribe to the oath or make the affirmation in the form set out as Form 2 in Schedule 2.

(4) The oath or affirmation shall, in every case, be administered by a Justice of the Peace or the Magistrate.

Uniforms and other accoutrements of auxiliary fire officers

64. (1) Every auxiliary fire officer shall be provided by the Chief Fire Officer, at the public expense, with such uniform and other articles as may be necessary and when the appointment of the auxiliary fire officer is determined, the articles provided shall be returned and delivered up to the Chief Fire Officer or such authorised officer at such time and place as the Chief Fire Officer may direct.

(2) An auxiliary fire officer who wilfully neglects or refuses to make the return and delivery referred to in subsection (1) commits an offence and is liable on summary conviction to a fine of $1,000 and in default of payment to imprisonment for a term of 6 months.

(3) The Magistrate may issue a warrant to search for and seize all such articles provided to the auxiliary fire officer under subsection (1) and which are required to be returned and delivered up and not so returned and delivered up wherever the same may be found, and to arrest the person in whose possession the same may be found.

Direction of auxiliary fire officers

65. Auxiliary fire officers shall be under the direction and orders of such authorised officers as may be appointed to command them by the Chief Fire Officer and in the absence of such appointment shall be under the direction and orders of the Chief Fire Officer.

Injuries in the execution of duties

66. (1) Any auxiliary fire officer who through no fault of his own contracts any illness or sustains any injury, while in actual execution of his duties, shall be entitled to medical treatment at the public expense and where such illness or injury results in any permanent disablement, shall be granted a pension or gratuity in accordance with the Pensions Laws.

(2) Where the bodily injury referred to in subsection (2) results in death, there shall be awarded to the dependents of the deceased a pension or gratuity in accordance with the Pensions Laws.

(3) All payments to be made under this Part or regulations giving effect to this Part shall be a charge on and paid out of the Consolidated Fund.

Offences by auxiliary fire officers

67. A person appointed as an auxiliary fire officer who—

(a) without reasonable cause refuses or neglects to take the prescribed oath or affirmation when called upon to do so by any Justice of the Peace; or

(b) refuses or neglects to serve when called upon so to do or to obey any lawful command;

commits an offence and is liable on summary conviction to a fine of $3,000 and in default of payment to imprisonment for a term of 6 months.

PART 9

OFFENCES AGAINST THE FIRE AND RESCUE SERVICE

General offences

68. A person who—

(a) wilfully impedes, obstructs or interferes with any fire officer or police officer who is engaged in any operation respecting fire-fighting;

(b) wilfully removes, or assists or is concerned with removing any chain, rope or other barrier placed in, upon or across any street or road pursuant to the provisions of this Act;

(c) obstructs any fire hydrant by placing or causing to be placed any matter or thing on or by the fire hydrant;

(d) wilfully damages any vehicle, engine, fire hydrant or other apparatus or property of the Fire and Rescue Service;

(e) unless authorized by a fire officer or by a member of the Police Force, or without lawful authority, removes or is concerned in removing any furniture or other property from any building on fire or in danger of fire;

(f) illegally or unlawfully opens, uses or withdraws water from any fire hydrant;

(g) removes, damages or injures any notice or mark indicating the location of any fire hydrant; or

(h) prevents access to a water storage facility or any other material or equipment required for use in an emergency;

commits an offence and is liable on summary conviction to a fine of $1,000 or to imprisonment for a term of 6 months or to both.

Obtaining admission into the Fire and Rescue Service by fraud

69. A person who in seeking admission into the Fire and Rescue Service—

(a) knowingly uses or attempts to pass off any forged or false certificate, characters, letter or other document for the purpose of obtaining admission into the Fire and Rescue Service; or

(b) provides any answer which he knows to be false to any question put to him during any interview conducted in respect of employment in the Fire and Rescue Service;

commits an offence and is liable on summary conviction to imprisonment for 6 months.

