



ST HELENA

REVISED EDITION OF THE LAWS, 2017

SECURITY & LAW ENFORCEMENT

FIRE SERVICE ORDINANCE, 1985¹

*Ordinance 11 of 1985
In force 16 July 1985*

Amended by Ordinance 2 of 2008

Subsidiary legislation:

COLONIAL FIRE BRIGADES LONG SERVICE MEDAL REGULATIONS, 1973

Legal Notice 2 of 1973

FIRE SERVICE ORDINANCE, 1985

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¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

AN ORDINANCE to make provisions as to the constitution, duties and powers of the Fire Service and as to the discipline of members of the service, and to make provision for the prevention of fire hazards.

Short title

1. This Ordinance may be cited as the Fire Service Ordinance, 1985.

Interpretation

2. In this Ordinance, unless the context otherwise requires—

“**calamity**” means an occurrence by which life or property is endangered;

“**Fire Chief**” means the Chief Fire Officer in charge of the Fire Service;

“**fire hazard**” means—

- (a) any alteration to any building in contravention of the Land Planning and Development Control Ordinance, 2013, such as might render escape in the event of a fire or other calamity materially more difficult;
- (b) the overcrowding of any place of public entertainment or public assembly as might render escape in the event of a fire or other calamity more difficult;
- (c) any removal from any building of any fire service installation or equipment which is in such building;
- (d) the presence in any building of any fire service installation or equipment which from lack of proper maintenance or from any other reason is not in efficient working order;
- (e) any other matter or circumstances which materially increases the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity, or which would materially hamper the Fire Service in the discharge of its duties in the event of fire or other calamity;

“**fire service installation or equipment**” means any installation or equipment manufactured, used or designed to be used for the purpose of—

- (a) extinguishing, attacking, preventing or limiting fire;
- (b) giving warning of a fire; and
- (c) providing access to any premises or place for the purpose of extinguishing, attacking, preventing or limiting a fire;

“**member**” means any of the persons appointed by the Governor and referred to in section 3;

“**premises**” includes any place.

Constitution

3. The Fire Service consists of such of the following persons as the Governor may appoint—

- (a) the Fire Chief;
- (b) a Deputy Fire Chief;
- (c) Senior Officers;
- (d) other members.

Administration of Fire Service by Fire Chief

4. The Fire Chief, subject to the orders and the control of the Governor, is charged with the supreme direction and administration of the Fire Service.

Duties of Deputy Fire Chief

5. Except where the contrary intention appears from the context of any written law, and subject to any special instructions of the Fire Chief, a Deputy Fire Chief may exercise or discharge any of the powers or duties which the Fire Chief by any written law is entitled to exercise or required to discharge.

Duties of Fire Service

- 6.** The duties of the Fire Service are to—
- (a) give advice on fire protection measures as occasion requires;
 - (b) extinguish fires;
 - (c) protect life and property in case of fire or other calamity;
 - (d) assist any person who appears to need prompt or immediate medical attention by—
 - (i) securing the person's safety;
 - (ii) resuscitating or sustaining the person's life;
 - (iii) reducing the person's suffering or distress;
 - (e) carry out any other duties imposed on it by law or by any direction of the Governor; and
 - (f) do anything which is necessary or desirable to carry out effectively any duty specified in this section or imposed under paragraph (e).

General powers on entry

7. (1) Subject to this section, the Fire Chief or any person authorised by the Fire Chief in writing, on producing, if so required, the document showing this authority, may enter any premises at all reasonable hours for the purpose of—

- (a) ascertaining whether there is, or has been, on or in connection with the premises, any contravention of this Ordinance;
- (b) obtaining information required for fire-fighting purposes with respect to the character of the premises, the available water supplies and the means of access to them, and other material circumstances;
- (c) ascertaining whether or not there exists any fire hazard;
- (d) the performance by the Fire Chief or the Fire Service of his or her or its powers or duties under any written law.

