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FIRE SERVICE ACT

An Act to make provision for the organisation, discipline, powers and duties of the Federal Fire Service, and for matters incidental thereto or connected therewith.

[1963 No. 11.]

[1st April, 1964]

[Commencement.]

PART I

Organisation and administration

[L.N. 17 of 1964.]

1. Establishment of the Fire Service

There shall be established a fire-fighting service to be known as the Federal Fire Service hereinafter to be known as the "Fire Service").

2. General duties of the Fire Service

The Fire Service shall be employed for the extinguishment, control and prevention of fire, the saving and protection of life and property and for such other humanitarian and other works as may be required of them under the authority of the Minister.

3. Constitution of the Fire Service

The Fire Service shall consist of a Federal Fire Commissioner (in this Act hereinafter referred to as the "Fire Commissioner"), and such other officers and firemen of such ranks as may, from time to time, be appointed by the Federal Civil Service Commission.

The Federal Fire Commissioner

4. Responsibility of the Fire Commissioner and delegation of powers

(1) The Fire Service shall be under the command of the Fire Commissioner, who subject to the general orders and directions of the Minister, shall be responsible to the Minister for the efficient administration and government of the Fire Service.

(2) Any power conferred and any duty imposed upon the Fire Commissioner may, in the absence of the Fire Commissioner at any time, be exercised or performed by any member of the Fire Service authorised generally or specifically in that behalf by the Fire Commissioner or the Minister.

5. Provision of equipment, training and inspection of buildings etc.

The Minister may make provision for fire-fighting, tire prevention and the alleviation of distress, and in particular may secure-

(a) the service of such fire equipment as may be necessary and practicable to meet efficiently all normal requirements;

(b) the efficient training of members of the Fire Service;

(c) efficient arrangements for dealing with calls for the assistance of the Fire Service in case of fire or other emergency;

(d) efficient arrangements for obtaining by inspection or otherwise information required for fire-fighting and fire prevention purposes with respect to the character of buildings and other property, the available water supplies and the means of access thereto, and other material circumstances; and-

(i) for the purposes of such arrangements any member of the Fire Service shall be empowered to enter any building or other property at all reasonable hours if authorised so to do in writing by the Fire Commissioner;

(ii) if any member of the Fire Service so authorised, as required by subparagraph (i) of this paragraph, to enter any building or other property is refused admission thereto the court, on the *ex parte* application of the Fire Commissioner or of the member so authorised, may order the person having custody of the said building or other property to admit the member thereto;

(iii) any such court order shall continue in force until the purposes for which the entry was necessary have been fulfilled;

(e) efficient arrangements for the giving, when requested, of advice in respect of buildings and other property as to fire prevention or the restriction of the spread of fires, and as to means of escape in case of fire.

6. Powers included in Ministerial powers

The Minister's powers shall include power-

- (a) to provide accommodation for the Fire Service and its equipment, including housing and other accommodation for members of the Fire Service and furniture reasonably required for such accommodation;
- (b) to pay to persons, not being members of the Fire Service maintained in pursuance of this Act, who render services for fire-fighting purposes, such rewards as the Fire Commissioner deems fit;
- (c) to provide and maintain fire alarms in such positions in any street or public place as he deems proper, and to affix any such fire alarm to any wall or fence adjoining a street or public place;
- (d) to provide efficient arrangements for ensuring that reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fires;
- (e) to employ the Fire Service, or use any of the equipment maintained by it, for purposes other than fire-fighting purposes for which it appears to the Minister to be suitable and, if the Minister deems fit, to make such charge as he may prescribe for any service rendered in the course of such employment or use;
- (f) to employ the Fire Service or use any of its equipment, outside Lagos.

Enlistment and service

7. Enlistment

Every fireman shall, on appointment, be enlisted to serve in the Fire Service for three years, or for such other period as may be fixed by the Federal Civil Service Commission to be reckoned in all cases from the day on which he has been approved for service and taken on to the strength.

8. Re-engagement

(1) Any fireman of good character may within six months before completion of his first period of enlistment and with the prescribed approval, re-engage to serve for a further period of six years and may similarly re-engage for a second period of six years, and may thereafter similarly re-engage either to serve until the expiration of a third period of six years or until he reaches the age of forty-five years (whichever is earlier).

(2) Upon completion of such third period of six years, or if he has re-engaged until reaching the age of forty-five years then upon reaching such age, the fireman may if he so desires and with the prescribed approval continue in the Fire Service in the same manner in all respects as if his term of service were still unexpired, except that he may be dis-

charged or may claim a discharge upon six months prescribed notice thereof being given to or by him.