Improper possession of clothing, etc. of the Fire and Rescue Service

70. A person, not being a member of the Fire and Rescue Service, who—

(a) without lawful justification or excuse has in his possession any article of clothing, equipment or accoutrement supplied at the public expense to any member of the Fire and Rescue Service;

(b) knowingly purchases or obtains from a member of the Fire and Rescue Service—

(i) the official clothes of, or any other article supplied to, a member of the Fire and Rescue Service at the public expense, or

(ii) any article provided for any vehicle of the Fire and Rescue Service; or

(c) knowingly solicits or entices a member of the Fire and Rescue Service to sell or dispose of—

(i) the official clothes or any article supplied to a member of the Fire and Rescue Service at the public expense, or

(ii) any article provided for any vehicle of the Fire and Rescue Service;

commits an offence and is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 2 years.

Personation of members of the Fire and Rescue Service

71. A person who, not being a member of the Fire and Rescue Service—

(a) puts on or assumes, either in whole or in part—

(i) the dress, name, designation or description of any member of the Fire and Rescue Service, or

(ii) any dress, name, or designation resembling and intended to resemble the dress, name or designation of any member of the Fire and Rescue Service; or

(b) in any way pretends to be a member of the Fire and Rescue Service for the purpose of—

(i) obtaining admission into any building or other place, or

(ii) doing any act which such person would not by law be entitled to do of his own;

commits an offence and is liable on summary conviction to a fine of $2,000 or to imprisonment for a term of 6 months.

False alarms

72. A person who gives or causes to be given to a fire officer or another person acting on behalf of the Fire and Rescue Service an alarm of a fire which the first mentioned person knows to be false commits an offence and is liable on summary conviction to a fine of $2,000, and in respect of a second or subsequent conviction to a fine of $5,000 or to imprisonment for a term of one year or to both.

Assaulting, etc. members of the Fire and Rescue Service

73. (1) A person who—

(a) assaults, impedes, obstructs, resists or interferes with; or

(b) aids or incites another person to assault, impede, obstruct, resist or interfere with;

any member of the Fire and Rescue Service in the execution of his duties under this Act commits an offence and is liable on summary conviction to a fine of $5,000 or to imprisonment for a term of 6 months or to both.

(2) The reference in subsection (1) to "member of the Fire and Rescue Service" shall be construed as including a reference to any person assisting a fire officer in the execution of his duties under this Act.

Refusing to assist members of the Fire and Rescue Service assaulted

74. Any person who, if called upon to assist a member of the Fire and Rescue Service who is assaulted or resisted or is in danger of being assaulted or resisted while such a member is in the execution of his duty, refuses or neglects to assist that member commits an offence and is liable on summary conviction to a fine of $500 or to imprisonment for a term of 3 months.

PART 10

FIRE AND RESCUE SERVICE WELFARE ASSOCIATION

Establishment of the Association

75. (1) For the purpose of enabling subordinate fire officers to consider and bring to the notice of the Chief Fire Officer, the Public Service Commission and the Governor matters affecting the general welfare and efficiency of the subordinate fire officers, there shall be established an organization to be called the Fire and Rescue Service Welfare Association which shall act through an Executive Committee as provided by regulations made under this Act.

(2) Notwithstanding subsection (1), the Association may make representation in relation to any question of discipline, promotion, transfer, posting, leave or any other matter in so far as such question affects any individual subordinate fire officer.

(3) The Association shall be entirely independent of and unassociated with any body outside the Fire and Rescue Service other than a fire and rescue service association or equivalent service in another British Overseas Territory, a Member State or Associate Member of the Organization of Eastern Caribbean States or CARICOM.

(4) In subsection (3), "CARICOM" means the Caribbean Community established by the Revised Treaty of Chaguaramas establishing the Caribbean Community and the Caribbean Single Market and Economy.

(Am. in L.R. 15/12/2008)

Management of Association

76. The Governor may, on the recommendation of the Chief Fire Officer after consultation with the Association, make regulations for the constitution and management of the Association and for any matters relating to the Association.

Receipts of benefits from unauthorised associations prohibited

77. (1) No unauthorised association shall—

(a) permit any member of the Fire and Rescue Service to receive any benefit, financial or otherwise, from such an association; or

(b) receive any money or benefit, financial or otherwise, from a member of the Fire and Rescue Service.

