ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

FIRE AND RESCUE SERVICE ACT
R.S.A. c. F29

Showing the Law as at 31 December 2022

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.

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Revised Regulations of Anguilla: F29-1

FIRE AND RESCUE SERVICE ACT (R.S.A. c. F29)

FIRE AND RESCUE SERVICE WELFARE ASSOCIATION REGULATIONS

Note: These Regulations are enabled under sections 76 and 87 of the Fire and Rescue Service Act, R.S.A. c. F29.

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PART 1

PRELIMINARY

Interpretation

1. In these Regulations—

"Act" means the Fire and Rescue Service Act;

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

"Chairperson" means the chairperson of the Association and the Executive Committee;

"Executive Committee" means the Executive Committee of the Association;

"financial year" means the 12 month period ending on the 31st day of December in any year;

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

"officer", in relation to the Executive Committee, means the Chairperson, Secretary or Treasurer of the Executive Committee;

"Permanent Secretary" means the Permanent Secretary having immediate supervisory and administrative responsibility for the Department of the Fire and Rescue Service.

Membership in the Association

2. (1) Every member of the Fire and Rescue Service below the rank of Fire Station Officer is entitled to be a member of the Association.

(2) Any member of the Fire and Rescue Service who ceases to be qualified for membership of the Association ceases to be a member of the Association.

PART 2

THE EXECUTIVE COMMITTEE

Composition of the Executive Committee

3. (1) There shall be an Executive Committee of the Association consisting of 7 elected members.

(2) The Association shall act through its Executive Committee as provided under these Regulations.

(3) A fire officer shall not be qualified to be elected or appointed to hold the office of a member of the Executive Committee if—

(a) he or she is on probation on first appointment after joining the Fire and Rescue Service;

(b) he or she is promoted to the rank of Fire Station Officer or above;

(c) he or she is, or has been, at any time during the 12 months immediately preceding his or her election or appointment, subject to any disciplinary punishment other than a fine of 5 days pay or less or a reprimand; or

(d) he or she is subject to proceedings relating to dismissal under Part 7 of the Act.

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(4) The Executive Committee, by giving notice in writing to one of its members—

(a) may remove such member from the Executive Committee if that member has, without the consent of the Executive Committee evidenced by its resolution in writing, been absent from 3 or more consecutive meetings of the Executive Committee; or

(b) shall remove such member from the Executive Committee if any circumstances arise that, if that individual was not a member of the Executive Committee, would cause him or her to be disqualified to be elected or appointed as such under section 4 or 10.

(5) The validity of any act or proceedings of the Executive Committee shall not be affected by any vacancy among its members or by any defect in the appointment of a member.

Elections

4. (1) Election of members of the first Executive Committee shall be held within 200 days from 31 July 2013.

(R.A. 22/2013, s. 1)

(2) Elections of members of the Executive Committee shall, after the election of the first Executive Committee, be held on, or immediately after, the 15th day of January, but not later than the 15th day of February, in each year.

(3) Each member of the Association shall have one vote.

(4) Elections shall be conducted under the supervision of the Chief Fire Officer or his or her nominee.

Elections by secret ballot

5. Within 7 days from the date of the election of the members of each Executive Committee such members shall, by secret ballot, choose the officers of the Executive Committee.

Elector to give only one vote to any candidate

6. At any election under these Regulations, each elector may give one vote and no more for each vacant office.

Term of office of members of the Executive Committee

7. (1) Members of the first Executive Committee shall hold office from the date of their election until the 31st day of January, 2014; and thereafter members of the Executive Committee shall hold office from the date of their election to the close of the next general annual meeting or until the successor Executive Committee has been duly constituted under section 4.

(2) The Executive Committee shall be deemed to be duly constituted notwithstanding that there is a vacancy among its members or a defect in the election or appointment of one of its members, other than a disqualification referred to in section 3(3).

Resignation

8. (1) The Chairperson may, at any time, resign from office by giving notice in writing to the Chief Fire Officer.

(2) A member of the Executive Committee other than the Chairperson may at any time resign from office by giving notice in writing to the Chairperson.

