

CHAPTER 170

THE FIRE BRIGADES ACT

Arrangement of Sections

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FIRE BRIGADES

(15th September, 1954.)

11/1953.
18/1989.

1. This Act may be cited as the Fire Brigades Act. Short title.
2. In this Act— Interpretation.

"Brigade" means a Fire Brigade established under section 3;

"City" means the City of Saint John's;

"fire engines" includes all vehicles, tools, implements, hose or hose-pipes, appliances and apparatus necessary for the maintenance of an efficient fire brigade;

"owner" includes occupier or tenant;

"Commissioner" means the Commissioner of Police.

3. There may be established for the City and for such other districts in Antigua and Barbuda as the Cabinet may by order define a Brigade or Brigades to whom shall be entrusted the duty of extinguishing fires and protecting life and property in cases of fire within the City or any such other district. Establishment of Fire Brigades.

4. It shall be lawful for the Cabinet, with the consent of Parliament, to authorise the payment from the Treasury of such annual sum of money as may be necessary to defray the expenses of furnishing a Brigade with such fire engines as may be necessary for the efficient performance by the Brigade of its duties and of providing hydrants for the purpose of extinguishing fires and all such other appliances as may be required for the protection of life and property from fire. Annual grant for equipment.

5. (1) A Brigade may be composed of any of the following members— Constitution of Brigades.

(a) volunteers;

(b) paid members;

(c) police officers;

or of a combination of two or more of such categories of members.

(2) A Brigade composed of volunteers only, and the volunteer section of any Brigade, shall consist of such persons residing within the limits of the City or any other district for which such Brigade shall have been constituted or within one mile of the limits thereof as shall from time to time volunteer to become members thereof and be approved by the captain or other officer in charge of such Brigade.

Brigade may be placed under the Commissioner.

6. It shall be lawful for the Governor-General at any time by order in writing to place any Brigade under the command of the Commissioner or of a Gazetted Police Officer.

Officers.

7. (1) The Governor-General may appoint a fit and proper person to be Fire Officer of a Brigade.

(2) The Governor-General may appoint from among the volunteer members of any Brigade such officers, with such titles and such order of rank and precedence as he may think fit.

Appointment of police officers.

8. When any Brigade shall consist wholly or in part of police officers the Commissioner may, with the approval of the Governor-General, appoint as many police officers to such Brigade as he may from time to time think fit.

Police officers be trained as firemen.

9. (1) Every police officer stationed in Antigua and Barbuda may be trained in the duties in connection with a Brigade and shall be liable for service in any Brigade at any time or in any place within Antigua and Barbuda.

(2) On every occasion of fire every police officer shall, if lawfully commanded so to do, act as if he were a member of the Brigade.

Command of Brigade at a fire.

10. (1) On every occasion of a fire the operations of a Brigade shall be directed by the senior officer of the Brigade.

(2) The order of seniority of the officers of a Brigade shall be as follows—

(a) the Commissioner or other Gazetted Police Officer, where the Brigade has, under the provisions of section 6, been placed under his command;

(b) the Fire Officer;

(c) the Captain of the Volunteer Brigade or other senior volunteer officer;

(d) the other volunteer officers in order of seniority;

(e) the senior police officer or subordinate police officer attached to the Brigade.

11. (1) On every occasion of a fire the Commissioner or other officer in charge of a Brigade may in his discretion— **Powers of commanding officer at fires.**

(a) take the command of other persons who may voluntarily place their services at his disposal;

(b) remove, or order any member of the Brigade to remove, any person who by his presence interferes with or obstructs the operations of the Brigade;

(c) employ persons to aid in extinguishing any fire or in removing furniture or goods from any building on fire or in danger of fire or to guard and secure the same;

(d) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which a fire has broken out or may break out;

(e) direct the closing of any street in or near which a fire is burning;

(f) generally, take any measures that may appear expedient for the protection of life and property, with power by himself or any member of a Brigade or person under his command to break into or through, or take possession of, or pull down, any premises for the purpose of putting an end to or preventing the spread of a fire, doing as little damage as possible.

