

CHAPTER 427

THE FIRE AND RESCUE FORCE ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 427

THE FIRE AND RESCUE FORCE ACT

An Act to provide for the better organisation, administration, discipline and operation of Fire and Rescue Force.

[20th June, 2008]

[GN. No. 82 of 2008]

Acts Nos.
14 of 2007
2 of 2018
8 of 2021

PART I PRELIMINARY PROVISIONS

- Short title 1. This Act may be cited as the Fire and Rescue Force Act.
- Application 2. This Act shall apply to Mainland Tanzania.
- Interpretation 3. In this Act, unless the context otherwise requires-
- Act No. “Brigade” means an organised unit of the Force providing
8 of 2021 s. 3 fire and rescue services within a specific area or in relation
 to a particular public authority and the term, when used
 in relation to any area, authority, corporation or region,
 means the brigade for that area, authority, corporation or
 region;
- “calamity” means an occurrence by which life or property is
 endangered;
- “Commission” means the Commission established under
 section 4 of the Police Force, Prisons Service, Fire
 and Rescue Force and Tanzania Immigration Service
 Commission Act;
- “Commissioner-General” means the Commissioner-
 General of the Force;
- “court” means a primary court, district court or a resident
 magistrate’s court;

Cap. 241

“fire hazard” means-

- (a) any alteration to any building in contravention of the building rules might render escape in the event of fire or other calamity materially more difficult;
- (b) the overcrowding of any place of public entertainment or public assembly which might render escape in the event of fire or other calamity materially more difficult;
- (c) any removal from any building of any fire service installation or equipment which was provided in such building in accordance with plans certified by the Commissioner-General for the purposes of the provisions of the building rules;
- (d) the presence in any building of any fire service installation or equipment, provided in the building in accordance with plans referred to in paragraph (c) which from lack of proper maintenance or for any other reason is not in efficient working order; or
- (e) any other matter or circumstance which materially increases the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity, or which would materially hamper the Force in the discharge of its duties in the event of fire or the calamity;

“fire hazard abatement notice” means a notice requiring any person on whom the notice is served to do what is necessary to prevent the recurrence of the fire hazard to which the notice relates or execute any works for that purpose;

“fireman” means a member of the Force other than the Commissioner-General;

“fire officer” means a fireman of, or above the rank of Inspector;

“fire station” means any place appointed by the Commissioner to be a fire station;

“the Force” means the Fire and Rescue Force;

“Minister” means the Minister responsible for fire and rescue services;

“officer in charge of a fire station” means a fire officer appointed by the Commissioner to take command of firemen in a brigade or place or any fire officer senior in rank for the time being in such brigade or place and, where such officer is absent from the brigade or place or unable, for any reason to take command, the fire officer or fireman who is next in rank to such fire officer;

“premises” includes a place or motor vehicle, aircraft, vessels or any other means of transport;

“property” includes any movable and immovable property or other valuable;

“voluntary firefighter” means any person who is ordered by the Minister pursuant to section 13 to fight fire and perform search and rescue service in accordance with the provisions of this Act.

PART II

CONSTITUTION, DUTIES AND POWERS OF FIRE AND RESCUE FORCE

Establishment
and constitution

4.-(1) There is hereby established a national fire brigade for the Mainland Tanzania which shall be known as the Fire and Rescue Force.

(2) The Force shall consist of the Commissioner-General, Deputy Commissioner-General and such complement of fire officers, and rank and file as the President may, subject to this Act, direct.

(3) Upon commencement of this Act, persons who were-

- (a) members in the Fire Brigade Department; and
- (b) fire officers and firemen under the local government authorities, ports and air ports,

shall be deemed to have been enlisted, appointed or commissioned under this Act and, in such designations or offices as the Minister may determine.

(4) All fire equipment, appliances and machineries which are currently under the local government authorities shall be deemed to have been transferred and vested in the Force.

(5) The Public Service Social Security Fund Act shall apply to all firemen serving under this Act save that, a Fireman shall not be deemed to be employed on the public service by reason only of the application of the Act in relation to him.

Cap. 371

Duties of Force
Act No.
8 of 2021 s. 4

5.-(1) General duties of the Force shall be to prevent and minimize death rates, injury to the people, and damage to properties arising from fire, floods, earthquakes, road traffic accidents and other disasters.

