

LAWS OF BRUNEI

CHAPTER 82

FIRE SERVICE

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CHAPTER 82
FIRE SERVICE

ARRANGEMENT OF SECTIONS

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FIRE SERVICE ACT

An Act to make provisions as to the constitution, duties and powers of the Fire Service and as to the discipline thereof and for purposes connected with the matters aforesaid.

Commencement: 4th August 1966

PART I**Preliminary****Citation.**

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

Interpretation.

2. In this Act, unless the context otherwise requires —

“Director” means the Director of the Fire Service;

[S 18/88]

“General Orders” means the General Orders of the Government;

“member” means a person who is either a senior officer, a subordinate officer, or of the rank and file of the Fire Service;

[S 18/88]

“rank and file” means a member of the Fire Service below the rank of a subordinate officer;

[S 18/88]

“senior officer” means a member of the Fire Service of the rank of Superintendent or above;

[S 18/88]

“subordinate officer” means a member of the Fire Service of the rank of Station Officer and Assistant Station Officer.

[S 18/88]

PART II**Constitution, Duties and Powers****Constitution.**

3. The Fire Service of Brunei Darussalam shall consist of such complement of senior officers, subordinate officers and rank and file as His Majesty the Sultan and Yang Di-Pertuan in Council may direct.

[S 18/88]

Terms of service of members of Fire Service. [S 18/88]

4. The Pensions Act (Chapter 38) and the Pension Regulations and Government General Orders for the time being in force, save in so far as is otherwise provided therein or in this Act or in any regulations made under this Act shall apply to all members.

Administration of Fire Service by Director. [S 18/88]

5. The Director, subject to the orders and control of the Minister, shall be charged with the supreme direction and administration of the Fire Service.

[S 18/88]

Delegation of Director's powers. [S 18/88]

6. The functions of the Director under this Act and under any regulations made thereunder and under any other Act may, subject to the instructions of the Director, be performed by the Deputy Director.

[S 18/88]

Duties of Fire Service. [S 18/88]

7. The duties of the Fire Service shall be to take lawful measures for —

[S 18/88]

(a) extinguishing, fighting, preventing and controlling fires;

[S 13/00]

(b) protecting life and property in case of fire;

(c) The prevention of fire;

[S 13/00]

(d) investigating into the cause, origin and circumstances of fires;

[S 13/00]

(e) performing humanitarian services, including the protection of life and property in any calamity;

[S 13/00]

(f) giving advice on fire protection measures and fire hazards;

[S 13/00]

(g) executing such other duties as may be imposed on them.

[S 13/00]

Powers of Fire Service on occasion of fire.

8. The Director or other officer in charge of the Fire Service or any contingent thereof on the occasion of a fire may —

[S 18/88]

(a) take such measures as may appear to him to be necessary or expedient for the protection of life and property;

(b) remove or order any member under his command to remove any person interfering by his presence or actions with the operation of the Fire Service;

[S 18/88]

(c) by himself or members under his command enter, break into or through and take possession of or demolish any premises for the purpose of putting an end to the fire or for preventing the spread of the fire;

[S 13/00]

(d) close any street near the site of fire;

(e) use any convenient supply of water.

Emergencies not involving fire. [S 13/00]

8A. On the occasion of an emergency not involving fire or the risk of fire, the powers referred to in sections 7 and 8 shall be exercised by any member if he is of the opinion that life or property are in imminent danger.

Power to investigate. [S 13/00]

8B. (1) The Director and any member authorised by him in writing shall have the power to investigate the commission of any offence under this Act or any regulations made thereunder.

(2) Every person required by the Director or such authorised member to give information or produce any document or other article relating to the commission of any such offence which is in that person's power to give shall be legally bound to give the information or to produce the document or other article.

(3) Nothing in this section affects any power of any police officer.

Powers of arrest and search. [S 13/00]

8C. The Director, any member authorised by him in writing, and any police officer may without a warrant arrest any person whom he reasonably suspects to have committed an offence punishable under this Act or any regulations made thereunder —

- (a) if the name and address of that person are unknown to him;
- (b) if that person declines to give his name and address;
- (c) if there is any reason to doubt the accuracy of the name and address, if given; or
- (d) if in his opinion he likely to abscond.

(2) A person arrested under this section may be detained until his name and address have been correctly ascertained.

(3) No person so arrested shall be detained longer than is necessary for bringing him before a court, unless the order of a court for his detention has been obtained.

(4) Any member authorised by the Director in writing and any police officer may without a warrant and with or without assistance stop and search

any person, whether in a public place or not, if he has reason to believe that any evidence of the commission of an offence against this Act or regulations made thereunder is likely to be found on such person and may seize any evidence so found.

(5) No women shall be searched under subsection (4) except by a woman.

PART III

Discipline

Offences against discipline generally.

