



BERMUDA
1982 : 76

BERMUDA FIRE AND RESCUE SERVICE ACT 1982

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[23 December 1982]

[preamble and words of enactment omitted]

[NB formerly entitled the Fire Services Act 1982. Title amended by 2007:23 s.2 effective 2 July 2007]

Short title and commencement

1 This Act may be cited as the Bermuda Fire and Rescue Service Act 1982. *[provision for commencement omitted]*

[This Act was brought into operation on 1 April 1983 by GN 11/1983]

[Section 1 amended by 2007:23 s.4 effective 2 July 2007]

Interpretation

2 In this Act, unless the context otherwise requires—

"calamity" means an occurrence by which life or property is endangered;

"Chief Fire Officer" means the holder of the public office of Chief Fire Officer and includes a person appointed to act in such office;

"Department" means the Bermuda Fire and Rescue Service established and continued under section 4;

"fire-fighting purpose" means the extinction of fire, the protection of life and property in case of fire, and the rescue of persons or property from premises or any place where fire or its spread is apprehended;

"fire officer" means an officer of the Department;

"Minister" means the Minister responsible for Fire Services;

"street" includes any highway including any highway over a bridge and any road, lane, footway, square, court, alley or passage whether a thoroughfare or not.

[Section 2 "Department" substituted, "fire-fighting purpose" and "fire officer" amended, and "premises" repealed, by 2007:23 s.5 effective 2 July 2007]

Application

3 (1) Nothing in this Act shall abridge or derogate from the powers conferred on the Corporation of Hamilton or the Corporation of St. George's under the Municipalities Act 1923 [*title 4 item 1*] but in case of conflict between this Act or any regulations made thereunder and any

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Ordinance made by the Corporation of Hamilton or the Corporation of St. George's, this Act or any regulations made thereunder shall prevail.

(2) *[deleted by 2002:6]*

[Section 3 amended by 2002:6 effective 18 June 2002]

ESTABLISHMENT, DUTIES AND POWERS OF FIRE SERVICES DEPARTMENT

Bermuda Fire and Rescue Service

4 The Fire Services Department established under section 4, as it read prior to its repeal and replacement by the present section 4, is continued as a Department of Government to be known as the "Bermuda Fire and Rescue Service" consisting of a Chief Fire Officer, such senior fire officers and other fire officers as may from time to time be authorized by the Governor and such volunteer fire officers as the Minister may from time to time authorize.

[Section 4 amended by 1998:20 effective 18 June 1998; repealed and replaced by 2007:23 s.6 effective 2 July 2007]

Control of Department by Chief Fire Officer

5 (1) The Chief Fire Officer shall, subject to the orders and control of the Minister, be charged with the general supervision, direction and administration of the Department.

(2) The Chief Fire Officer may delegate to any other fire officer any of the powers, duties and functions of the Chief Fire Officer, except the power to delegate under this subsection and the power under section 18 to make Bermuda Fire and Rescue Service General Orders.

[Section 5 heading amended, and subsection (2) inserted, by 2007:23 s.7 effective 2 July 2007]

Duties of Department

6 (1) The duties of the Department shall be to —

- (a) extinguish fires;
- (b) protect life and property in case of fire or other calamity;
- (bb) in the case of fire or other calamity, to assist any person who appears to need prompt or immediate medical attention by—
 - (i) securing his safety;
 - (ii) resuscitating or sustaining his life; and
 - (iii) reducing his suffering or distress;

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(c) carry out such other duties as may be imposed on it by law or by any direction of the Minister;

(d) do anything which is necessary or desirable to carry out effectively any duty which is specified in this section or imposed under paragraph (c).

(2) For the purposes of paragraph (bb) of subsection (1), it shall be the duty of the Minister to consult with, and act in accordance with the advice of, the Minister for the time being responsible for health, in respect of—

(a) the training to be undertaken by such fire officers as are intended to be assigned to the duties specified in that paragraph; and

(b) the qualifications which must be attained by those fire officers prior to such assignment.

(3) A fire officer who does not satisfy the requirements of subsection (2) as to training and qualification shall not be assigned to duties under subsection (1)(bb).

[Section 6 amended by 1996:12 effective 6 October 2000 (BR 74/2000)]

Duties of fire officers and obedience to lawful orders

6A (1) A fire officer, unless duly excused or interdicted from duty, shall at all times be bound, when required by the Department, to discharge any of the duties imposed upon officers of the Department by or under this Act or any other statutory provision.

(2) Every fire officer shall for the purposes of this Act and any other statutory provision be deemed to be on duty when required by the Department to act as such.

