

LAWS OF TRINIDAD AND TOBAGO

FIRE SERVICE ACT

CHAPTER 35:50

Act
31 of 1965

Amended by

124/1966	45 of 1979
10 of 1968	63/1980
268/1971	31/1982
217/1973	94/1982
5 of 1974	40/1983
42 of 1975	106/1983
186/1976	107/1983
208/1977	176/1984
	*5/1985

*See Notes on Amendment on page 2

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-2	1/1990
3-14	1/1980
15-16	1/1990
17-24	1/1980
25-28	1/1990
29-38	1/1980

Note
on
Subsidiary Legislation

1. Section 10 of the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979 (No. 45 of 1979) provides that notwithstanding the repeal of the Colonial Fire Brigade Long Service Medal Regulations 1958 (G.N. 17/1958), any medal or clasp granted under those Regulations shall continue to be as valid and effective, and may be worn and used by the persons entitled to do so under those Regulations in all respects as if those Regulations were still in force.

2. The Remuneration (Fire Service) Order, L.N. 87/1982 has been omitted because the Order is of a temporary character.

3. The Fire Brigade (Volunteer Sections) Regulations (R.G. 21.2.42) (1950 Edition Vol. VIII p. 301) which have been saved by section 34(2) of this Act have been omitted.

4. For other Regulations relating to the Fire Service, *see* regulations 146 to 163 of the Public Service Commission Regulations 1966 (G.N. 132/1976) published as subsidiary legislation to the Constitution of the Republic of Trinidad and Tobago Act (Chapter 1:01).

5. This Chapter contains no other Subsidiary Legislation.

Corrigenda

At page 29, in the Fifth Schedule, in paragraph 2(7), in the marginal notes thereto, for the reference "Ch. 13:01" substitute the reference "Ch. 13:02".

Note
on
Amendment

The Fifth Schedule to the Fire Service Act is amended by Act No. 5 of 1985 as follows:

- (a) At page 33, in paragraph 6—
- (i) by inserting at the beginning of this paragraph the following words "Subject to paragraph 7";
 - (ii) under the marginal note thereto insert the reference "[5 of 1985]".
- (b) At page 33, in paragraph 7—
- (i) by deleting from subparagraph (1), all the words occurring after the word "or" in line six, and by substituting for them the following words "by any other circumstances not arising from misconduct";
 - (ii) by introducing a new subparagraph (3) as follows—

"(3) Where the service of an officer has been interrupted by the occasion of his voluntary withdrawal, the period of service prior to a break in service may be counted with the service subsequent to the break, but any pension, gratuity or other allowance already received by him shall be deducted from the amount which is required to be paid to him on the basis of his final computation."
 - (iii) under the marginal note thereto, insert the reference "[5 of 1985]".

CHAPTER 35:50

FIRE SERVICE ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

PART I

ESTABLISHMENT, OBJECTS AND STRUCTURE OF THE FIRE SERVICE

3. Establishment of Fire Service.

CLASSIFICATION AND DIVISION OF THE FIRE SERVICE

4. Classification of offices.
5. Divisions of Fire Service.
6. Composition of respective Divisions.
7. Remuneration Orders.
8. Increments.

TENURE

9. Tenure of office.
10. Term appointments.
11. Resignation.
12. Fire officers and voting.
13. Fire officers and political activities.
14. Public statements by fire officers on certain matters.
15. Fire officers to take oath of office and secrecy.

TERMINATION

16. Modes of leaving Fire Service.

RETIREMENT, PENSIONS, GRATUITIES

17. Age of retirement for fire officers.
18. Pensions, gratuities and other allowances.

SECTION

PART II

DUTIES OF THE PERSONNEL DEPARTMENT IN RELATION TO THE FIRE SERVICE

19. Powers and duties of the Department.
Consideration of recommendation on pay rates.
Consultation with organisations.
20. Department in negotiations subject to direction of Minister of Finance.
21. Consultation with association of fire officers.
22. Where no agreement reached on proposals of association.
23. Department to submit proposals to association for approval.
24. Agreement reached with Department.
25. Disputes to be referred to Special Tribunal.

PART III

FUNCTIONS OF SPECIAL TRIBUNAL IN RELATION TO FIRE SERVICE

26. Special Tribunal established.
27. Awards to be binding on parties for fixed period.

PART IV

FIRE SERVICE ASSOCIATIONS

28. Definition.
29. Representation by certain associations.
30. Representation of fire officers.
31. Regulations governing recognition.
32. Association to make rules.
33. Complaints by members of association.
34. Regulations for the Fire Service.
35. Duties of fire officers.
36. Powers of arrest.

PART V

SUPPLY OF WATER FOR FIRE FIGHTING

37. Duty of Chief Fire Officer to ensure supply of water for fire fighting.
38. Supply of water by Water and Sewerage Authority.
39. Penalty for failure by Authority to comply with obligations.
40. Notice to be given of proposed works affecting water supply and fire hydrants.

SECTION

PART VI

MISCELLANEOUS PROVISIONS

41. Power of fire officer in extinguishing fires.
42. Chief Fire Officer may designate authorised officers.
43. Power of authorised officer to enter and inspect public premises.
44. Chief Fire Officer may require work to be done on public premises.
45. Orders for closure of public premises.
46. Owner, occupier or agent may appeal against requirement contained in notice.
47. Restriction on disclosure of information.
48. False alarm of fire.
49. Unlawful assemblies, etc.
50. No liability for damage done by members of the Service.
51. Damage deemed to be damage by fire for fire insurance.
52. Refusing to aid member of the Service assaulted.
53. Evidence of right of member of the Service.
54. Harboursing or entertaining, etc., officers on duty.
55. Personation of member of the Service.
56. Obtaining admission into the Service by fraud.
57. Exemption from traffic laws.

FIRST SCHEDULE.
SECOND SCHEDULE.
THIRD SCHEDULE.
FOURTH SCHEDULE.
FIFTH SCHEDULE.
SIXTH SCHEDULE.

CHAPTER 35:50

FIRE SERVICE ACT

31 of 1965.

An Act to make provision for the classification of the Fire Service, to provide procedures for the settlement of disputes between the Government and the Fire Service, to provide for matters concerning the relationship between the Government and the Fire Service, to amend the law relating to the Fire Service and for matters connected with and incidental thereto.

Commencement.
97/1966.

[27TH AUGUST 1966]

Short title.

1. This Act may be cited as the Fire Service Act.

Interpretation.
[42 of 1975].