(2) Without prejudice to the provisions of subsection (1), the functions of the Force shall be to-

- (a) extinguish fire;
- (b) grade cities, municipalities, townships and villages into various fire and rescue services levels;
- (c) conduct fire inspection and investigations for purposes of obtaining information relating to the causes of fire and loss inflicted by fire;
- (d) conduct studies on investigation of arson and accidental fire;
- (e) conduct training for fire department personnel, other officers and voluntary fire fighters;
- (f) keep and maintain a database regarding fire and rescue service information;
- (g) conduct fire tests on protection facilities, equipment and materials;
- (h) conduct tests and experiments regarding fire services;
- (i) give guidance and assistance in the re-enforcement of fire equipment and facilities;
- (j) raise public awareness on fire prevention and fire services;
- (k) prepare test standards for hazardous materials' handling;

- (l) prepare standards of equipment and facilities necessary for provision of fire and rescue services by various persons;
 - (m) prepare fire prevention plans based on disaster prevention plans;
 - (n) study and plan standards for rescue activities done by various operators;
 - (o) plan inspection and security of construction of industrial facilities petro-chemical facilities, petroleum and gas pipelines;
 - (p) act as a liason of various levels of fire and rescue services, including private ones;
 - (q) assist on preparation of curricula, materials and information relating to fire and rescue services which may be used by any training institution; and
 - (r) perform any other functions as may be directed by the Minister.
- (3) Subject to this Act, the Force shall-
- (a) advise the Government regarding policies on fire safety with a view to securing their implementation;
 - (b) make the necessary provision for fire fighting at airports and other premises in accordance with international standards, practices and recommendations;
 - (c) carry out research and training in all fire fighting and related fields and ensure the co-ordination of the international aspects of such research and training;
 - (d) supervise, instruct and monitor all fire and rescue service activities of all fire brigades; and
 - (e) be disciplinary authority for all firemen under this Act.
- (4) Every fireman shall be bound to serve anywhere within the United Republic and may serve in any neighbouring country or other place in accordance with the exigencies of duty.

Fire safety

6.-(1) The Force shall make provision for the purpose of promoting fire safety in its area.

(2) In making provision under subsection (1), the Force shall, in particular, to the extent that it considers it reasonable to do so, make arrangements for-

- (a) the provision of information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire;
- (b) the giving of advice, on request, about-
 - (i) how to prevent fires and restrict their spread in buildings and other property;
 - (ii) the means of escape from buildings and other property in case of fire.

Fire fighting

7.-(1) The Force shall make provision for the purpose of-

- (a) extinguishing fires in its area; and
- (b) protecting life and property in the event of fires in its area.

(2) In making provision under subsection (1), the Force shall in particular-

- (a) secure the provision of the personnel, services and equipment necessary to meet all normal requirements;
- (b) secure the provision of training for personnel;
- (c) make arrangements for dealing with calls for help and for summoning personnel;
- (d) make arrangements for obtaining information needed for the purpose mentioned in subsection (1);
- (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose mentioned in subsection (1).

Road traffic accidents

8. The Force shall make provision for the purpose of-

- (a) rescuing people in the event of road traffic accidents in its area;
- (b) protecting people from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic accidents in its area;

- (c) make arrangements for dealing with calls for help and for summoning personnel;
- (d) making arrangements for obtaining information needed for the purposes of averting or limiting road accidents;
- (e) making arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken pursuant to the provisions of this section.

Power to
respond to other
eventualities

- 9.-(1)** The force may take any action it considers appropriate-
- (a) in response to an event or situation of a kind mentioned in subsection (2);
 - (b) for the purpose of enabling action to be taken in response to such an event or situation.
- (2) The event or situation is one that causes or is likely to cause-
- (a) one or more individuals to die, be injured or become ill; or
 - (b) harm to the environment, including the life and health of plants and animals.
- (3) The power conferred by subsection (1) includes power to secure the provision of equipment.

General powers of
hazards

- 10.-(1)** Subject to this section, the Commissioner-General or any fireman or other person authorized by him in writing, shall have a right to enter any premises at all reasonable hours for the purposes of-
- (a) ascertaining whether there is, or has been, on or in connection with the premises, any contravention of any of the provisions of this Act;
 - (b) obtaining information required for fire-fighting purposes with respect to the character of the premises, the availability of water supplies and the means of access to them, and other material circumstances;
 - (c) ascertaining whether or not there exists any fire hazard; and

(d) the performance by the Commissioner-General or by the Force of his or its powers or duties under this Act or any other law for the time being in force.

