

**FIRE AND RESCUE SERVICE ACT****Principal Act**

<b>Act. No. 1976-19</b>	<i>Commencement</i>	17.6.1976
	<i>Assent</i>	16.6.1976

Amending enactments	Relevant current provisions	Commencement date
Act. 1978-31 LN 1978/128	Sch. 2 s.4(1)	
Act. 1982-01 2007-17	ss.3(1) and (3) and 30 ss. 4(1), (2) &(3), 5, 6, 7(c), 8(1), 26(2), 30(1) & (2)	14.6.2007
2014-31	Long Title, ss. 1, 2, 3(1), 4(1), 5, 6, 7, 8(1), (2), (3), 9, 10(1)(d), (5), 14, 15, 17, 18(1), (2), (4), (5), 19, 20(1), (2), 22, 23, 24, 25, 30, 31(1), (2), Sch. 2	27.11.2014

**English sources:**

None cited

**ARRANGEMENT OF SECTIONS.**

## Section

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**SCHEDULE 1***Omitted.***SCHEDULE 2**

FORMS

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AN ACT TO PROVIDE FOR A FIRE AND RESCUE SERVICE IN GIBRALTAR: TO SET OUT THE DUTIES OF THE FIRE AND RESCUE SERVICE: TO CONFER POWERS AND DUTIES ON THE CHIEF FIRE OFFICER IN RELATION TO THE PREVENTION OF FIRES AND TO THE ELIMINATION OF FIRE HAZARDS: AND FOR MATTERS INCIDENTAL AND CONSEQUENTIAL THERETO.

## Short title.

1. This Act may be cited as the Fire and Rescue Service Act.

## Interpretation.

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

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

“court” means the magistrates’ court;

“excluded areas” means the areas specified in section 3(1);

“fire hazard” means—

- (a) any building or proposed building from which, or from any part of which, escape in the event of fire would, by virtue of the manner in which such building has been or is to be constructed, be difficult;
- (b) any building or proposed building which exceeds two storeys in height and in which the floor of any upper storey is more than 4.5 meters above the surface of the street or ground on any side of the building which—
  - (i) is let in flats or tenement dwellings;
  - (ii) is used as an inn, hotel, hostel, boarding house, hospital, nursing home, boarding school, children’s home or similar institution; or
  - (iii) is used as a restaurant, shop, store or warehouse and has on any upper floor sleeping accommodation for persons employed on the premises,

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and which is not, or will not be, provided with such means of escape in case of fire as the Chief Fire Officer deems necessary from each storey of which the floor is more than 4.5 meters above the surface of the street or ground on any side of the building;

- (c) the overcrowding of any place of public entertainment or public assembly such as might render escape in the event of fire materially more difficult;
- (d) the absence in any building of any fire service installation or equipment which in the opinion of the Chief Fire Officer should be provided in such building;
- (e) the presence in any building of any fire service installation or equipment which in the opinion of the Chief Fire Officer is necessary in such building but which, from lack of proper maintenance or for any other reason, is not in efficient working order;
- (f) the presence on any premises of any material which in all the circumstances materially increases the likelihood of fire on such premises or any adjacent premises; or
- (g) any other matter or circumstance which materially increases the likelihood of fire or danger to life or property that would result from the outbreak of fire or which would materially hamper the Service in the discharge of its duties in the event of fire;

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

“member” means any member of the Service;

“officer” means any member of the Service of or above the rank of sub officer;

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“owner” includes any person holding premises direct from the Crown whether under lease, licence or otherwise, any mortgagee in possession and any person receiving the rent of any premises solely or with another, on his own behalf or that of any person, or who would receive the same if such premises were let to a tenant, and where such owner as above defined cannot be found or ascertained or is absent from Gibraltar or is under disability the agent of such owner;

“premises” includes any place;

“proposed building” includes a building under construction and a building to be constructed;

“service” means the Gibraltar Fire and Rescue Service established under section 3.

## **Gibraltar Fire and Rescue Service.**

3.(1) There shall be a fire and rescue service, to be called the Gibraltar Fire and Rescue Service, for the purpose of protecting life and property in case of fire or other calamity and of extinguishing fires endangering life and property within Gibraltar, other than those areas for the time being occupied by the Ministry of Defence.