(3) Every fire officer shall obey all lawful orders of his superior officers whether given verbally or in writing and shall obey and conform to all regulations and orders made under this Act.

Division of financial responsibility

7 For the purposes of this Act and in order to secure—

(a) adequate fire protection services for all areas of Bermuda; and

(b) the services referred to in section 6(1)(bb),

the Minister, after consultation with the Minister of Finance, may make such arrangements and agreements with the Corporation of Hamilton and the Corporation of St. George's as may be necessary or expedient for the equitable division of the expenses in providing such services.

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[Section 7 replaced by 1996:12 effective 6 October 2000 (BR 74/2000)]

[Section 8 repealed by 2007:23 s.8 effective 2 July 2007]

Fire Services Advisory Board

9 (1) There shall be a Bermuda Fire and Rescue Service Advisory Board which shall consist of nine members of whom—

- (a) two shall be appointed by the Minister acting in accordance with the advice of the Corporation of Hamilton;
- (b) one shall be appointed by the Minister acting in accordance with the advice of the Corporation of St. George's;
- (c) four shall be appointed by the Minister acting in his or her discretion;
- (d) one shall be the Chief Fire Officer or his or her representative ex officio; and
- (e) one shall be the General Manager of the Department of Airport Operations or his or her representative ex officio.

(2) The persons appointed under subsection (1)(a), (b) and (c) shall hold office for such period and on such terms as may be determined at the time of their respective appointments.

(3) The Minister shall appoint one of the members to be Chairman of the Board.

(4) The Minister shall provide the Board with a secretary.

(5) It shall be the duty of the Board to give advice to the minister on fire protection measures generally and as occasion requires and with respect to the duties of the Department under this Act.

(6) Fees shall be paid to the members of the Board in accordance with the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

[Section 9 subsection (1) amended by 2007:23 s.9 effective 2 July 2007]

[Section 10 repealed by 2007:23 s.10 effective 2 July 2007]

Powers in respect of extinguishing fires

11 (1) Any fire officer, who is on duty or any police officer may 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

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- (b) any premises or place which it is necessary to enter for the purpose of extinguishing a fire or preventing the spread of fire or of protecting the premises or place from acts done for fire-fighting purposes; or
- (c) any such premises or place for rescuing any person or property therein; or
- (d) any such premises or place for the purposes of section 6(1)(bb),

and any such entry or breaking may be carried out without the consent of the owner or occupier thereof and the person effecting such entry or breaking may do all such things as he may deem necessary for extinguishing the fire or preventing its spread or for accomplishing any of the purposes giving rise to the entry or breaking.

(2) The senior fire officer present at any fire may take all reasonable measures to ensure that water supplies for fire-fighting purposes are adequate, and may use any convenient and suitable supply of water with or without the consent of the owner:

Provided that, where water is taken from any private storage tank, arrangements shall be made by the Chief Fire Officer as soon as practicable after the fire for the quantity of water taken to be replaced.

- (3) The senior fire officer present at any fire may —
 - (a) close to traffic (whether pedestrian, animal or vehicular) any street or may stop or regulate such traffic in any street whenever in the opinion of that officer it is necessary or desirable to do so, for fire-fighting purposes; and
 - (b) designate a fire zone into which no unauthorized person shall be allowed to enter or remain except for fire-fighting purposes.

[Section 11 amended by 1996:12 effective 6 October 2000 (BR 74/2000)]

Supplementary powers of members of the Department

12 (1) Any building, structure, premises, vehicle or vessel excluding a private dwelling house, may be examined, by arrangement with the owner or occupier by any fire officer of the Department authorized in writing by the Chief Fire Officer for the purposes of ascertaining all material circumstances which may affect fire-fighting purposes.

(2) If after application to the owner or occupier entry for such examination has, in the opinion of the Minister been unreasonably withheld, the Minister may give twenty-four hours notice of intention to

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enter and carry out such examination, and at the expiry of such period, such member shall have such power of entry for such purposes without further authority.

(3) Notwithstanding subsections (1) and (2), for the purposes of ascertaining whether a fire hazard exists or whether there is or has been a contravention of any regulations made under this Act, any officer of the Department shall, if authorized in writing by the Chief Fire Officer, have a right to enter and inspect any building, structure, premises, vehicle or vessel at all reasonable times, so however that in respect of a private dwelling house no inspection shall be made under this section without the consent of the owner or occupier unless twenty-four hours notice in writing has been given.

