

TRINIDAD AND TOBAGO.

Fire Brigades.

No. 15.—1904.

5th September.

AN ORDINANCE relating to Fire Brigades.

C. R. G. 1904
2219

[L.S.]

H. M. JACKSON,

GOVERNOR.

21st October, 1904.

WHEREAS it is expedient to make provision for the ^{Recital} better organization of Fire Brigades: Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as The Fire Brigades ^{Short title.} Ordinance, 1904.

2. In this Ordinance and in any regulations made here- ^{Interpretation.} under the term

“Insurance Company” means and includes any persons corporate or unincorporate or any person carrying on the business of Fire Insurance in this Colony.

“Brigade” and “Fire Brigade” are synonymous.

“Municipal Authority” as regards the town of Port-of-Spain means the Town Commissioners thereof, and as regards any Borough means the Mayor and Burgesses thereof.

“Summary Conviction” means conviction before a Stipendiary Justice of the Peace according to the procedure prescribed by the Ordinance No. 47 of 1895, intituled “An Ordinance to consolidate and amend the laws relating to procedure in respect of offences punishable on summary conviction,” or any Ordinance which may hereafter be passed respecting the Summary Administration of Justice.

Power to
form Brigades.

3. There may be constituted for any borough, town or district in the Colony which the Governor in Executive Council may define, Fire Brigades to whom shall be entrusted the duty of extinguishing fires and protecting life and property in cases of fire within any such borough, town or district or within the limit of one mile thereof.

Constitution
of Brigades.

4. A Fire Brigade may be composed of volunteers or of members of the Police Force or of both volunteers and members of the Police Force.

A Brigade composed of volunteers only, and the volunteer section of any Brigade shall consist of such persons residing within the limits of the borough, town or district for which such brigade shall have been constituted or within one mile of the limits thereof as shall from time to time volunteer to become members thereof and be approved by the Governor.

Brigades may
be placed
under Inspec-
tor-General.

5. It shall be lawful for the Governor at any time by order in writing to place any Brigade under the command of the Inspector-General of Police.

Volunteer
Officers.

6. The Governor may from time to time appoint from among the Volunteer members of any Brigade such officers with such titles and such order of rank and precedence as he may see fit.

Appointment
of Police
Officers and
constables.

7. When any Fire Brigade shall consist wholly or in part of members of the Police Force, the Inspector-General of Police may with the approval of the Governor appoint as many members of the Police Force to such brigade as he may from time to time think fit.

The Inspector-General shall subject to the approval of the Governor appoint any Inspector or other officer of Police to be the Superintendent or Assistant Superintendent of any such Brigade.

Any Inspector or officer of Police appointed as aforesaid may with the approval of the Governor at any time be removed and another may with the like approval be appointed in his place.

8. Every Officer, Non-Commissioned Officer and Constable of the Police Force shall be trained in the duties in connection with a Fire Brigade and shall be liable for service in any Brigade under the command of the Inspector-General of Police at any time or in any place. Police to be trained as firemen.

On every occasion of fire every Officer, Non-Commissioned Officer and Constable of the Police Force shall if lawfully commanded so to do act as if he were a member of the Fire Brigade.

9. There shall be paid to the Superintendent, Officers, Non-Commissioned Officers and men of a Fire Brigade being members of the Police Force such allowances as the Governor may with the consent of the Legislative Council allow. Allowances.

10. On every occasion of a fire the operations of a Brigade shall be directed by the Superintendent and Officers of such Brigade, notwithstanding the presence of a senior officer of the Police, but whenever the Inspector-General or the Deputy Inspector-General of Police shall be present, the Superintendent and Officers of a Brigade being a Police Brigade or a Brigade of Volunteers and Police shall be subject to their directions. Command of Brigade at a fire.

In the event of the absence of the Superintendent and other officers of a Brigade consisting wholly or in part of members of the Police Force, the command shall be taken by the senior officer of Police present who may be authorized to act in command of a Fire Brigade by the Inspector-General. And in the event of no such officer being present the command of such Brigade shall be taken by the senior volunteer officer present, and should no such officer be present the command shall be taken by the senior non-commissioned officer of the Brigade.

Port-of-Spain
Brigade.

11. (1.)—Immediately on the coming into force of this Ordinance the Fire Brigade hitherto existing in the Town of Port-of-Spain shall be a Brigade under the provisions of this Ordinance.

(2.) Every paid member of such brigade shall if he shall so elect become a member of the Police Force and shall be enrolled as such and shall take rank in the Police Force from the day on which his rank in the Brigade commenced.

(3.) Every volunteer member of such Brigade may if he shall so elect continue to be a member of the Volunteer section of such Brigade by signing before the Superintendent a declaration to that effect.

San Fernando
Brigade.

12. The Fire Brigade existing in the Borough of San Fernando at the commencement of this Ordinance shall be a Brigade within the meaning of this Ordinance, but subject to the provisions hereof shall be under the same command and subject to the same regulations as at present.

Yearly
accounts.