(2) For the avoidance of doubt the powers conferred by sections 10, 11, 13, 15 and 17 shall not be exercisable by the Chief Fire Officer in the excluded areas.

(3) Where the Ministry of Defence transfers to the Government of Gibraltar any excluded area, that area shall on such transfer cease to be an excluded area.

## **Constitution of the Gibraltar Fire and Rescue Service.**

4.(1) The Service shall consist of such numbers of the following ranks as the Government may direct and appoint—

Chief Fire Officer  
Deputy Chief Fire Officer  
Divisional Officer  
Station Officer  
Sub Officer  
Leading Firefighter  
Firefighter  
Leading Fire Control Operator

Fire Control Operator.

(2) The Government may, by Order in the Gazette, amend the list of ranks specified in subsection (1) by adding ranks thereto or deleting ranks therefrom or by varying the title of any rank.

(3) The Government may, by Order in the Gazette, declare that any rank specified in subsection (1) shall be deemed to be included in any other rank for the purpose of this Act or any other enactment.

**Administration.**

5. The Chief Fire Officer, subject to the orders and control of the Government, shall be charged with the direction and administration of the Service.

**Delegation of powers.**

6. Save where the contrary intention appears from the context of any law and subject to any special instructions of the Government, the Chief Fire Officer may authorize any officer of the Service not being below the rank of station officer by name, office or appointment, to exercise or discharge any of the powers or duties which the Chief Fire Officer by any law is entitled to exercise or required to discharge. Nothing in this section shall be deemed to derogate from any power of delegation conferred upon the Chief Fire Officer by the provisions of any law other than this Act.

**Duties of the Fire and Rescue Service.**

7. The duties of the Service shall be to take lawful measures for—

- (a) extinguishing fires;
- (b) protecting life and property in case of fire or other calamity;  
and
- (c) executing such other duties as may be imposed on it by law or by any direction of the Government.

**Arrangements for mutual assistance.**

8.(1) The Government may enter into and carry into effect agreements with any other authority or person maintaining a fire and rescue service for the common use in any place in Gibraltar of any fire engines with their appurtenances and firefighters or for mutual assistance in case of fire or other calamity or for the performance by such other person or authority of

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the Service's duties in any part of the area to which the duties of the Service extend.

(2) On the occasion of a fire or other calamity in the excluded areas, if the Service attends by virtue of an agreement made under this section, the Chief Fire Officer or other officer in charge of the Service on such occasion shall co-operate with the officer in charge of any other fire and rescue service and may exercise the powers set out in section 9(1)(a), (b), (c), (d) and (e).

(3) Where in pursuance of an agreement made under the provisions of subsection (1) a fire and rescue service other than the Service is attending any fire or other calamity the officer in charge of such service on such occasion and the members of such service shall have all the powers and duties of the officer in charge and members of the Service under this Act.

## **Powers of Chief Fire Officer.**

9. On the occasion of a fire or other calamity within Gibraltar other than in the excluded areas, the Chief Fire Officer or other officer in charge of the Service on such occasion shall have sole charge and control of all operations for the extinguishing of the fire and may in his discretion—

- (a) take the command of other persons who may voluntarily place their services at his disposal;
- (b) remove or order any member to remove any person who by his presence interferes with or obstructs the operations of the Service;
- (c) direct the closing of any street in or near which a fire is burning;
- (d) generally, take any measures that may appear expedient for the protection of life and property with power, by himself or by persons under his command, to remove furniture or goods from any building on fire or in danger of fire and to break into or through, or take possession of, or pull down any premises for the purpose of extinguishing, controlling or restricting a fire, doing as little damage as is reasonably possible; and
- (e) use any convenient supply of water.