(3) The prescribed approval referred to in subsections (1) and (2) of this section shall be that of the Federal Civil Service Commission or of any member of the Fire Service to whom the Federal Civil Service Commission has delegated the power to give such approval, and the prescribed notice referred to in subsection (2) of this section shall be given by or to the Federal Civil Service Commission or by or to any member of the Fire Service to whom the Federal Civil Service Commission has duly delegated the power of giving or receiving such notice.

(4) If a fireman offers to re-engage within six months after having received his discharge he will, if his offer of service is accepted, on re-engagement be entitled to the rank which he was holding at the time of his discharge, provided there is a vacancy in the establishment of that rank at the time he re-engages.

(5) If, however, no vacancy exists in the establishment of that rank at that time as in subsection (4) of this section, the fireman may be appointed to the nearest lower rank in the establishment of which a vacancy exists; and he shall be entitled to promotion to the rank he was holding at the time of his discharge as soon after his re-engagement as a vacancy arises in the establishment of that rank.

(6) The service of a fireman who has re-engaged under this section shall be deemed to be continuous for the purposes of pension or annual allowance or gratuities, as the case may be, the fireman being regarded as on leave without pay during the period between discharge and re-engagement.

(7) No fireman may apply for re-engagement after a period of six months has elapsed since his discharge, but a fireman may be permitted to re-enlist subsequent to that period if his offer of service is accepted.

(8) The question of the reinstatement of a re-enlisted fireman to the rank he held prior to his discharge shall be decided by the Fire Commissioner.

(9) Any fireman whose term of service expires during the declaration of a state of emergency, insurrection, or hostilities, may be compulsorily retained and his service prolonged for such period, not exceeding twelve months, as the Federal Civil Service Commission may direct.

(10) Subject to the provisions of sections 3 (1) (a) and 21 of the Pensions Act and to the provisions of subsection (2) of this section, no fireman shall be at liberty to resign or withdraw himself from his duties without the approval of the Federal Civil Service Commission or of any member of the Fire Service to whom the Federal Civil Service Commission has delegated the power to give such approval.

(11) For the purposes of this section, the term "a state of emergency" has the same meaning as it has in section 305 of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

9. Transfer of police officers to the Fire Service

(1) Not later than three months after the commencement of this Act, any police officer who is a member of a Police Fire Brigade established under the provisions of the Police Act must declare in writing whether or not he elects to transfer to the Fire Service, and if he so elects to transfer, may with the approval of the Fire Commissioner, and with the consent of the Inspector General, the Police Service Commission and the Federal Civil Service Commission be transferred from the Nigeria Police Force to the Fire Service.

[Cap. P19.]

(2) For the purposes of this Act the length of service in the Nigeria Police Force of such transferred police officer shall be deemed to be length of service in the Fire Service.

(3) The conditions, of service of any such transferred police officer shall not, during the period in which he retains the rank in the Fire Service to which he was initially appointed at the date of his transfer, be altered or amended in such a manner or to such an extent as to render such conditions of service less advantageous to the said transferred police officer than they would have been should he have not so transferred and have remained a member of the Nigeria Police Force under the conditions of service applicable to police officers, under the Police Act, at the date of his transfer to the Fire Services.

(4) Whether any alteration of or amendment to the conditions of service of the Fire Service constitutes an infringement of the provisions of subsection (3) of this section shall be determined by the Federal Civil Service Commission.

(5) If the Federal Civil Service Commission determines that an alteration of or amendment to the conditions of service constitutes an infringement of the provisions of subsection (3) of this section they shall, as soon as is convenient, notify the Fire Commissioner of their decision. Whereupon the Fire Commissioner shall give notice in writing of such decision to each transferred police officer who is then serving in the rank to which he was initially appointed at the date of his transfer.

(6) Any such transferred police officer affected by such altered or amended conditions of service may, within one month from the date of his receipt of the notice from the Fire Commissioner under subsection (5) of this section, elect to-

(a) accept the altered or amended conditions of service and continue to serve subject thereto; or

(b) resign from the Fire Service.

(7) In the event of a transferred police officer resigning from the Fire Service under the provisions of subsection (6) (b) of this section, the said transferred police officer shall, for the purposes of gratuities, annual allowances and pensions under this Act, be deemed to have completed the full term of his enlistment at the date of his resignation.

(8) For the purpose of this section the words "transferred police officer" mean a member of the Nigeria Police Force who has transferred to the Fire Service under the provisions of subsection (1) of this section.