(2) The Commissioner-General, or any person authorized by him in writing, shall not exercise the right of entry conferred by subsection (1) in respect of premises which is not a place of public entertainment or public assembly, factory, workshop or workplace or premises otherwise used for business purposes, unless reasonable grounds for entry exist and twenty-four hours notice in writing of the intended entry has been given to the occupier.

(3) Where it is shown to the satisfaction of a magistrate or justice of peace in writing on oath-

- (a) that admission to any premises has been refused or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry;
- (b) that there is reasonable ground for entry into the premises for any purpose specified in subsection (1); and
- (c) the notice of intention to apply for the warrant has been given to the occupier of the premises, or that the premises are unoccupied or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry, the magistrate or justice of peace may, by warrant in the prescribed form, authorise the Commissioner-General, or any person authorised by him in writing in that behalf, to enter the premises, if need be, by force.

(4) The Commissioner-General or any person entering any premises by virtue of this section, or of a warrant issued under this section, may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as

effectually secured against trespassers as it was at the time of entry.

(5) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) Where any person who, in compliance with this section or a warrant issued under this section, enter a factory, workshop, workplace or premises used for business purposes discloses to any person any information obtained by him in the factory, workshop or workplace or premises used for business purposes with regard to any manufacturing process or trade or professional secret, he shall, unless such disclosure was made in the performance of his duty, commits an offence and on conviction, shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months.

Abatement of fire
hazards

11.—(1) Where the Commissioner-General is satisfied with the existence in any premises of any fire hazard-

- (a) he may serve a fire hazard abatement notice in the prescribed form-
 - (i) upon the person by reason of whose act, default or sufferance the fire hazard arose or continues;
 - (ii) where such person is the servant or agent of some other person, upon such other person;
 - (iii) where such person or such other person, cannot readily be found or is absent from the United Republic, upon the occupier or the owner of the premises in which such fire hazard exists, requiring him to abate the fire hazard within the period specified in the notice, and to do all such things as may be necessary for that purpose, and the notice may specify any works to be executed for those purposes, save that if the fire hazard arose or continues from any want or defect of a structural character in any premises or such premises are

unoccupied, the notice shall be served upon the owner of the premises; and

- (b) he may also, by notice under paragraph (a) or by a further fire hazard abatement notice, require the person on whom the notice is served to do what is necessary for preventing the recurrence of the fire hazard to which the notice relates and, if desirable, specify any works to be executed for that purpose, and a notice containing such a requirement may, notwithstanding that the fire hazard to which it relates may, for the time being, have been abated, be served if he considers that the fire hazard is likely to recur in the same premises.

(2) Where the person by reason of whose act, default or sufferance a fire hazard arose or continues cannot be found and it is clear that the fire hazard neither arose nor continues by reason of any act, default or sufferance on the part of the occupiers or the Commissioner-General may abate the hazard and may do what is necessary to prevent its recurrence.

(3) Where a fire hazard abatement notice is served on any person pursuant to the provisions of subsection (1), if either-

- (a) the fire hazard to which the notice relates arose by reason of the willful act or default of that person; or
- (b) that person fails to comply with any of the requirements of the notice within the time specified in it, he shall, whether or not an order under subsection (4) has been made in respect of him, be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred thousand shillings, and where the offence is the failure to comply with any of the requirements of a notice within the time specified in it, to a fine of ten thousand shillings for each day during which the offence continues.

(4) Where a fire hazard abatement notice is served on any person, then if-

- (a) that person fails to comply with any of the requirements of the notice within the time specified in it; or

- (b) the fire hazard, although abated since the service of the notice, is, in the opinion of the Commissioner-General, likely to recur in the same premises,

the Commissioner-General may make a complaint to a court and the court hearing the complaint may make a summary order in the prescribed form, in this section referred to as a fire hazard order.