## **General powers of entry.**

10. (1) Subject to this section, the Chief Fire Officer or any officer authorized by him in writing shall have a right to enter any premises at all reasonable hours for the purpose of—

- (a) ascertaining whether or not there exists any fire hazard thereon;
- (b) ascertaining whether there is, or has been, on or in connection with the premises, any contravention of any of the provisions of this Act including the failure to comply with the provisions of any notice or order;
- (c) obtaining information required for fire-fighting purposes with respect to the character of the premises, the available water supplies and the means of access thereto and other material circumstances; and
- (d) the performance by the Chief Fire Officer or by the Service of his or its powers or duties under any law:

Provided that the Chief Fire Officer, or any person authorized by him in writing, shall not exercise the right of entry conferred by this subsection in respect of such premises as are not premises licensed for the sale of intoxicating liquor, a place of public worship, public entertainment or public assembly, factory, workshop or workplace or premises otherwise used for business purposes, unless twenty-four hours' notice in writing, in the form set out in Form 1 of Schedule 2 of the intended entry has been given to the occupier.

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

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

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the magistrate may by warrant in the form of Form 2 in Schedule 2 authorize the Chief Fire Officer or any person authorized by the Chief Fire Officer in writing in that behalf, to enter the premises, if need be by force.

(3) The Chief Fire Officer or any person entering any premises by virtue of this section, or of a warrant issued hereunder, may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them to be at the time of entry.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) A person who, in compliance with this section or a warrant issued hereunder, enters a factory, workshop, workplace or premises used for business purposes and who discloses to any person any information obtained by him in the factory, workshop or workplace or premises used for business purposes with regard to any manufacturing process or trade secret, is, unless such disclosure was made in the performance of his duty, guilty of an offence and liable, on summary conviction, to a fine up to level 2 on the standard scale.

## **Abatement of fire hazards.**

11. (1) The Chief Fire Officer, if satisfied of the existence 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 in the case of a proposed building may arise, or continues;
- (b) if such person is the servant or agent of some other person, upon such other person; or
- (c) if such person or such other person, as the case may be, cannot readily be ascertained or, if known, cannot readily be found or is absent from Gibraltar, upon the occupier or the owner of the premises in which such fire hazard exists,

a notice in Form 3 in Schedule 2 (in this section referred to as a fire hazard abatement notice) requiring him to abate the fire hazard within the period specified in the notice, or, in the case of a proposed building to prevent such fire hazard arising, and to do all such things as may be necessary for that purpose, and the notice may, if the Chief Fire Officer thinks fit, specify any works to be executed for that purpose.

(2) The Chief Fire Officer may also, by such notice or by a further fire hazard abatement notice, require the person on whom the notice is served to do what is necessary for preventing the recurrence of the fire hazard to which the notice relates and, if the Chief Fire Officer thinks it desirable, specify any works to be executed for that purpose, and a notice containing such a requirement may, notwithstanding that the fire hazard to which it relates may for the time being have been abated, be served if the Chief Fire Officer considers that the fire hazard is likely to recur in the same premises.

(3) Where a fire hazard abatement notice requires the execution of works such notice may, in addition to specifying the time within which such works are to be completed, specify the time by which such execution shall commence.

(4) A fire hazard abatement notice may be served either—

- (a) by delivering it to the person;
- (b) by leaving it or sending it in a prepaid letter addressed to him, at his usual or last known residence;
- (c) in the case of an incorporated company or body, by delivering it at their registered or principal office, or by sending it in a prepaid letter addressed to it at that office; or
- (d) if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied, by addressing it to the person concerned by the description of “owner” or “occupier” of the premises (naming them) to which it relates, and delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

**Provisions as to appeals against the enforcement of certain notices.**

12. (1) A person served with such fire hazard abatement notice may appeal to the court on any of the following grounds which are appropriate in the circumstances of the particular case—

- (a) that the notice or any requirement thereof is not justified;
- (b) that there has been some informality, defect or error in or in connection with the notice;

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- (c) that there has been an unreasonable refusal to approve the carrying out of alternative proposals or that the requirements of the notice are otherwise unreasonable in character or extent or are unnecessary;
- (d) that the time allowed by the notice for compliance with its requirements is not reasonably sufficient for that purpose;
- (e) that the notice might lawfully have been served upon some person other than the appellant and that it would have been equitable for it to have been so served;
- (f) that the notice requires the execution of works which would be for the common benefit of two or more premises and that some other person (being the owner or occupier of premises to be benefited) ought to contribute towards the expenses of executing any works required.

