

FIRE SERVICES ACT

Act 56 of 1953 – 29 May 1954

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FIRE SERVICES ACT

1. Short title

This Act may be cited as the Fire Services Act.

2. Interpretation

In this Act—

“Controller” means the Controller, Fire Services;

“Fire Services” means the fire services of Mauritius;

“local authority” means the Municipal Council of Port Louis, the Municipal Council of Curepipe, the Municipal Council of Beau Bassin and Rose Hill, the Municipal Council of Quatre Bornes, the Municipal Council of Vacoas-Phoenix or the municipal council of any proclaimed town as defined in the Local Government Act.

[S. 2 amended by Act 21 of 1995.]

3. —

4. Establishment of Fire Services

The Fire Services are entrusted with the duty of extinguishing fires and protecting life and property in case of fire throughout the Republic of Mauritius.

5. —

6. The Controller, Fire Services

(1) (a) The Controller shall have the general control and administration of the Fire Services and shall be responsible for its efficiency.

(b) He may make such orders as he thinks expedient relative to the issue of uniform and equipment to the officers and members.

(2) Where under this Act an act may be done by the Controller, he may delegate in writing his authority to do such act to an officer of the Fire Services.

7. Duties of Fire Services

On an alarm of fire being communicated to them, the chief officer and officers of the Fire Services, together with all available firemen, shall proceed as quickly as possible to the locality of the fire with all such fire fighting apparatus, safety equipment and other implements, as are requisite and available.

8. Right of way of Fire Services

(1) Notwithstanding any law or custom, all vehicular traffic shall give way to the Fire Services when such services are proceeding to the locality of the fire.

(2) Any person in charge or control of any vehicle who neglects or refuses to comply with this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees or to imprisonment for a term not exceeding 3 months.

9. Duties of Police in case of fire

(1) Any police officer, on learning of an outbreak of fire, shall promptly inform the Fire Services headquarters and police headquarters.

(2) The senior police officer at the scene of the fire shall maintain order and take such steps as may be laid down by the Commissioner of Police for ensuring the maintenance of order, and may, for the purpose of extinguishing the fire or protecting life and property, authorise any police officer or constable to prevent the entry of persons or vehicles into any place, whether public or privately owned, to enter any land or building without the consent of the owner or occupier, and do such acts there, whether causing damage or not, as are reasonably required for those purposes.

(3) Any act which may be done by a police officer under subsection (2) may also be done by any fireman acting under the direct orders of an officer of the Fire Services.

(4) No action for damages in respect of anything done under subsections (2) and (3) shall be maintained against the Fire Services, any police officer, any officer of the Fire Services or any fireman.

(5) Any person who wilfully obstructs or hinders any police officer, any officer of the Fire Services or any fireman in the execution of the powers conferred upon him by this section shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees or to imprisonment for a term not exceeding 3 months.

10. Control of fire fighting operations

At any fire, the senior officer of the Fire Services present shall have full charge and control of all operations for the extinction of the fire, including the fixing of the position of fire engine and apparatus, the attaching of hose to any water supplying device, and the selection of the parts of the building on fire or of adjoining buildings against which water

is to be directed, and may cause the water to be shut off from the mains and pipes in any area in order to give a greater supply and pressure of water for extinguishing the fire and the Fire Services shall not be liable to any claim by reason of the interruption of the supply of water occasioned only by compliance with such a requirement.

11. Fire alarms

The Fire Services may erect or fix and maintain fire alarms, in such positions in any street or public place as they think fit, after consultation with the Commissioner of Police.

12. Fire hydrants and water supplies

(1) The Fire Services shall provide and maintain such fire hydrants and other water installations as are necessary for securing the best practical use of the available water supply in case of fire, subject to the approval of the Permanent Secretary of the Ministry responsible for the subject of public infrastructure and the situation of every such hydrant shall be plainly indicated by a notice or distinguishing mark which may be placed on any wall or fence adjoining a street or public place.

(2) Any person who uses a fire hydrant or other water installation as mentioned in subsection (1) for any purpose not authorised by the Fire Services shall commit an offence and shall, on conviction, be liable to a fine not exceeding 500 rupees or to imprisonment for a term not exceeding 3 months.