2. In this Act—

“allowance” means compensation payable—

(a) in respect of a grade or in respect of some offices in a grade, by reason of duties of a special nature;

(b) for duties that a fire officer is required to perform in addition to the duties of his grade where those duties relate to an office in the same grade or a higher grade;

“appropriate recognised association” means an association recognised by the Minister of Finance under section 30 as the bargaining body for any class or classes of fire officers;

“authorised officer” means the Chief Fire Officer or any other fire officer designated as such by the Chief Fire Officer under section 42;

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

“Chief Fire Officer” and “Deputy Chief Fire Officer” mean respectively the persons appointed to the offices of Chief Fire Officer and Deputy Chief Fire Officer;

“classification” means the assignment of an office to a grade;

“dispute” means any matter respecting fire officers upon which agreement has not been reached between the Personnel Department and the appropriate Fire Service association and which has been reported to the Minister under section 22 or 23;

- “fire officer” means a person who is appointed to perform the duties of an officer in the Fire Service of continuing indeterminate duration;
- “Fire Service” means the Service established by section 3;
- “former Ordinance” means the Fire Brigades Ordinance repealed by this Act; Ch. 11 No. 4. (1950 Ed.).
- “grade” includes a range given in the Classification of offices set out in the First Schedule; First Schedule.
- “office” means an office in the Fire Service assigned to a grade;
- “pay” means the rate of pay assigned to an office in a grade by a Remuneration Order;
- “remuneration” means pay and allowances;
- “Personnel Department” or “the Department” means the Personnel Department established under the Civil Service Act; Ch. 23:01.
- “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;
- “public service” has the meaning assigned to that expression in section 3 of the Constitution;
- “Special Tribunal” means the Special Tribunal established by section 21(1) of the Civil Service Act.

PART I

ESTABLISHMENT, OBJECTS AND STRUCTURE OF THE FIRE SERVICE

3. (1) The several public offices in the public service, being the office of a member of a Fire Brigade, from time to time set out in the First Schedule shall be deemed to constitute the Trinidad and Tobago Fire Service, which is hereby established for the purposes of this Act. Establishment of Fire Service. First Schedule.

(2) A public officer who holds such a public office, that by subsection (1) is deemed to be an office in the Fire Service, shall be referred to as a fire officer.

(3) Every person who immediately before the commencement of this Act held or was acting in the office of a whole-time member of a Fire Brigade shall, as from the commencement of this Act, continue to hold or act in the like office in the Fire Service, by whatever title called.

(4) In this section “a Fire Brigade” means a Fire Brigade constituted in pursuance of the former Ordinance.

(5) References to a Fire Brigade or to any member thereof in any written law in force immediately before the commencement of this Act, shall, as from the commencement of this Act, be read and construed as references to the Fire Service or to a member thereof, respectively.

CLASSIFICATION AND DIVISION OF THE FIRE SERVICE

Classification of
offices.
First Schedule.

4. (1) The President may, from time to time by Order, add to, vary or amend the Classification of Offices set out in the First Schedule.

(2) The Classification of Offices set out in the First Schedule shall be the basis hereafter for any Classification Order made under this section.

(3) The classification titles of the offices set out in the First Schedule shall be observed in all records and communications of the Public Service Commission, the Auditor General, the Treasury and in all departmental estimates and Parliamentary returns and appropriations.

Divisions of
Fire Service.

5. The Fire Service shall consist of two Divisions that is to say—

- (a) the First Division;
- (b) the Second Division.

Composition of
respective
Divisions.
Second
Schedule.

6. (1) The First Division shall include the offices specified in the Second Schedule and such other offices as the President may, by Order, prescribe.

Third Schedule.

(2) The Second Division shall include the offices specified in the Third Schedule and such other offices as the President may, by Order, prescribe.

Remuneration
Orders.

7. (1) The President may by Order—

- (a) determine the pay in respect of an office in a grade;
- (b) establish the allowances that may be paid in addition to pay;
- (c) give effect to any agreement entered into between the Chief Personnel Officer on behalf of the Minister of Finance and the appropriate recognised association; and

(d) give effect to an award made by the Special Tribunal.

(2) Any Order made in respect of the matters specified in subsection (1)(a) and (b) shall be referred to as a Remuneration Order.

8. Except where the contrary is otherwise provided in a Remuneration Order, increase of pay that may be granted in respect of an office in a grade in accordance with the Remuneration Order shall be annual, so however, that no increase of pay shall be made in respect of an office in a grade in which the fire officer performing the duties of the office has not completed a period of twelve months continuous duty in the office. Increments.

TENURE

9. A fire officer shall hold office subject to the provisions of this Act and any other written law and any Regulations thereunder and, unless some other period of employment is specified, for an indeterminate period. Tenure of office.

10. A person who is appointed to an office in the Fire Service for a specified period shall cease to be a fire officer at the expiration of that period. Term appointments.

11. A fire officer who intends to resign his office shall give such period of notice as may be prescribed by Regulations. Resignation.

12. A fire officer shall not be debarred from voting at any election if, under the laws governing the election, he has the right to vote. Fire officers and voting.

13. A fire officer is disqualified for membership of the House of Representatives and the Senate, and of a Municipality and a County Council. Fire officers and political activities.

14. (1) Subject to this section a fire officer may not—

(a) in any public place or in any document or any other medium of communication whether within Trinidad and Tobago or not, publish any information or expressions of opinion on matters of national or international political controversy; Public statements by fire officers on certain matters.

(b) be a scrutineer under the Representation of the Ch. 2:01.

People Act or an election agent or an assistant to an election agent of a Parliamentary, Municipal or County Council candidate.

- (2) The provisions of subsection (1)(a) shall not apply—
- (a) where a fire officer is acting in the execution of his official duties;
 - (b) subject to this section—
 - (i) where the information or opinion is published in the course of a lecture or address, the subject matter of which is approved by the Minister to whom responsibility for the Fire Service is assigned, made or given at an educational institution in the *bona fide* pursuit of the professional activities of the fire officer; or
 - (ii) where the information or opinion is expressed in an article or other literary contribution, the subject matter of which is approved by the Minister to whom responsibility for the Fire Service is assigned, to a journal or other periodical or document prepared in pursuit of the profession as mentioned above.

(3) In this section “publish” means to communicate the information or opinion to any other person whether by word or in writing and includes the broadcasting of words and pictures by wireless telegraphy; and in relation to any writing means exhibiting in public or causing to be read or seen or showing or delivering or causing to be shown or delivered in order that the writing may be read or seen by any person.

Fire officers to take oath of office and secrecy. Fourth Schedule.

15. Every fire officer, shall, on his appointment, take and subscribe the oath or affirmation of office and secrecy set out in the Fourth Schedule.

TERMINATION

Modes of leaving Fire Service.

16. The modes by which a fire officer may leave the Fire Service are as follows:

- (a) on dismissal or removal in consequence of disciplinary proceedings;
- (b) on compulsory retirement;
- (c) on voluntary retirement;
- (d) on retirement for medical reasons;

- (e) on resignation;
- (f) on the expiry or other termination of an appointment;
- (g) on the abolition of office;
- (h) in the case of a fire officer on probation, on the termination of appointment.