(2) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in conjunction with the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(3) Where the ground or one of the grounds upon which an appeal under this section is brought is the ground specified in subsection (1) (e) or (f) the appellant shall serve a copy of his notice of appeal on each other person referred to.

(4) In the case of any appeal under this section the appellant may serve a copy of his notice of appeal on any other person having an estate or interest in the premises to which the notice served relates.

(5) On the hearing of the appeal the court may make such order as it thinks fit with respect to the person (being either the appellant or a person upon whom a copy of the notice of appeal was served) by whom any requirement of the notice served by the Chief Fire Officer is to be complied with and the contribution to be made by any other such person towards the cost of complying with the requirement or as to the proportions in which any expenses which may become recoverable by the Crown are to be borne by any such persons.

(6) In exercising its powers under this section the court shall have regard to the degree of benefit to be derived by the different persons concerned and all other circumstances of the case including (as between an owner and an

occupier) the terms and conditions whether contractual or statutory of the tenancy.

**Abatement.**

13. (1) Where the person by reason of whose act, default or sufferance a fire hazard arose or continues cannot be found and it appears to the Chief Fire Officer that the fire hazard neither arose nor continues by reason of any act, default or sufferance on the part of the occupier or owner of the premises on which it exists, the Chief Fire Officer may abate the hazard and may do what is necessary to prevent a recurrence thereof.

(2) Where a fire hazard abatement notice has been served upon any person, if—

- (a) the person on whom the notice has been served fails to comply with any of the requirements of the notice within the time specified therein or in the case of a notice to execute works has commenced to execute the works but has failed thereafter to proceed expeditiously with such execution; or
- (b) the Chief Fire Officer is satisfied that the fire hazard to which the notice relates—
  - (i) constitutes an immediate and substantial danger of fire in the premises; or
  - (ii) is likely, if fire breaks out in the premises, to increase materially the normal risk to life which occurs in the event of a fire,

the Chief Fire Officer may cause to be carried out in the premises such work as appears to him to be necessary to abate the fire hazard and to prevent a recurrence thereof.

**Offences in connection with fire hazards.**

14. (1) Where a fire hazard abatement notice is served on any person, then, if either—

- (a) the fire hazard to which the notice relates arose by reason of the wilful act or default of that person; or
- (b) that person fails to comply with any of the requirements of the notice within the time specified therein, or where the notice specifies the time by which execution of work shall commence,

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commences within such time but thereafter fails to proceed expeditiously with the execution of such works,

he is guilty of an offence and is liable, on summary conviction, to a fine up to level 2 on the standard scale and, where the offence is the failure to comply with any of the requirements of a notice within the time specified therein to a fine not exceeding level 1 on the standard scale for each day during which the offence continues.

(2) For the purposes of subsection (1)(b) in the event of an appeal against a fire hazard abatement notice, the notice shall be suspended pending the determination or abandonment of the appeal and, in the case of a notice other than a notice quashed on appeal, the time for compliance with the requirements thereof shall not commence to run until the determination or abandonment of the appeal.

## **Closing orders.**

15. (1) Notwithstanding anything contained elsewhere in this Act the Chief Fire Officer may, where a fire hazard abatement notice has been served and he is satisfied that the fire hazard to which the notice relates constitutes an immediate and substantial danger of fire in the premises to which the notice relates, apply by complaint to the court for a closing order that is to say an order which prohibits such use of the premises as may seem necessary to the court for the safety of persons or property.

(2) The court shall only make a closing order if it is proved that there is an immediate and substantial danger of fire and the cause of such danger is the structural character of the premises concerned.

(3) A person who without reasonable excuse contravenes any of the provisions of a closing order is guilty of an offence and is liable, on summary conviction, to a fine up to level 2 on the standard scale and to a fine not exceeding level 1 on the standard scale for each day during which the offence continues.

(4) Where the court has made a closing order it may, if it is of the opinion that the nature of the fire hazard is such as to require immediate abatement, authorize the Chief Fire Officer immediately to abate the hazard, and the Chief Fire Officer may thereupon abate such hazard notwithstanding that an appeal has been lodged against such order.

