

AUXILIARY FIRE SERVICE ACT

CHAPTER 35:54

Act
51 of 1979

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UNOFFICIAL VERSION

L.R.O.

UPDATED TO DECEMBER 31ST 2012

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 35:54

AUXILIARY FIRE SERVICE ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 35:54

AUXILIARY FIRE SERVICE ACT

51 of 1979. **An Act to provide for the establishment and control of an Auxiliary Fire Service and for matters connected therewith and incidental thereto.**

Commencement. [31ST DECEMBER 1979]

Short title. **1.** This Act may be cited as the Auxiliary Fire Service Act.

Interpretation. **2.** In this Act—
“Auxiliary Fire Service” means the Auxiliary Fire Service of Trinidad and Tobago established by section 3;
“Chief Fire Officer” and “Deputy Chief Fire Officer” means the persons appointed to the offices of Chief Fire Officer and Deputy Chief Fire Officer respectively under the Fire Service Act;
Ch. 35:50. “Fire Service” means the Fire Service established by section 3 of the Fire Service Act.

Establishment of Auxiliary Fire Service. **3.** (1) There is hereby established an Auxiliary Fire Service to be known as the Auxiliary Fire Service of Trinidad and Tobago.
(2) The Auxiliary Fire Service shall consist of First Division Officers and Second Division Officers (hereinafter together referred to as “members”).

Second Schedule. (3) The officers of each Division of the Auxiliary Fire Service are those set out in the Second Schedule and such other offices as the President may by Order prescribe from time to time.

Appointment of members. **4.** (1) The Minister acting on the advice of the Chief Fire Officer may in writing appoint such persons as he thinks fit to be First Division Officers of the Auxiliary Fire Service.

(2) Subject to the approval of the Minister, the Chief Fire Officer may in writing appoint such persons as he thinks fit to be Second Division Officers of the Auxiliary Fire Service.

(3) Applications for appointments shall be made in writing, on the form prescribed in the First Schedule, to the Chief Fire Officer who shall, in the case of persons seeking appointments as First Division Officers, forward their applications to the Minister. First Schedule.

(4) Each application must be accompanied by a medical certificate and a certificate of good character.

5. Every member shall, before entering upon his duties under this Act, take and subscribe the oath or affirmation of office and of secrecy set out in the Third Schedule before a Justice of the Peace. Oath or affirmation.
Third Schedule.

6. The appointment of any member may be revoked at any time— Revocation of appointment.

- (a) by the Minister, in the case of a First Division Officer; and
- (b) by the Chief Fire Officer, in the case of a Second Division Officer.

7. A member may resign by giving one month's notice in writing to the Chief Fire Officer who shall, in the case of an officer in the First Division, transmit the notice to the Minister. Resignation.

8. (1) Subject to subsection (2), the compulsory retiring age shall be— Retirement.

- (a) in the case of a First Division Officer, sixty years; and
- (b) in the case of a Second Division Officer, fifty-five years.

(2) The retirement age of a First Division Officer may be extended with the approval of the Minister on the recommendation of the Chief Fire Officer for periods not exceeding five years in the aggregate.

9. Where the Minister is of the opinion that additional personnel is required for the preservation of good order, the protection of persons or property or the performance of any other duty exercisable by members of the Fire Service, he may, on the advice of the Chief Fire Officer, call out members of the Auxiliary Fire Service for duty on a full-time, part-time or temporary basis. Power of Chief Fire Officer.

Responsibilities of the Chief Fire Officer.

10. Subject to any special or general directions of the Minister, the Chief Fire Officer shall be responsible for the command and superintendence of the Auxiliary Fire Service.

Powers and responsibilities of members.

11. Every member shall, when called out for duty, have, exercise and enjoy the same powers, authority, privileges and immunities and shall perform the duties and have the responsibilities of a member of the Fire Service.

Clothing and equipment to be provided.

12. The Chief Fire Officer or any other officer in the Fire Service authorised for the purpose in writing by the Chief Fire Officer (hereinafter referred to as “an authorised officer”) shall provide each member with such clothing and equipment as may be prescribed; the cost of which clothing and equipment shall be defrayed from funds provided by Parliament for the purpose.

Duty to return clothing and equipment.