(3) The Fire Services may, for the purpose of extinguishing fires, use any convenient or suitable supply of water.

13. Other uses of Fire Services

The Controller may permit the Fire Services to be utilised for purposes not connected with the extinguishing of fire.

14. Annual grant

There shall be paid annually out of the Consolidated Fund such sums as the Assembly may provide for defraying the expenses incurred under this Act in furnishing the Fire Services with such fire engines, fire escapes, accoutrements, tools and instruments as may be required for the complete equipment of the Fire Services and in providing hydrants for the purpose of extinguishing fires, and all such other appliances as may be required for protection of life and property from fire, and for paying all salaries, wages, pensions and gratuities payable and all other charges, expenses and liabilities incurred under this Act.

15. Controller may sue and be sued

The Controller may sue and be sued in the name of the Fire Services.

16. Creation of departmental funds

(1) The Controller may, with the approval of the President, create one or more departmental funds, for promoting the welfare of members of the Fire Services or for encouraging thrift among the personnel of the Fire Services.

(2) The Controller may make rules for the management of such funds and may provide for monthly deductions from salary for payment of contributions to any of the funds.

[S. 16 amended by Act 48 of 1991.]

17. —

18. Fees for special work

The Controller may claim fees at the rates specified in the Schedule for work done by the Fire Services which is not connected with protection against fire or an outbreak of fire on any premises.

19. Recovery of claims

Any claim under section 18 remaining unpaid after 15 days shall be recoverable in the form and manner provided by the Recovery of State Debts Act.

[S. 19 amended by Act 48 of 1991.]

20. Contribution payable by local authority

Every local authority shall pay to the Accountant-General in respect of protection against fire afforded by the Fire Services within the area under its administration such contribution as may be agreed upon between the local authority concerned and the Government, or, in default of agreement, as shall be determined by the Minister.

21. Regulations

For the better carrying into effect of this Act, the President may make regulations—

- (a) to ensure the maximum efficiency of the Fire Services;
- (b) to provide for the training, discipline and duties of officers and sub-officers of the Fire Services and of firemen;
- (c) to provide for the conditions of service of officers and sub-officers of the Fire Services and firemen, including rates of pay and other emoluments, payment for overtime, awards for gallantry and meritorious service, compensation, pensions, gratuities, medical examination and superannuation; and
- (d) to provide for the trial and punishment by the Controller or Chief Officer of any breaches of the regulations made under this section.

[S. 21 amended by Act 48 of 1991.]

22. Prosecution

Any offence against this Act may be prosecuted by the Police or by any member of the Fire Services.

Schedule

[Section 18]

APPLIANCES

| | For turning out | For run out and back (per mile) | While not pumping (per minute) | While pumping (per minute) |
|-----------------------|--------------------|---------------------------------------|--------------------------------------|----------------------------------|
| | Rs cs | Rs cs | Rs cs | Rs cs |
| Mobile pump | 50.00 | 4.00 | 0.20 | 0.80 |
| Ware lorry | 42.00 | 4.00 | 0.16 | — |
| Land Rover | 20.00 | 2.50 | 0.08 | — |
| Other vehicle | 18.00 | 2.50 | 0.08 | |
| Trailer pump | 12.00 | 1.00 | 0.05 | 0.35 |
| Portable or tiny pump | 12.00 | — | 0.05 | 0.15 |

PERSONNEL

| | From 06.00 hrs | From 23.00 hrs to 06.00 hrs | |
|-------------------------------|----------------|-----------------------------|-----------------|
| | to 23.00 hrs | Week days | Public Holidays |
| | (per hour) | | |
| | Rs. cs | | |
| Divisional Officer | 9. 85 | 1/100 of salary | 1/90 of salary |
| Station Officer | 8. 80 | do | do |
| Fireman/Leading Fireman | 7. 40 | do | do |

ADMINISTRATION

| | |
|-----------------------------|------------------------------------|
| Administrative fee | 10% of cost of the special service |
| Wear and tear of hose | Rs 5 per length of hose |