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

(6) Where the Chief Fire Officer has abated a fire hazard by virtue of an authorization under subsection (4) he may recover from the person the expense incurred by him in abating the hazard:

Provided that if the person appeals to the Supreme Court against such order and such appeal is allowed that court may disallow the recovery of the cost of such abatement.

#### **Recovery of expenses.**

16. (1) The expenses incurred in abating any fire hazard (including the execution of works) under section 13 or section 15 (4) shall be a debt due to the Crown and shall be recoverable from the person on whom the notice was served or by whose act, default or sufferance the fire hazard arose.

(2) In proceedings under this section it shall not be open to the defendant to raise any question which he could have raised on an appeal against a fire hazard abatement order or against the making of a closing order or any question which he did raise in such proceedings and which was decided against him.

(3) Nothing in this section shall be construed as affecting any right which the person on whom a fire hazard abatement notice has been served may have to a contribution, indemnity or damages from any other person.

#### **Power to fix fire hydrant and emergency water supply location plates.**

17. (1) Upon giving seven days notice in writing to the owner of any property situate in the vicinity of a fire hydrant or emergency water supply, the Chief Fire Officer may cause a plate indicating the location of such fire hydrant or water supply to be fixed to such part of the property as may, in the opinion of the Chief Fire Officer be best suited to indicate such location.

(2) A person who refuses to allow the fixing of any such plate as is referred to in subsection (1) or obstructs any person in the course of the fixing thereof or removes or defaces any such plate after it has been so fixed is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

#### **Lighting of bonfires, etc.**

18.(1) No person shall in the Brigade area, being the whole of Gibraltar other than the excluded areas, light any fire consisting of any rubbish or other matter whatsoever in any garden, enclosure or open space unless he has at least twelve hours previously informed the Chief Fire Officer of the time and place of the fire.

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(2) When the Chief Fire Officer has reason to believe whether in consequence of information given to him under the provisions of subsection (1) or otherwise, that any person intends to light or has lit any such fire in any garden enclosure or open space situated within the Service area he may, if he considers it necessary for the proper safeguarding of life and property—

- (a) prohibit the lighting of the fire;
- (b) impose any conditions or restrictions in regard to the fire and the lighting thereof; or
- (c) if the fire has already been lit, require the fire to be extinguished.

(3) Any prohibition, condition or restriction imposed by the Chief Fire Officer under the provisions of subsection (2)(a) and (b) shall be in writing and shall be served upon the person intending to light the fire or if he cannot be found shall be left at the place where it is intended to light the fire.

(4) A person who—

- (a) lights any fire in contravention of the provisions of subsection (1);
- (b) lights any fire after the Chief Fire Officer has prohibited the lighting thereof in accordance with the provisions of this section; or
- (c) disregards, or neglects or fails to comply with any requirements to extinguish a fire given by or any condition or restriction relating to a fire imposed by the Chief Fire Officer in accordance with provisions of this section,

is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

(5) For the purposes of this section “Service area” means the area of Gibraltar, other than those areas for the time being occupied by the Ministry of Defence.

## **Powers of members of the Fire and Rescue Service and police officers.**

19. (1) Every member on duty at any fire or other calamity shall have the powers, authorities and immunities of a police officer and shall have the

power to arrest without warrant every person who shall assault or obstruct or impede any member in the discharge of his duty.

(2) Any member on duty, and any police officer, may enter and if necessary break into any premises or place in which a fire has, or is reasonably supposed to have, broken out or any premises or place which it is necessary to enter for the purpose of extinguishing a fire or dealing with a calamity, without the consent of the owner or occupier thereof, and may do all such acts and things as may be necessary for extinguishing fire or dealing with calamity or for protecting from fire or other calamity any such premises or place or rescuing any person or property therein.