- (5) A fire hazard order may be-

- (a) an abatement order, that is to say, an order which requires a person to comply with all or any of the requirements of a fire hazard abatement notice in connection with which the order is made, or otherwise to abate the fire hazard or to do what may be necessary to prevent the recurrence of the fire hazard within the period specified in the order;
- (b) a prohibition order, which prohibits the recurrence of the fire hazard;
- (c) a closing order, which prohibits the use of any premises for human habitation or the storage, including storage in the course of use, of such kinds or categories of goods, or such quantities of them, specified in the order, as materially increase the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity; or
- (d) a combination of such orders.

(6) A closing order shall only be made if it is proved to the satisfaction of the court that, the cause of the fire hazard is the structural character of the premises concerned, or the location of such premises having regard to the nature of the area in which such premises are situated.

(7) An abatement order or a prohibition order shall, if the person in respect of whom it is made so requires or if the court making it considers it desirable, specify the works to be executed by such person for the purpose of abating, or of preventing the recurrence of the fire hazard to which the order relates.

(8) The court if satisfied that any premises in respect of which a closing order is in force, has been rendered suitable for human habitation or the storage of goods of the kind or category or in the quantity specified in the order, as the case may be, may declare that it is so satisfied and revoke the closing order.

(9) A person who without reasonable excuse knowingly contravenes a fire hazard order, commits an offence and on conviction, shall be liable to a fine not exceeding three hundred thousand shillings and, in addition, a fine of ten thousand shillings for each day during which the offence continues.

(10) A property removed by the Commissioner-General in abating, or doing what is necessary to prevent the recurrence of a fire hazard may be sold by public auction or, if the Commissioner-General thinks the circumstances of the case required it, may otherwise be sold, or may be disposed of without sale; and the money arising from the sale or any property under this subsection may be retained by the Commissioner-General and applied in payment of the expenses incurred by the Force in connection with the abatement of the fire hazard and the surplus, if any, shall be paid to the owner of the property.

Entitlement to
carry and use
arms
Act No.
8 of 2021 s. 5

12. A fireman shall, when discharging his functions, duties or powers conferred to him under the Act, be entitled to carry and use arms.

[s. 11A]

Powers of Force
on occasion of
fire or other
hazards

13.—(1) Upon an alarm of fire being communicated to any fire station or brigade, the fire officer incharge shall cause a fire officer, together with all available firemen or such number of them as he may deem appropriate, to proceed as quickly as possible to the locality of the fire with all such fire-fighting apparatus, safety equipment and other implements, as are requisite and available.

(2) Notwithstanding any law or custom to the contrary, all vehicular traffic shall give way to the Force when proceeding to the locality of a fire, a fire alarm or any other hazard.

(3) A person in charge or control of any vehicle who neglects or refuses to comply with the provisions of subsection (2), commits an offence and on summary conviction, shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months.

(4) The Commissioner-General or other fire officer in charge of the Force or any brigade or other contingent of it on the occasion of a fire or other calamity may-

- (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 fireman under his command to remove any person interfering by his presence or actions with operations of the force;
- (c) by himself or firemen under his command enter, break into or through and take possession of, or demolish or cause to be taken possession of or demolished any premises or thing for the purposes of putting an end to the fire or minimizing the effect of the calamity; and
- (d) use any convenient supply of water.

(5) Notwithstanding anything to the contrary contained in any other law, the Minister may, in any case where in his opinion urgent action is necessary in the public interest-

- (a) order any person, including an adult voluntary firefighter, private fire and rescue service provider to make available his service, or equipment or material under his control, to a particular service or to employ it in a particular way; or
- (b) order any person who manufactures equipment or material to manufacture particular equipment or material within a particular period.

(6) A person who has acted under subsection (5) shall be compensated therefore by the Minister to an amount agreed upon between the Minister and the person concerned, or in the absence of such agreement, an amount determined by arbitration in accordance with the provisions of the law relating to arbitration.

(7) The powers of the Minister referred to in subsection (5) may be exercised by the Commissioner-General under specific or blanket delegation by the Minister.

(8) A person who refuses to obey any order made under subsection (5), commits an offence and on conviction, shall be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years, or to both.

[s. 12]

Fire hydrants and
water supplies
Act No.
8 of 2021 s. 6

14.—(1) The Force shall provide and maintain, or cause to be provided and maintained, such fire hydrants and other water installations as are necessary for securing the best practical use of the available water supply in case of the outbreak of fire, subject to the approval of the relevant authority and the location of every such hydrant shall be plainly indicated by a notice or distinguishing mark or plate which may be placed on any wall or fence adjoining a street or public place, subject to the provisions of subsection (2).