9. Any member who commits any of the offences against discipline specified in the First Schedule shall be liable to be dismissed or otherwise punished as provided in this Act and in regulations made thereunder.

Offences against discipline by senior officers.

10. Whenever it is alleged that any senior officer has been guilty of an offence against discipline —

(a) the provisions of General Orders which relate to interdiction shall apply;

(b) the matter shall be investigated and the senior officer dealt with in the appropriate manner provided by the said regulations and orders for allegations of misconduct made against a public officer.

Offences against discipline by subordinate officers and rank and file.

11. (1) Wherever it is alleged that any subordinate officer or any of the rank and file has committed an offence against discipline —

(a) the Director may interdict him from duty;

[S 18/88]

(b) investigation shall be made into the allegation in the manner prescribed by the rules of procedure contained in the Second Schedule and on proof thereof any such punishment as is mentioned

in the Third Schedule may be awarded by the appropriate authority therein specified.

(2) Any subordinate officer or any of the rank and file who is interdicted from duty under subsection (1) shall receive half of the emoluments of his office unless the Director orders otherwise; if the proceedings against him are dismissed he shall be entitled to received the balance of the full amount of the emoluments which he would have received if he had not been interdicted.

[S 18/88]

Penal deductions from emoluments.

12. (1) The following penal deductions may be made from the emoluments due to a member —

(a) all emoluments for every day of absence either on desertion or without leave;

(b) the sum required to be paid for an offence against discipline.

(2) For the purpose of subsection (1) —

(a) no member shall be treated as absent unless the absence has lasted 3 hours or upwards except where the absence prevented the prompt despatch of any contingent, appliance, fire float or vehicle of the Fire Service in answer to any call;

[S 18/88]

(b) the number of days shall be reckoned as from the time when the absence commences.

Removal of doubt.

13. For the avoidance of doubt it is hereby declared that —

(a) if criminal proceedings are instituted against a member, he may be interdicted from duty and thereafter paid emoluments as follows —

(i) if a senior officer, in accordance with the provisions of General Orders;

- (ii) if a subordinate officer or of the rank and file, in accordance with the provisions of section 11;
- (b) if a member is convicted of a criminal offence he may be dismissed in accordance with the provisions of General Orders;
- (c) nothing in this Part shall be construed to preclude the summary dismissal of any member in accordance with the General Orders.

PART IV

Miscellaneous

Fire Service Orders. [S 18/88]

14. (1) The Director may make orders called “Fire Service General Orders” and “Fire Service Standing Orders” not inconsistent with the provisions of —

[S 18/88; S 13/00]

- (a) this Act and any regulations made thereunder;
 - (b) Regulations and General Orders, as modified by this Act and by regulations made thereunder.
- (2) Such orders may prescribe or provide for —
- (a) the control, direction and information of the Fire Service;
[S 18/88]
 - (b) discipline and the regulation and carrying out of punishment;
[S 13/00]
 - (c) training;
 - (d) classifications and promotions;
 - (e) inspections, drills, exercises and parades;
 - (f) welfare;
 - (g) departmental finance;

- (h) buildings, grounds, stores, furniture and equipment;
- (i) services to be performed by members;
- (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 the provisions of this Act or any regulations made thereunder or of any other Act or for the discharge of any duty imposed by the law on the Fire Service;
[S 18/88]
- (l) instructions and examinations;
[S 13/00]
- (m) Fire Service duties of every description and the manner in which they shall be carried out;
[S 13/00]
- (n) the institution and maintenance of messes, canteens, reading rooms and sports organisation;
[S 13/00]
- (o) the control and use of all Fire Service equipment;
[S 13/00]
- (p) transfers of members, the places at which they shall reside and the particular services to be performed by them;
[S 13/00]
- (q) such other matters as may be necessary or expedient for preventing abuse or neglect of duty, for rendering the Fire Service efficient in the discharge of its duties and for carrying out the objects of this Act.
[S 13/00]

Damage done at a fire.

15. Any damage done or loss suffered in consequence of any action taken or work done by the Fire Service in execution of its duties or powers on the occasion of a fire shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

[S 18/88; S 13/00]

Protection of members of Fire Service. [S 18/88]

16. No member 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 connection with his duties on the occasion of a fire or any calamity.

[S 13/00]

Special duty and expenses thereof.

17. (1) On the application of any person, the Director may, if he thinks fit detail any member to do special duty in upon or about any premises, business, vessels, vehicle, aircraft or any moveable structures specified by the applicant and, for the purpose, furnish such equipment as he may deem necessary.

[S 18/88; S 13/00]

(2) The applicant shall pay to the Director for the services of any member so detailed and for the use of equipment so furnished such fees as the Director may decide.