Vacancy

9. The office of a member of the Executive Committee shall become vacant—

(a) at the expiration of the term of such member;

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(b) upon the resignation of such member under section 8;

(c) upon the removal from office of such member under section 3(4);

(d) upon the death of such member or the occurrence of any event that would cause such member to be unable to perform the functions of his or her office.

Filling vacancies on the Executive Committee

10. Where, prior to the expiration of his or her term, the office of a member of the Executive Committee is vacant due to resignation under section 8, removal from office under section 3(4), death of such member or any other reason, the Executive Committee—

(a) may, notwithstanding section 3(1), appoint from among the members of the Association who are eligible to be elected to the Executive Committee, a person to act in the office of the member of the Executive Committee if the unexpired term of that member is 3 months or less; or

(b) shall call a special general meeting to elect a member of the Executive Committee for the unexpired term of the first mentioned member of the Executive Committee if the unexpired term of that member is more than 3 months.

Chairperson

11. Subject to subsection (2), the Chairperson shall preside at all meetings of the Executive Committee and the Association.

(2) In the absence of the Chairperson from a meeting or inability of the Chairperson to preside at a meeting, the members of the Executive Committee present shall designate one of its members to preside at the meeting.

Secretary

12. The Secretary shall—

(a) attend all meetings of the Executive Committee and the Association;

(b) under the direction of the Chairperson, keep a record of the proceedings of such meetings in proper books;

(c) keep and preserve in an orderly and systematic manner all records of proceedings, books and records of the Executive Committee and the Association, so that at all times such records and books are available for reference;

(d) send members all notices of meetings and all other matters intended for the information of members; and

(e) submit under his or her hand such written representation as may be required to be made under section 26.

Treasurer

13. (1) The Treasurer shall—

(a) receive all sums of money payable or owing to the Association and, subject to section 30(2), disburse the same in accordance with such directions as the Executive Committee may specify;

(b) keep regular books of account and preserve all vouchers for the payment of money;

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(c) render an annual statement showing the financial position of the Association, to be laid before the annual general meeting of the members of the Association;

(d) without prejudice to paragraph (c), render at a meeting of the Association a just and true account of all monies received and paid by him or her since he or she last rendered a like account and of the balance then remaining in his or her hand as the Executive Committee directs; and

(e) at the expiration of his or her term of office or upon his or her resignation or removal from office, hand over all funds, books, papers and other property of the Association in his or her possession to his or her successor in office.

(2) The books of account and vouchers respecting the funds of the Association in the hands of the Treasurer shall at all times be open to the supervision of the Chief Fire Officer and the Executive Committee.

(3) The accounts of the Association shall be audited annually by an auditor appointed by the Executive Committee with the approval of the Association.

(4) Where an auditor is appointed by the Executive Committee, the auditor must be approved by a majority vote of the members of the Association at the Annual General Meeting, or at a special meeting.

Subcommittees

14. (1) The Executive Committee may establish such subcommittees as it may consider appropriate to advise it on the furtherance of its objects and the Executive Committee may, for the purposes of this section co-opt any member of the Association as it thinks fit.

(2) Every subcommittee established under this section shall comprise at least one member of the Executive Committee who shall be the conveyor of that subcommittee.

PART 3

EXECUTIVE COMMITTEE MEETINGS AND GENERAL MEETINGS

Meetings of the Executive Committee

15. (1) The Executive Committee shall hold meetings once every 2 months and, subject to the approval of the Chief Fire Officer, shall hold any additional meetings as may be necessary for the purpose of carrying out its objects.

(2) Any 3 members of the Executive Committee other than the Chairperson may, by written requisition signed by each requisitioning member and delivered to the Chairperson, require the Chairperson to call a special meeting of the Executive Committee for the purpose or purposes stated in the requisition.

(3) The Chairperson shall, promptly but in any event not later than 7 days after receipt of a requisition under subsection (2), give notice of a special meeting of the Executive Committee for the purpose or purposes stated in the requisition, to be held within 10 days after receipt of that requisition.

(4) The meetings of the Executive Committee shall be held at a place in Anguilla on such days and at such times as the Chairperson may determine.