PART II

Gratuities, annual allowances and pensions

10. Pensions, gratuities and annual allowances

(1) Members of the Fire Service of or above the rank of Leading Fireman who are pensionable under the provisions of the Pensions Act if promoted or re-appointed to such pensionable rank after the expiration of their initial period of enlistment, shall be deemed to be confirmed with effect from the date of such promotion or re-appointment.

[Cap. P4.]

(2) Subject to the provisions of this section, there shall be paid to a fireman on discharge after continuous good service extending over a period of not less than three years a gratuity calculated at a rate of one-half of a month's pay at the rate pertaining at the date of discharge for each completed year of service, and in addition he may be granted the following retiring benefits-

(a) on completion of ten or more years continuous service-

(i) subject to his having reached the age of forty-five years or being required to retire on medical grounds, an annual allowance calculated at one nine hundred and sixtieth of this annual emolument at the date of retirement for each completed month of service; or

(ii) a gratuity calculated at one twentieth of a month's pay for each completed month of service;

(b) on completion of five years less than ten years continuous service a gratuity calculated at one twentieth of a month's pay for each completed month of service.

(3) Where a fireman has rendered at least twenty-five years good service and has attained the age of forty-five years but whose service has not been continuous, the Minister may, in his discretion, treat such service, for the purpose of calculation of the annual allowance and gratuities for which the fireman might otherwise have been eligible under

subsection (2) of this section on final discharge, as continuous service, provided that there shall be deducted from any gratuities so granted any sums previously paid to such

fireman by way of gratuities, and further provided that any annual allowance previously granted under subsection (2) of this section shall have been suspended during any such further period of service.

(4) Where the service of a fireman has not been such as to justify the payment of the full annual allowance and gratuities on discharge for which he would otherwise have been eligible, the Minister may, on the recommendation of the Fire Commissioner approve the award of such reduced annual allowance and gratuities as he may deem just.

(5) Where a fireman has completed more than six years continuous service and is discharged as unfit for further services or on reduction of establishment, he shall receive on discharge such proportion as the Minister may deem just of the annual allowance and gratuities for which he would otherwise have been eligible had he attained the age of forty-five years at the date of his discharge.

(6) Where a fireman who has completed more than three years continuous service dies while serving in the Fire Service, the gratuities for which he would have been otherwise eligible under the provision of this section shall be calculated to the date of death and the Minister may cause such gratuities to be paid to or for the benefit of the dependants or next-of-kin of such fireman, and if such gratuities are paid to or for the benefit of more than one person, in such proportion as the Minister may deem just.

(7) Where a fireman dies while serving in the Fire Service before he has completed three years continuous service, the Minister may, on the recommendation of the Fire Commissioner, award gratuities calculated on the rate of pay pertaining at the date of the death of such fireman bearing such proportion to the gratuities for which he would otherwise have been eligible had he completed six years service at the said rate of pay as the number of years of actual service bears to six years and where any such gratuities are awarded the provisions for the payment of gratuities under subsection (6) of this section shall apply to the payment of such gratuities.

11. Loss of annual allowance or pension on conviction

If any person to whom an annual allowance or pension has been granted under this Act is convicted before any court in the Federation of Nigeria and sentenced to death, penal servitude, or to any form of imprisonment with hard labour for a period of not less than three months such annual allowance or pension shall cease from the date of conviction:

Provided that-

(a) if the conviction is before a Customary or Area court in Nigeria, such annual allowance shall not cease unless the offence for which the sentence was imposed is an offence, which, if committed within Lagos would be punishable by the general criminal law of Lagos with death or imprisonment;

(b) where an annual allowance or pension has ceased under this section, the Minister on the recommendation of the Fire Commissioner may direct all or any part of the money, to which the person to whom such conviction relates would have been entitled by way of annual allowance or pension, to be paid to or applied for

the maintenance and personal support and benefit of all or any, to the exclusion of the other or others, of the following persons, namely, any wife, child or children of such person, in such proportion and manner as the Minister on the recommendation of the Fire Commissioner thinks proper and such money shall be paid or applied accordingly;

(c) where an annual allowance or pension has ceased under this section the Minister on the recommendation of the Fire Commissioner may, on the expiration of a sentence of penal servitude or imprisonment or in the case of a sentence of death on the expiration of any sentence of penal servitude or imprisonment substituted therefor, direct that the annual allowance or pension or any part thereof be restored to the person to whom the conviction relates;

(d) if after conviction a person whose annual allowance or pension has ceased under this section is granted a free pardon, such annual allowance or pension shall be restored with effect from the date of conviction; but in determining whether arrears of such allowance or pension are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under the provisions of paragraph (b) or (c) of this subsection.