RETIREMENT, PENSIONS, GRATUITIES

17. (1) A fire officer in the Second Division shall be required to retire from the Fire Service on his attaining the age of fifty-five years but may, with the approval of the Public Service Commission, be permitted to retire on his attaining the age of fifty years.

Age of retirement for fire officers. [10 of 1968 5 of 1974].

(2) A fire officer in the First Division shall be required to retire from the Fire Service on his attaining the age of sixty years, but may—

- (a) at his option retire; or
- (b) be retired at the instance of the Public Service Commission,

from the Fire Service at anytime after he has attained the age of fifty-five years.

(3) Notwithstanding subsection (2) a fire officer in the First Division who has attained the age of fifty years may, with the approval of the Public Service Commission, be permitted to retire from the Fire Service at anytime after he has attained that age.

(4) This section is without prejudice to any other written law providing for the retirement of fire officers from the Fire Service.

18. The pensions, gratuities and other allowances to be granted in respect of the services of fire officers in the First and Second Divisions shall be determined in accordance with the provisions set out in the Fifth Schedule.

Pensions gratuities and other allowances. [10 of 1968 5 of 1974].

PART II

DUTIES OF THE PERSONNEL DEPARTMENT IN RELATION TO THE FIRE SERVICE

19. (1) In addition to any duties or powers imposed or conferred by any other written law, the Personnel Department shall in relation to the Fire Service carry out such duties as are imposed

Powers and duties of the Department. [45 of 1979].

on it in this Act and the Regulations, and without limiting the generality of the foregoing shall have the following duties:

- (a) to maintain the classification of the Fire Service and to keep under review remuneration payable to fire officers;
- (b) to administer the general Regulations respecting the Fire Service;
- (c) to provide for and establish procedures for consultation and negotiation between the Department and an appropriate recognised association in respect of—
 - (i) the classification of officers;
 - (ii) any grievances;
 - (iii) remuneration;
 - (iv) the terms and conditions of employment.

(2) The Minister of Finance may make recommendations with regard to remuneration to be paid to fire officers.

Consideration of recommendation on pay rates.

(3) The Minister of Finance shall, before making recommendations on remuneration under subsection (2)—

- (a) consider the requirements of the Fire Service;
- (b) take into account the rates of pay and other terms and conditions of employment prevailing in Trinidad and Tobago for similar work outside the Fire Service and the relationship of the duties of the various grades within the Fire Service; and
- (c) be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act.

Ch. 88:01.

Consultation with organisations.

(4) Prior to formulating any recommendations under subsection (2), the Minister of Finance may require the Personnel Department to consult with representatives of the appropriate recognised association with respect to the matters specified in subsection (1).

Department in negotiations subject to direction of Minister of Finance. Ch. 23:01.

20. Notwithstanding section 13(1) of the Civil Service Act in the exercise of its duties and functions under sections 19, 21, 22, 23 and 24(1), the Personnel Department shall be subject to the direction of the Minister of Finance.

Consultation with association of fire officers.

21. The Department shall, from time to time, consult with representatives of the appropriate recognised association with respect to the matters specified in section 19 at the request of the representatives or whenever in the opinion of the Minister of Finance the consultation is necessary or desirable.

22. Where the Personnel Department consults and negotiates with representatives of the appropriate recognised association with respect to matters specified in section 19 at the request of the representatives, and the Personnel Department and the appropriate recognised association are, within twenty-one days of the commencement of the consultation and negotiation or within such further period as may be agreed upon unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance, and on the report being made a dispute shall be deemed to exist as to such matter.

Where no agreement reached on proposals of association.

23. Where the Personnel Department before making proposals with respect to matters specified in section 19 does not consult with representatives of the appropriate recognised association, the Personnel Department shall submit the proposals to the appropriate recognised association for consideration and agreement, save that where the Personnel Department and the appropriate recognised association are, within twenty-one days of the submission of the proposals as mentioned above, or within such further period as may be agreed upon, unable to reach agreement on any matter, the Personnel Department or the appropriate recognised association shall report the matter on which no agreement has been reached to the Minister of Finance, and on the report being made a dispute shall be deemed to exist as to such matter.

Department to submit proposals to association for approval.

24. (1) Where the Department and the appropriate recognised association reach agreement on any of the matters specified in section 19 after consultation and negotiation in accordance with section 22 or 23, the agreement shall be recorded in writing and shall be signed by the Chief Personnel Officer on behalf of the Minister of Finance and by a person designated by the appropriate recognised association on behalf of the association.

Agreement reached with Department.

(2) Any agreement recorded and signed in accordance with subsection (1) shall be binding upon the Government and the fire officer to whom the agreement relates.

25. (1) Where a dispute exists under section 22 or 23, the Minister shall refer the dispute for settlement to the Special Tribunal established under section 26 within twenty-one days from the date on which the dispute was reported to him.

Disputes to be referred to Special Tribunal.

(2) Where the Minister fails to refer the dispute to the Special Tribunal within the time specified in subsection (1) the

appropriate recognised association that is a party to the dispute shall do so within twenty-one days from the date of the expiration of the time specified in the subsection.

(3) For the purposes of this Act the parties to a dispute shall be the Chief Personnel Officer and the appropriate recognised association of fire officers.

PART III

FUNCTIONS OF SPECIAL TRIBUNAL IN RELATION TO FIRE SERVICE

Special Tribunal established. [45 of 1979].

26. (1) The Special Tribunal shall hear and determine any dispute referred to it under section 25 and shall make an award on the dispute.

(2) An award made by the Special Tribunal shall be final.

Ch. 88:01.

(3) In addition to taking into account any submissions, arguments and evidence presented or tendered by or on behalf of the appropriate recognised association and the Chief Personnel Officer, the Special Tribunal in its judgment shall be guided by the considerations set out in section 20(2)(a) to (f) of the Industrial Relations Act.

Awards to be binding on parties for fixed period.

27. (1) An award made by the Special Tribunal under section 26 shall be binding on the parties to the dispute and on all fire officers to whom the award relates and shall continue to be binding for a period to be specified in the award, not less than five years from the date upon which the award takes effect.

(2) The Special Tribunal may with the agreement of the parties to an award review the award at any time after the expiry of the third year.

PART IV

FIRE SERVICE ASSOCIATIONS

Definition.

28. In this Part and in section 2 "class" means the division into which an office is assigned by Regulations made by the President under section 34, and includes any category or categories of offices assigned to a division.

29. A fire officer may not be represented by any existing association within the meaning of section 23 of the Civil Service Act. Representation by certain associations. Ch. 23:01.

30. (1) Fire officers may form associations, and such associations shall, subject to this Act and the Regulations, be recognised by the Minister of Finance as appropriate associations for consultation and negotiation in respect of any of the matters specified in section 19 and any other matters concerning fire officers, except that for the purposes of recognition by the Minister, an association formed pursuant to this subsection may not be representative of any class or classes of fire officers already represented by an appropriate recognised association; and an association formed pursuant to this subsection may not admit to its membership a fire officer who is a member of an appropriate recognised association. Representation of fire officers.