**Penalty for obstructing the Fire and Rescue Service, etc.**

20. (1) A person who—

- (a) assaults, impedes or obstructs any member in the execution of his duty or any person carrying out directions given by or on behalf of the Chief Fire Officer or other officer in charge of the Service at a fire;
- (b) wilfully removes any chain or other barrier placed in, upon or across any street under the provisions of this section;
- (c) neglects to depart from any street or place in or near which a fire is burning after being required so to do by any member or any police officer;
- (d) in any manner obstructs, impedes or interferes with the operations of the Service at a fire;
- (e) knowingly gives or causes to be given a false alarm of fire to the Service, or to any member thereof;
- (f) uses any fire service installation or equipment provided or maintained by the Crown, otherwise than for the purpose of extinguishing fires or for any fire and rescue service purpose or any purpose authorized by the Chief Fire Officer or damages or obstructs any such installation or equipment, otherwise than in consequence of its use for such a purpose as aforesaid; or
- (g) not being a member, wears the uniform of the Service or any dress having the appearance or bearing any of the distinctive marks of that uniform,

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is guilty of an offence and is liable, on summary conviction, to a fine up to level 3 on the standard scale and to imprisonment for six months.

(2) In this section “Service” includes a fire and rescue service acting in pursuance of an agreement made under section 8 and “member” includes a member of such fire and rescue service.

## **Compensation to be paid for water consumed in case of fire and for other expenses.**

21. (1) The Crown may recover summarily as a civil debt from the owner or occupier of any premises full compensation for the water consumed in case of fire on such premises or starting in such premises and all other necessary expenses incurred by any alarm of fire or by such fire, and by keeping up an efficient supply of salt water and in such proportions from the persons liable to pay the same as to the court may appear fair and reasonable.

(2) The liability to pay such compensation shall be deemed and taken to be an insurable interest in any premises or property.

(3) If such premises or such property shall be insured at any sum amounting to one-half the value thereof, then such compensation and expenses may be recovered in like manner from the insurance company or its agent or if the same shall have been insured by more than one company then from such companies or agents, in proportion to the amounts insured.

(4) If such premises, or such property shall be insured at any sum less than one-half of the value thereof, then one moiety of such compensation and expenses may be recovered from the owner or occupier, and the other moiety, thereof from such insurance company or its agent.

(5) It shall be lawful to include in one complaint, and in one summons and order, any owner or occupier jointly with any insurance company or its agent.

## **Setting fire to chimneys.**

22. (1) A person who wilfully sets or causes to be set on fire any chimney is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale:

Provided that nothing herein shall exempt the person so setting or causing to be set on fire any chimney from liability to be charged with any other offence.

(2) If any chimney accidentally catch or be on fire the person occupying or using the premises in which such chimney is situated is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 1 on the standard scale:

Provided that such penalty shall not be incurred if such person prove to the satisfaction of the court that such fire was in no wise owing to omission, neglect or carelessness of himself or his servant or agent.

**Duty of police at fires.**

23. (1) All police officers shall have authority to aid, and it shall be their duty to aid, the Service in the execution of its duties; and they may close any street in or near which a fire is burning and may, if they think fit, or if so requested by any officer of the Service, remove any person interfering with or obstructing the operation of the Service.

(2) Police officers shall have the same authority, powers and duty under this section in relation to a fire and rescue service and any officer of a fire and rescue service acting in pursuance of an agreement made under section 8 as they have in relation to the Service and any officer of the Service under this section.

**Immunity of Government, members of the Fire and Rescue Service and police officers.**

24. The Crown and the members of the Service or of another fire and rescue acting in pursuance of an agreement made under section 8 and police officers acting bona fide in the exercise and performance of the powers and duties conferred or imposed upon them by this Act, and all persons bona fide acting under the command of the Chief Fire Officer or other officer in charge of the Service, or of such another fire and rescue, and carrying out any directions given by or on behalf of the Chief Fire Officer or such other officer shall not be liable for any damage arising out of any act done or omitted to be done in pursuance of the exercise and performance of those powers and duties or in pursuance of those directions, as the case may be.

**Damage done at a fire.**

25. Any damage done by the Service or any other fire and rescue service in the execution of its duties on the occasion of a fire shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

**Special duties and expenses thereof.**

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26. (1) On the application of any person, the Chief Fire Officer may, if he thinks fit, detail any member to do special duty in, upon or about any premises or business or vessel specified by the applicant and for the purpose furnish such equipment as he may deem necessary.

(2) The applicant shall pay to the Chief Fire Officer for the services of any member so detailed and for the use of equipment so furnished such fees as the Chief Fire Officer may, with the approval of the Minister responsible for finance, think fit.

