

**CONSOLIDATED TO 30 JUNE 2012**

**LAWS OF SEYCHELLES**

Act 16 of 2010.

**SEYCHELLES FIRE AND RESCUE SERVICES AGENCY ACT**

*[2nd August, 2010]*

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#### **PART 1 – PRELIMINARY**

**1.** This Act may be cited as the Seychelles Fire and Rescue Services Agency Act, 2010.

**2.** In this Act —

“Minister” means the Minister responsible for Home Affairs;

“Chief Fire Officer” means the person appointed as such under section 6(1) (a);

“fire equipment” means all equipment, tools, implements, appliances and apparatus used in fire and rescue operations;

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

“other emergency” includes but is not limited to earthquakes, floods, windstorms, explosions, oil spills and escapes of dangerous fumes and other dangerous pollutants of the air and sea;

“specified building” means any office, factory, warehouse or other building in which workers are employed, or a building or installation in which hazardous substances or materials are stored, manufactured or processed, or any building constructed or intended for occupation by more than one family, or any place

of entertainment or building to which the public has access on payment or otherwise;

“senior officer” means any officer of or above the rank of Assistant Divisional Officer;

“subordinate officer” means any officer below the rank of Assistant Divisional Officer.

## **PART 2 - SEYCHELLES FIRE AND RESCUE SERVICES AGENCY**

**3.** There is hereby established a Seychelles Fire and Rescue Services Agency under the general authority of the Minister of Home Affairs, and the Agency shall be a disciplinary force of Seychelles.

**4.(1)** It shall be the duty of the Fire and Rescue Services Agency to protect life and property when a fire or other emergency occurs and to do all such things as may be necessary—

- (a) to extinguish the fire;
- (b) to protect life, property and the environment from fire and hazardous material emergencies;
- (c) to protect life and save property from fire or other emergencies;
- (d) to provide advisory services and undertake other measures to promote—
  - (i) fire prevention and fire control; and
  - (ii) safety and other procedures in a possible fire or other emergency;
- (e) to cooperate with any entity that provides emergency services;
- (f) to ensure that reasonable steps are taken for the prevention of fire and protection against fire and other emergencies;
- (g) to ensure that reasonable steps are taken to prevent or mitigate loss or injury from fire or other emergencies;
- (h) to investigate fire and fire related emergencies;
- (i) to provide training in fire safety and other related subjects; and
- (j) to identify and market products and services incidental to its functions.

(2) The Minister may direct the Fire and Rescue Services Agency to undertake other functions for the purpose of preventing danger to life or property.

**5.(1)** The Minister may make special arrangements in consultation with public authorities and agencies for them to assist the Seychelles Fire and Rescue Services Agency in any emergency with material and personnel.

(2) Any person engaged pursuant to an arrangement under subsection (1) shall while responding to a fire or other emergency be under the command of the Chief Fire Officer, Senior Fire Officer or the officer in charge at the scene and, if there are more than one agency on the scene, be under the joint command of the agencies present.

- 6.(1)** The Seychelles Fire and Rescue Services Agency shall consist of—
- (a) a Chief Fire Officer who is appointed by the Minister and, subject to the general direction of the Minister, has the operational command and superintendence of the Seychelles Fire and Rescue Services Agency;
  - (b) such number of Deputy Chief Fire Officers, Divisional Officers, Assistant Divisional Officers, Station Officers, Sub Station Officers, Section Leaders, Assistant Section Leaders, Leading Fire Fighters and Fire Fighters as determined by the Minister and appointed by the Chief Fire Officer.

(2) The Minister may, from time to time, by regulations amend, add to or vary the ranks specified in subsection (1).

(3) The Minister shall determine the terms and conditions of appointment of all officers and other persons employed by the Seychelles Fire and Rescue Services Agency.

**7.(1)** It shall be the duty of the Chief Fire Officer to ensure that all fire engines, fire boats and fire equipment are kept in good order and repair and are properly used.

(2) An officer shall have such command and such duties as the Chief Fire Officer may assign to such officer.

(3) The Chief Fire Officer shall be responsible for the efficient conduct and administration of the Seychelles Fire and Rescue Services Agency and for the proper expenditure of all moneys appropriated for the Seychelles Fire and Rescue Services Agency.

**8.** The Minister may give the Chief Fire Officer directions of a general character as to the discharge of the functions of the Seychelles Fire and Rescue Services Agency and the Chief Fire Officer shall give effect to such directions.

**9.** The Chief Fire Officer shall, within three months after the end of each calendar year, submit to the Minister a report on the operation of the Seychelles Fire and Rescue Services Agency and —

- (a) the condition of the fire engines, fire boats, fire equipment and other property of the Seychelles Fire and Rescue Services Agency;
- (b) the income and expenditure of the Seychelles Fire and Rescue Services Agency during that year;
- (c) particulars of fires and other emergencies that occurred during that year and the estimate of the resulting damage;

- (d) other particulars and recommendations that the Chief Fire Officer may think appropriate.