(2) Upon giving seven days' notice in writing to the owner of any property situated in the vicinity of a fire hydrant or emergency water supply, the Commissioner-General may cause a plate indicating the location of such fire hydrant or water supply to be fixed to such part of the property as may, in the opinion of the Commissioner-General, be best suited to indicate such location.

(3) A person who—

(a) uses a fire hydrant or other water supply or installation referred to in subsection (1), for any purpose other than that authorised by the Force; or

(b) covers up, encloses, tampers or conceals a fire hydrant or other water supply or installation,

commits an offence and on summary conviction, shall be liable to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

(4) A person who refuses to allow the fixing of any plate referred to in subsection (2) or obstructs any person in the

cause of fixing it or removes or defaces any such plate after it has been so fixed, commits an offence and on summary conviction, shall be liable to a fine not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding three months.

(5) Where a person convicted of an offence under this section is a subsequent offender for a similar offence, such person on summary conviction shall be liable-

- (a) in the case of an offence under subsection (3), to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding three years; and
- (b) in the case of an offence under subsection (4), to a fine of not less than three hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than three months but not exceeding one year.

(6) The force may use for the purpose of extinguishing fire any convenient or suitable supply of water.

[s. 13]

PART III

ADMINISTRATION AND DISCIPLINE

Appointment of
Commissioner-
General,
Commissioners,
etc.
Act No.
8 of 2021 s. 7

15.—(1) There shall be a Commissioner-General, Commissioners, Deputy Commissioners and Senior Assistant Commissioners.

(2) The Commissioner-General, Commissioners, Deputy Commissioners and Senior Assistant Commissioners shall be appointed by the President.

(3) The assistant commissioners and other officers of the rank of, or above assistant inspector of the Force shall be appointed by the Commission.

(4) The officers of the Force of the rank below assistant inspector shall be appointed by the Commissioner-General.

[s. 14]

Levels and
brigades

16.—(1) The Force shall be divided into such levels, brigades and other contingents of such size and establishment as the Minister may determine.

(2) Without prejudice to subsection (1), the Force shall be divided into levels as follows:

- (a) city level, to be headed by a Senior Assistant Commissioner;
- (b) municipal level, to be headed by an Assistant Commissioner;
- (c) Regional level, to be headed by a Regional Fire and Rescue Emergency Officer who shall be an officer of the rank of, or above Senior Assistant Commissioner;
- (d) district level, to be headed by a District Fire and Rescue Officer who shall be an officer of the rank of, or above Superintendent;
- (e) airport and port levels, to be headed by a Senior Assistant Commissioner.

(3) The responsibilities of heads of each level referred to under subsection (2) shall be to-

- (a) co-ordinate and monitor all fire and rescue activities of all fire brigades within the area of jurisdiction;
- (b) conduct inspections for purposes of compliance with safety requirements within the area of jurisdiction;
- (c) issue fire safety certificates to those who complied with fire safety requirements, where relevant;
- (d) advise the Government in the area of jurisdiction regarding matters pertaining to emergencies and disasters;
- (e) co-ordinate with disasters management committees within the area of jurisdiction, where relevant;
- (f) take command of all brigades including private ones during emergencies or disasters;
- (g) mobilize general public, equipment and other resources during disasters or emergencies;
- (h) establish disaster and emergency command posts, where relevant;

- (i) organise and conduct training and awareness on disasters and emergencies;
- (j) maintain a rescue unit within the area of his jurisdiction; and
- (k) organise voluntary fire fighters, teams or groups for preparedness in case of disasters or emergencies, where relevant.

[s. 15]

Administration of
Force

17.—(1) The Commissioner-General shall, subject to this Act and to the orders and directions of the President, have the administrative command, superintendence, control and direction of the Force and all firemen.

(2) The Minister may make regulations providing for the administration and command of the brigades and other contingents of the Force.

(3) In the exercise of the powers vested in the Commissioner-General regarding operational control of the Force, the Commissioner-General shall subject to the direction and guidance by the Minister, be responsible and accountable to the President.