(3) All fees so received by the Chief Fire Officer shall be paid by him into the Consolidated Fund and shall be recoverable by action in like manner as other Crown debts.

### **Appeal to court.**

27. (1) Where any provision in this Act provides for an appeal to the court against a notice of the Chief Fire Officer the procedure shall be by way of complaint for an order, and the Criminal Procedure Act shall apply to the proceedings.

*Act. 1961 No. 24.*

(2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice was served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies, the notice shall state the right of appeal to the court and the time within which such an appeal may be brought.

### **Appeal to Supreme Court.**

28. Any person aggrieved by any decision or order of the court may appeal to the Supreme Court and the provisions of Part VI of the Magistrates' Court Act shall apply to such appeal.

### **Warrant cards.**

29. The Chief Fire Officer may issue to members warrant cards, in such form as may be prescribed, and such cards shall be an authority in writing for the purposes of section 10 of this Act:

Provided that if a member who is seeking to exercise his powers under this Act does not produce his warrant card if called upon to do so he may not exercise such powers unless and until he produces such card.

**Regulations.**

30. (1) The Government may, from time to time, make regulations for all or any of the following purposes:

- (a) the form of warrants to be issued to members;
- (b) describing the uniforms and equipment to be provided to members;
- (c) the making and issuing of reports and certificates regarding—
  - (i) fires attended by the Service;
  - (ii) premises, vessels or other property damaged by fire;
  - (iii) matters relating to fire risk or fire precautions in or in respect of any premises, vessel or other property;
- (d) prescribing fees to be charged in respect of the issue of any such reports and certificates;
- (e) the discipline and punishment of members;
- (f) generally, for such other matters as may be necessary or expedient for the efficient administration and operation of the Service.

(2) The Government may, from time to time, make regulations for all or any of the following purposes:

- (a) providing for the inspection of premises or classes of premises to which the public or any section of the public has access or in which persons are employed;
- (b) prohibiting or restricting access by the public or any section of the public or any employee unless those premises are certified in accordance with the regulations as being provided with fire precaution or fire safety measures to standards prescribed by or under the regulation;
- (c) providing for applications for certificates referred to in paragraph (b), the issuing of those certificates, and the display and duration of those certificates;

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- (d) requiring the owners or occupiers of any premises or classes of premises to provide and maintain in effective working condition in the premises, fire extinguishers and other fire fighting equipment specified in the regulations;
- (e) prescribing the manner in which extinguishers and equipment specified in paragraph (d) are to be kept in premises or classes of premises;
- (f) defining the liability of owners and occupiers respectively for the costs of extinguishers and equipment specified in paragraph (d) and for the costs of re-filling or re-charging any such extinguishers or equipment;
- (g) generally, regulating the sale, supply, installation, repair, maintenance, and inspection of fire service and fire fighting installations and equipment;
- (h) providing that a contravention or failure to comply with any regulation made under this subsection shall be a criminal offence, and providing for penalties not exceeding a fine up to level 2 on the standard scale or imprisonment for six months or both on summary conviction for any such offence;
- (i) providing for such other matters as are reasonably necessary for or incidental to the due administration of this Act.

## **Fire and Rescue Service orders.**

31. (1) The Chief Fire Officer may make orders called “Fire and Rescue Service General Orders” not inconsistent with the provisions of—

- (a) this Act and any regulations made thereunder;
  - (b) regulations made under the Public Finance (Control and Audit) Act<sup>1</sup>;
  - (c) Colonial Regulations and Gibraltar Government General Orders as modified (if at all) by this Act and regulations made thereunder.
- (2) Such orders may provide for—
- (a) the control, direction and information of the Service;

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<sup>1</sup> 1977-09

- (b) discipline;
- (c) training;
- (d) classifications and promotions,
- (e) inspection, drills, exercise and parades;
- (f) welfare;
- (g) departmental finance;
- (h) buildings, grounds, stores, furniture and equipment;
- (i) services to be performed by members;
- (j) the manner and form of reports, correspondence and other records;
- (k) the performance of any act which may be necessary for the proper carrying out of the provisions of this Act or any regulations made thereunder or of any other enactment or for the discharge of any other enactment for the discharge of any duty imposed by law on the Service;
- (l) such other matters as may be necessary or expedient for preventing abuse or neglect of duty, for rendering and for carrying out the objects of this Act.

