

CHAPTER 11. No. 3.

FIRE BRIGADES.

AN ORDINANCE RELATING TO FIRE BRIGADES.

Ordinances
Cap. 90—1925.
No. 3—1930.
Commencement.

[21st October, 1904.]

- Short title. 1. This Ordinance may be cited as the Fire Brigades Ordinance.
- Interpreta- 2. In this Ordinance—
tion. “ Brigade ” means a Fire Brigade;
 “ Commissioner ” means the Commissioner of Police;
 “ insurance company ” includes any persons corporate or unincorporate or any person carrying on the business of fire insurance in the Colony;
 “ Municipal Authority ” as regards the City of Port-of-Spain means the City Council thereof, and as regards any borough means the Borough Council thereof.
- Power to 3. There may be constituted for any city, borough, town, form Brigades. or district in the Colony which the Governor in Council may Ord. 3—1930. define, Brigades to whom shall be entrusted the duty of extinguishing fires and protecting life and property in cases of fire within any such city, borough, town or district.
- Annual 4. It shall be lawful for the Governor, with the consent of grant for equipment. the Legislative Council, to authorise the payment from the Treasury of such annual sum of money as may be necessary to defray the expenses incurred in furnishing Brigades with such fire-engines, fire-escapes, horses, accoutrements, tools, and instruments as may be required for the complete equipment of a Brigade or conducive to the efficient performance of its

duties, and in providing hydrants for the purpose of extinguishing fires, and all such other appliances as may be required for the protection of life and property from fire.

5. (1) A Brigade may be composed of volunteers or of members of the Police Force or of both volunteers and members of the said Force. Constitution of Brigades.

(2) A Brigade composed of volunteers only, and the volunteer section of any Brigade, shall consist of such persons residing within the limits of the city, 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.

6. It shall be lawful for the Governor at any time by order in writing to place any Brigade under the command of the Commissioner. Brigades may be placed under the Commissioner.

7. The Governor may 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. Volunteer officers.

8. (1) When any Brigade shall consist wholly or in part of members of the Police Force, the Commissioner 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. Appointment of Police officers and constables.

(2) The Commissioner shall, subject to the approval of the Governor, appoint any Superintendent or other officer of Police to be the Superintendent or Assistant Superintendent of any such Brigade.

(3) Any Superintendent 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.

9. (1) Every member of the Police Force shall be trained in the duties in connection with a Brigade, and shall be liable for service in any Brigade under the command of the Commissioner at any time or in any place. Members of the Police Force to be trained as firemen.

(2) 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.

*Amended
Dec. 2
of 25/50*

Allowances.

10. There shall be paid to the Superintendent, ^{Assistant Deputy} officers, ~~non-commissioned~~ officers, and men of a Brigade being members of the Police Force such allowances as the Governor may, with the consent of the Legislative Council, allow.

Command of Brigade at a fire.

*Repealed and replaced
§ sec. 3
7 Nov 25/50.*

11. (1) 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 Police, but whenever the Commissioner or the Deputy Commissioner 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.

(2) 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 authorised to act in command of a Brigade by the Commissioner. 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.

Yearly accounts

12. 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 of April in each and every year, to render to the Auditor, and in the case of a Brigade under the command of the Commissioner, to the Commissioner for submission to the Auditor, 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 to audit such account and certify the same.

Insurance companies to bear part of cost.

13. (1) 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: Provided that 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 ninety-six dollars 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.

Commuta-
tion.

(2) 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 of July in each and every year.

Contribution
or commuta-
tion when
due.

(3) 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 contributions 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.

(4) 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*. 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.

Publication
of notice.

14. 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 forfeit and pay to the Treasurer by way of penalty the full amount of four dollars

Penalty for
default.

and eighty cents for every day during which the prescribed sum shall remain unpaid.

Recovery of contributions and penalties.

15. 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 Treasurer, who, either in his own name or in the name of any person authorised by him, may recover the same by action in the Supreme Court.

Costs of Treasurer.

16. In every such action the Treasurer or other person authorised 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.

17. (1) By way of further contribution towards defraying the expenses of carrying this Ordinance into effect in any city, borough, or town, there shall be paid on the 15th of July next following the date of the said certificate of the Auditor in each and every year by the Municipal Authority of such city, borough, or town a sum equivalent to one-third of the expenses incurred.

(2) The amount payable by such Municipal Authority shall be deemed to be a debt due from such city, borough, or town to the Treasurer, and if default be made in payment thereof, such amount may be recovered by him by action in the Supreme Court.

(3) For the purposes aforesaid it shall be lawful for the Municipal Authority yearly and every year to levy a rate on all houses and lands within the limits of the City of Port-of-Spain of one-half per centum, and within the limits of the Boroughs of San Fernando and Arima respectively of one per centum, 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.

18. On the occasion of a fire the Superintendent or other officer in charge of the Brigade 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 of the Brigade to remove any person who by his presence interferes with or obstructs the operations of the Brigade;

(c) 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;

(d) cause any 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;

(e) direct the closing of any street in or near which a fire is burning;

(f) generally, 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.

19. It shall be the duty of all constables, and they are hereby authorised, to aid a Brigade in the execution of their duties. 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.

Duty of
Police at
fires.

20. The officers and members of any Brigade on duty at any fire shall have the powers, authorities, and immunities of 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.

21. (1) No officer or member of any Brigade acting *bonâ 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.

(2) 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.

Damage done
by Brigade.

Power to
make
regulations.

22. (1) The Governor may make such regulations as may be deemed expedient for all or any of the purposes following, that is to say,—

(a) 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;

(b) 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;

(c) 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;

(d) for the maintenance of a Brigade in a due state of efficiency.

(2) All such regulations shall be published in the *Royal Gazette*.

Penalties for
breach of
regulations.

(3) 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 thereof before the Commissioner, to such punishment as may be authorised for the like offence by the Police Ordinance or any regulations made thereunder for the time being in force; and

(b) if a volunteer member, be liable, on conviction in the case of a mixed Brigade before the Commissioner and in the case of a Volunteer Brigade before the Superintendent of the Brigade, to a penalty not exceeding twenty-four dollars, which shall be recoverable before a Judge of a Petty Civil Court in accordance with the provisions of the Petty Civil Courts Ordinance.

Special
duties of
officers.

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

(a) to maintain the discipline of the Brigade;

(b) to see that the engines and all other fire apparatus are kept in good order and thorough repair;

(c) 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;

(*d*) 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 Commissioner, through such Commissioner, 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 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;

(*e*) 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 city, borough, town, or district;

(*f*) 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 fine of twenty-four dollars for such neglect or refusal;

(*g*) to report to the Governor, and in the case of a Brigade under the Commissioner, to such Commissioner for submission to the Governor, his own absence or the absence of any member of the Brigade from any fire.

24. Every person who shall—

(*a*) assault or impede or obstruct any officer or member of any Brigade, or

Offences.

(b) aid or abet any other person in assaulting or obstructing any officer or member of a Brigade, or

(c) 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, or

(d) not being a member of the Brigade, wear the uniform of the Brigade at any fire, or

(e) obstruct any fire-plug or hydrant by placing or causing to be placed thereon or thereby any matter or thing whatsoever, or

(f) wilfully damage or injure any vehicle, engine, hose, fire-plug, hydrant, or other apparatus of a Brigade, or

(g) unless authorised 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 and liable, on summary conviction, to a fine of forty-eight dollars.