[s. 16]

Delegation of
powers

18.—(1) Save where the contrary intention appears from the context of any law and subject to any special instructions of the Commissioner-General, Commissioner or Deputy Commissioner, as the case may be, may exercise or discharge any of the powers or duties which the Commissioner-General is by any law entitled to exercise or required to discharge.

(2) Save where the contrary intention appears from the context of any special instructions of the Minister, the Commissioner-General may authorise any officer of the Force, not being below the rank of Inspector or a head mechanic or ambulance dresser, by name, office or appointment, to exercise or discharge, any of the powers or duties which the Commissioner-General is by any law, entitled to exercise or required to discharge.

(3) For the avoidance of doubt, nothing in this section shall be deemed to derogate from any power of delegation conferred upon the Commissioner-General by the provisions of any other law.

[s. 17]

Duties of Senior
Officers

19.—(1) For the purposes of this section, the expression “Senior Officer” means any person holding office in such rank in the Force as may be prescribed in the Regulations.

(2) The senior officer present at any fire shall take sole charge and control of all extinguishing operations, positioning of appliances, the attaching of a hose and the selection of the areas against which the water is directed.

(3) Every officer in charge of a fire station shall be responsible for all public stores and public money issued and delivered for the use of members of the Force under his command and shall account the same to the Commissioner-General.

(4) The provisions of this section shall apply in conjunction with the Regulations made under this Act.

[s. 18]

Fire and rescue
general orders
Act No.
8 of 2021 s. 8

20. The Commissioner-General may, subject to this Act and directions of the Minister, make orders for the general governance of the Force in relation to—

- (a) the control, direction and information of the Force;
- (b) discipline in the Force;
- (c) training of firemen, and of members of the public in matters relating to awareness of, and preparedness to overcome fire and other calamities when occurs;
- (d) classifications and promotions;
- (e) inspection, drills, exercises and parades;
- (f) welfare;
- (g) departmental finance;
- (h) buildings, grounds, stores, furnitures and equipment;
- (i) services to be performed by firemen;
- (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 under it or of any other law or for the discharge of any duty imposed by law on the Force; and
- (l) such other matters as may be necessary or expedient for preventing abuse or neglect of duty, for rendering the Force efficient in the discharge of its duties and for carrying out the objects and provisions of this Act.

[s. 19]

General powers
and duties of
fireman

21.—(1) Every fireman shall exercise such powers and perform such duties as are by law conferred or imposed upon a fireman, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from his superiors in the Force.

(2) A fireman shall be deemed to be on duty at all times and may at anytime be detailed for duty in any part of the United Republic.

(3) Every fireman shall promptly obey and execute all orders, notices and warrants lawfully issued to him, endeavour to save life and protect the property of the people from destruction by fire or other calamity, render humanitarian services and prevent destructions of all kinds which may be caused by fire and combat any fire.

(4) A fireman who contravenes the provisions of this Act or any subsidiary legislation made thereunder established for the maintenance of discipline and efficiency in the Force is liable to be dismissed or otherwise dealt with as provided therein.

(5) For the avoidance of doubt, it is hereby declared that—

- (a) where criminal proceedings are instituted or about to be instituted against a fireman, he may be interdicted from duty and thereafter paid half of his emoluments;
- (b) where fireman is convicted of a criminal offence he may be dismissed from the Force;
- (c) nothing in this Part shall be construed as to preclude the summary dismissal of any fireman in accordance with regulations or orders made under this Act;

- (d) nothing in this Part shall be construed as to preclude the termination of the employment in accordance with regulations or orders made under this Act of a fireman on the ground that, having regard to the conditions of the public service, the usefulness of the fireman to the Force and all the other circumstances of the case, such termination is desirable in the public interest.

[s. 20]

PART IV MISCELLANEOUS PROVISIONS

Special duty and
expenses

22.—(1) On the application of any person, the Commissioner-General may, if he thinks fit, detail any fireman to do special duty in, upon or about any premises or business or vessel specified by the applicant and for the purpose furnish such equipment as he may deem necessary.

(2) The applicant shall pay to the Commissioner-General for the services of any fireman so detailed and for the use of equipment so furnished such fees as may be prescribed by the Minister.