32. *Omitted.*

**SCHEDULE 1**

*Omitted.*

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SCHEDULE 2

Section 10

FORM 1

FIRE AND RESCUE SERVICE ACT  
NOTICE OF ENTRY.

To: ..... (*Occupier of premises*)

Take Notice that in exercise of the powers conferred on me by section 10 of this Act it is proposed to enter the said premises at (*hour and date*) for the purpose of—

- \*(a) ascertaining whether or not there exists any fire hazard thereon;
- \*(b) ascertaining whether there is, or has been, on or in connection with the premises, any contravention of any of the provisions of this Act including the failure to comply with the provisions of any notice or order;
- \*(c) obtaining information required for fire-fighting purposes with respect to the character of the premises, the available water supplies and the means of access thereto and other material circumstances;
- \*(d) the performance of the following duties—

\*Delete as applicable.

Dated this                    day of                    20                    .

Signature .....

Chief Fire Officer.

Fire and Rescue Service

This version is out of date

FORM 2

Section 10

FIRE AND RESCUE SERVICE ACT

WARRANT TO EFFECT ENTRY IN PREMISES.

WHEREAS application has been made by or on behalf of the Chief Fire Officer for authority to enter the premises . . . . . on the grounds that

Now THEREFORE I . . . . . (name) do hereby authorize the Chief Fire Officer or any person authorized by him in writing in that behalf to enter the said premises, if need be by force, taking with him such persons as may be necessary.

Dated this            day of            20 .

(Signed).....  
(Magistrate)

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This version is out of date

FORM 3

Section 11

FIRE AND RESCUE SERVICE ACT

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 11 of the Fire and Rescue Service Act, I, the Chief Fire Officer, being satisfied of the existence at . . . . . (describe premises where fire hazard exists) of a fire hazard being . . . . .

(describe the fire hazard), 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) and I hereby require you within the said period to do what is necessary for preventing the recurrence of the fire hazard and for this purpose to . . . . . (specify any works to be executed. ).

\*Take notice that under section 11 of the Fire and Rescue Service Act, I, the Chief Fire Officer, being satisfied that at . . . . . (describe premises where the fire hazard existed) there existed recently, namely, on or about the . . . . . (specify date), the following fire hazard, namely, . . . . . (describe the fire hazard), and that although the said fire hazard has been abated, the said fire hazard is likely to recur at the said premises, do 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 executed).

2. You may, within 21 days of the service of this notice, appeal against the notice, to the magistrates' court.

\* Delete as applicable.

Dated this                    day of                    20                    .

Signature:.....

**1976-19**

# Fire and Rescue Service

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*This version is out of date*

Chief Fire Officer

This version is out of date

FORM 4.

Section 15

FIRE AND RESCUE SERVICE ACT  
CLOSING ORDER

To A.B., of .....(or to the owner or occupier of)
(describe premises) situate .....
.....(insert such description of the situation as may be sufficient to identify
the premises).

\*WHEREAS the said A.B. (or, the owner or occupier of the said premises,
namely, ..... )
has this day appeared before me/us, ..... (describing the
court), to answer the matter of a complaint made by .....
..... that at
.....
(follow the words of complaint in summons):

\*WHEREAS it has been now proved to my satisfaction that a summons has
been duly served requiring the said A.B. (or the owner or occupier of the
said premises) to appear this day before me to answer the matter of a
complaint made by ..... etc. that at .....
..... etc.
(follow the words of complaint in summons):

Now on proof here had before me that the fire hazard is such as to render
the premises ..... (describe the same) situate at
..... (insert such description of the situation as may
be sufficient to identify the premises) unfit in my judgment for such use as
is specified hereunder, I in pursuance of section 15 of the Fire and Rescue
Service Act do hereby prohibit the use of the said premises for such use as
follows, that is to say.....

\* Delete as applicable.

Dated this day of 20 .

(Signature).....
Magistrate