(2) The Minister shall withdraw recognition from an appropriate recognised association that contravenes any of the requirements of subsection (1).

(3) An association formed pursuant to subsection (1) may not be recognised as a trade union.

31. The President may make Regulations setting out the conditions to be satisfied and the procedure to be adopted for the recognition by the Minister of Finance of associations formed pursuant to section 30(1). Regulations governing recognition.

32. (1) Every association formed pursuant to section 30(1) shall make Rules providing for the good government of the association and for carrying out the objects of the association and with respect to the Rules the following provisions shall have effect: Association to make rules.

(a) the Rules shall contain provisions in respect of the several matters mentioned in the Sixth Schedule; Sixth Schedule.

(b) a copy of the Rules and every amendment thereto shall be delivered by the association to every fire officer who is a member of that association on demand on payment of the prescribed sum.

(2) The Rules of an association shall be filed with the Registrar General, and any amendments thereof shall have effect from the date on which they are filed unless some later date is specified from which they shall have effect.

33. (1) On any complaint in writing signed by not less than fifty financial members of an association or, in the Complaints by members of association.

case of the appropriate recognised association of fire officers in the First Division, by not less than five financial members, respecting the Rules or business of the association, the Registrar General shall inquire into the complaint and may either dismiss it or if after giving the complainants and the association an opportunity of being heard, he finds the complaint to be justified may either—

- (a) so declare, but make no order under this subsection; or
- (b) make an order specifying the steps which the association must take to remove the cause for complaint.

(2) It shall be the duty of the Registrar General to furnish a statement either written or oral, of the reasons for any decision which he gives under this section.

(3) Any order made by the Registrar General shall be binding on the association and failure to comply with the order shall render the association liable to withdrawal of recognition by the Minister of Finance.

(4) The Registrar General may order the association to pay the complainant out of the funds of the association or a complainant to pay to the association a specified sum in respect of the costs incurred by the complainant or the association, as the case may be, and such sum shall be recoverable summarily as a civil debt.

GENERAL

Regulations for
the Fire
Service.

34. (1) The President may make Regulations for carrying out or giving effect to this Act, and in particular the following matters:

- (a) for prescribing the terms and conditions of employment in the Fire Service;
- (b) for prescribing allowances, not being allowances that may be established by Order under section 7;
- (c) for prescribing the probationary period on first appointment and for the reduction of the period in appropriate cases;
- (d) for prescribing conditions for the termination of first appointments;
- (e) for prescribing the procedure for the recovery of any penalties from a fire officer;
- (f) for regulating the hours of attendance of fire officers and the keeping and signing of records of attendance or for prescribing other methods of recording attendance;

- (g) for regulating the duties to be performed by fire officers;
- (h) for regulating the granting of leave to fire officers;
- (i) for prescribing arrangements and procedures for providing, assisting in or co-ordinating staff development programmes;
- (j) the enlistment in, training and discipline of, the Fire Service;
- (k) the description and issue of accoutrements, uniform and necessaries to be supplied to the Fire Service;
- (l) for prescribing and providing for the use of powers under this Act or the Regulations;
- (m) for regulating generally the terms and conditions of temporary employment;
- (n) generally, for the good order and government of the Fire Service.

***(2)** Any Regulations respecting the Fire Service in operation at the coming into operation of this Act shall have effect in relation to fire officers under this Act until Regulations have been made under this Act.

35. It is the duty of every fire officer—

Duties of fire officers.

- (a) to preserve life and property from fire or other disaster;
- (b) to take all reasonable steps for the removal of fire hazards or to report them to a senior officer of the Fire Service for attention;
- (c) to report to a senior officer of the Fire Service or senior officer of Police any act or omission occurring either before, during or after a fire or other disaster that, in his opinion, contributed directly or indirectly to damage or danger; and
- (d) generally to do and perform all the duties appertaining to the office of a member of the Service.

36. A fire officer may arrest without a warrant any person who assaults, obstructs or impedes him or any other member of the Fire Service in the execution of any of their duties under this Act.

Powers of arrest.

*Saved Fire Brigade (Volunteer Sections) Regulations (1950 Edition Vol. VIII p.301).

PART V

SUPPLY OF WATER FOR FIRE FIGHTING

Duty of Chief Fire Officer to ensure supply of water for fire fighting.

37. The Chief Fire Officer shall take all reasonable measures for ensuring the provision of an adequate supply of water for use in case of fire.

Supply of water by Water and Sewerage Authority.

38. (1) For the purposes of section 37, the Comptroller of Accounts may with the approval of the Chief Fire Officer enter into an agreement with the Water and Sewerage Authority (in this Part referred to as "the Authority") whereby the Authority will take measures, on such terms as to payment or otherwise as may be agreed, for securing that an adequate supply of water will be available in case of fire.

(2) The Authority shall not unreasonably refuse to enter into any agreement proposed under subsection (1).

(3) Any question whether the Authority has unreasonably refused to enter into any agreement under this section shall be determined by the President.

(4) Notwithstanding any other provision of this section, wherever the Chief Fire Officer is satisfied that the existing supply of water provided by the Authority for domestic and industrial purposes is likely to be inadequate in case of fire, the Comptroller of Accounts may, with the approval of the Chief Fire Officer, enter into an agreement with the Authority for the provision of the additional supply of water as may be specified in the agreement.

(5) The Authority shall, at the request of the Chief Fire Officer, fix fire hydrants on their mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire that may break out within the limits of its supply, and shall keep in good order and, whenever required by the Chief Fire Officer, renew every such hydrant.

(6) Any difference of opinion as to the number or proper position of any hydrant referred to in subsection (5) shall be referred to and determined by the President.

(7) For the purposes of this Act, fire hydrants shall be of such design as the Chief Fire Officer may require.

(8) As soon as any fire hydrant referred to in this section has been installed, the Authority shall, if required to do so by the Chief Fire Officer, deposit a key of the hydrant at every place

within the limit of its supply where any public fire engine is kept, and at such other place as may be appointed by the Chief Fire Officer.

(9) The Authority shall cause the situation of every fire hydrant provided to be plainly indicated by a notice or distinguishing mark which may be placed on any wall or fence adjoining a highway or other place to which the public has access.

(10) The cost of the fire hydrants and of fixing, maintaining and renewing them, and of indicating their situation and providing such keys as mentioned above, shall be defrayed by the Government.

(11) The Government is not liable for the cost of repairing or replacing any fire hydrant where the fire hydrant is damaged as a result of its having been used by or with the approval of the Authority for any purpose other than fire fighting or other purposes of the Fire Service.