12. Pension in case of incapacity

Where a fireman has been permanently incapacitated by an injury sustained or sickness contracted-

- (a) in the actual discharge of his duty; and
- (b) without his own default; and
- (c) on account of circumstances specifically attributable to the nature of his duty,

And his discharge is thereby necessitated or materially accelerated, any annual allowance or gratuities granted to him under this Act may be supplemented by a person based on the following proportion of his annual rate of pay at the date of his injury –

When his capacity to contribute to support is –

slightly impaired	five-sixtieths
impaired	ten-sixtieths
materially impaired	fifteen-sixtieths
totally destroyed	twenty-sixtieths

Provided that the amount of such pension may be reduced to such an extent as the Minister deems reasonable where the injury or sickness is not the sole cause of discharge or where the fireman so incapacitated has continued to serve for not less than one year after sustaining the injury contracting the sickness in respect of which he receives his discharge:

Provided further that the annual value of his combined annual allowance and pension shall not exceed fifty-sixtieths of his annual rate of pay at the date he sustained the injury or contracted the sickness.

13. Pensions and gratuities on death

(1) Where a fireman who has completed more than three years continuous service dies while serving in the Fire Service, the Minister, on the recommendation of the Fire Commissioner may grant to his estate or to any person being a relative or dependant of such fireman, in addition to any other gratuities payable under the provisions of section 10 of this Act, a sum not exceeding one year's pay.

(2) The Minister on the recommendation of the Fire Commissioner may direct that any sum so awarded be paid to or applied for the maintenance and personal support and benefit of all or any, to the exclusion of the other or others, of the following persons, namely, any wife, child, children, relative or dependant of the fireman in such manner as the Minister on the recommendation of the Fire Commissioner, may deem just.

(3) If a fireman dies as a result of injuries received in the execution of his duty or is killed on duty it shall be lawful for the Minister, on the recommendation of the Fire Commissioner, to grant in addition to the award provided for in subsection (1) of this section the pensions set out in this subsection, that is to say-

(a) if such fireman leaves a widow or widows, a pension to her or divided equally between them whilst unmarried and of good character at a rate not exceeding ten-sixtieths of his pay or thirty naira a year whichever is the greater;

(b) if such fireman leaves a widow or widows to whom a pension is granted under paragraph (a) of this subsection and a child or children, a pension in respect of each child until such child reaches the age of twenty-one years, of an amount not exceeding one-eighth of the pension prescribed under paragraph (a) of this subsection;

(c) if such fireman leaves a child or children but does not leave a widow, or leaves a child or children and a widow or widows to whom no pension under paragraph (a) of this subsection has been granted, then a pension in respect of each child of double the amount prescribed in paragraph (b) of this subsection until such child attains the age of twenty-one years;

(d) if such fireman leaves a child or children and a widow to whom a pension is granted under paragraph (a) of this subsection, and the widow subsequently dies, a pension of double the amount prescribed in paragraph (b) of this subsection in respect of each child as from the date of the death of the widow until such child attains the age of twenty-one years;

(e) if such fireman 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 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:

Provided that-

(i) all such pensions shall be in the discretion of the Minister acting on the recommendation of the Fire Commissioner and any pension so granted shall cease if at any time the Minister is satisfied that the person in respect of whom such pension has been granted is adequately provided with other means of support;

(ii) pensions shall not be payable under this paragraph at any time in respect of more than six children;

(iii) a pension granted to a female child under this paragraph shall cease upon the marriage of such child under the age of twenty-one years; and (iv) if in any case it appears to the Minister acting on the recommendation of the Fire Commissioner that it would be proper so to do having regard to the law or custom of any area, payment of the foregoing pensions may by his discretion be paid to such authority having jurisdiction in that area as he may specify, for disbursement in the interests of the persons entitled thereto under the provisions of this subsection.

(4) If any fireman proceeding by a route approved by the Minister, acting on the recommendation of the Fire Commissioner, to or from Lagos at the commencement or termination of his service therein or of a period of leave therefrom, dies as a result of damage to any vessel, vehicle or aircraft in which he is travelling, or of any act of violence directed against such vessel, vehicle or aircraft, and the Minister, acting on the recommendation of the Fire Commissioner, is satisfied that such damage or act is attributable to circumstances arising out of any war in which Nigeria may be engaged, such fireman shall be deemed for the purposes of this section to have died under the circumstances described in subsection (3) of this section.

[L.N. 139 of 1965.]

(5) For the purposes of this section, the word "**child**" includes-

(a) a posthumous child; and

(b) a step-child or illegitimate child born before the date of the injury or death and wholly or mainly dependent upon the deceased fireman for support.

