
Fourth Session Third Parliament Trinidad and Tobago
24 Elizabeth II



TRINIDAD AND TOBAGO
Act No. 42 of 1975

[L.S.]

AN ACT to amend the Fire Service Act, 1965.

[Assented to 2nd October, 1975]

BE IT ENACTED by the Queen's Most Excellent Majesty, ^{Enactment} by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows:—

1. This Act may be cited as the Fire Service (Amend- ^{Short title} ment) Act, 1975.

Act. No. 31 of
1965 amended

2. The Fire Service Act, 1965, is amended—

(a) by inserting in section 2 in their appropriate alphabetical order the following definitions:—

““authorised officer” means the Chief Fire Officer or any other fire officer designated as such by the Chief Fire Officer under section 39A;

“building” includes any structure whether temporary or permanent but does not include a temporary structure which is movable;

“public premises” means any building or part of a building to which the public has access either generally or conditionally and whether on payment or otherwise;”;

(b) by inserting immediately after section 39 the following sections:—

“Chief Fire Officer may designate authorised officers

39A. The Chief Fire Officer may in writing designate any fire officer to be an authorised officer for the purposes of this Act.

Power of authorised officer to enter and inspect public premises

39B. (1) An authorised officer may, on producing if required so to do, documentary evidence of his authority, enter any public premises at any time during the day for the purpose of determining the condition of such premises.

(2) In furtherance of the purpose stated in subsection (1), an authorised officer may, upon entry—

(a) inspect the whole or part of the public premises, the water supply available therein and the means of access thereto and exit therefrom;

(b) determine the nature of the public premises;

- (c) require any person (whether owner, occupier, manager or agent of the premises) to give such information or assistance as may enable him to exercise any of the powers conferred on him by this subsection;
- (b) do any or all such things as he considers necessary for determining the condition of the public premises.

(3) An authorised officer may, in the exercise of his powers under subsection (1), take with him any person whose assistance he considers necessary except that where the authorised officer has been so designated he shall first obtain the approval of the Chief Fire Officer.

- (4) Any person who—
- (a) wilfully obstructs an authorised officer in the exercise of his duties under this Act; or
 - (b) without reasonable excuse fails to comply with any requirement of an authorised officer under paragraph (c) of subsection (2),

is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and imprisonment.

Chief Fire Officer may require work to be done on public premises

39c. (1) The Chief Fire Officer, if he is satisfied that the condition of any public premises constitutes or is likely to constitute

a fire hazard may, by notice in writing served on the occupier, require that such work as may be specified in the notice be carried out within the period therein specified, on such premises in order to render it safe for public use, except that where the work to be carried out is of a structural nature, the notice shall be served on the owner of the premises or if he cannot be found on his agent or the occupier thereof.

(2) The Chief Fire Officer, if he is satisfied that the occupancy or the nature of the business carried on on any public premises constitutes or is likely to constitute a fire hazard, may by notice in writing served on the owner of such premises or if he cannot be found on his agent or the occupier thereof, require that the premises be provided with protective devices of the nature specified in the notice and within the period therein specified.

(3) Notwithstanding the provisions of subsection (2), the Chief Fire Officer may, on an application in writing by the owner, occupier or agent of any premises on whom a notice was served pursuant to subsection (1) or (2), extend in writing the period within which the requirements of such notice are to be complied with.

(4) An application under subsection (3) must—

- (a) state the reason for seeking an extension of time; and
- (b) give the approximate date on which the requirements of the notice may be met.

(5) Any person who fails to comply with the requirements of a notice issued pursuant to subsection (1) or (2), including in so far as the notice relates to a specified period, any extensions of such period under subsection (3), is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months or to both such fine and imprisonment and in the case of a continuing offence to a fine of one hundred dollars for each day during which the offence continues after conviction therefor.

(6) In the exercise of his authority under this section, the Chief Fire Officer shall consult with the Local Authority for the area in which the premises are situated.

(7) For the purposes of this section "Local Authority" means—

(a) the Port-of-Spain Corporation established under the Port-of-Spain Corporation Ordinance;

(b) the San Fernando Corporation established under the San Fernando Corporation Ordinance;

(c) the Arima Corporation established under the Arima Corporation Ordinance; and

(d) a County Council established under the County Councils Act, 1967.

Orders for
closure of
public
premises

39D. (1) Without prejudice to any liability for an offence under section 39C (5), where a person fails to comply with the requirements of a

notice issued pursuant to section 39c (1) or (2), the Chief Fire Officer may make application to a Court of Summary Jurisdiction (hereinafter called "the Court") having jurisdiction in the district in which the public premises is situate for an order under this section.