Participation by telephone or other form of communication

16. A member of the Executive Committee may, if all other members of the Executive Committee consent, participate in a meeting of the Executive Committee by means of a telephone or other form of communication which permits every member present at the meeting to hear and otherwise communicate with that member.

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Resolutions of the Executive Committee

17. (1) A resolution in writing signed by every member of the Executive Committee who, subject to section 28 is entitled to vote at a meeting of the Executive Committee is as valid as if that resolution were passed at a meeting of the Executive Committee.

(2) The Secretary shall keep in the minute book of the Association—

(a) a record of any declarations of interest made under section 28; and

(b) a copy of every resolution referred to in subsection (1).

Annual general meetings

18. (1) The Executive Committee shall, in each year, call an annual general meeting of the members of the Association.

(2) The annual general meeting shall take place in Anguilla on the day and at the time and place specified by the Executive Committee.

(3) The agenda of the annual general meeting shall state, with reasonable specificity, the business to be transacted at that meeting.

(4) Without prejudice to the generality of subsection (3), the items on the agenda shall include—

(a) election of the members of the Executive Committee for the succeeding financial year;

(b) presentation of the report of the Treasurer for the financial year ending on the 31st day of December immediately preceding that general meeting, for consideration by the general meeting; and

(c) the report of the activities, if any, of the Association during the financial year ending on the 31st day of December immediately preceding that general meeting, for consideration by the general meeting.

(5) The report of the Treasurer shall contain an audited financial statement, if any, for the financial year ending on the 31 day of December immediately preceding that general meeting.

Special general meetings

19. (1) The Executive Committee may at any time call a special general meeting of the members of the Association to take place on a day and at the time and place specified by the Executive Committee.

(2) Any 10 members of the Association other than the Chairperson may, by requisition in writing signed by each requisitioning member and delivered to the Chairperson, require the Chairperson to call a special meeting of the Association for the purpose or purposes stated in the requisition.

(3) The Chairperson, on receipt of a requisition under subsection (2), shall promptly but in any event not later than 7 days after such receipt, give notice in accordance with section 21 of a special general meeting to be held not later than 21 days from the date of the receipt of the requisition for the conduct of the business stated in such requisition.

(4) If the Chairperson does not give notice in accordance with section 21, any member who signed the requisition may call the special general meeting by giving notice of such meeting in accordance with that section.

(5) The agenda of a special general meeting shall state, with reasonable specificity, the business to be transacted at such meeting.

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Attending meetings of Association

20. Except where in special circumstances a member of the Fire and Rescue Service is required for duty for which there is no substitute, reasonable opportunity at the discretion of the Chief Fire Officer shall be given to a member of the Association to attend meetings of the Association.

Notice of meetings

21. (1) Notice in writing of the place, day, time and agenda of—

(a) each meeting of the Executive Committee shall be given to every member of the Executive Committee not less than 72 hours before the time at which the meeting is to be held, unless the member waives notice of the meeting in writing; and

(b) each general meeting of the Association shall be given in writing not less than 7 days before the meeting is to be held to every member of the Association unless the member waives notice of the meeting in writing.

(2) A notice referred to in subsection (1) shall be given to a member by—

(a) handing a copy of the notice to the member personally;

(b) mailing, by prepaid post, a copy of the notice to the member at his or her mailing address last known to the Association; or

(c) emailing or faxing a copy of the notice to the member at his or her e-mail address or the fax number last known to the Association.

(3) Notwithstanding subsection (2), the notice in respect of a meeting of the Executive Committee may be given to any of its members by any means approved by resolution of the Executive Committee.

(4) Where the notice is in respect of a general meeting of the Association, a copy of the notice shall, in addition to the copy of the notice given to the member, be posted in a conspicuous place at the Headquarters of the Fire and Rescue Service.

(5) Where—

(a) a meeting of the Executive Committee is adjourned for less than 14 days; or

(b) a general meeting of the Association is adjourned for less than 21 days;

a notice of the place, day and time to which the meeting is adjourned is not required to be given if the place, day and time are announced at the earlier meeting.

Waiver of notices

22. (1) A member of the Association may in writing waive notice of any general meeting of the members of the Association.