PART III

Fire fighting, fire prevention and other services

14. Provision of water supply and regulations thereon

The Minister may take all reasonable measures for ensuring the provision of an adequate supply of water, and for securing that it will be available for use, in case of fire may, from time to time, make regulations-

- (a) for securing on such terms as to payment or otherwise as may be therein specified that an adequate supply of water will be available to the Fire Service in case of fire;
- (b) for the provision of such additional supply of water for such Fire Service as may be necessary from time to time;
- (c) for the provision at the expense of the Fire Service of fire hydrants or other sources of the supply of water at points to be indicated by the Fire Commissioner;
- (d) for the provision at the expense of the Fire Service of distinguishing marks denoting the situation of each fire hydrant or other such supply of water; which distinguishing marks may be placed or erected upon, or adjoining, any street or public place;
- (e) for providing for uniformity in fire hydrants and other such sources of water supply; and in the distinguishing marks denoting the location of such fire hydrants or other sources of water supply; and in the positions where such distinguishing marks are to be placed;
- (f) for the regulation of the pressure of water available from such fire hydrants or other sources of water supply, and for the provision at the expense of the Fire Service of such auxiliary pumping plant and equipment as may be necessary;
- (g) for the provision of prior notice from the Water Supply Authority to the Fire Service of any proposed installation of new main water pipes, or of the carrying out of major alterations to any existing main pipes; together with details, plans and other information of such proposed works.

15. Regulations, etc.

(1) Save as provided by section 14 of this Act, the Minister may, from time to time, make regulations-

(a) on the recommendation of the Federal Civil Service Commission-

- (i) with respect to the organisation and administration of the Fire Service;
- (ii) with respect to appointments to the Fire Service and to offices therein;
- (iii) with respect to the training of members of the Fire Service;

(iv) with respect to the promotion, transfer, dismissal and disciplinary control of members of the Fire Service;

(b) setting out of the scales of charges permitted under subsection (2) of section 24 of this Act for services rendered by the Fire Service;

(c) with respect to the administration of the Fire Service Reward Fund established under the provisions of section 23 of this Act;

(d) with respect to the prevention of fire, the reduction of the risk of fire and the safety of persons or animals in or near any building, or class of building, from fire hazards;

(e) with respect to the prohibition or control of the use, in the erection, alteration, improvement or repair of any building or other structure, or materials deemed by the Minister to constitute a fire hazard; or of the use of any materials in the erection, alteration, improvement or repair of any building or other structure which materials, because of the use of proposed use of the said building or other structure, or because of its location or proposed location or otherwise, the Minister deems to constitute a fire hazard;

(f) requiring owners of multiple dwellings, cinemas, theatres, office buildings and other such buildings, structures or places to which the public resort from time to time to take such precautions as the Minister may specify for the safety against fire hazards of the tenants, occupiers, invitees or other users of such buildings, structures, or places;

and for this purpose the Minister may classify such buildings, structures or places into different categories, and each such category may be subject to different safety requirements hereunder; and further, for the purposes hereof, the Minister may empower the Fire Commissioner to limit the numbers of persons occupying or using such buildings, structures or places at anyone time, and to require such owners to install such fire-fighting equipment of such standard as the Minister may prescribe and as the Fire Commissioner may deem necessary, and

generally to regulate the user of such buildings, structures or places; so that at all times the tenants, occupiers, invitees, or users thereof shall have free access to such fire-fighting equipment;

(g) prescribing the type of signals, audible or visual, to be used on fire-engines or other mobile fire-fighting equipment;

(h) relating to the establishment and good management of canteens and recreation rooms for the benefit of the Fire Service;

(i) such as he deems necessary or desirable to give effect to the provisions of this Act.

(2) If any owner of a building, structure or place feels aggrieved by any regulation, requirement or classification made under paragraph (e) or (f) of subsection (1) of this section, he may apply to the High Court by summons against the Minister for an order of the said Court declaring that the said regulation requirement or classification is unreasonable and should not be made applicable to the said building, structure or place and the High Court shall have jurisdiction to hear and determine such application.

16. Standing orders

(1) The Minister may make standing orders-

(a) after consultation with the Federal Civil Service Commission, with respect to any matter relating-

(i) to the organisation and administration of the Fire Service;

(ii) to appointments to the Fire Service and to the promotion, transfer, discipline and control of members of the Fire Service;

(iii) to the discipline and control of persons undergoing training under section 26 of this Act;

(iv) to the duties to be performed by members of the Fire service and for their guidance in the discharge of those duties;

(b) with respect to the description and issue of fire-fighting and fire prevention equipment, accoutrements, uniforms and other necessaries to be supplied to the Fire Service;

(c) with respect to the management and good government of fire stations, training schools, recreation centres and canteens.