(2) The application shall be supported by an affidavit setting out the particulars on which it is alleged that the public premises constitutes or is likely to constitute a fire hazard or that the occupancy or nature of the business carried on on any public premises constitutes or is likely to constitute a fire hazard, as the case may be, setting out a copy of the notice served and alleging the fact that the notice has not been complied with.

(3) In addition to any application that may be made under subsections (1) and (2), where the Chief Fire Officer is satisfied in his own deliberate judgment that from the nature of the fire hazard constituted by the condition of any public premises or the occupancy or nature of any business carried on in any public premises, that the danger of damage to the public is imminent, he may make application to the Court for an order under this section without first serving any such notice as is required under section 39c and the Court may proceed upon such application in accordance with subsections (4) to (6).

(4) Where the Court is satisfied as to the application it may *ex parte* make an interim order for the closure of any public premises or the cessation of the occupancy

or business carried on on any public premises, as the case may be so long as the order remains in force.

(5) The Court shall in a summary manner hear and determine any application made under this section, and may if the justice of the case so requires make a final order for the closure of the public premises or the cessation of the occupancy or business carried on on any public premises, as the case may be.

(6) A person aggrieved by any final order by the Court under subsection (4) may, within one month of the date of the making of the order, appeal to a Judge in Chambers who shall make such order or other determination in the premises as the justice of the case requires.

Owner,
occupier or
agent may
appeal
against
requirement
contained in
notice

39E. Within fourteen days of service of a notice issued pursuant to subsection (1) or (2) of section 39C, the person served may appeal to a Judge in Chambers on the ground that the requirements of the Chief Fire Officer are unreasonable having regard to the condition or the occupancy of or the nature of the business carried on on the premises.

Restriction
on disclosure
of informa-
tion

39F. It is an offence punishable on summary conviction by a fine of one thousand five hundred dollars or to imprisonment for twelve months or to both such fine and imprisonment for an authorised officer who, pursuant to section 39B, entered any factory or work place, to disclose to any person any information regarding manufacturing processes or trade secrets obtained by him in the

factory or workplace, unless such disclosure was made in the course of his duties under this Act.”

Enactment
amended

3. The enactment specified in the first column of the Schedule is amended to the extent specified in the second column thereof.

SCHEDULE

FIRST COLUMN	SECOND COLUMN
<i>Enactment</i>	<i>Extent of Amendments</i>
Public Health Ordinance, Ch. 12. No. 4.	<p>A. In section 35A as amended by the Sixth Schedule to the Water and Sewerage Act, 1965—</p> <p>(a) by adding immediately after paragraph (d) of subsection (1) the following paragraph—</p> <p style="padding-left: 40px;">“(e) means of escape from fire in the case of certain buildings;”;</p> <p>(b) by repealing subsection (7) and replacing it as follows—</p> <p style="padding-left: 40px;">“(7) In the exercise of his powers and in the performance of his duties under and by virtue of this section, the Minister shall consult with the National Housing Authority, the Water and Sewerage Authority, the Chief Drainage Engineer and the Chief Fire Officer.”.</p> <p>B. By adding immediately after section 36 the following section—</p> <p style="padding-left: 40px;">“Duty of Local Authority to consult Chief Fire Officer in certain cases before passing plans</p> <p style="padding-left: 80px;">36A. (1) Where in accordance with subsection (2) of section 36, plans are deposited with a Local Authority in connection with the proposed erection of a public building, the Local Authority shall, before passing the plans, consult with the Chief Fire Officer.</p>

FIRST COLUMN

Enactment

Public Health Ordinance, Ch. 12. No. 4.

—*Contd.*

SECOND COLUMN

Extent of Amendments

(2) Any person who proposes—

(a) to make any extension or structural alteration to a public building; or

(b) to convert or alter any building which was erected for a purpose other than a public purpose, into a public building,

shall deposit with the appropriate Local Authority such number of plans as the Local Authority may require; the plans must contain all information which the local Authority may consider necessary.

(3) Before a completion certificate is issued in respect of any works carried out on a public building pursuant to any plans passed by a Local Authority, the Local Authority shall consult the Chief Fire Officer in order to ensure that the work is completed in conformity with the specifications approved in the plan.

(4) In this section “public building” means a building to which the public has access either generally or conditionally and whether on payment or otherwise.”.

C. By substituting for paragraph (f) of subsection (2) of section 37, the following paragraph—

“(f) any other ground which in the opinion of the Local Authority would be detrimental to public health or to public convenience or is likely to constitute a fire hazard.”.

Passed in the House of Representatives this 19th
day of September, 1975.

J. E. CARTER

Clerk of the House

Passed in the Senate this 23rd day of September, 1975.

R. GRIFFITH

Clerk of the Senate