(1A) The Fire Chief, or a person authorised by the Fire Chief in writing, may not exercise the right of entry conferred by subsection (1) in respect of premises that are not a place of public entertainment or public assembly, a factory, a workshop or a workplace or premises used for business purposes, unless 24 hours notice in writing of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a Justice of the Peace on sworn information in writing that—

- (a) admission to any premises has been refused, or refusal is apprehended, or the premises are unoccupied or the occupier is temporarily absent or the case is one of urgency, or an application for admission would defeat the object of entry;
- (b) there is reasonable ground for entry into premises for any purpose specified in subsection (1); and
- (c) notice of the intention to apply for the warrant has been given to the occupier of the premises, or the premises are unoccupied or the occupier is temporarily absent, or the case is one of urgency, or the giving of such notice would defeat the object of the entry,

the Justice of the Peace may by warrant in Form 1 in the Schedule authorise the Fire Chief, or any person authorised by the Fire Chief in writing for the purpose, to enter the premises, if need be by force.

(3) The Fire Chief, or any other person, entering any premises by virtue of this section, or of a warrant issued under it –

- (a) may take with him or her such persons as are necessary; and
- (b) on leaving any unoccupied premises which he or she has entered by virtue of such a warrant must leave them as effectually secured against trespassers as he or she found them to be at the time of entry.

(4) Every warrant issued under this section continues in force until the purpose for which the entry is necessary has been achieved.

Abatement of fire hazards

8. (1) The Fire Chief, if satisfied of the existence in or on any premises of any fire hazard, may serve—

- (a) upon the person by reason of whose act, default or sufferance the fire hazard arose or continues;
- (b) if such person is the servant or agent of some other person - upon such other person;
- (c) if such person or such other person, as the case may be, cannot readily be found or is absent from St Helena - upon the occupier or the owner of the premises in or on which the fire hazards exists,

a notice in Form 2 in the Schedule (a “**Fire Hazard Abatement Notice**”) requiring the person so served to abate the fire hazard within the period specified in the notice, and do all such things as are necessary for that purpose, and the notice may if the Fire Chief thinks fit specify any works to be executed for that purpose.

(2) When a Fire Hazard Abatement Notice is served on any person, then if—

- (a) that person fails to comply with any of the requirements of the notice within the time specified in it; or
- (b) the fire hazard, although abated since the service of the notice, is in the opinion of the Fire Chief, likely to recur in or on the same premises,

the Fire Chief may make a complaint to the Magistrates’ Court and the court hearing the complaint may make an order (a “**Fire Hazard Order**”) in Form 3 in the Schedule.

(3) A Fire Hazard Order may be—

- (a) a prohibition order, that is to say, an order which prohibits the recurrence of the fire hazard; or

- (b) a closing order, that is to say, an order which prohibits any use of the premises to which it relates as is specified in the order which use may materially increase the likelihood of fire or other calamity or danger to life or property resulting from the outbreak of fire or the occurrence of any other calamity in or on the premises.

(4) A closing order may only be made if it is proved to the satisfaction of the court that the cause of the fire hazard is the structural character of the premises concerned, or the location of the premises, having regard to the nature of the area in which they are situated.

(5) The Magistrates' Court if satisfied that any premises in respect of which a closing order is in force have been rendered suitable for the use specified in the order may declare that it is so satisfied and revoke the closing order.

(6) A person who without reasonable excuse contravenes a Fire Hazard Order commits an offence.

Penalty: A fine of £100 and, if the offence is the failure to comply with any of the requirements of a Fire Hazard Order within the time specified in it, an additional fine of £5 for each day during which the offence continues.

(7) Without affecting subsection (6), if a Fire Hazard Order has not been complied with, the Fire Chief may –

- (a) abate the fire hazard and do whatever is necessary in execution of the order; and
- (b) recover any costs and expenses reasonably incurred thereby from the person against whom the order was made.

Powers of Fire Service on occasion of fire

9. The Fire Chief or other member in charge of the Fire Service on the occasion of a fire or other calamity may—

- (a) take such measures as appear to him or her to be necessary or expedient for the protection of life and property;
- (b) remove or order any member under his or her command to remove any person interfering by the person's presence or actions with the operations of the Fire Service;
- (c) by himself or herself or members under his or her command enter, break into or through and take possession of or demolish or cause to be taken possession of or demolished any premises or thing for the purpose of putting an end to the fire or minimising the effect of the calamity;
- (d) close any street near the site of the fire or calamity;
- (e) use any convenient supply of water.