39. (1) If the Authority fails to comply with any of its obligations under this Part, except when prevented from so doing by unavoidable accident or cause, or during the execution of necessary works, it is liable on summary conviction to a fine of seven hundred and fifty dollars and to a further fine of seventy-five dollars for each day during which the failure continues after notice thereof from the Chief Fire Officer.

Penalty for failure by Authority to comply with obligations.

(2) A person who uses a fire hydrant otherwise than for fire fighting purposes or other purposes of the Fire Service or otherwise than for any purposes approved by the Authority, or who damages or obstructs any fire hydrant otherwise than in consequence of its use for any such purpose, is liable on summary conviction to a fine of one hundred and fifty dollars.

40. (1) Where the Authority proposes to carry out any works for the purpose of supplying water to any place within its limits of supply the Authority shall give notice in writing thereof to the Chief Fire Officer, and the notice shall be given not less than six weeks before the works are begun.

Notice to be given of proposed works affecting water supply and fire hydrants.

(2) Not less than seven days before any works that affect any fire hydrant are begun, the Authority shall give notice thereof to the Chief Fire Officer, but where, in an emergency, it is not practicable for the notice to be given the Authority shall give the notice as soon as possible.

(3) When the Authority proposes to lay a water main, the Chief Fire Officer may require the Authority to lay a main of such

size as he may specify; and the additional cost, if any, involved in laying a main of the specified size shall be borne by the Government.

(4) Any difference of opinion between the Chief Fire Officer and the Authority as to the size of a water main shall be referred to and determined by the President.

PART VI

MISCELLANEOUS PROVISIONS

Power of fire officer in extinguishing fires.

41. (1) A fire officer who is on duty may, without the consent of the owner or occupier of any premises or place enter, and if necessary, break into—

(a) any premises or place in which a fire has or is reasonably believed to have broken out; or

(b) any premises or place that it is necessary to enter to extinguish a fire or protect the premises or place from acts done for fire fighting purposes,

and the officer may do all such things as he deems necessary for extinguishing the fire or for protecting the premises or place from fire, or from acts done as aforesaid, or for rescuing any person or property in the premises or place.

(2) A person who wilfully obstructs or interferes with a fire officer while he is on duty for fire fighting purposes is liable on summary conviction to a fine of four hundred dollars.

(3) At a fire, the senior officer of the Fire Service present has the sole charge and control of all operations for the extinction of the fire, including the fixing of the position of fire engines and apparatus, the attaching of hoses to water pipes, the use of any water supply and the selection of premises, objects or places to which water may be directed.

(4) On being required by the senior officer of the Service present to provide a greater supply and pressure of water for extinguishing a fire, the Authority shall take all necessary steps to comply with that requirement and may for that purpose shut off the water from the mains and pipes in any area; and the Authority shall not be liable to any penalty or claim by reason of the interruption of the supply of water occasioned only by compliance with such a requirement.

(5) The senior officer of police present at a fire or, in his absence, the senior officer of the Fire Service present, may close any street to traffic, or may stop or regulate the traffic in any street whenever, in the opinion of that officer, it is necessary or desirable to do so for fire-fighting purposes.

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

Chief Fire Officer may designate authorised officers. [42 of 1975].

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

Power of authorised officer to enter and inspect public premises. [42 of 1975].

(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;
- (d) 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 subsection (2)(c),

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

Chief Fire Officer may require work to be done on public premises. [42 of 1975].

44. (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 the 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 the 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 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 the 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 the period under subsection (3), is liable on summary conviction to a fine of one thousand dollars and to imprisonment for three months and in the case of a continuing offence to a fine of two 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; Ch. 39 No. 7. (1950 Ed.).
- (c) the Arima Corporation established under the Arima Corporation Ordinance; and Ch. 39 No. 11. (1950 Ed.).
- (d) a County Council established under the County Councils Act. Ch. 25:04.

45. (1) Without prejudice to any liability for an offence under section 44(5), where a person fails to comply with the requirements of a notice issued pursuant to section 44(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. Orders for closure of public premises. [42 of 1975].

(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 44 and the Court may proceed upon the 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.
[42 of 1975].

46. Within fourteen days of service of a notice issued pursuant to section 44(1) or (2), 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 information.
[42 of 1975].

47. It is an offence punishable on summary conviction by a fine of three thousand dollars and to imprisonment for twelve months for an authorised officer who, pursuant to section 43, 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 the disclosure was made in the course of his duties under this Act.

False alarm of fire.

48. A person who knowingly gives or causes to be given a false alarm of fire to the Fire Service or any officer thereof or any constable is liable on summary conviction to a fine of four hundred dollars and to imprisonment for three months.

Unlawful assemblies, etc.

49. (1) If any tumult, riot or unlawful assembly occurs or is reasonably apprehended, the President may require and the Chief Fire Officer shall give such assistance by fire officers as may be necessary for the preservation of the peace.

(2) Every member of the Service, while he is assisting in the preservation of the peace under this section, has the powers, authorities and immunities of a constable of the Police Service.

(3) A person who assaults, obstructs or impedes any fire officer in the discharge of his duties under this section is liable on summary conviction to a fine of four hundred dollars.

No liability for damage done by members of the Service.

50. A fire officer is not liable for any damage caused by any act done by him whilst he is, *bona fide*, exercising any of the powers conferred upon him by this Act or the Regulations.

Damage deemed to be damage by fire for fire insurance.

51. For the purposes of policies of insurance against fire, damage occasioned by the Fire Service in the execution of its duties under this Act shall be deemed to be damage by fire.

52. If a person is called upon to aid and assist a fire officer who, while in the execution of his duty, is assaulted or resisted, and that person refuses or neglects to aid and assist accordingly, he is liable, on summary conviction, to a fine of four hundred dollars or to imprisonment for three months.

Refusing to aid member of the Service assaulted.

53. If any question arises as to the right of any fire officer to hold a certain office in the Fire Service or to exercise the duties and functions appertaining to the office, common reputation shall be deemed sufficient evidence of the right.

Evidence of right of member of the Service.

54. A person who knowingly—

(a) harbours or entertains a fire officer while he is on duty;

Harbouring or entertaining, etc. officers on duty.

(b) directly or indirectly, sells or gives any intoxicating liquor to a fire officer while he is on duty;

(c) by threats or by offer of money, gift, spirituous liquor or any other thing, induces or endeavours to induce a fire officer to commit a breach of his duty or to omit any part of such duty, is liable, on summary conviction, to a fine of one hundred and fifty dollars or to imprisonment for two months.

55. A person not being a fire officer who—

(a) puts on or assumes, either in whole or in part, the dress, name, designation or description of a fire officer or any dress, name or designation, resembling and intended to resemble the dress, name or designation of a fire officer; or

(b) in any way pretends to be a fire officer for the purpose of obtaining admission into any house or other place, or for the purpose of doing an act that he would not by law be entitled to do of his own authority,

Personation of member of the Service.

is liable on summary conviction to a fine of three hundred dollars or to imprisonment for three months.

