

Extract from Occupational Safety and Health Act No. 28 of 2005

74. Prevention of fire

- (1) In every building there shall be provided and maintained, so as to be readily accessible, means of extinguishing fire, which shall be adequate and suitable having regard to the circumstances of the premises and the process, as required by the Fire Services.
- (2) In every place of work, a sufficient number of employees shall be trained in the proper use of the means of extinguishing fire specified in subsection (1).

75. Safety provisions in case of fire

- (1) Every building shall be provided with such means of escape in case of fire for the employees as may reasonably be required by the Fire Services in the circumstances of each case.
- (2) Notwithstanding subsection (1), there shall be provided at least two separate means of escape in different directions in case of fire from each floor of every such building, except in premises used as office, shops, factories and any other place of work where –
 - (a) the travel distance does not exceed 18 metres in the case of an office and 12 metres in other cases;
 - (b) there is a protected escape route of at least 1.1 metres wide;
 - (c) the height of the building does not exceed 9 metres; and
 - (d) the total number of persons expected to be in the building at any one time does not exceed 60.

- (3) A spiral staircase or a vertical ladder shall not be deemed to satisfy the requirements of a means of escape.
- (4) All means of escape as aforesaid shall be properly maintained and kept free from obstruction.
- (5) All doors affording means of emergency exit from a building shall, except in the case of sliding doors, be constructed to open outwards.
- (6)
 - (a) In every building the employer shall take effective steps to ensure that all employees are familiar with the means of escape and with the procedures to be followed in case of fire.
 - (b) Where a ramp may be required by the Fire Services it shall have an easy gradient and in no case shall be steeper than a ratio of 1:12, and hand rails and non-slip surfaces shall be provided on the ramp.
 - (c) Notwithstanding paragraph (a), every employer shall carry out a fire drill at least once a year in all places of work requiring a fire certificate under section 76, according to an established fire and emergency plan approved by the Fire Services, and record of the drill kept.
- (7) While any person is within a building, any door which affords a means of emergency exit for such a person from the building or from any enclosure in which the building is situated, shall not be locked or fastened in such manner that it cannot be easily and immediately opened from the inside.
- (8) The contents of any room shall be so arranged or disposed that there is a free passageway for all persons in that room to a means of escape in case of fire.
- (9) Every window, door or other exit affording means of escape in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be

distinctively and conspicuously marked by a white pictogram of minimum size 100mm high on a board with green background.

- (10) (a) In every building in which more than 60 persons are expected to be present at any time or in which highly flammable materials are stored, handled or used, there shall be provided and maintained, as may be deemed reasonable by the Fire Services, effective devices for giving warning in case of fire, which shall be clearly audible or visible throughout the building and capable of being operated without exposing any person to undue risks.
- (b) In premises where persons with impaired vision and hearing are working, there shall be provided an effective means of giving warning in case of fire, as specified by the Fire Services.
- (c) Any device specified in paragraphs (a) and (b) shall be tested by a competent person at least once a month to ensure their continued operation, and a record of such test shall be kept by the owner of the building.
- (11) (a) An emergency lighting system shall be provided in every escape route where the Fire Services so require.
- (b) Secondary power supply shall be provided to the emergency lighting system and fire alarm system as back up to the normal system in case of mains power failure.

76. Fire certificate

- (1) A fire certificate issued by the Fire Services shall be required in respect of every place of work –
- (a) where more than –

- (i) 20 persons are expected to be present at any one time; or
 - (ii) 10 persons are expected to be present at any one time elsewhere than on the ground floor;
 - (b) where explosives are used or stored and which require a licence under the Explosives Act;
 - (c) where highly flammable liquid or material is used or stored and which require a certificate of registration issued under the Inflammable Liquid and Substances Act.
- (2) (a) Where in a building the number of persons expected to be present at any one time in the premises exceeds the number specified in paragraph (1)(a), the owner shall apply for a fire certificate.
- (b) Before applying for a certificate, the owner shall comply with the requirements of the Twenty-First Schedule.
- (3) No person shall require, or permit, an employee to work in any place of work in respect of which a fire certificate is required unless such certificate is in force and the conditions attached to it are complied with.
- (4) (a) Every person who uses or proposes to use any place of work specified in subsection (2) or intends to construct a building to be used as such place of work shall –
- (i) make a written application to the Fire Services for a fire certificate; and
 - (ii) furnish to the Fire Services such drawing, plan, document or other information as the Fire Services may require.
- (b) On receipt of an application under paragraph (a) the Fire Services may, after making such enquiries as it deems necessary, issue a fire certificate on payment of a prescribed fee and subject to such conditions as it thinks

fit to impose, or refuse to grant such certificate stating the reason for doing so.