(2) Any member of a Brigade, being on duty, or any police officer may enter and if necessary break into any premises or place in which a fire has or is reasonably believed to have broken out or any premises or place which it is necessary to enter for the purposes of extinguishing a fire or of protecting the premises or place from acts done for fire-fighting purposes, without the consent of the owner thereof, and may do all such things as he may deem necessary for extinguishing the fire or for protecting from fire, or from acts done as aforesaid, any such premises or place or for rescuing any person or property therein.

Powers of police officers at fires.

12. All police officers are hereby authorized—

(a) to aid any Brigade in the execution of its duties if requested so to do by the Commissioner or other officer in charge of the Brigade;

(b) to close any street in or near which a fire is burning;

(c) of their own motion, or on the request of the Commissioner or any officer of a Brigade, to remove or to arrest any person interfering with or obstructing the operations of the Brigade.

Power to arrest without warrant.

13. The officers and members of any Brigade on duty at any fire shall have power to arrest without warrant every person who shall assault or obstruct or impede the officers or members of the Brigade in the discharge of their duties.

Immunities of members of a Brigade.

14. (1) No officer or member of a Brigade acting reasonable and in good faith in the exercise of the powers conferred upon him under the provisions of this Act shall be liable for any damage resulting from any act done under this Act.

(2) Any damage occasioned by a Brigade in the due execution of the duties of such Brigade shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire.

Special duties of officers.

15. (1) It shall be the special duty of the Fire Officer and officers of a Brigade—

(a) to maintain the discipline of the Brigade;

(b) to see that the fire engines are kept in good order and thorough repair;

(c) to take proper measures to ensure that the hydrants be open and the proper number of hose and hose-pipes be attached thereto, and the fire engines placed in such situation as best will secure the speedy and effectual extinction of a fire.

(2) It shall be the special duty of the Fire Officer—

(a) at the close of every financial year, or oftener if required by the Governor-General, to report to the Governor-General in writing through the Commissioner—

- (i) the condition of the fire engines, hydrants and other property under his charge;
- (ii) the number and location of fire alarm stations;
- (iii) the number of fires occurring during such year and the causes thereof, or as near as can be ascertained;
- (iv) the number and description of buildings destroyed or damaged during such year together with the names of the owners or occupiers;
- (v) all accidents by fire which have happened within the City or other district for which the Brigade is established;
- (vi) such other information or suggestions as may in his opinion be desirable;

(b) to take cognizance of and to cause prosecutions to be instituted either in his name or in the name of any officer of the Brigade in all cases of infraction of the laws for the prevention of fire within the limits of the City or other district for which the Brigade is established;

(c) to enquire for and to examine all shops or any other places whatsoever where combustible or dangerous materials may be collected and deposited otherwise than in accordance with some law authorizing the same; to

direct the owner of such place to remove the same, and in case of such owner's neglect or refusal so to do, to cause the same to be removed at the expense of the owner, who shall in addition be liable, on summary conviction, to a fine of two hundred and fifty dollars for such neglect or refusal;

(*d*) to report to the Governor-General, through the Commissioner, his own absence or the absence of any member of the Brigade from any fire.

Power to make regulations.

16. (1) The Cabinet may make regulations generally for giving effect to the provisions of this Act and without prejudice to such general power may make regulations—

(*a*) prescribing the requirements for the admission of members into a Brigade, the periods of service and of training, and the discipline, good conduct and discharge of the members of a Brigade;

(*b*) prescribing the uniform to be worn by, the hours and places of training and exercise of, and the distribution of duties among the members of a Brigade;

(*c*) prescribing the services required of members of a Brigade and the manner of their performance of such services;

(*d*) prescribing the classification and rank, and promotion and reduction in rank of the volunteer members of a Brigade;

(*e*) for the speedy attendance of members of a Brigade with fire engines on the occasion of any alarm of fire;

(*f*) for the maintenance of a Brigade in a due state of efficiency;

(*g*) in relation to the insurance of the lives of the volunteer or paid members of a Brigade;

(*h*) in relation to the compensation payable to any volunteer or paid member of a Brigade in the event of his being injured while on duty, or to his legal personal representative in the event of his death from such injury;

(*i*) in relation to the gratuities and rewards payable to any member of a Brigade for extraordinary and

meritorious services performed by him on the occasion of a fire;

(j) prescribing the manner and procedure of enquiry into breaches of any regulations made under any of the paragraphs (a) to (f), inclusive, of this subsection.