(4) If it appears to an officer making an inspection under subsections (1), (2) and (3) that a hazard to life or property from fire exists which cannot be effectively rectified by any power contained in regulations made under this Act, he shall in writing notify the owner or occupier of the condition causing such hazard and a copy of such notice shall be deposited at the office of the Chief Fire Officer.

(5) Where such hazard is of undue proportion, or where no action to rectify the condition is taken within a reasonable time a court of summary jurisdiction may on the application of the Chief Fire Officer, make an order requiring the owner or occupier whosoever appears to the court to be responsible for the condition, to execute such work or take such other steps as may be necessary to eliminate the hazard, and such order shall specify the time within which the work must be completed.

(6) If in the opinion of the court a grave hazard to life exists the order may prohibit the use of the building, structure or premises, until the hazard has been obviated.

(7) Any person who contravenes any order made by a court under this section commits an offence:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$2,000 or both such imprisonment and fine.

(8) Without prejudice to subsection (7) where a person has been convicted under that subsection, a fire officer or other person duly authorized by the Chief Fire Officer may enter upon the premises and execute such work or do such other things as may be specified in the order, and any expenses incurred in so doing shall, whatever the amount, be recoverable by the Minister from such person before a court of summary jurisdiction as a civil debt.

Damage done at a fire

13 Any damage done by the Department in the execution of its duties on the occasion of a fire shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

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Protection of officers of the Department

14 (1) No fire officer acting bona fide under powers conferred by this Act shall be liable to any action for damages for any act done or omitted to be done by him in connexion with his duties on the occasion of a fire or other calamity.

(2) Where a fire officer has done or omitted to do any thing in connexion with his duties which he is empowered to do or omit to do on the occasion of a fire or other calamity, and it is subsequently discovered that a fire or other calamity had not in fact occurred, such act or omission shall be deemed to have been done in good faith and would have been lawfully done or omitted if a fire or other calamity had in fact occurred.

(3) For the avoidance of doubt it is hereby declared that the provisions of this section apply to any act done or omitted to be done by a fire officer in connexion with his duties under section 6(1)(bb).

[Section 14 amended by 1996:12 effective 6 October 2000 (BR 74/2000)]

Provision of special services

15 (1) On the application of any person, the Chief Fire Officer may, if he thinks fit, detail any fire officer to do special duty in, or upon or about any premises, vessel, vehicle or aircraft specified by the applicant and for the purpose furnish such equipment as he may deem necessary.

(2) The applicant shall pay to the Chief Fire Officer for the services of any officer so detailed and for the use of equipment so furnished the cost calculated in accordance with the rates from time to time specified by the Minister by regulations under this Act.

(3) Any amount due from an applicant under this section shall be a debt due from the applicant to the Government.

Volunteer fire officers

16 (1) A volunteer fire officer shall not be deemed to be an officer in the public service by virtue only of the fact that he is an officer of the Department, but in the event of any such officer being injured or killed while engaged in his duties as a volunteer fire officer under this Act, he or his estate representative, as the case may be, shall be entitled to be paid out of public funds such compensation as would have been payable under the Workmen's Compensation Act 1965 [*title 18 item 3*] if he had been at the time of such injury or death a workman within the meaning of that Act, employed in the public service at a wage equivalent to the salary entitlement of a fire officer of comparable rank in the Department.

(2) A volunteer fire officer may be paid such remuneration or allowances as may be prescribed by regulations under this Act.

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Regulations

- 17 (1) The Minister may make regulations providing for—
- (a) the precautions and measures to be taken for the prevention of fire;
 - (b) the provision and maintenance of adequate protection against fire and spread of fire;
 - (bb) subject to section 6(2), the training and qualification of such fire officers as are intended to be assigned to duties specified in section 6(1)(bb) and the provision and maintenance of equipment for the purposes of that section.
 - (c) the provision, maintenance and regulation of adequate means of escape and associated safeguards for the protection of life from fire;
 - (d) the removal and rectification of fire hazards;
 - (e) the investigation into the causes and circumstances of any fire;
 - (f) the regulation of the type and nature of fire extinguishers or heating appliances offered for sale;
 - (g) the regulation of servicing and recharging of fire extinguishers;
 - (h) the keeping and production of statistical records or other information relating to fire and fire losses;
 - (i) any matter or control which may from time to time be considered expedient for fire protection;
 - (j) prescribing the ranks and insignia of the Department;
 - (k) discipline and punishment of subordinate officers and members of other ranks;
 - (l) description of uniforms and equipment to be provided;
 - (m) prescribing a tariff of fees to be paid to the Chief Fire Officer for any special duty rendered by any fire officer or for equipment furnished under section 15;
 - (n) for the payment of any such fees to the Consolidated Fund or to any fire officer rendering such special duty;
 - (na) the grant, revocation, suspension and renewal of fire certificates by the Chief Fire Officer regarding premises, the manner in which they may be applied for, the fees to be charged in relation thereto and otherwise for all other matters in respect thereof;

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- (o) such other matters as may be necessary or expedient for rendering the Department efficient in the discharge of its duties;
- (p) prescribing anything required or authorized to be prescribed under this Act;
- (q) generally for the better carrying out of this Act.