(2) No member of the Fire and Rescue Service shall receive any benefit, financial or otherwise, from or for any unauthorised association.

(3) A person who contravenes this section, as well as every member of the Fire and Rescue Service who is knowingly a party to the contravention, commits an offence and each is liable on summary conviction to a fine of $1,000.

(4) In this section, the expression "unauthorised association" means—

(a) any trade union as defined in the Trade Unions Act, whether or not the trade union is registered or incorporated;

(b) any league or association or body of persons, whether registered or not, which has for its object or one of its objects the promotion of feelings of ill-will and hostility between peoples of different classes or races; or

(c) any other association, society or club—

(i) having any object or aim which may be subversive of good discipline on the part of a member of the Fire and Rescue Service, and

(ii) which the Governor, after consultation with the Chief Fire Officer, declares to be an unauthorised association.

PART 11

MISCELLANEOUS

Emergencies other than fire and road traffic accidents

78. (1) The Governor in Council may by regulations confer on the Fire and Rescue Service such functions relating to emergencies other than fires and road traffic accidents in relation to which the Fire and Rescue Service has functions under section 18.

(2) Regulations made under subsection (1) may make provision as to the nature and extent of the power of the Fire and Rescue Service for the purpose of the functions so conferred.

(3) The Governor in Council may, before making any regulations under this section, consult any person or authority as may be considered appropriate.

Abandonment of office

79. (1) A fire officer who—

(a) without lawful authority or excuse, absents himself from duty for a period of time in excess of one month; or

(b) resigns or withdraws from or otherwise leaves the Fire and Rescue Service without the permission of the Chief Fire Officer;

shall be deemed to have abandoned his office.

(2) A person who abandons office under subsection (1) shall cease to be a fire officer and by virtue of this subsection his office shall become vacant.

Restriction on disclosure of information

80. (1) An authorised fire officer who, pursuant to section 21 or 45 enters and searches or inspects any factory or work place, shall not disclose to any person any information regarding any manufacturing process or trade secret obtained by him as a result of such entry and search or inspection, unless the disclosure is made in the course of his duties under this Act.

(2) An authorised fire officer who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $3,000 and to imprisonment for a term of one year.

Restrictions on other employment and activities

81. (1) A member of the Fire and Rescue Service may not at any time—

(a) engage in any activity which would in any way tend to impair his usefulness as fire officer; or

(b) be engaged in any occupation or undertaking which may be inconsistent with his status or position as a fire officer.

(2) A member of the Fire and Rescue Service who is desirous of engaging in commercial activities or employment other than employment in the public service or in any one of the activities referred to in subsection (1) shall make an application in that behalf to the Governor.

(3) Without prejudice to the provisions of any other enactment, every application referred to in subsection (2) shall be addressed to the Chief Fire Officer who shall in writing submit his recommendation in respect of the application to the Governor.

Fire officers to exercise powers etc. of police officers

82. (1) Every fire officer, in the execution of his duties under this Act or regulations made under this Act as a police officer, shall have the powers, authorities and immunities of a police officer.

(2) Without prejudice to the generality of subsection (1), a fire officer, in the execution of his duties under this Act may arrest without warrant any person who assaults, impedes, obstructs or interferes with any member of the Fire and Rescue Service in the discharge of his duties.

Protection for members of the Fire and Rescue Service

83. Except as otherwise provided in this Act, no person shall have any claim, right or remedy in respect of anything done in good faith by the Fire and Rescue Service in the due execution of its duties or functions under this Act.

Insurance coverage

84. (1) Any damage occasioned, to any building or other property, by any fire officer or any person engaged or volunteering to assist any fire officer in controlling or extinguishing a fire shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

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

Police officers to assist the Fire and Rescue Service

85. (1) The Chief Fire Officer may, in the event of fire, request the Commissioner of Police to detail a sufficient number of police officers to attend at the fire for the purpose of assisting the Fire and Rescue Service in the execution of its duties under this Act.

(2) The Commissioner of Police, on receipt of a request made pursuant to subsection (1), shall make available a sufficient number of police officers as requested for that purpose.