13. It shall be the duty of the Superintendent of a Brigade to examine all accounts and bills against his Brigade, and on or before the 30th day of April in each and every year to render to the Auditor-General, and in the case of a Brigade under the command of the Inspector-General, to such Inspector-General for submission to the Auditor-General, 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 Auditor-General to audit such account and certify the same.

Insurance
Companies to
bear one-sixth
of total
expenditure.

14. A sum not exceeding one-sixth of the expenditure incurred in carrying the provisions of this Ordinance into effect shall by way of contribution be borne and paid in equal proportions by the Agents or Managing Directors of all Insurance Companies.

Governor may
authorize com-
mutation.

The Governor may, if he shall think fit, order the commutation of such contribution or sum of one-sixth of the expenditure by an annual payment of Twenty Pounds by each of such Agents or Managing Directors, or by the payment of such other sum by way of commutation as the Governor may prescribe.

The contribution of one-sixth of the expenditure, or any commutation thereof, ordered by the Governor under the authority of this Ordinance, shall be due and payable on or before the 15th day of July in each and every year. Provided that a payment of £30 by each Agent or Managing Director shall be made on or before the 15th day of July, 1905.

Contribution
or commuta-
tion when
due.

Any Agent or Managing Director of an Insurance Company which commences business after the 31st of March in any year, shall pay the whole or proportionate part of the aforesaid contribution or commutation as follows :—

- (a.) If the business is commenced within the first quarter of the financial year he shall pay the entire of such contribution or commutation.
- (b.) If commenced within the second quarter he shall pay three-fourths.
- (c.) If commenced within the third quarter he shall pay one-half.
- (d.) If commenced within the fourth quarter he shall pay one-fourth.

Provided that an Agent or Managing Director of an Insurance Company in respect of which a contribution or commutation had been previously paid shall not be entitled to the benefit of the proportionate payment unless one year at least has elapsed between the expiration of the period for which the last payment was made and that in which business has been re-commenced.

Whenever the Governor shall order the payment of any sum by way of commutation, notice of such order shall be published in the *Royal Gazette*.

Publication of
notice.

The publication of such notice in the *Royal Gazette* shall be deemed to be sufficient notice to such Agents or Managing Directors of such commutation, and of the sum payable in respect thereof.

15. If any such Agent or Managing Director shall make default in payment of the said contributions or sums at the times prescribed by this Ordinance, he shall

Penalty for
default.

forfeit and pay to His Majesty the King by way of penalty a sum of One Pound for every day during which the prescribed sum shall remain unpaid.

Recovery of contributions and penalties.

16. Money payable under this Ordinance by any such Managing Director or Agent, whether in respect of contributions, or in respect of penalties for default in payment of such contributions, shall be deemed a debt due to the Receiver-General, who either in his own name or in the name of any person authorized by him may recover the same by an action in the Supreme Court (Summary Jurisdiction).

Receiver-General—Costs.

17. In every such action the Receiver-General or other person authorized by him to sue shall be entitled to recover his full costs of suit as between Solicitor and client.

Municipal authority to pay one-third of total expenditure.

18. By way of further contribution towards defraying the expenses of carrying this Ordinance into effect in any Borough or Town, there shall be paid on the 15th day of July next following the date of the said certificate of the Auditor-General in each and every year by the Municipal authority of such Borough or Town a sum equivalent to one-third of the expenses incurred.

The amount payable by such Municipal authority shall be deemed to be a debt due from such Borough or Town to the Receiver-General, and if default be made in payment thereof, such amount may be recovered by the Receiver-General by action in the Supreme Court.

For the purposes aforesaid it shall be lawful for the Municipal authority of any Borough or Town yearly and every year to levy a rate on all houses and lands within the limits of the Borough or Town of ten shillings for every one hundred pounds, and so in proportion for every sum greater or less than one hundred pounds of the rental or annual value of such houses or lands; provided that no sum greater than may be needed for such purposes shall be levied.

Powers of Superintendent at fires.

19. On the occasion of a fire the Superintendent or other officer in charge of the Brigade may in his discretion take the command of other persons who may voluntarily place their services at his disposal, and may remove or order any member of the Brigade to remove any persons who by their

presence interfere with the operations of the Brigade, and generally he may take any measures that may appear expedient for the protection of life and property, with power by himself or his men to break into or through or take possession of or pull down any premises for the purpose of putting an end to a fire, doing as little damage as possible.

He may also on any such occasion employ persons to aid in extinguishing any fire or in removing furniture or goods from any building on fire or in danger of fire or to guard and secure the same.

He may also on any such occasion cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which a fire may break out.

He may also direct the closing of any street in or near which a fire is burning and the removal of any persons interfering with or obstructing the operations of the Brigade.

20. It shall be the duty of all Police constables and they are hereby authorized to aid a Brigade in the execution of their duties. Duty of Police at fires.

They may close any street in or near which a fire is burning, and they may of their own motion or on the request of the Superintendent or any officer of the Brigade remove any persons interfering with or obstructing the operations of the Brigade.