**10.** The funds of the Seychelles Fire and Rescue Services Agency shall consist of moneys —

- (a) provided by the Government;
- (b) collected by the Fire and Rescue Services Agency as fees;
- (c) granted to the Seychelles Fire and Rescue Services Agency by any other organisation or person in or outside Seychelles.

**11.(1)** The financial year of the Seychelles Fire and Rescue Services Agency shall be the calendar year ending on 31st December.

(2) The Seychelles Fire and Rescue Services Agency shall keep proper accounts and other relevant records in such form as may be approved by the Auditor General.

(3) The accounts of the Seychelles Fire and Rescue Services Agency shall be audited by the Auditor General in accordance with article 158 of the Constitution.

**12.** The Seychelles Fire and Rescue Services Agency shall prepare in respect of each calendar year a report of its activities and submit a copy of the report and the audited statement of accounts to the Minister and the Minister shall cause the report and statement of accounts to be presented to the National Assembly.

### **PART 3 - RESPONDING TO FIRE ETC.**

**13.(1)** The officer in charge of a fire station shall, on being informed that a fire has broken out or that any other emergency is imminent, immediately inform the Police and any other emergency agency concerned and dispatch such members of the Seychelles Fire and Rescue Services Agency, fire engines and fire equipment as the officer may consider necessary to the scene of the fire or other emergency.

(2) The Chief Fire Officer or other officer charged with the general direction and superintendence of the Seychelles Fire and Rescue Services Agency may order any member of the Seychelles Fire and Rescue Services Agency to proceed to any place within the Republic for the purpose of dealing with a fire or other emergency and the member shall comply with the order.

**14.(1)** On the scene of a fire, the Chief Fire Officer, senior officer or officer in charge of the operation may —

- (a) take command of other persons who may place their services at that officer's disposal;
- (b) remove or order any member of the Seychelles Fire and Rescue Services Agency to remove any person who by that person's presence or conduct interferes with or obstructs the operations of the Seychelles Fire and Rescue Services Agency;

- (c) cause any water pipe to be opened or shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the operations are being carried out;
- (d) direct the closing of any street in or near the place of operations;
- (e) order the removal of any vessel, vehicle, furniture, goods or other property from any building on fire or in danger of fire or other emergency;
- (f) take possession of and, if necessary, break down any building, wall, fence or structure for the purpose of extinguishing the fire or preventing its spread or mitigation or control of the other emergency;
- (g) generally take measures that may in the circumstances be necessary for the protection of life and property.

(2) In the case of any other emergency, the Chief Fire Officer, Senior Officer or the Officer in charge shall, in consultation with other mandated emergency agencies, take action under subsection (1) (a) to (g).

**15.** Any member of the Fire and Rescue Services Agency may for the purpose of discharging the member's functions under this Act, without the consent of the owner or occupier, enter and, if necessary, break into any building which the member reasonably believes is on fire or is at risk either from the spread of fire or other emergency.

**16.** The members of the Seychelles Fire and Rescue Services Agency on duty at the scene of any fire or other emergency shall have the power to arrest without warrant any person who may assault or obstruct or impede the members of the Seychelles Fire and Rescue Services Agency in the discharge of their duties.

**17.** When a fire or other emergency occurs it shall be the duty of the Police to proceed immediately to the place in sufficient force to maintain order there and be generally of assistance to the Seychelles Fire and Rescue Services Agency. The Police may —

- (a) close any street in or near the place where the fire or other emergency has occurred;
- (b) remove any person interfering with or obstructing the movement of the members of the Seychelles Fire and Rescue Services Agency; and
- (c) assist in the operations of the Seychelles Fire and Rescue Services Agency.

**18.** The Seychelles Fire and Rescue Services Agency may use any convenient source of water for the purpose of extinguishing a fire.

#### **PART 4 - PREVENTIVE MEASURES**

**19.(1)** Any officer authorised by the Chief Fire Officer may, on producing if required documentary evidence of the officer's authority, enter any building or part thereof at any

reasonable time for the purpose of determining the condition of the building with regard to its safety against fire or other emergency.

(2) Where an officer on inspection of a building is of the opinion that the building constitutes or is likely to constitute a hazard to its occupants or there is a risk of a fire, the officer shall immediately submit a written report to the Chief Fire Officer.

(3) If the Chief Fire Officer is satisfied that the building constitutes or is likely to constitute a hazard or the occupants are at risk of a fire or other emergency, the Chief Fire Officer may —

- (a) where immediate action is necessary to safeguard life and property order the vacation of the building for that purpose; and
- (b) in any other case, by notice in writing served on the occupier of the building, require the occupier, within a period specified in the notice, to carry out such work on the building or to take such other action as may be so specified in order to render it safe.

(4) The Chief Fire Officer may extend the time specified in a notice to comply with the notice.