Power to fix location plates

10. (1) Upon giving 7 days' notice in writing to the owner of any property situated in the vicinity of a fire hydrant or emergency water supply, the Fire Chief may cause a plate indicating the location of the fire hydrant or water supply to be fixed to the part of the property that is, in the opinion of the Fire Chief, best suited to indicate such location.

- (2) It is an offence for a person to –
 - (a) refuse to allow the fixing of a plate as referred to in subsection (1);

- (b) obstruct any person in the course of the fixing of such a plate; or
- (c) remove or deface any such plate after it has been so fixed.

Penalty: A fine of £25.

Fire Service General Orders

11. (1) The Fire Chief may make orders (“**Fire Service General Orders**”) not inconsistent with the provisions of—

- (a) this Ordinance and any regulations made under it; or
- (b) Colonial Regulations.

(2) Fire Service General Orders may provide for—

- (a) the control, direction and information of the Fire Service;
- (b) inspection and exercises;
- (c) training and discipline;
- (d) buildings, stores and equipment;
- (e) services to be performed by members;
- (f) the manner and form of reports, correspondence and other records;
- (g) the performance of any act which may be necessary for the proper carrying out of the provisions of this Ordinance or any regulations made under it or of any other written law or for the discharge of any duty imposed by law on the Fire Service;
- (h) any other matters necessary or expedient for rendering the Fire Service efficient in the discharge of its duties and for carrying out the objects of this Ordinance.

Damage done by members of Fire Service

12. Any damage done by the Fire Service in the execution of its duties on the occasion of a fire is deemed to be damage by fire within the meaning of any policy of insurance against fire.

Protection of members of Fire Service

13. (1) No member of the Fire Service acting in good faith under powers conferred by this Ordinance is liable to any action for damage for any act done or omitted to be done by the member in connection with his or her duties on the occasion of a fire or other calamity.

(2) If a member has done or omitted to do anything in connection with his or her duties which the member is empowered to do or omit to do on the occasion of a fire or other calamity, and it is subsequently discovered that a fire or other calamity had not in fact occurred, such act or omission is deemed to have been done or omitted pursuant to this Ordinance if it was done or omitted in good faith and would have been lawfully done or omitted if a fire or other calamity had in fact occurred.

Payment of members

14. Members of the Fire Service must be paid such fees as the Governor directs.

Offence of obstruction

15. A person who resists or obstructs any member of the Fire Service acting in the execution of his or duty commits an offence.
Penalty: A fine of £200 or imprisonment for 6 months, or both.

False alarm of fire

16. A person who gives or causes to be given to the Fire Service or to any member an alarm of fire or other calamity which the person knows to be false commits an offence.
Penalty: A fine of £50 or imprisonment for 3 months, or both.

Offences against discipline

17. Any member of the Fire Service who—

- (a) without good and sufficient cause fails to carry out any lawful order whether written or verbal;
- (b) is insubordinate towards any member whose orders it is his or her duty to obey;
- (c) (i) neglects or without good and sufficient cause fails to do, promptly and diligently, anything it is his or her duty to do;
- (ii) by carelessness or neglect in the performance of his or her duty contributes to the occurrence of any loss, damage or injury to any person or property; or
- (d) knowingly makes any false, misleading, or inaccurate statement in connection with his or her duty either verbally or in writing,

commits an offence against discipline and is liable to be dismissed from the Fire Service.

Regulations by Governor in Council

18. The Governor in Council may, by regulations, provide for—

- (a) the administration of the Fire Service;
- (b) description of uniforms and equipment to be provided;
- (c) such other matters as may be necessary or expedient for rendering the Fire Service efficient in the discharge of its duties;
- (d) the making and issuing of reports and certificates regarding—
 - (i) fires or other calamities attended by the Fire Service;
 - (ii) premises or other property damaged by fire;
 - (iii) matters relating to fire risks or fire precautions in or connected with any premises, or other property;
- (e) the supply, installation, repair, maintenance and inspection of Fire Service equipment or installations;
- (f) generally, the carrying into effect of the provisions of this Ordinance in relation to any matter, whether similar or not to those in this section mentioned, as to which it may be convenient to make regulations.