56. A person who—

(a) knowingly uses or attempts to pass off any forged or false certificate, character, letter or other document for the purpose of obtaining admission into the Fire Service; or

Obtaining admission into the Service by fraud.

(b) on applying for enlistment, makes any false answer to any question put to him by any recruiting officer of the Service, is liable on summary conviction, to imprisonment for three months.

Exemption from traffic laws.

57. Fire officers while in the execution of their duties under this Act, are exempt from liability to prosecution for any offence against any law relating to the maximum speeds of motor vehicles on public roads or to the driving of vehicles in specified directions on specific roads or against traffic signs, including traffic lights.

FIRST SCHEDULE

Classification of Officers in the Fire Service

<i>Old Title</i>	<i>New Title</i>	<i>Effective Date</i>
	RANGE 13	
Apprentice Fireman	Apprentice Fireman	
	RANGE 21	
Fireman	Fireman (for five (5) years)	1.1.77
	RANGE 24C	
Fireman	Fireman (after five (5) years)	1.1.77
	RANGE 31C	
Fire Sub-Officer	Fire Sub-Officer	1.1.77
	RANGE 40E	
Fire Sub-Station Officer	Fire Sub-Station Officer	1.1.77
	RANGE 47E	
Fire Station Officer	Fire Station Officer	1.1.77
Fire Equipment Supervisor	Fire Equipment Supervisor	1.1.77
	RANGE 53F	
Assistant Divisional Fire Officer	Assistant Divisional Fire Officer	1.1.74

Sections 2, 3(1), 4 [124/1966 268/1971 217/1973 186/1976 208/1977 63/1980 31/1982 94/1982 176/1984].

	RANGE 57E	
Brigades Engineer	Brigades Engineer	1.1.74
Divisional Fire Officer	Divisional Fire Officer	[1.1.74
	RANGE 62	
Assistant Chief Fire Officer	Assistant Chief Fire Officer	1.1.84
	RANGE 64	
Deputy Chief Fire Officer	Deputy Chief Fire Officer	1.1.84
	RANGE 67	
Chief Fire Officer	Chief Fire Officer	1.1.74

SECOND SCHEDULE

Section 6(1)
[40/1983
106/1983].

OFFICERS IN THE FIRST DIVISION OF THE FIRE SERVICE

- Chief Fire Officer
- Deputy Chief Fire Officer
- Assistant Chief Fire Officer
- Divisional Fire Officer
- Brigades Engineer
- Third Officer

THIRD SCHEDULE

Section 6(2)
[10 of 1968
107/1983].

OFFICERS IN THE SECOND DIVISION OF THE FIRE SERVICE

- Fire Equipment Supervisor
- Fire Station Officer
- Fire Sub-Station Officer
- Fire Sub-Officer
- Fireman
- Fireman Apprentice

FOURTH SCHEDULE

Section 15.

OATH/AFFIRMATION* OF OFFICE AND SECRECY

I.....do swear/do solemnly and sincerely affirm*/that I will well and truly serve Trinidad and Tobago in the office of.....of the Trinidad and Tobago Fire Service and that I will take steps at all times to preserve

*Delete whichever is inapplicable.

life and property to the utmost of my power; and that while I shall continue to hold the said office I will, to the best of my skill and knowledge discharge all the duties thereof faithfully according to law and 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 my being the holder of such office. So help me God. †

FIFTH SCHEDULE

PENSIONS AND GRATUITIES PAYABLE TO FIRE OFFICERS IN THE FIRST AND SECOND DIVISIONS

Section 18.
[10 of 1968
5 of 1974].

Definition of
fire officer for
purpose of
Schedule.

1. In this Schedule "fire officer" means a fire officer in the First and Second Divisions.

Contribution to
superannuation
allowances.

2. (1) As a contribution towards the special superannuation allowances to fire officers herein provided, there shall be deducted from the pay of every fire officer a sum at such yearly rate as the President from time to time directs, not being greater rate than one and a quarter per cent and all sums so deducted shall be paid into the Treasury on or before the eighth day of every month.

(2) In the event of any fire officer leaving the Fire Service without being eligible for a pension or gratuity under the provisions of this Act, whether by reason of dismissal or otherwise, he shall be entitled to the return in full of all deductions made from his pay under subparagraph (1) but the President may direct that any amount due to the State in respect of any liability or defalcation be deducted from any amount so returnable.

(3) In addition to the contribution payable under subparagraph (1), a fire officer shall, if the case so requires, pay arrears of contribution in respect of his full-time service as a fire officer or in a pensionable office in the Public Service or in respect of both.

Arrears of
contribution
payable.

(4) The arrears of contribution payable under subparagraph (3) (hereinafter referred to as ("the arrears")) shall be determined on the basis of the actual pay received by the fire officer for each year in respect of which the arrears are payable.

†Delete in case of affirmation.

(5) The aggregate amount of the arrears shall be deducted as follows:

Mode of deducting arrears.

(a) in the case of a fire officer who is in the Fire Service after the commencement of the Fire Service (Amendment) Act 1974 (that is, 18th March 1974) the arrears shall be deducted—

(i) from his pay as far as practicable, by equal monthly instalments over a period of three years from the commencement of the said Act or such lesser period, where the remainder of the service of the officer is less than three years;

(ii) from his gratuity by lump sum, where any arrears are unpaid on the retirement of the fire officer;

(b) in the case of a fire officer—

(i) who retires from the Fire Service on the commencement of the Fire Service (Amendment) Act 1974 (that is, 18th March 1974); or

5 of 1974.

(ii) to whom the provisions of subparagraph (6) apply,

the arrears shall be deducted by lump sum from any arrears of gratuity payable to the fire officer.

(6) The provisions of subparagraph (3) and of paragraph 3(5) to 3(7) shall extend to fire officers who entered the Fire Service in the Second Division and retired from the Fire Service on or after 1st January 1966, but before the commencement of the Fire Service (Amendment) Act 1974 (that is, 18th March 1974), and shall in their application to such fire officers, have effect as if those provisions had come into operation on 1st January 1966.

5 of 1974.

(7) For the purposes of subsection (3) "Public Service" has the meaning assigned to that expression by section 2 of the Pensions Act, and includes service in the Police Service established by the Police Service Act, in the Prison Service established by the Prison Service Act, and service as a member of the Special Police established by the Special Reserve Police Act.

Ch. 23:52.

Ch. 15:01.

Ch. 13:01.

Ch. 15:03.

3. (1) Subject to subparagraph (2) a fire officer who is disabled by infirmity of mind or body may be retired, and if the fire officer has completed ten years of satisfactory service, may thereupon be granted a monthly pension not exceeding one-four

Pension to fire officer in case of disability.

hundred and eightieth of a month's pay for each completed month service.