[S 18/88; S 13/00]

(3) All fees so received by the Director shall be paid by him into the Treasury forthwith for credit to Revenue. Unpaid amounts shall be recoverable by the Director by action in the appropriate Court in like manner as other Government debts.

[S 18/88]

Fees. Fourth Schedule. [S 13/00]

17A. The fees specified in the Fourth Schedule shall be paid in respect of the matters to which they relate.

Regulations. [S 13/00]

18. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make regulations generally for carrying into effect the objects and purposes of this Act, including the prescription of fees, and for the due administration thereof.

(2) Such regulations may make different provision as respects different classes of case to which they apply, and may include such incidental, consequential and supplementary provisions as the Minister considers necessary or expedient.

Amendment etc. of Schedules. [S 13/00]

19. The provisions contained in any Schedule may be amended, cancelled or replaced by regulations made by the Minister with the approval of His Majesty the Sultan and Yang Di-Pertuan.

Offences.

20. (1) Any person who resists or obstructs any member acting in the execution of his duty shall be guilty of an offence: Penalty, a fine not exceeding \$6,000, imprisonment for a term not exceeding 2 years or both.

[S 13/00]

(2) Any member who —

(a) deserts;

(b) on the occasion of a fire wilfully disobeys a lawful command of a member whom it is his duty to obey,

shall be guilty of an offence: Penalty, a fine of \$1,800 and imprisonment for 6 months.

(3) Any person who, not being a member, wears, without permission of the Director, the uniform of the Fire Service, or any dress having the appearance or bearing any of the distinctive marks of that uniform, shall be guilty of an offence: Penalty, a fine of \$3,000.

[S 18/88]

(4) No prosecution for any offence punishable under this Act or any regulations made thereunder shall be instituted except with the written sanction of the Public Prosecutor.

[S 13/00]

(5) Prosecutions for offences punishable under this Act or any such regulations may be conducted by a member authorised in writing in that behalf by the Public Prosecutor.

[S 13/00]

Application of Act and regulations to vessels etc. [S 13/00]

21. The provisions of this Act apply, subject to such modifications as may be prescribed, to —

(a) vessels remaining moored or on dry land, for such periods or in such circumstances as may be prescribed;

(b) tents and other movable structures;

(c) vessels or boats afloat or travelling within Brunei Darussalam;

(d) any buildings built along a river.

FIRST SCHEDULE

(section 9)

OFFENCES AGAINST DISCIPLINE

Any member commits an offence against the discipline who —

- (1) is guilty of cowardice in the performances of his duty;
- (2) without good and sufficient cause fails to carry out any lawful order, whether written or verbal;
- (3) is insubordinate towards any member whose orders it is his duty to obey;
- (4)
 - (a) neglects or without good and sufficient cause fails to do, promptly and diligently, anything it is his duty to do;
 - (b) by carelessness or neglect in the performance of his duty contributes to the occurrence of any loss, damage or injury to any person or property;
- (5) knowingly makes any false, misleading, or inaccurate statement in connection with his duty either verbally or in writing;
- (6) with intent to deceive destroys any official record, document or book or alters or erases any entry therein;
- (7) without proper authority —
 - (a) divulges any matter which it is his duty to keep secret;

(b) directly or indirectly communicates to the press or to any other person any matter which may have come to his knowledge in the course of his official duties;

(c) publishes any matter or makes any public pronouncement relating to the Fire Service;

[S 18/88]

(8) (a) solicits or receives any unauthorised fee, gratuity or other consideration in connection with his duties as a member;

(b) fails to account for, or to make a prompt and true return of, any money or property for which he is responsible, either in connection with his duties as a member or with any fund connected with the Fire Service or the Fire Service staff;

[S 18/88]

(c) improperly uses his position as a member;

(9) without proper authority or reasonable excuse —

(a) absents himself from duty or from any place of parade;

(b) arrive late for any duty or parade;

(10) (a) wilfully or negligently damages or loses any articles of clothing or equipment, or any implement, accoutrement or appointment whatever, with which he has been provided or entrusted or fails to take proper care thereof;

(b) neglects to report any damage to, or loss of, any articles of clothing, or equipment, or any implement, accoutrement, or appointment whatever, with which he has been provided or entrusted;

(11) when on duty, or called upon for duty, is unfit for duty through drinking intoxicating liquor;

(12) when on or off duty acts in a disorderly manner, or in any manner prejudicial to discipline, or likely to bring discredit upon the Fire Service or the public services;

[S 18/88]

(13) is guilty of anything, whether by reason or contravention of General Orders or otherwise which amounts to misconduct in a public officer.

SECOND SCHEDULE*(section 11)***INVESTIGATION PROCEDURE**

Except and in so far as it is inconsistent with the provisions of the General Orders relating to Disciplinary Procedure, rules of procedure for the investigation into offences against discipline by subordinate officers and rank and file are as follows —

(1) Every charge shall be entered on a charge sheet.