(5) Where an Officer on inspection of a building is of the opinion that the building constitutes or is likely to constitute a hazard due to some structural defect, the Chief Fire Officer shall immediately notify the Planning Authority of that fact.

(6) Any person who fails to comply with the requirements of a notice issued by the Chief Fire Officer under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R50,000 or to imprisonment for a term not exceeding six months, and, in the case of a continuing offence, to a fine not exceeding R5000 for each day or part thereof during which the offence continues after conviction.

**20.(1)** Within 21 days of the service of a notice under section 19(3), the person served with the notice may appeal to the Minister on the ground that the requirements imposed by the notice are unreasonable having regard to the condition of the building or the activities carried on therein and the Minister may order that an inquiry be held by an expert in that field.

(2) The Minister may, on receipt of the expert's report, make such order amending or confirming the notice as the Minister thinks fit.

## **PART V - OFFENCES, COMPENSATION AND PROTECTION**

**21.** Every person who —

- (a) wilfully obstructs, impedes or assaults any member of the Seychelles Fire and Rescue Services Agency or any person under the command of an officer in charge of the Seychelles Fire and Rescue Services Agency in the execution of the officer's duties;
- (b) aids and abets any other person in any act mentioned in paragraph (a);

- (c) wilfully removes or assists or is involved in the moving of any chain, rope, seal, lock or barrier placed in or across any street, building, vehicle or vessel under the authority of this Act;
- (d) not being a member of the Seychelles Fire and Rescue Services Agency, wears the uniform of the Seychelles Fire and Rescue Services Agency or a similar garment so as to mislead;
- (e) wilfully obstructs the use of any fire plug or hydrant in any manner whatsoever;
- (f) wilfully damages any fire engine, fire boat, fire equipment or any other property of the Seychelles Fire and Rescue Services Agency;
- (g) unlawfully removes or is involved in the removing of any furniture or goods from any building, vehicle or vessel on fire or in danger of fire or other emergency;
- (h) gives or causes to be given in any manner whatsoever to the Seychelles Fire and Rescue Services Agency any false alarm of a fire or other emergency without having good reason to believe in the existence of such fire or other emergency (the proof whereof shall be on such person),

commits an offence and shall be liable on conviction to a fine not exceeding R50,000 or to imprisonment for a term not exceeding six months.

**22.** The Minister may, after consulting the Chief Fire Officer and other relevant bodies authorise the payment of compensation to any person not being a member of the Seychelles Fire and Rescue Services Agency who has suffered injury during any time the person was assisting the Seychelles Fire and Rescue Services Agency in dealing with a fire or other emergency and, where such person dies as a result of the injury sustained, to the legal representative of the person.

**23.(1)** A member of the Seychelles Fire and Rescue Services Agency on duty or a person under the command of the Fire Officer in charge, acting bona fide in performing the functions of the Seychelles Fire and Rescue Services Agency under this Act shall not be liable for any damage caused in the course of the performance of such duty or functions.

(2) Any damage occasioned by any member of the Seychelles Fire and Rescue Services Agency or agencies on duty pursuant to section 5(1) or by any person under the command of the officer in charge in the exercise of the powers conferred under this Act while responding to a fire or other emergency shall be deemed to be caused by the fire or other emergency within the meaning of any policy of insurance against fire or other emergency, as the case may be.

**24.** The Minister may, after consulting the Chief Fire Officer, make regulations for carrying out the principles and provisions of this Act and such regulations may provide for the following matters —

- (a) the qualifications for admission of members into the Seychelles Fire and Rescue Services Agency, the period of training and service, governance and good conduct of such members;



- (b) the uniform, insignia or identification to be worn by the members;
- (c) the hours and places of training and exercise of, and the allocation of duties among, the members of the Seychelles Fire and Rescue Services Agency;
- (d) the services required of the members of the Seychelles Fire and Rescue Services Agency and the manner of performance of such service;
- (e) the scheme of service;
- (f) the terms and conditions of employment in the Seychelles Fire and Rescue Services Agency; and
- (g) compensation, pensions and gratuities of the members of the Seychelles Fire and Rescue Services Agency and awards for extraordinary or meritorious service performed by them while on duty.

**25.** Where in any written law there is a reference to the Fire Brigade constituted under the Police Force Act or to any member thereof, the reference shall be construed as a reference to the Seychelles Fire and Rescue Services Agency constituted under this Act and to a member thereof.

**26.** All officers and firemen serving under the Police Force Act immediately before the date of coming into operation of this Act shall be deemed to have been transferred to the Seychelles Fire and Rescue Services Agency on that date on the same terms and conditions that applied to them before that date.

**27.** All fire engines, fire boats, fire stations, fire equipment and all other assets, including rights and interests, purchased by, belonging to or vested in the Government and used by the Fire Brigade immediately before the coming into operation of this Act are hereby transferred to the Seychelles Fire and Rescue Services Agency.

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**NO SUBSIDIARY LEGISLATION**  
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