(2) A pension shall not be granted under subparagraph (2) unless it is stated in a certificate of a medical board that the fire officer to whom the certificate refers is incapable from infirmity of mind or body of performing the duties of his office and that the infirmity is likely to be permanent.

If unable to re-enlist after ten years service.

(3) If a fire officer to whom this part applies or who has served in the Fire Service for ten years or more does not at the end of any period of re-enlistment obtain permission under the Regulations to re-enlist as provided he shall be dismissed or shall have his services dispensed with in accordance with the Regulations, and the fire officer if not otherwise eligible for pension, may be granted a monthly pension not exceeding one-nine hundred and sixtieth of a month's pay for each completed month of service.

On attaining the age of fifty.

(4) Subject as herein continued, every fire officer not disabled as aforesaid who has attained the age of fifty years, and has served in the Fire Service—

(a) for not less than twenty years; or

(b) for not less than ten years and has retired from the Fire Service with the approval of the Minister of Finance,

may be granted a monthly pension not exceeding one-four hundred and eightieth of a month's pay for each completed month of service.

Meaning of full-time service.

(5) For the purposes of paragraphs 2(3) and 3(4), a period of full-time service in a pensionable office in the Public Service shall be counted as service in the Fire Service if it terminates not earlier than the day immediately preceding the commencement of service in the Fire Service.

(6) In paragraph 2(3) and in subparagraph (5) "full-time service" means service remunerated at a monthly paid rate and includes any period of absence from duty on leave with full pay.

Pension payable.

(7) The amount of pension payable to a fire officer under this paragraph shall not exceed eighty-five per cent of his final pay for the year in which he retires, except that, in the case of a fire officer in the Second Division at the date of the commencement of the Fire Service (Amendment) Act 1974 (that is, 18th March 1974), who retires from the Fire Service as a fire officer in the

Second Division, the percentage of final pay for the year in which he retires shall not exceed ninety-two and one-half per cent.

(8) Where a period of service as a fire officer is or has been immediately followed by service in a pensionable office in other public service as defined for the purposes of the Pensions Act, the fire officer shall, notwithstanding anything contained in subparagraph (4), be entitled to a monthly pension under this Act not exceeding one-four hundred and eightieth of a month's pay for each completed month of service if he has served in the Fire Service for not less than ten years; and if he ultimately retires from such other public service at an age less than fifty years at which he is permitted by the Law or Regulations of that service to retire with a pension, the pension which may be granted to him under this Act shall be payable from the date of the retirement, notwithstanding that he shall not be fifty years of age.

Fire officers transferred to other public service.
Ch. 23:52.

(9) A fire officer may if he has exercised his option as provided in subparagraph (10) but not otherwise, be paid, in lieu of any pension for which he is eligible, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the annual reduction so made in the pension.

(10) The following provisions apply to the option referred to in subparagraph (9);

(a) the option shall be exercisable and if it has been exercised may be revoked—

(i) not later than one month after the retirement of the fire officer in case of a pension awarded under subparagraph (1) or (2); and

(ii) not later than the day immediately preceding the date of the retirement of the fire officer in the case of a pension awarded under subparagraph (3) or of his retirement from other public service in the case of a pension awarded under subparagraph (8),

but the President may, if it appears to him equitable in all the circumstances to do so, allow any such fire officer to exercise the option or revoke an option previously exercised at any time between that date and the actual date of award of pension under this Act;

(b) the date of the exercise of the option by a fire officer shall be deemed to be the date of the receipt of his

written notification addressed to the Chief Fire Officer;

- (c) subject to the provisions of clause (a), if a fire officer has exercised the option his decision shall be irrevocable so far as concerns any pension to be granted to him under this section;
- (d) if a fire officer who has not exercised the option dies after he has finally retired but before a pension has been awarded under this Act, the President may grant a gratuity and a reduced pension as provided for in clause (a) as if the fire officer before his death had exercised the option.

(11) Nothing herein contained shall be construed to entitle any fire officer absolutely to any pension, or to prevent his being dismissed without pension, and subject to subparagraphs (12) and (13), if any such fire officer to whom a pension has been granted under this Act is sentenced to a term of imprisonment by any competent court in Trinidad and Tobago or elsewhere for any crime or offence, or quits Trinidad and Tobago after having reason to know that a charge of having committed any indictable or summary offence has been laid against him, and before the charge has been heard and determined, the President may direct that the pension shall forthwith cease.

(12) A fire officer whose pension has ceased in pursuance of subparagraph (11) and who at any time receives a pardon in respect of the offence for which he had been convicted, shall be entitled to have the pension restored to him with effect from the date on which the pension was ceased.

(13) The President may, where a pension ceases for the reasons set out in subparagraph (11) cause all or any part of the moneys to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, or, after the expiration of his sentence, also for the benefit of the pensioner himself in such proportions and manner as the President thinks proper, and such moneys shall be paid or applied accordingly.

Payments out of pensions.

4. (1) Where an order of maintenance is made against any fire officer to whom a pension has been granted under this Act, the President may, on its being proved to him that there is no reasonable probability of the order being satisfied, from time to time cause to be deducted from the moneys payable to such person such sum or sums as the President may deem expedient and may cause the same to be applied to satisfy wholly or in part the order.

(2) Where any person to whom a pension has been granted hereunder has left Trinidad and Tobago and has deserted and left his wife or child in Trinidad and Tobago, without sufficient means of support is, by reason of the person's absence from Trinidad and Tobago, unable and would but for the absence be able, to obtain an order of maintenance, the President may from time to time cause to be deducted from the moneys payable to the person by way of pension such sum or sums as the President may deem expedient and apply the same for the maintenance and support of the wife or child.

5. (1) When a fire officer has been retired in accordance with the provisions of paragraph 3(1) and the provisions of subparagraph (2) of the said paragraph have been satisfied, but the fire officer has not served in the Fire Service for ten years, the fire officer may be granted by way of gratuity a sum not exceeding one-twelfth of a month's pay for each completed month of service.

Service for less than ten years.

(2) Any fire officer who has served in the Fire Service for more than five years and less than ten years and who—

(a) does not at the end of any period of enlistment or re-enlistment re-enlist; or

(b) is dismissed, or has his services dispensed with,

may be granted by way of gratuity such sums not exceeding one-twenty-fourth of a month's pay for each completed month of service.

6. If any fire officer to whom a pension has been granted under this Part is subsequently enlisted in the Fire Service, the payment of his pension may, if the President so directs, be suspended during the period of his subsequent enlistment.

Power of President to suspend pension in case of subsequent enlistment.

7. (1) The period of service in respect of which pension or gratuity may be granted shall be unbroken but subject to the conditions contained in subparagraph (2), the period of service prior to a break of service may be counted together with service subsequent to the break in cases where the service was interrupted by reason of ill health or other cause not arising from misconduct or voluntary withdrawal from the Fire Service.

Computation of pension where break in service occurs.