(2) Every charge shall be investigated by the Director in the first instance without delay in the presence of the accused and a full record thereof be made by the Director.

[S 18/88]

(3) The charge shall be read and explained to the accused.

(4) Evidence shall not be on oath.

(5) The accused shall have full liberty to cross-examine any witness against him and to call any witness and make any statement in his defence.

(6) No documentary evidence shall be used against the accused unless he has previously been supplied with a copy thereof or has been given access thereto.

(7) The Director may at any stage of the proceedings amend the charge or add a new charge:

[S 18/88]

Provided that in such event the amended or new charge shall be read and explained to the accused who shall be entitled to have any witnesses who have given evidence recalled for further cross-examination and to call such further witnesses as he may desire.

(8) At the conclusion of the hearing of a charge, the Director shall —

[S 18/88]

(a) if in his opinion the evidence does not show that some offence against discipline has been committed, dismiss it;

(b) if in his opinion the evidence does show that some offence against discipline has been committed either —

(i) award a punishment within his powers; or

(ii) refer the case to the Public Service Commission.

(9) (1) Whenever the Director refers a case to the Public Service Commission under paragraph (b) of rule 8 he shall forward —

[S 18/88]

(a) a typed copy of the record of proceedings (including the charge) certified by himself to be a true copy of the original thereof;

(b) a report setting out —

(i) his reasons for considering the charge proved;

(ii) his recommendations as to punishment;

(c) the accused's conduct sheet.

(2) Whenever the Director so refers a case he shall inform the accused that he may within 14 days forward any further representations he may wish to make in writing to the Public Service Commission.

[S 18/88]

(10) Every punishment awarded shall be entered in the conduct sheet of the member so punished.

THIRD SCHEDULE

(section 11)

PUNISHMENT FOR OFFENCES AGAINST DISCIPLINE

PART I

Subordinate Officers

Subject to the General Orders, subordinate officers found guilty of an offence against discipline may be awarded punishment as follows —

(1) By the Disciplinary Authority —

(a) Any of the following —

- (i) dismissal;
- (ii) reduction in rank;
- (iii) stoppage of increment;
- (iv) fine;
- (v) extra drills;
- (vi) severe reprimand;
- (vii) reprimand.

(b) in addition to any of the above, payment by way of compensation for any loss of or damage to any article of clothing or equipment, or any implement, accoutrement or appointment whatever with which he has been provided or entrusted, or to any Government property.

(2) Without prejudice to (1) above the Director may award any of the following punishments —

[S 18/88]

- (a) a fine of \$300;
- (b) extra drills;
- (c) severe reprimand;
- (d) reprimand.

PART II

Rank and File

Rank and file found guilty of an offence against discipline may be awarded punishment by the Director as follows —

[S 18/88]

(1) Any of the following —

- (a) stoppage of increment;
- (b) fine not exceeding \$300;
- (c) extra drills;
- (d) severe reprimand;
- (e) reprimand.

(2) In addition to any of the above, payment by way of compensation for any loss of or damage to any article of clothing or equipment, or any implement, accoutrement or appointment whatever with which he has been provided or entrusted, or to any Government property.

FOURTH SCHEDULE

[S 13/00]

(section 17A)

FEEES

A. On registration of plans submitted	\$ 5.00 each
B. On processing and approval of new, resubmitted, altered or amended plans —	
Private dwelling house plan (bungalows, terrace houses, detached and semi-detached houses)	\$ 15.00 per unit
Architectural, mechanical, electrical and fire-protection plans (commercial, factories, flats, hotels, offices and others)	\$ 50.00 per storey per building
C. Inspection, testing and checking of fire-fighting equipment, per time —	
Automatic sprinkler	\$ 150.00 per sytem
Wet riser	\$ 100.00 per system
Dry riser	\$ 150.00 per system
Fire-hose reel	\$ 50.00 per system

Automatic detection system	\$ 100.00 per system
Manual break-glass callpoint	\$ 50.00 per system
Portable fire extinguisher (excluding refill)	\$ 1.00 each
Fixed installation system (CO2, FM200, Inergen and others)	\$ 100.00 per system
Smoke spill system	\$ 100.00 per system
Firemen lifts	\$ 50.00 each
Fire hydrant	\$ 15.00 each
Firemen intercom communication system in a building	\$ 50.00 per system
Fire dampers	\$ 10.00 each
Fire door	\$ 1.00 each
Standby generator	\$ 25.00 per system
Emergency lighting and Exit signs	\$ 5.00 per storey per building
Pressurised staircase	\$ 50.00 per system
LPG (Liquefied Petroleum Gas) piping and/or Chlorination system	\$ 50.00 per system
Escalator	\$ 50.00 per system
Fire shutters	\$ 50.00 per building