(3) Every police officer detailed for duty under subsection (1) shall, without prejudice to his duties and powers as a police officer, carry out such duties and functions as may be assigned to the police officer as if the police officer were a member of the Fire and Rescue Service.

Expenses

86. All expenditures required for the purposes of this Act shall, unless specifically provided for, be charged on and paid out of the Consolidated Fund.

Regulations

87. (1) The Governor in Council may make regulations prescribing anything which by this Act is to be or may be prescribed and generally for carrying out or giving better effect to this Act.

(2) Without prejudice to subsection (1), the Governor in Council, may make regulations with respect to—

(a) the training of members of the Fire and Rescue Service;

(b) the proficiency test to be taken by any person before reappointment; and

(c) fire safety measures in relation to—

(i) mobile food vans and caravans, and

(ii) theatres, dance halls, discotheques and such other places.

Citation

88. This Act may be cited as the Fire and Rescue Service Act, Revised Statutes of Anguilla, Chapter F29.

———————

SCHEDULE 1

(Sections 3(1), (4), (5) and (9))

CLASSIFICATION OF OFFICES

The offices of fire officers showing ranks in ascending order shall be as follows—

1. Firefighter
2. Senior Firefighter
3. Leading Firefighter
4. Fire Sub-Officer
5. Fire Station Officer
6. Deputy Chief Fire Officer
7. Chief Fire Officer

(Act 6/2013, s. 4)

———————

SCHEDULE 2

(Sections 12(1) and 63(3))

OATH AND AFFIRMATION FOR DUE EXECUTION OF OFFICE

FORM 1

FIRE OFFICERS

Oath

I, A.B., having been appointed a member of the Fire and Rescue Service do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second and Her Heirs and Successors as a member of the Anguilla Fire and Rescue Service without favour, malice or ill-will and that I will abide by the law, rules and regulations which are or may be established under the Fire and Rescue Service Act, and will prevent to the utmost of my power the contravention of the law.

I will to the best of my knowledge and skill discharge all my duties thereof faithfully according to law.

So help me God.

Affirmation

In the form set out in Form 1, for the word "swear" there shall be substituted the words "solemnly affirm and declare", and the words "So help me God" shall be omitted.

FORM 2

AUXILIARY FIRE OFFICERS

Oath

I, A.B., do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second and Her Heirs and Successors as an Auxiliary Fire Officer of the Anguilla Fire and Rescue Service without favour, malice or ill-will and that I will abide by the law, rules and regulations which are or may be established under the Fire and Rescue Service Act, and will prevent to the utmost of my power the contravention of the law.

I will to the best of my knowledge and skill discharge all my duties thereof faithfully according to law.

So help me God.

Affirmation

In the form set out in Form 2, for the word "swear" there shall be substituted the words "solemnly affirm and declare", and the words "So help me God" shall be omitted.

_____

SCHEDULE 3

(Sections 38, 47(1) and (2)(a))

REGULATED PURPOSES RESPECTING BUILDING USE

1. A building in which there is a room at a level other than ground level used for the purpose of the sale of food or drink to the public or the provision of entertainment or dance facilities.
2. A building used to provide residential accommodation at a floor level other than ground level.
3. A building used to provide residential accommodation within an educational institution or a day care facility.
4. A building used to provide residential accommodation for medical, psychiatric or geriatric care.
5. A building used to sell goods or services to the public in which there is an aggregate sales area exceeding $1000m^2$ at any floor level.
6. A building used to accommodate a shop or shops selling goods or services to the public from which the only means of escape is through an enclosed arcade, mall or like structure.
7. Premises or a building used for oil or fuel storage or delivery or used for storage of explosive or toxic or hazardous materials including any open dump.
8. A building other than a drive-in picture theatre used to accommodate more than 50 persons attending for a public meeting or for recreational or conference purposes.
9. A building used to provide office accommodation or used as a factory or workplace in which persons are employed to work in a room or rooms at any floor level.
10. A building used for educational or research purposes containing—
    (a) a laboratory or machinery or trade equipment operated for training or research purposes; or
    (b) a classroom, canteen or recreational facilities on a floor more than 2 floors above ground level.

_____