(2) Such standing orders shall be binding upon all members of the Fire Service and on all persons under training but need not be published in the Federal *Gazette*.

17. Affixing of fire alarms, etc.

(1) Any fire alarm, or any mark indicating the location of any fire hydrant or other water supply as required or prescribed by this Act may be affixed or placed upon any land, or other property for the purposes of this Act without the consent of the owner of such land or other property and without compensation therefor.

(2) For the purposes of this section-

"mark" includes any notice, tablet, plate, pillar, post or other distinguishing mark;

"land" includes buildings, walls or fences;

"owner" includes any lessee, tenant, licensee, or occupier.

18. Arrangements with persons within Lagos

(1) The Minister, on the recommendation of the Fire Commissioner, may enter into arrangements with persons who maintain fire-fighting units within Lagos to secure, on such terms as to payment or otherwise as may be agreed, the provision by those persons of assistance for the purpose of dealing with fires or other emergencies occurring in Lagos.

(2) Members of such fire-fighting units while engaged upon operations under any such arrangements may exercise all of the power and duties, and shall possess all of the immunities exercisable and possessed by members of the Fire Service under this Act.

19. Arrangements with State Governments fire authorities and persons outside Lagos

(1) The Minister, on the recommendation of the Fire Commissioner, and on such terms as to payment or otherwise as may be agreed, may enter into arrangements with-

(a) the Government of any State, or any fire authority within any State, which maintains a fire-fighting service; or

(b) any person who maintains a fire-fighting unit outside Lagos-

(i) to secure the provision, by such State Government, fire authority or person, of assistance for the purpose of dealing with fires or other emergencies occurring within Lagos; or

(ii) to provide to such State Government, or fire authority or person assistance by the Fire Service for the purpose of dealing with fires or other emergencies occurring outside Lagos.

(2) No arrangement under paragraph (b) of subsection (1) of this section may be entered into by the Minister unless the Government of the State where the fire-fighting service or fire-fighting unit is maintained approves of such arrangement and agrees to indemnify the Fire Service and every member thereof against damages for injury to persons or property caused by any act or omission on their part during the course of such operations within that State, which said act or omission would, if done or omitted to be done within Lagos, be lawful under this or any other Act.

20. Major disaster and relief of distress in States

(1) If any major disaster occurs anywhere within the Federation outside of Lagos and if either the fire authority or the Commissioner of Police for the State in which said major disaster has occurred so requests, the Fire Commissioner may, in his discretion, provide assistance-

(a) by utilising or lending, with or without compensation therefor, to the State Government or fire authority, the equipment, supplies, facilities, personnel and other resources of the Fire Service;

(b) by performing on public or private lands protective and other work essential for the preservation of life and property and the alleviation of suffering.

(2) The Government of the Federation shall not be liable for any claim based upon the Fire Service's exercise or performance of any function or duty in carrying out the provisions of this section.

(3) For the purposes of this section, "**major disaster**" means any flood, fire, hurricane, earthquake, storm or other catastrophe in any part of the Federation which in the determination of the local fire authority or of the Commissioner of Police for the State is, or threatens to be, of sufficient severity and magnitude to warrant assistance by the Fire Service to supplement the efforts and available resources of the fire authority and local fire-fighting services in alleviating the damage, hardship and suffering caused thereby.

PART IV

Powers of members of Fire Service

21. Power of firemen and police in extinguishing fires and regulation of traffic

(1) The most senior member of the Fire Service present at any fire shall have the sole charge and control of all operations for extinguishing the fire, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes, or

the use of any water supply, and of the selection of the parts of the building, object, or place, where the fire is or of adjoining buildings, objects or places, against which the water is to be directed; and all other measures deemed by him to be necessary towards the extinguishing of the fire or the assistance of person or animals in distress by reason thereof, or by reason of such fire-fighting or fire prevention measures.

(2) The most senior police officer present at any fire or, in the absence of a police officer, the most senior officer of the Fire Service present, may close to traffic any street or thoroughfare, or may stop or regulate the traffic thereon or may remove any person, including the owner or occupier of the property on fire, or of adjacent or neighbouring property, from the said street or thoroughfare if in the opinion of that officer it is necessary or desirable to do so for fire-fighting purposes.

(3) For the purposes of ensuring or expediting the free passage of any fire engine or other mobile fire-fighting equipment while proceeding to a fire, any member of the Fire Service may stop or regulate the traffic on any street or thoroughfare or may remove any person or vehicle from the said street or thoroughfare if, in his opinion, it is necessary or desirable to do so for the purpose of ensuring or expediting such free passage of the said fire engine or other mobile fire-fighting equipment.