13. (1) A person who ceases to be a member shall, within one week of his ceasing to be a member, return to the Chief Fire Officer or an authorised officer the clothing and equipment with which he was provided by virtue of section 12.

(2) A person who ceases to be a member and who fails or refuses without reasonable excuse to return, within the period specified under subsection (1), the clothing and equipment with which he was provided is liable on summary conviction to a fine of five hundred dollars.

Offences and penalties.

14. (1) A member who—

(a) when called out for duty fails or refuses to perform any duty assigned to him or to carry out any lawful order given to him; or

(b) sells, lends, pledges or otherwise disposes of or wilfully damages any clothing or equipment with which he was provided,

is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

(2) A person who impersonates, or in any other manner pretends to be, a member is liable on summary conviction to a fine of five hundred dollars and to imprisonment for six months.

(3) No prosecution shall commence for an offence under subsection (1)(a) without the express approval of the Director of Public Prosecutions.

15. (1) The Minister may make such Regulations as he considers necessary for giving effect to the provisions of this Act, for prescribing anything that is required by this Act to be prescribed and by such Regulations may provide for—

- (a) the organisation of the Auxiliary Fire Service;
- (b) the establishment of different ranks in the Auxiliary Fire Service and the precedence and command to be had or exercised by the members of each rank;
- (c) the training of members;
- (d) the conditions of service, promotion, demotion, resignation, suspension or dismissal of members;
- (e) the remuneration and payment of allowances to members and the rates at which and the conditions upon which such allowances shall be paid to members of the different ranks;
- (f) the grant of benefits to members who are injured while in the execution of their duties and the rates at which and the conditions upon which such benefits shall be granted to members of the different ranks;
- (g) the grant of pensions or gratuities to members who, consequent upon injuries received in the course of their duties, are permanently incapacitated or whose earning power has been considerably impaired and the rates at which and the conditions upon which the pensions or gratuities shall be granted to members of the different ranks;

- (h) the grant, subject to such conditions as the Minister may impose and at such rates as may be specified, of a pension or gratuity to the widow, children or other dependants of any member who dies from injuries received as a result and in the course of the performance of his duties without his own neglect or default;
 - (i) the control of the use of transport used by members for the purpose of carrying out their duties under this Act;
 - (j) the discipline of the Auxiliary Fire Service and the procedure to be followed in cases of breaches of discipline; and
 - (k) the prescription and supply of clothing and equipment for the use of members.
- (2) Regulations made under subsection (1)(e), (f), (g) and (h) shall be subject to negative resolution of Parliament.
- (3) For the purposes of subsection (1)(h) “child” includes—
- (a) a posthumous child;
 - (b) a stepchild or illegitimate child born before the date of the injury and was wholly or mainly dependent on the deceased member for support; and
 - (c) a child who was legally adopted before the date of the injury and was wholly or mainly dependent on the deceased member for support.

NOTE:

1. Some physical requirements are as follows:
 - (a) Minimum height, 168 cm in bare feet;
 - (b) Minimum chest measurement, normal 84 cm;
 - (c) Arms and legs, not deformed;
 - (d) Feet, not flat-footed.
2. Set out any additional facts in support of application above.

Section 3.

SECOND SCHEDULE

- A. The offices in the First Division of the Auxiliary Fire Service—
 Divisional Fire Officer.
 Assistant Divisional Fire Officer.
- B. The offices in the Second Division of the Auxiliary Fire Service—
 Fire Station Officer
 Fire Sub-Station Officer
 Fire Sub-Officer
 Fireman.

Section 5.

THIRD SCHEDULE

OATH OF OFFICE AND OF SECRECY

I, (A.B.), solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the service of the Auxiliary Fire Service and that I will not without due authority in that behalf, in any manner whatsoever publish or communicate any facts or information being facts or expressions of opinion based on such facts that come to my knowledge by reason of such employment.

So help me God:

Signature

Sworn before me at, this day of 20.....

.....
Justice of the Peace

AFFIRMATION OF OFFICE AND OF SECRECY

I, (A.B.), solemnly and sincerely affirm and declare that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the service of the Auxiliary Fire Service and that I will not without due authority in that behalf, in any manner whatsoever publish or communicate any facts or information being facts or expressions of opinion based on such facts that come to my knowledge by reason of such employment.

Signature

Affirmed before me at, this day of 20.....

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Justice of the Peace
