



TRINIDAD AND TOBAGO

No. 12—1951

[L.S.]

I ASSENT,

H. E. RANCE,

Governor

29th March, 1951.

AN ORDINANCE to amend the Fire Brigades Ordinance,
Ch. 11. No. 3.

[1st January, 1951.]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the
advice and consent of the Legislative Council thereof.

Enactment.

1. This Ordinance may be cited as the Fire Brigades
(Amendment) Ordinance, 1951, and shall be read as one with
the Fire Brigades Ordinance, hereinafter referred to as the
Principal Ordinance.

Short title.

Ch. 11. No. 3.

Section 5 of
Principal
Ordinance
amended.

2. Subsection (1) of section 5 of the Principal Ordinance is hereby repealed and replaced by the following subsections :—

“ 5. (1) A Brigade may be composed of paid professional wholtime officers, sub-officers and firemen or of volunteers or of both paid professional wholtime officers, sub-officers and firemen and volunteers.

(1A) There shall be an officer in charge of the Brigades and he shall be designated the Chief Fire Officer.

(1B) There may be attached to any Brigade a Chief Officer, a Second Officer, a Third Officer, a Fourth Officer, a Station Officer, or any of such officers, and such number of sub-officers and firemen as the Governor in Council may determine :

Provided that the total number of sub-officers of any rank and of firemen in the Brigades shall not exceed such numbers as the Legislative Council shall fix.

(1C) Wholtime members of a Brigade shall be paid such salaries as the Governor in Council with the consent of the Legislative Council may decide.

(1D) The Chief Fire Officer and every Chief Officer and Second Officer shall be *ex officio* Justices of the Peace in and for the whole Colony.”

Sections 6, 7,
8 and 10 of
Principal
Ordinance
repealed.

3. Sections, 6, 7, 8 and 10 of the Principal Ordinance are hereby repealed.

Section 9 of
Principal
Ordinance
repealed and
replaced.

4. Section 9 of the Principal Ordinance is hereby repealed and replaced by the following section :—

9. On every occasion of fire every member of the Police Force shall, if lawfully commanded so to do, act as if he were a member of the Brigade operating at such fire.”

Section 11 of
Principal
Ordinance
repealed and
replaced.

5. Section 11 of the Principal Ordinance is hereby repealed and replaced by the following section :—

11. Operations at any fire shall be directed by the Senior Fire Officer present and he is hereby empowered to call to the assistance of the Brigade operating at such fire any person whose assistance he may think necessary for the preservation of life or property. Any person so called upon to aid and assist in the preservation of life or property who refuses or neglects without reasonable excuse (the proof whereof shall lie upon him) to aid and assist accordingly, shall be liable on summary conviction, to a fine of one hundred and twenty dollars, or to imprisonment for three months.”

6. Section 12 of the Principal Ordinance is hereby repealed and replaced by the following section :—

"Yearly accounts.

12. It shall be the duty of the Chief Fire Officer to examine all accounts and bills against the Brigades, and, on or before the 30th April in each year to render to the Director of Audit a certified account of all expenses incurred during the last preceding financial year in carrying this Ordinance into effect, and it shall be the duty of the Director of Audit to audit such account and certify the same."

Section 12 of Principal Ordinance repealed and replaced.

7. Section 18 of the Principal Ordinance is hereby amended—

(a) by substituting the words "Senior Officer of the Brigade present at the fire" for the words "Superintendent or other officer in charge of the Brigade";

(b) by substituting the words "Senior Officer present" for the word "Superintendent" in the marginal note thereto.

Section 18 of Principal Ordinance and marginal note, thereto amended.

8. Section 19 of the Principal Ordinance is hereby amended by deleting therefrom the words "the Superintendent or".

Section 19 of Principal Ordinance amended.

9. Section 20 of the Principal Ordinance is hereby amended by deleting therefrom the words "officers and" and the words "officers or".

Section 20 of Principal Ordinance amended.

10. Section 21 of the Principal Ordinance is hereby amended by deleting from subsection (1) thereof the words "officer or".

Section 21 of Principal Ordinance amended.

11. Section 22 of the Principal Ordinance is hereby amended by deleting therefrom subsection (3).

Section 22 of Principal Ordinance amended.