SCHEDULE

(Sections 7(2), 8(1) and 8(2))

FIRE SERVICE ORDINANCE, 1985

Form 1
(Section 7(2))

WARRANT TO EFFECT ENTRY TO PREMISES

WHEREAS an application has been made by or on behalf of the Fire Chief to me a Justice of the Peace of St Helena, for authority to enter certain premises (*here insert description of premises*)

AND WHEREAS I am satisfied by information on oath that there is reasonable ground for entry to such premises and that (*here insert ground on which warrant is issued*):

NOW, THEREFORE, I, the said, do hereby authorise the Fire Chief or any person authorised by the Fire Chief in writing in that behalf to enter the said premises, if need be by force, taking with him/her such persons as may be necessary.

Dated this day of, 20..... .

(Signed)

Justice of the Peace

FIRE SERVICE ORDINANCE, 1985

Form 2

(Section 8(1))

FIRE HAZARD ABATEMENT NOTICE

TO (*person by reason of whose own or whose servant's or agent's act, default or sufferance the fire hazard arose or exists, or owner or occupier of the premises at which the fire hazard exists, as the case may be*).

1. TAKE NOTICE that under section 8 of the Fire Service Ordinance, 1985 the Fire Chief, being satisfied of the existence at (*describe premises where fire hazard exists*) of a fire hazard, being (*describe the fire hazard*), does hereby require you, within (*specify the time*) from the service of this notice, to abate the fire hazard, and for that purpose to (*specify any works to be executed*).

2. If you make default in complying with the requirements of this notice (or if the said fire hazard, although abated, is likely to recur) application will be made to the Magistrates' Court for a summons to be issued requiring your attendance before such Court to answer a complaint which will be made for the purpose of enforcing the abatement of a fire hazard and/or prohibiting the recurrence thereof, or both, and for recovering the costs and penalties that may be incurred thereby.

3. (*Section to be used in place of section 1 where a fire hazard has been abated but likely to recur*). TAKE NOTICE that under section 8 of the Fire Service Ordinance, 1985, the Fire Chief, being satisfied that at (*describe the place where the fire hazard existed*) there existed recently, namely, on or about the

(specify the date), the following fire hazard occurred, namely
(describe the fire hazard), and that although the said fire hazard has since the last-mentioned day been abated the fire hazard is likely to recur at the said premises, does hereby require you, within (specify the time) from the service of this notice, to do what is necessary for preventing the recurrence of the fire hazard, and for that purpose to (specify any works to be carried out).

Dated this day of, 20.....
(Signature)

.....
Fire Chief

FIRE SERVICE ORDINANCE, 1985

Form 3
(Section 8(2))

FIRE HAZARD ORDER

TO
of (or the owner or occupier of) (describe premises)
situated at (insert a description of the situation sufficient to identify the premises).

WHEREAS the said (or, the owner or occupier of the said premises, namely) has this day appeared before the St Helena Magistrates' Court to answer the matter of a complaint made by that at (follow the words of complaint used in the summons); (or in the case where the party charged does not appear, say, in place of the foregoing:)

WHEREAS it has been proved to the satisfaction of this court that a summons has been duly served requiring the said (or the owner or the occupier of the said premises) to appear this day before this court to answer the matter of a complaint made by that at (follow the words of complaint in summons)

Now on proof before this Court and this Court being satisfied that, notwithstanding that the said fire hazard may be temporarily abated under this Order, the fire hazard is likely to recur, this Court does therefore prohibit the said (or, the said owner or occupier) from allowing the recurrence of the said fire hazard (and for that purpose this court directs the said (here specify any works to be executed)).