(3) All fees so received by the Commissioner-General shall be paid by him into the Treasury forthwith to the credit of the Fire and Rescue Force Welfare Fund and be accounted for monthly; and shall be recoverable by suit in like manner as a debt to the Government.

[s. 21]

Provision and
maintenance of
fire escape
Act No.
8 of 2021 s. 9

23.—(1) Every building which has a storey the floor of which is twelve metres and above the level of the street or ground surface adjoining any part of the building or a building of two thousand square meters in gross floor area shall be provided in every such storey, with either-

- (a) adequate free and unobstructed means of escape from there leading to the roof of the building and to the street or ground surface adjoining the building;

- (b) fire alarm and detection system;
- (c) automatic fire sprinklers; or
- (d) such other means of escape in the event of fire as the Commissioner-General may require,

save that the Commissioner-General may, by notice published in the *Gazette*, exempt any building or category of buildings from the provisions of this section on the basis of technical grounds.

(2) The owner or operator of any building shall provide a building plan to the Force for inspection and fire safety advice prior to issuance of building permit by the relevant authority.

(3) The owner of any building to which subsections (1) applies who fails to provide a means of escape or automatic fire sprinklers in accordance with the provisions of subsection (1) or who fails to maintain and keep such means of escape or automatic fire sprinklers so provided in good condition, order and repair, commits an offence and on summary conviction, shall be liable to a fine not exceeding one million shillings.

[s. 22]

Fire alarms

24.—(1) The Force may erect or fix and maintain fire alarms in such positions in such street, premises or public place as the Commissioner-General may, after consultation with the Inspector-General of Police, and the prior consent of the Minister, determine.

(2) A person who by any means knowingly gives or causes to be given to the Force or to any fireman or police officer a fire alarm which is false, commits an offence and on summary conviction, shall be liable to a fine of fifty thousand shillings or to imprisonment for three months, or to both.

[s. 23]

Fire protection managers

25.—(1) Every person who owns or manages a high raise building, large school, factory, department store or any building or place where a large number of people enter, work or live, or deals with chemical or petrochemical activities, shall designate

a fire protection manager from amongst persons qualified to perform such functions who shall-

- (a) prepare a fire and rescue action plan;
- (b) conduct fire drills on extinguishing fire;
- (c) report fire and escape according to the plan;
- (d) inspect and maintain fire protection equipment, water sources or fire fighting equipment;
- (e) supervise the use and handling of fire and fire fighting facilities;
- (f) control the number of persons to be admitted; and
- (g) perform any other functions necessary for the fire and other hazard protection management.

(2) The Commissioner-General shall set standards, criteria and qualifications of the buildings and managers under subsection (1).

[s. 24]

Awards

26. The President may, subject to such requirements, institute decorations, medals, bars, claps and ribbons to be awarded by the Minister, to the Commissioner-General or any fireman in respect of his service or to any other person in respect of his exceptional service rendered in accordance with this Act.

[s. 25]

Protection of
firemen

27.-(1) A fireman acting *bona fide* under powers conferred by or under this Act shall not 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 other calamity or in response to a fire alarm.

(2) A damage done by the Force in the execution of its duties or the occasion of a fire or other calamity or in response to a fire alarm, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

[s. 26]

Compensation **28.** Where a volunteer fire fighter or any other person ordered to provide his service in accordance with any provisions of this Act, and such a person is injured or dies in the course of provision of such service, the person shall be compensated by the Government accordingly.

[s. 27]

Welfare Fund **29.** There is hereby established a Fund to be known as the Fire and Rescue Services Force Welfare Fund which shall consist of-

- (a) such sums as may be voted by Parliament in that behalf;
- (b) all sums paid for the services of firemen detailed to do special duty under section 21 and for the use of equipment furnished for the purpose; and
- (c) any donations and voluntary contributions to the Fund.

[s. 28]

Control of Fund **30.** The Fire and Rescue Services Force Welfare Fund shall be controlled by the Commissioner-General subject to regulations made by the Minister, after consultation with the Minister responsible for finance, and applied for the purpose of-

- (a) recompensing firemen for extra services rendered by them;
- (b) procuring for firemen who are serving or for former firemen who have been retired on pension, gratuity or other allowance, comforts, convenience or other advantage not ordinarily chargeable on public revenue; and
- (c) granting loans to firemen who are serving or to former firemen who have been retired on pension, gratuity or other allowance on rates and terms in accordance with regulations made under this section.