(2) *[repealed]*

(3) Different regulations may be made in relation to different parts of Bermuda.

(4) Regulations made under this section may provide for the trial and punishment of persons contravening the regulations, so however that no punishment shall exceed a fine of five thousand dollars or imprisonment for a term of one year or to both.

(5) *[repealed]*

(6) Regulations made under this section shall be subject to the negative resolution procedure.

[Section 17 amended by 1996:12 effective 6 October 2000 (BR 74/2000); subsections (2) and (5) repealed by 2007:23 s.11 effective 2 July 2007]

Bermuda Fire and Rescue Service General Orders

18 The Chief Fire Officer may make orders to be called "Bermuda Fire and Rescue Service General Orders", not inconsistent with this Act or any regulations made thereunder, for the general control, direction and information of the Department and in particular relating to any or all of the following matters —

- (a) organization, administration, training and discipline;
- (b) all fire service duties;
- (c) dress, clothing and equipment;
- (d) accommodation, buildings, stores, furniture and equipment;
- (e) classifications and promotions;
- (f) inspections, drills, exercises and parades;
- (g) welfare of fire officers;
- (h) management and good government of all canteens, messes and recreation rooms;
- (i) services to be performed by fire officers;

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- (j) the manner and form of reports, correspondence and other records;
- (k) the performance of any act which may be necessary for the proper carrying out of this Act or any regulations made thereunder;
- (l) such other matters as may be necessary or expedient for preventing abuse or neglect of duty, for rendering the Department efficient in the discharge of its duties and for carrying out the objects of this Act.

[Section 18 and heading amended 2007:23 s.12 effective 2 July 2007]

Hamilton Corporation property; transfer

19 On 1 April 1983 any engine, equipment, vehicle and other movable property and assets belonging to the Corporation of Hamilton and used by that Corporation in connexion with its fire services shall be transferred to, and shall vest in, the Government.

St. George's Corporation – transfer of property

19A As of April 1, 2007, any engine, equipment, vehicle and other movable property and assets belonging to the Corporation of St. George's and used by that Corporation in connexion with its fire services is transferred to, and vests in, the Government.

[Section 19A inserted by 2007:23 s.13 effective 2 July 2007]

Obstructing execution of Act

20 (1) Subject to subsection (2), any person who wilfully obstructs a police officer or a fire officer acting in the execution of his duties under this Act or under the regulations made there under commits an offence:

Punishment on summary conviction: imprisonment for 12 months or a fine of \$5,000 or both such imprisonment and fine.

(2) If the offence constituted under this section is committed while a police officer or a fire officer is engaged in operations for firefighting purposes, the offender may be arrested without warrant by any such officer.

False alarms

21 Any person who gives or causes to be given a fire alarm which he knows to be false to the Department or to any officer thereof commits an offence:

Punishment on summary conviction: a fine of \$2,000; and in respect of a subsequent offence, imprisonment for 12 months or a fine of \$5,000 or both such imprisonment and fine.

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Prosecutions

22 Criminal proceedings in respect of an offence against this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions.

[Section 22 amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]

Transfer of officers from Hamilton Corporation

23 [omitted]

Transitional

24 [omitted]

Hamilton Corporation officers transferred; pensions

25 (1) Where an officer holding a pensionable office with the Corporation ceases to be the holder of such office by reason of his transfer with his consent to the public service and such person subsequently retires from the public service in such circumstances that, had he remained an officer in the service of the Corporation he would have been eligible for pension under the pension scheme established by the Corporation subsection (2) shall have effect.

(2) Payment of any pension to any officer as is mentioned in subsection (1) by the Government to whose service he has been transferred shall be calculated in accordance with the Public Service Superannuation Act 1981 [*title 9 item 31*] in respect of his total service in the service of the Corporation and in the public service taken together and such service shall be reckoned as continuous for pension purposes.

Amendment

26 [omitted]

[Amended by:

- 1988 : 1
- 1988 : 55
- 1996 : 12
- 1998 : 20
- 1999 : 8
- 2002 : 6
- 2007 : 23]