(c) Any person aggrieved by a refusal of the Fire Services to grant a certificate under paragraph (b) may, within 14 days of such refusal being communicated to him, appeal to the Court.

(5) Every fire certificate issued in respect of any place of work or any intended place of work shall specify—

- (a) the name of the applicant;
- (b) the address of the premises;
- (c) the intended use of the premises which the certificate covers;
- (d) the means of escape in case of fire which are provided;
- (e) the means (other than means of fighting fire) which are or should be provided for securing that the means of escape in case of fire can be safely and effectively used at all material times;
- (f) the type, number and location of the means which are or should be provided (whether in the premises or elsewhere) for fighting fire;
- (g) the type and location of the means which are or should be provided for giving warning in case of fire; and
- (h) particulars as to any explosive or highly flammable material which may be stored or used in the premises, and may, where appropriate, do so by means of or by reference to a plan or photograph.

(6) The conditions specified in subsection (4) (b) may include those –

- (a) for securing that the means of escape in case of fire which are provided are properly maintained and kept free from obstruction;
- (b) for securing that the means specified in subsection (5) (e) to (g) are properly maintained;
- (c) for securing that the means specified in subsection (5) (f) and (g) are tested and examined at regular intervals and that records are kept of such tests and examinations;

- (d) for securing that persons at work on the premises receive appropriate instruction and training in measures to be taken in case of fire, and that records of such instruction and training are kept;
 - (e) for limiting the number of persons who may be on the premises at any one time;
 - (f) for limiting the quantity and disposition of any substance or article which may be kept on the premises at any one time; and
 - (g) in respect of other precautions to be taken in relation to risks to persons in case of fire.
- (7) The Fire Services may revoke a fire certificate where the holder thereof fails to comply with any condition imposed in the certificate.
- (8) (a) Where any occupier proposes to make any material extension or material structural alteration to the premises or to increase materially the number of persons employed in the premises or in any part specified in the certificate or to begin to store or use explosive or highly flammable material or materially to increase the extent of such storage or use, he shall, before doing so, notify the Fire Services in writing and furnish such drawing, plan, document or other information that may be required.
- (b) Where the Fire Services is of opinion that the carrying out of a proposal specified in paragraph (a) would result in any of the matters specified in subsection (5)(d) to (h) becoming inadequate in relation to any use of the premises covered by the fire certificate, it may by notice in writing require the occupier to make such alteration within such period as may be specified in the notice.
- (c) The occupier shall, within the period specified in the notice, carry out the alteration required to the satisfaction of the Fire Services, which may amend the certificate or issue a new one.
- (d) Where the alteration is not carried out to the satisfaction of the Fire Services, it may, without prejudice to other proceedings being taken, revoke the certificate.

- (9) The Fire Services shall forward a copy of every fire certificate issued under this section, including the conditions attached thereto, to the Permanent Secretary and shall notify him of the revocation of a certificate or amendment thereto.
- (10) Where a fire certificate is in force in respect of any place of work, the Fire Services may cause any part of the premises where it is situated, to be inspected at any reasonable time for the purpose of ascertaining whether there has been a change of conditions by reason of which any of the matters specified in subsection (5)(d) to (h) have become inadequate in relation to any use of the premises covered by the certificate.
- (11) The Fire Services may, for the purpose of carrying out its duties or exercising its powers or doing anything incidental thereto under this section, enter any place of work specified in subsection (1).

THE OCCUPATIONAL SAFETY AND HEALTH (Fees and Registration) (Amendment) REGULATIONS 2011

Payment of Fees

Purpose	Section	Fee Payable Rs
(f) For the issue of a fire certificate where the premises is-	76 (4) (b)	
(i) Up to 2,000 squares metres	1000
(ii) above 2,000 squares metres	1500