21. The officers and members of any Brigade on duty at any fire shall have the powers, authorities and immunities of Police Constables and shall have power to arrest without warrant every person who shall assault or obstruct or impede the officers or members of the Brigade in the discharge of their duties. Powers and immunities.

22. No officer or member of any Brigade acting *bona fide* in the exercise of the powers conferred upon him under this Ordinance shall be liable for any damage for any act done under this Ordinance. Further immunities.

Any damage occasioned by a Brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any Policy of Insurance against fire.

Power to make
Regulations.

23. The Governor may from time to time make, revoke, rescind, amend or alter such Regulations as may be deemed expedient for all or any of the purposes following, that is to say:—

- (1.) For the admission of members into any Brigade, and for the period of service, training, discipline, good conduct and discharge of the men belonging to the same.
- (2.) For prescribing the uniform to be worn by, and for fixing the hours and places of training and exercise of and the distribution of duties among the members of a Brigade.
- (3.) For the speedy attendance of members of the Brigade with engines, fire-escapes, and all necessary implements on the occasion of any alarm of fire; and
- (4.) For the maintenance of a Brigade in a due state of efficiency.

Every member of a Brigade who shall commit a breach of any regulation made under this section shall

- (a.) If a member of the Police Force, be liable on conviction therefor before the Inspector-General of Police to such punishment as may be authorized for the like offence by the Police Ordinance or any regulations made thereunder for the time being in force;
- (b.) If a Volunteer member, be liable on conviction in the case of a mixed Brigade before the Inspector-General of Police and in the case of a Volunteer Brigade before the Superintendent of the Brigade, to a fine not exceeding £5.

All such Regulations shall be published in the *Royal Gazette*. Production of a copy of such *Gazette* containing a copy of any such regulations shall be evidence of the making and tenor thereof.

Special duties
of officers.

24. It shall be the special duty of the Superintendent and officers of a Brigade—

- (1.) To maintain the discipline of the Brigade.

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- (2.) To see that the engines and all other fire apparatus are kept in good order and thorough repair.
- (3.) To take proper measures to ensure that the hydrants be open and the proper number of hose and hose-pipes be attached thereto, and the engines and other apparatus placed in such situations as best will secure the speedy and effectual extinction of a fire.
- (4.) At the close of every financial year or oftener if required by the Governor, to report to him in writing, and in the case of Brigades under the command of the Inspector-General of Police through such Inspector-General, the conditions of the stations, hydrants, hose, carriages, hose-pipes and other fire apparatus and property under his charge; and of the income and expenditure of the department in 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 Borough, Town or district; with such other information or suggestions as may in his opinion be desirable.
- (5.) To take cognizance of and to cause prosecutions to be instituted either in his own name or in the name of any officer of the Brigade in all cases of infraction of the laws for the prevention of fire within the limits of any Borough, Town or district.
- (6.) To enquire for and to examine into all shops and other places where shavings or other combustible or dangerous materials may be collected and deposited; and at all times to be vigilant in the removal of the same when in his opinion the same may be a source of danger by fire, and to

direct the tenant or occupier of such shops or other places to remove the same, and in case of such tenant or occupier's neglect or refusal to do so to cause the same to be removed at the expense of the occupants or tenants, who shall in addition be liable on Summary Conviction to a penalty not exceeding Five Pounds for such neglect or refusal.

- (7.) To report to the Governor, and in the case of a Brigade under the Inspector-General of Police to such Inspector-General for submission to the Governor, his own absence or the absence of any member of the Brigade from any fire.

Offences.

25. Every person who shall

- (1.) Assault or impede or obstruct any officer or member of any Brigade ;
- (2.) Aid or abet any other person in assaulting or obstructing any officer or member of a Brigade ;
- (3.) Wilfully remove or assist or be concerned in removing any chain, rope, or other barrier placed in or upon or across any street under the authority of this Ordinance ;
- (4.) Not being a member of the Brigade wear the uniform of the Brigade at any fire ;
- (5.) Obstruct any fire-plug or hydrant by placing or causing to be placed thereon or thereby any matter or thing whatsoever ;
- (6.) Wilfully damage or injure any vehicle, engine, hose, fire-plug, hydrant or other apparatus of a Brigade ;
- (7.) Unless authorized by an officer of the Brigade or of Police remove or be concerned in removing any furniture or goods from any building on fire or in danger of fire,

shall be guilty of an offence against this Ordinance, and on Summary Conviction shall forfeit and pay any sum not exceeding Ten Pounds, and in default of payment shall be imprisoned for any term not exceeding six months with or without hard labour.

26. The Ordinance No. 14 of 1894, intituled "An Ordinance for the government of Volunteer Fire Brigades in the Colony," and the Ordinance No. 4 of 1895, intituled "An Ordinance to amend the Fire Brigade Ordinance 1894," are hereby repealed. ^{Repeal.}

Provided that this repeal shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any liability or right accrued, acquired or incurred, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

Passed in Council this Fifth day of September, in the year of Our Lord one thousand nine hundred and four.

C. J. ROOKS,
Clerk of the Council.