12. Section 23 of the Principal Ordinance is hereby amended—

(a) by renumbering the section as 23 (1);

(b) by substituting the words "Chief Fire Officer and of every Officer" for the words "Superintendent and Officers";

(c) by deleting therefrom paragraphs (d) and (g) and by relettering paragraphs (e) and (f) as (d) and (e) respectively;

(d) by adding thereto the following subsection :—

"(2) It shall be the special duty of the Chief Fire Officer—

(a) at the close of every financial year, or oftener if required by the Governor, to report to him in writing the condition of the stations, hydrants, hose, carriages, hose-pipes, and other fire apparatus and property under his charge the income and expenditure of the department in

Section 23 of Principal Ordinance amended.

detail for the previous year ; the number and location of fire alarm stations ; the number of fires and the causes thereof, or as near as can be ascertained ; the number and description of buildings destroyed or injured, together with the names of the owners or occupants ; the amount of insurances, if any ; all accidents by fire which may happen within the city, borough, town, or district ; with such other information or suggestions as may in his opinion be desirable ;

(b) to report to the Governor his own absence or the absence of any member of a Brigade from any fire.

Section 24 of
Principal
Ordinance
amended.

13. Section 24 of the Principal Ordinance is hereby amended—

- (a) by substituting the words “ member of a Brigade in the execution of his duty ” for the words “ officer or member of any Brigade ” in paragraph (a) thereof ;
- (b) by substituting the words “ member of a Brigade in the execution of his duty ” for the words “ officer or member of a Brigade ” in paragraph (b) thereof ;
- (c) by substituting the words “ a Brigade ” for the words “ the Brigade ” where these latter words first occur in paragraph (d) thereof and the words “ that Brigade ” for the words “ the Brigade ” where the latter words subsequently occur in the said paragraph ;
- (d) by substituting the words “ officer of a Brigade or a Gazetted Police Officer within the meaning of the Police Ordinance 1950 ” for the words “ officer of the Brigade or of Police ” in paragraph (g) thereof.

Rights of
members of
Police Force
transferred to
the Brigades.

14. (1) All members of the Police Force at the date of the commencement of this Ordinance assigned for duty with the Brigades shall, on the coming into force of this Ordinance, be deemed to be transferred to the Brigades. Any such person may be posted for duty to such Brigade as the Chief Fire Officer, may, subject to the provisions of this Ordinance, determine.

(2) Notwithstanding anything contained in the Principal Ordinance, the salaries and emoluments of members of the Police Force so deemed to be transferred to the Brigades shall be such that no such member shall suffer direct pecuniary loss by reason of such transfer.

(3) The relative seniority of members of the Police Force so deemed to be transferred to the Brigades shall not be affected by such transfer and no such member shall forfeit his seniority by reason of such transfer.

(4) Members of the Police Force so deemed to be transferred who hold ranks in the Brigades below that of Second Officer shall continue to be eligible for superannuation allowances at the same rates and on the same terms and conditions as are applicable to inspectors, subordinate police officers and constables of the Police Force and such allowances shall be computed as though service in the Brigades were service in the Police Force : Provided that deductions from the pay of such members of the Police Force so transferred by way of contribution to such allowances shall be made by the Chief Fire Officer.

(5) Members of the Police Force below the rank of gazetted police officer within the meaning of the Police Ordinance, 1950 so deemed to be transferred who hold ranks in the Brigades of or above that of Second Officer shall from the dates on which they commence to hold such ranks be deemed to be public officers within the meaning of the Pensions Ordinance. Ch. 9. No. 6.

(6) Any member of the Police Force so deemed to be transferred as aforesaid may at any time within one year from the date of the commencement of this Ordinance elect to be retransferred to the Police Force and shall be permitted to become a member of the Police Force as though he had never ceased to be a member thereof.

15. Wholetime members of a Brigade recruited thereto after the date of the commencement of this Ordinance and holding ranks therein below that of Second Officer shall be eligible for superannuation allowances at the same rates and on the same terms and conditions as are applicable to inspectors, subordinate police officers and constables of the Police Force as though service in the Brigade were service in the Police Force : Provided that deductions from the pay of such members by way of contribution to such allowances shall be made by the Chief Fire Officer.

Pension rights of members of the Brigades recruited thereto after the commencement of this Ordinance.

16. (1) When any volunteer member of a Brigade, or any other person who is called upon by virtue of the provisions of Section 5 of this Ordinance, through no fault of his own, contracts an illness or sustains bodily injury while in the actual discharge of his duties as such—

Provision for medical treatment, &c., and for compensation in cases of death or disability of volunteer members of Brigades.