(2) Every member of a Brigade who commits a breach of any regulation referred to in paragraph (j) of subsection (1) shall— ~~Breach of~~ ^{Breach of} ~~regulations.~~ ^{regulations.}

(a) if a volunteer member, be liable, on conviction before the Captain or other senior volunteer officer, subject to an appeal to the Governor-General, to a penalty not exceeding two hundred and fifty dollars or to dismissal from the Brigade; and

(b) if a paid member, be liable, on conviction before the Fire Officer, subject to an appeal to the Governor-General, to a penalty not exceeding two hundred and fifty dollars or to a recommendation by the Fire Officer to the Governor-General that he be dismissed.

(3) Where a member of a Brigade is a police officer—

(a) he may be tried for a breach of any regulation made under subsection (1) before the Fire Officer, and in such case, he shall be liable, on conviction before such Fire Officer and confirmed by the Commissioner, subject to an appeal to the Governor-General, to a penalty not exceeding two hundred and fifty dollars; or

(b) if the said breach is an offence to which the provisions of any regulations for securing proper discipline in the Police Force, made under section 71 of the Police Act, are applicable as well as the provisions of any regulations made under subsection (1), and the Commissioner requires, or such police officer elects, that he be tried in accordance with Regulations made pursuant to section 35 of the Police Act, he shall be liable on conviction, to any of the punishments prescribed by such Regulations for offences for breach of such Regulations, and in that case the provisions of the said Regulations relating to appeals shall apply to any such

conviction of such police officer as if such breach were a breach of the aforesaid disciplinary regulations:

Provided that a police officer who is a member of a Brigade shall not be liable to be tried more than once in respect of the same offence.

(4) Every appeal to the Governor-General under the provisions of paragraph (a) or (b) of subsection (2) or paragraph (a) of subsection (3) shall be in writing and the Governor-General after considering the appeal and the notes of evidence and statements and other documents submitted to or required by him in relation to such appeal, shall either—

(a) allow the appeal; or

(b) dismiss the appeal; or

(c) vary the punishment by substituting such greater or less punishment as might have been awarded in respect of the offence.

(5) All fines inflicted under paragraph (a) or (b) of subsection (2) or paragraph (a) of subsection (3) shall be paid into the Public Treasury and if not paid within fourteen days shall be recoverable summarily as a civil debt under the Magistrate's Code of Procedure Act—

(a) as regards fines inflicted under paragraph (a) of the said subsection (2), by the Captain or other senior volunteer officer or other officer deputed in that behalf by the Captain or other senior volunteer officer; and

(b) as regards fines inflicted under paragraph (b) of the said subsection (2) or paragraph (a) of the said subsection (3), by the Fire Officer.

Offences.

17. Every person who—

(a) assaults or impedes or obstructs any officer or member of a Brigade while acting in the execution of his duty;

(b) aids or abets any other person in assaulting, impeding or obstructing any officer or member of a Brigade while acting in the execution of his duty;

(c) wilfully removes, or assists or is concerned in removing any chain, rope or barrier placed in, upon or across any street under the authority of this Act;

(d) not being a member of a Brigade, wears the uniform of a Brigade at any fire;

(e) obstructs the use of any fire plug or hydrant, by placing or causing to be placed thereon or thereby any matter or thing whatsoever, or in any other manner whatsoever;

(f) wilfully damages or injures any fire engine, fire plug, hydrant, fire alarm, or any other apparatus of a Brigade;

(g) without the authority of an officer of a Brigade or of a police officer or of the owner of a building on fire or in danger of fire removes or is concerned in removing any furniture or goods from any such building;

(h) gives or causes to be given in any manner whatsoever to a Brigade any false alarm of a fire without good reason;

shall be guilty of an offence against this Act, and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding three months.