[s. 29]

**Additional
terminal benefits**
Act No.
2 of 2018 s. 89

31. In addition to benefits granted pursuant to the Public Service Social Security Fund Act, the Commissioner-General

shall, on retirement, be granted by the appropriate authority benefits set out in the Schedule to this Act.

[s. 29A]

Training

32. The Force may establish and maintain training centres for the provision of education and training in relation to functions and duties of the Force.

[s. 30]

Offences

33.—(1) A person who resists or obstructs any fireman acting in the execution of his duty, commits an offence and on conviction, shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months.

(2) A fireman who—

(a) deserts;

(b) on the occasion of a fire or other calamity willfully disobeys a lawful command of a fire officer or fireman who it is his duty to obey,

commits an offence and on conviction, shall be liable to a fine of one hundred thousand shillings or to imprisonment for a term of six months.

(3) A person who, not being a fireman, wears without permission of the Commissioner-General, the uniform of the Force or any dress having the appearance or bearing any of the instinctive marks of that uniform, commits an offence and on conviction, shall be liable to a fine of fifty thousand shillings or to imprisonment for three months.

[s. 31]

General penalty
Act No.
8 of 2021 s. 10

34. A person who commits an offence under this Act for which no specific penalty is provided, on conviction, shall be liable to a fine of not less than two hundred thousand shillings but not exceeding three hundred thousand shillings or to imprisonment for a term of six months, or to both.

[s. 31A]

Compounding of
offences
Act No.
8 of 2021 s. 10

35.—(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Commissioner General or any officer of the force authorised by him in writing may, subject to the regulations made under subsection (7), at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where a person fails to comply with the compounding order issued under this section within the prescribed period, the Commissioner General or an officer of the Force authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where a person fails to comply with subsection (2), the Commissioner General may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Commissioner General shall submit quarterly report of all compounded offences under this section to the Director of Public Prosecutions.

(5) Monies charged under this section shall be paid into the Consolidated Fund through the Government Electronic Payment System.

(6) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).

(7) The sum to be charged for every compoundable offence, forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.

[s. 31B]

Regulations
Act No.
8 of 2021 s. 11

36. The Minister may, after consultation with or upon the recommendation of the Commissioner-General, make regulations prescribing for-

- (a) the discipline and punishment of firemen;
- (b) the administration of the Force;
- (c) description of uniforms and equipment to be provided for the purposes of the Force;
- (d) the establishment, organisation and distribution of the Force into brigades, levels and other contingents;
- (e) the conditions of appointment and service of firemen, and their appointment or promotion into their various grades, ranks and appointments;
- (f) such other matters as may or are required to be prescribed under this Act or as may be necessary or expedient for rendering the Force efficient in the discharge of its duties;
- (g) the making and issue of reports and certificates regarding-
 - (i) fire or other calamities attended by the Force;
 - (ii) premises, vessels or other property damaged by fire;
 - (iii) matters relating to fire risks or fire precautions in or connected with any premises, vessel or other property, and fees to be charged in relation to them;
- (h) registration or deregistration of auxiliary fire units and fire dealers;
 - (i) suspension or cancelation of certificate of registration;
 - (j) operations of auxiliary fire units and fire dealers;
 - (k) procedures for appeal;
 - (l) procedure for submission to the Force the statistics from auxiliary fire units and fire dealers;
- (m) combating and management of forest fire; and
- (n) generally, for the better carrying into effect of the provisions of this Act in relation to any matter for which it is convenient to make regulations.

[s. 32]

SCHEDULE

(Made under section 31)

TERMINAL BENEFITS

Act No.

2 of 2018 s. 90

Commissioner-General shall be granted the following benefits:

- (a) a diplomatic passport for him and his spouse;
 - (b) one motor vehicle given once, of a value not exceeding such amount as the President may determine;
 - (c) total sum of money granted once as a lump sum which shall be sufficient to remunerate one driver for a period of four years;
 - (d) total sum of money sufficient to purchase fifty litres of fuel per week granted once as a lump sum which shall cover a period of four years;
 - (e) total sum of money being maintenance allowance for a motor vehicle to be granted once as a lump sum at a rate equal to forty percent of fuel allowance; and
 - (f) use of VIP lounge.
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