- (a) he shall be provided with medicines, medical comforts and medical attendance at the public expense on the written authority of the Chief Fire Officer ;
- (b) he shall receive full pay according to his rank in the Brigade during any period of incapacitation, but not exceeding three months without a recommendation from a medical board, and in no case exceeding twelve months ;
- (c) he shall receive such compensation payable from general revenue as may be authorised by the Governor in Council.

(2) When any volunteer member of a Brigade, or any other person who is called upon by virtue of the provisions of Section 5 of this Ordinance, through no fault of his own, sustains bodily injury while in the actual discharge of his duties as such and is thereby permanently disabled (either totally or partially) it shall be lawful, if there be no other law in force regulating the grant of compensation in such cases for the Governor in Council to grant him a pension or gratuity the amount of which shall be subject to the approval of the Legislative Council.

(3) In case of death of any volunteer member of a Brigade, or any other person who is called upon by virtue of the provisions of Section 5 of this Ordinance, from bodily injury sustained in the circumstances specified in subsection (2) of this section it shall be lawful for the Governor in Council, if there be no other law in force regulating the grant of compensation in such cases, to grant to his dependants a pension or gratuity, the amount of which shall be subject to the approval of the Legislative Council.

Ch. 22. No. 12.

(4) Volunteer members of the Brigades shall not be regarded as workmen for the purposes of the Workmen's Compensation Ordinance, but the principles of the said Ordinance may be followed in computing compensation granted under the provisions of this Ordinance in respect of permanent disability or death.

Offences by
members of
Brigades.

17. (1) Any member of a Brigade below the rank of Second Officer who commits a breach of any regulation made under section 22 of the Principal Ordinance or who does or omits to do any act or thing which, if done or omitted to be done by an inspector, subordinate police officer or constable of the Police Force, would constitute an offence under section 36 or section 37 of the Police Ordinance, 1950 shall—

(a) if a wholtime member, be liable, on conviction before the Chief Fire Officer, to such punishment as is authorised to be imposed by the Commissioner for the like offence committed by an inspector, subordinate police officer or constable of the Police Force by the appropriate section of the Police Ordinance, 1950 ; and on conviction before any officer deputed by the Chief Fire Officer to enquire into the charge (as hereinafter provided for), to such punishment as is authorised by the appropriate section of the said Ordinance to be imposed by a police officer deputed by the Commissioner to enquire into a charge against an Inspector, subordinate police officer or constable of the Police

Force for the like offence committed by him ; and the provisions of subsections (2) and (3) of section 36 or of subsections (2), (3) and (4) of section 37 of the said Ordinance, as the case may be, shall apply as though such member of the Brigade were a police officer convicted for an offence under section 36 or section 37 of the said Ordinance, as the case may be;

- (b) if a volunteer, be liable, on conviction—
- (i) before the Chief Fire Officer, to dismissal reduction to a lower rank or lower rate of pay, or reprimand or severe reprimand,
 - (ii) before an Officer deputed by the Chief Fire Officer to enquire into the charge, to reduction to a lower rank or lower rate of pay, or reprimand or severe reprimand.

(2) The Chief Fire Officer may, in his discretion, depute any Chief Officer or Second Officer to enquire into any charge for an offence under this section.

(3) The provisions of the first two provisos to subsection (1) of section 36, of section 38 and of subsection (1) of section 39, of the Police Ordinance, 1950 shall be deemed to apply to the cases of members of a Brigade against whom charges for offences under this section are preferred as though references to the Commissioner, a gazetted police officer, and a police officer against whom a charge is preferred, were references to the Chief Fire Officer, an Officer deputed by the Chief Fire Officer to enquire into a charge, and a member of a Brigade against whom a charge is preferred, respectively.

(4) The Chief Fire Officer may, without any appeal, vary any punishment imposed on any member of a Brigade by any Officer deputed by him to enquire into a charge against such member for an offence under this section.

18. All penalties inflicted on any member of a Brigade under this Ordinance shall be paid to the Accountant General to the credit of general revenue.

Penalties to be credited to general revenue.

19. The Governor in Council may make regulations—

- (a) for the prevention of fires ;
- (b) generally, for the better carrying out of the purposes of the Principal Ordinance and of this Ordinance.

Governor in Council may make regulations.

20. This Ordinance shall be deemed to have come into operation on the 1st January, 1951.

Retrospective operation.

Passed in Council this second day of March, in the year of Our Lord one thousand nine hundred and fifty-one.

W. FUNG,
Clerk of the Council.