Now on proof before this Court at or recently before the time of making the said complaint, to wit, on the fire hazard complained of did exist at the said premises, but that the fire hazard has since been abated (add where the order is made on the person who caused the fire hazard—and that the fire hazard was caused by the act, default or sufferance of), yet, notwithstanding the abatement, this Court being satisfied that it is likely that the same fire hazard will recur at the same premises, do therefore prohibit from any action which might cause the fire hazard to recur.

[Note: This is a prohibition order in terms of section 8(3)]

Now on proof here had before this Court that the fire hazard is such as to render the premises (describe the same) situated at (insert a description of the situation sufficient to identify the premises) unfit in the judgment of this court for such use as is specified hereunder, this Court in pursuance of section 8(3) of the Fire Service Ordinance, 1985 does hereby prohibit the use of the said premises for use as follows, that is to say, being a use which may materially increase the likelihood of fire or other calamity or danger to life or property.

[Note: This is a closing order in terms of section 8(3)]

Dated this day of, 20.....
(Signed)
Justice of the Peace
St Helena Magistrates' Court

FIRE SERVICE ORDINANCE, 1985

COLONIAL FIRE BRIGADES LONG SERVICE MEDAL REGULATIONS
Made by the Governor under clause 13 of the Royal Warrant of 12 November, 1969²

- 1. Citation
- 2. Service required
- 3. Continuity of service
- 4. Exemplary character
- 5. Recommendations
- 6. Forfeiture and restoration

Citation

1. These Regulations may be cited as the Colonial Fire Brigade Long Service Medal Regulations, 1985.

Service required

2. (1) The Colonial Fire Brigade Long Service Medal will be granted as a reward for long service and good conduct to members of all ranks of the Fire Service of St Helena who on or after the 12th November 1969 have completed 18 years' continuous service as hereinafter defined.

(2) A Clasp will also be granted to a recipient of the Medal on his or her completing 25 years' qualifying service, and a further Clasp on completing 30 years'

² Royal Warrant dated 12th November 1969, approving the creation of a medal to be designated "The Colonial Fire Brigades Long Service Medal".

qualifying service. For each Clasp so awarded a small silver rose may be added to the ribbon when worn alone.

Continuity of service

3. (1) Service in properly organised Fire Brigades in other Territories under Her Majesty's protection or administration may be allowed to reckon towards the required period of qualifying service, as may also service which would reckon as qualifying service for the Fire Brigade Long Service and Good Conduct Medal, if the total period of such service amounts to not less than 18 years.

(2) If service has been rendered in St Helena and in one or more of the territories defined above an interval not exceeding 12 months between any 2 periods of service is not to be regarded as breaking the continuity of such service.

(3) A break in service not exceeding 6 calendar months in St Helena or in any one territory as defined above is not to be regarded as breaking the continuity of such service.

(4) Service in Her Majesty's Armed Forces or the Merchant Navy whether on secondment, on recall or when called upon to serve may be allowed to reckon towards the required period of qualifying service, provided that such military or merchant navy service interrupted and was continuous with qualifying fire service.

Exemplary character

4. (1) For the purposes of these Regulations service is to be reckoned as qualifying service only if it is certified that the character and conduct of the person recommended for the grant of the Medal or Clasp has been exemplary.

(2) In sub-regulation (1), the term "exemplary character" does not apply to any member of a Fire Brigade, who during the last 16 years of service, has been found guilty of insubordination, insobriety, sleeping on duty, or other misconduct incurring reduction in rank or censure by the Governor or Officer Administering the Government.

Recommendations

5. Recommendations for the award of the Medal or Clasp must be submitted by the Fire Chief to the Governor or Officer Administering the Government. The Medal will be awarded on the authority of the Governor or Officer Administering the Government and a notification of the award must be published in the *Gazette*.

Forfeiture and restoration

6. (a) A recipient of the Medal or Clasp who is convicted of a criminal offence or is dismissed or removed from the Fire Service for misconduct forfeits the Medal or Clasp unless the Governor or Officer Administering the Government otherwise directs.

(b) A Medal or Clasp so forfeited may be restored to the recipient by the Governor or Officer Administering the Government at his or her discretion.

(c) A notice of forfeiture or restoration must in every case be published in the *Government Gazette*.