(2) The conditions referred to in subparagraph (1) are as follows:

(a) any pension which at the time of the subsequent enlistment is being paid shall cease to be paid; and

(b) if the President so requires any gratuity paid in respect of the earlier period of service, or such part

thereof as the President may determine, shall be refunded.

Permanent injury.

8. (1) Subject to subparagraph (2), when the President is satisfied that a fire officer has been permanently injured—

- (a) in the actual discharge of his duty;
- (b) without his own default; and
- (c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or accelerated, the fire officer may be granted in respect of the injury, in addition to any pension or gratuity granted to him an allowance in proportion to his injury of such monthly amount as the President may direct, not exceeding the following:

When his capacity to contribute to his support is—

- slightly impaired— $40/480$ ths of a month's pay;
- impaired— $80/480$ ths of a month's pay;
- materially impaired— $120/480$ ths of a month's pay;
- totally destroyed— $160/480$ ths of a month's pay.

(2) A fire officer who is permanently injured while travelling by air in pursuance of official instructions shall be deemed to have been injured in the circumstances detailed in subparagraph (1)(a) and (c), and in any such case, if the provisions of subparagraph (1)(b) are also satisfied the rates of allowances shall be $60/480$ ths, $120/480$ ths and $240/480$ ths of a month's pay respectively instead of the rates of allowances mentioned above in this section prescribed.

(3) The allowance referred to in subparagraph (1)—

- (a) shall not, together with any pension granted hereunder, exceed $400/480$ ths of a month's pay as at the date of injury and for the purposes of this subparagraph any exercise of the option conferred by paragraph 3(8) shall be ignored in calculating any such pension;
- (b) shall be less than the above-mentioned maximum by such amount as the President thinks reasonable in the following cases:
 - (i) where the injured fire officer has continued to serve for not less than one year after the injury in respect of which he retires;
 - (ii) where the injured fire officer is forty-five years or upwards at the date of the injury; or

(iii) where the injury is not the sole cause of the retirement.

(4) Before granting an allowance under subparagraph (1), the President shall be furnished with the report of a medical board (so far as may be possible) on the matters relevant to his decision, and shall be guided by the report.

(5) When the injured fire officer has not qualified for any pension under this Act but is entitled to a gratuity under paragraph 5, he may be granted, in lieu of the gratuity, a further allowance of such monthly sum (not exceeding one-twelfth of so many 480ths of a month's salary as is equal to the number of months he has actually served) as the President may direct.

9. (1) If a fire officer dies as a result of injuries received—
- (a) in the actual discharge of his duty;
 - (b) without his own default; and
 - (c) on account of circumstances specifically attributable to the nature of his duty,

Pensions to dependants of fire officers killed on duty and gratuity to widow, etc., of fire officer who dies in the Service.

while in the service of the Fire Service, the President, subject to subparagraph (2), may grant, in addition to the grant if any, made under subparagraph (3)—

- (d) if the deceased fire officer leaves a widow, a pension to her, while unmarried and of good character, according to such scale as may from time to time be fixed by the President;
- (e) if the deceased fire officer leaves a widow to whom a pension is granted under clause (d) and a child or children, a pension in respect of each child, until the child attains the age of eighteen years, of an amount not exceeding one-eighth of the pension payable under the clause;
- (f) if the deceased fire officer leaves a child or children, but does not leave a widow or no pension is granted to the widow a pension in respect of each child, until the child attains the age of eighteen years, of an amount not exceeding one quarter of the pension payable under clause (d);
- (g) if the deceased fire officer leaves a child or children and a widow to whom a pension is granted under subparagraph (d), and the widow subsequently dies, a pension in respect of each child, as from the date of the death of the widow until the child attains the age

of eighteen years, of an amount not exceeding one-quarter of the pension payable under subparagraph (d);

- (h) if the deceased fire officer does not leave a widow, or if no pension is granted to his widow and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow.

(2) A pension shall not be payable under subparagraph (1) at any time in respect of more than six children, and where there are more than six children in respect of whom, but for this subparagraph, a pension would be payable, then the amount payable in respect of six children shall be divided equally among all such children during the period in which there are more than six children of pensionable age.

(3) In the case of a pension granted under subparagraph (1)(h), if the mother is a widow at the time of the grant of the pension and subsequently remarries, the pension shall cease as from the date of the remarriage; and if it appears to the President at any time that the mother is adequately provided with other means of support, the pension shall cease as from such date as the President may determine.

(4) A pension granted to a female child under subparagraph (1) shall cease upon the marriage of the child under the age of eighteen years.

(5) For the purposes of subparagraph (1), the word "child" includes—

- (a) a posthumous child;
- (b) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon the deceased fire officer for support; and
- (c) an adopted child, adopted in the manner recognised by law, before the date of the injury, and wholly or mainly dependent upon the deceased fire officer for support.

(6) A fire officer who dies as a result of injuries received while travelling by air in pursuance of official instructions shall be deemed to have died in the circumstances detailed in subparagraph (1)(a) and (c).

(7) If a fire officer dies while in the Fire Service, the President may grant to his widow or to his children or to any of his dependants a gratuity of an amount not exceeding one year's salary of the fire officer, or his commuted pension gratuity, if any, whichever is the greater.

(8) Where a fire officer, to whom either an unreduced pension or a gratuity and reduced pension has been granted, dies after retirement from the Fire Service, and the sums paid or payable to him at his death on account of the unreduced pension, or gratuity and reduced pension, as the case may be, are less than the amount of the annual salary enjoyed by him at the date of his retirement, the President may grant to his widow or to his children or to any of his dependants a gratuity equal to the deficiency.

(9) In subparagraphs (7) and (8)—
 “commuted pension gratuity” means the gratuity, if any, calculated in the manner prescribed in paragraph 3(8), which might have been granted to the fire officer if he had retired immediately before his death in circumstances rendering him eligible to receive a gratuity and reduced pension instead of an unreduced pension;

“dependants” has the meaning as in the Workmen's Compensation Act. Ch. 88:05.

SIXTH SCHEDULE

Section 32.

MATTERS TO BE INCLUDED IN RULES OF FIRE SERVICE ASSOCIATION FORMED PURSUANT TO SECTION 30(1) OF THE ACT

1. The name of the Association and the place of meeting for its business.

2. The whole of the objects for which the Association is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the Association.

3. The manner of making, altering, amending and rescinding rules.

4. A provision for the appointment and removal of a general committee of management, of a trustee, treasurer and other officers.

5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
 6. The inspecting of books and names of members of the Association by every person having an interest in its funds.
 7. The manner of dissolution.
 8. The protection of voting rights of members of the Association and the general conduct of elections.
 9. The powers, duties and functions of the Executive Committee of the Association.
 10. Disputes between members of the Association and the Executive Committee thereof.
 11. A prohibition against admission to membership with respect to a fire officer who is a member of an appropriate recognised association.
-