(4) All persons and vehicles using any street or thoroughfare shall yield right of way to fire engines and other mobile fire-fighting equipment proceeding to a fire and operating any prescribed signal audible or visual; and police officers, if present, shall give such assistance as may be necessary for the purpose.

22. Right of members of Fire Service to enter upon lands and injuries and damage when deemed injuries or damage by fire

(1) Any member of the Fire Service who is on duty or any member of a State or other fire authority or of a fire-fighting unit who is acting within Lagos in pursuance of any arrangement entered into under sections 18 and 19 of this Act, or any police officer, may, without the consent of the owner-

(a) enter, and if necessary break into, any building or place in which a fire has, or is reasonably believed to have, broken out;

(b) enter, and if necessary break into, any building or place, which he believes it is necessary to enter for the purpose of protecting the building or place from fire or from acts done for fire-fighting purposes; or for the purpose of extinguishing a fire therein or on property adjacent thereto;

(c) having entered such building or place, do such acts therein as he may deem necessary for extinguishing any such fire or for protecting such building or place or property adjacent thereto or any property therein from fire or from acts done for fire-fighting purposes;

- (d) having entered such building or place, do such acts therein as he may deem necessary for the protection, rescue or assistance of persons or animals;
- (e) pull down any building or other structure, or destroy or remove any property, as he may deem necessary to extinguish or limit the spread of any fire;
- (f) take water from any source whatsoever, without payment or other compensation therefor, for the purpose of extinguishing a fire or of limiting the spread thereof.

(2) Any injury to person or damage to property caused by any member of the Fire Service or any police officer while acting in the execution of his duties in the extinguishing of fires or in aid or assistance to persons or animals under the provisions of this Act shall be deemed to be injuries or damage by fire.

PART V

Miscellaneous provisions

23. Establishment of Fire Service Reward Fund

There shall be established a fund to be called the "Fire Service Reward Fund", into which there shall be paid all pay forfeited by members of the Fire Service for offences against discipline, and all fines levied for assaults on members of the Fire Service. Such fund shall be applied and administered by the Fire Commissioner in accordance with regulations made under section 15 of this Act.

24. Charges for services for Fire Service

- (1) No charge shall be made for any service rendered by the Fire Service in extinguishing fires.
- (2) Charges may be made for services, other than extinguishing fires, rendered by the Fire Service at rates to be prescribed.
- (3) Any such prescribed charge may be sued for and recovered in a court of competent jurisdiction in the Federation by the Fire Commissioner in his official name with full costs of action from the person charged therewith as a debt to the Government of the Federation.

25. Fire Service not to be used for suppressing civil disturbances

Save when expressly so authorised by the Minister or the Fire Commissioner, the Fire Service shall not be employed for the purpose of the prevention, control or suppression of civil commotion, riot, or other civil disturbance.

26. Fire Services' training facilities available to non-members

Any person who is not a member of the Fire Service may, with the approval of the Minister and on such terms as to payment or otherwise as may be prescribed, be admitted to all or part of such training in fire-fighting and fire prevention as is established under this Act for the training of members of the Fire Service.

27. Fire-fighting and fire prevention deemed public purposes

For the purposes of the Land Use Act, fire-fighting and fire prevention shall be deemed to be public purposes.

[Cap. L5.]

PART VI

Offences

28. Contravention of this Act or of Regulations

Any person who contravenes or fails to comply with any of the provisions of this Act, or with any regulation or requirement made thereunder, for which no other penalty is specifically provided shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding forty naira or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

29. Personation of members of the Fire Service

Any person not being a member of the Fire Service who puts on or assumes, either in whole or in part, the dress, name, designation or description of any member of the Fire Service, or in any way pretends to be a member of the Fire Service or to possess authority from or on behalf of the Fire Service, for the purpose of obtaining admission into any building or other place, or of doing any act which such person would not by law be entitled to do of his own authority, shall be guilty of an offence, and on summary conviction thereof shall be liable to a fine of two hundred naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

30. Obtaining admission into the Fire Service by fraud

Any person who 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 who, on applying for admission shall make any false statement whether orally or in writing, shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding one hundred naira or to a term of imprisonment not exceeding three months or to both such fine and imprisonment; and, if having been admitted to the Fire Service, shall further be liable to dismissal therefrom.

31. Communication of confidential or secret information

(1) Any member of the Fire Service who at any time communicates or attempts to communicate any confidential or secret information obtained by him in the course of his duties as a member of the Fire Service to any unauthorised person shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding one hundred naira or to a term of imprisonment not exceeding three months or to both such fine and imprisonment, and shall further be liable to dismissal from the Fire Service.