(2) A member of the Executive Committee may in writing waive notice of any meeting of the Executive Committee.

Quorum

23. (1) The quorum for a general meeting of the members of the Association shall be 16 members.

(2) The quorum for a meeting of the Executive Committee shall be 4 members of the Executive Committee, one of whom shall be an officer.

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Voting

24. (1) Subject to the provisions of these Regulations, matters presented for decision at any general meeting of the members of the Association shall be decided by a simple majority vote of the members present and voting.

(2) Subject to subsection (3), voting on matters presented for decision at the general meeting shall be by a show of hands unless a member of the Association requests a secret ballot, in which event the vote shall be by secret ballot.

(3) The election of members of the Executive Committee shall be by secret ballot and every member of the Association shall have the right to vote at such election.

(4) The Chairperson or other member of the Executive Committee presiding at a meeting shall, in the event of an equality of votes, have a second or casting vote.

Minutes of meetings

25. (1) The minutes of the general meetings of the Association shall include—

(a) the notice of each meeting given to each member of the Association and every waiver of notice, if any, given by the member;

(b) the members of the Association and the Executive Committee in attendance at each meeting of the Association and of the Executive Committee;

(c) each resolution moved, passed or defeated at the meetings of the Association;

(d) the number of members present and voting for and against each resolution and abstaining from voting and the method of voting.

(2) The minutes of the Association shall be filed in the minute book of the Association.

PART 4

MISCELLANEOUS PROVISIONS

Role of the Executive Committee

26. (1) It shall be the duty of the Executive Committee to consider and make representation with regard to all matters affecting the general welfare and efficiency of the Fire and Rescue Service.

(2) Without prejudice to subsection (1), the Executive Committee—

(a) may, subject to section 12(e), make representations in writing to the Chief Fire Officer, the Public Service Commission and the Governor, as the case may be; and

(b) shall consider and report upon matters referred to the Executive Committee by the Chief Fire Officer, Permanent Secretary, Permanent Secretary Public Administration and the Governor.

(3) Where the Executive Committee intends to make to the Governor any representation with regard to any matter affecting the general welfare and efficiency of the Fire and Rescue Service, the Executive Committee shall consult the Permanent Secretary and Minister having responsibility for the Fire and Rescue Service.

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Decisions of the Executive Committee otherwise than at meetings

27. (1) Notwithstanding sections 24 and 25 but subject to subsection (2), the Executive Committee may, without a meeting, decide any matter or question by circulation of the relevant papers among its members and soliciting the expression of their views in writing and, in such case, the decision of the Executive Committee shall be the view of the majority of members expressing a view.

(2) If any member of the Executive Committee requires that a matter or question being dealt with by circulation of the relevant papers shall be reserved for consideration at the next following meeting of the Executive Committee, no decision shall be made on that matter or question except at a meeting of the Executive Committee.

Personal interest of member

28. A member present at a meeting who has a personal interest in a matter shall—

(a) declare his or her interest; and

(b) refrain from influencing or participating in any decision or vote that relates to the matter.

Power of Executive Committee to regulate its own procedure

29. The Executive Committee may regulate its own procedure including the appointment of subcommittees.

Subscription

30. (1) Every member of the Association shall pay such monthly subscription as may be fixed by the Association.

(2) Subject to the approval of the Chief Fire Officer in writing, the Association may, by resolution or a general meeting, fix contributions payable by members of the Association for the purpose of carrying out its objects.

Funds of the Association

31. (1) The funds of the Association shall consist of—

(a) such sums as the Association may receive in respect of monthly subscriptions and contributions as may be fixed by the Association;

(b) revenue as may be raised by the Association in the form of activities approved by the Governor in Council;

(c) such sums as the Association may receive from donors and other sources of funding or which may otherwise become vested in the Association.

(2) The funds of the Association shall be deposited in a bank in Anguilla and shall be withdrawn by cheque or withdrawal slips signed by—

(a) the Treasurer and the Chairperson; or

(b) in the absence of the Chairperson, the Treasurer and the Chief Fire Officer.

Citation

32. These Regulations may be cited as the Fire and Rescue Service Welfare Association Regulations, Revised Statutes of Anguilla, F29-1.

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