(2) For the purposes of this section, an "unauthorised person" means any person other than a person to whom a member of the Fire Service is authorised by the Minister to communicate such information.

32. Obstruction of and assault on members of the Fire Service and obstruction of fireengines

Any person who-

(a) wilfully obstructs, interferes with, assaults or resists any member of the Fire Service in the execution of his duty under this Act or who aids, invites, induces or abets any other person to obstruct, interfere with, assault, or resist any such member of the Fire Service, or any person aiding or assisting such member, in the execution of his duty under this Act; or

(b) wilfully obstructs or delays the passage of any fire engine or other mobile firefighting equipment proceeding to a fire,

shall be guilty of an offence under this Act and on summary conviction thereof shall be liable to a fine not exceeding four hundred naira or to both such fine and imprisonment.

33. Failure to yield right of way to fire engines

Any person who fails to yield right of way to a fire engine or other mobile fire-fighting equipment as required by this Act, shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding twenty naira or to imprisonment for a term not exceeding one month, or to both such fine and imprisonment.

34. False alarm

Any person who wilfully gives or causes to be given a false alarm of a fire to the Fire Service maintained in pursuance of this Act or to any member of such Fire Service shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

35. Interference with fire-fighting equipment

(1) Any person who unlawfully interferes with, damages, or removes any fire- fighting equipment maintained by the Fire Service shall be guilty of an offence, and upon summary conviction thereof shall be liable to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(2) For the purposes of this section "**fire-fighting equipment**" includes any fire engine, mobile fire-fighting equipment, fire extinguisher, fire escape, fire alarm, fire hydrant, fire hydrant cover, or any post, pillar, plate, tablet or other mark used to indicate the position of a fire hydrant or other source of water; or any other equipment so prescribed.

36. Contravention or failure to comply with regulations in respect of buildings

(1) Any person who-

(a) is the owner of a building and who contravenes or fails to comply with any regulation or requirement prescribed or made under this Act-

(i) prohibiting, controlling or limiting the use of the said building for any particular purpose, or at any particular time, or by more than any specified number of persons at any particular time; or

(ii) requiring the installation or maintenance of any fire-fighting equipment in or upon the said building; or

(b) is the owner of lands upon which a building is being erected, or who is the owner of a building which is being altered or repaired; or who is employed by the owner of the said lands to erect a building thereon or by the owner of a building to alter or repair the same whether under contract or otherwise; and who contravenes or fails to comply with any regulation or equipment prescribed or made under this Act prohibiting, controlling or limiting the use of certain specified materials in or about the erection, alteration or repair of the said building,

shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding four hundred naira or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Upon conviction of any owner of any building under paragraph (b) of subsection (1) the court may in its absolute discretion order that the said building be demolished, or that the said materials be removed therefrom at the expense of the owner without compensation.

(3) Any demolition or removal order made under subsection (2) of this section shall be executed by the said convicted owner within the time decreed by the said owner.

(4) For the purposes of this section, "**building**" includes any building, structure or place or any multiple dwelling.

PART VII

Interpretation

37. Interpretation

In this Act, unless the context otherwise requires-

"court" means the magistrates' court;

"fire authority" means any State or local authority or other body responsible under any law for the provision of fire-fighting or fire protection services in any State or part of a State;

"fire engine" means any vehicle used for the carriage of members of the Fire Service or of fire-fighting or rescue equipment;

"fire-fighting equipment" includes fire extinguishers, fire escapes, emergency exits and other such means of fire-fighting, fire-prevention and escape, as may be prescribed;

"fire-fighting unit" means fire-fighting personnel and mobile fire-fighting equipment maintained as such by any person other than a fire authority for use in the fighting and prevention of fires on such person's property;

"Fire Service" means the Federal Fire Service established under this Act;

"fireman" means any member of the Fire Service of or below the rank of sub-officer;

"Minister" means the Minister for the time being charged with responsibility for matters relating to fire-fighting and fire protection;

"mobile fire-fighting equipment" means any fire-fighting equipment, not being a fire engine, so constructed as to be movable from place to place on a wheel or wheels;

"multiple dwelling" means a building or group of buildings constructed or adapted to be let in separate portions for purposes of residence to more than six separate tenants or occupiers under separate agreements whether verbal or written; and includes an hotel, guest-house, rest-house or other building used for similar purposes;

"owner" includes lessee, licensee and occupier;

"prescribed" means prescribed by this Act or by regulations made under this Act.

PART VIII

Application, etc.

38. Short title

This Act may be cited as the Fire Service Act.

FIRE SERVICE ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation