

ISLANDS



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**THE FIRE
BRIGADE LAW, 1979
(Law 21 of 1979)**

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CAYMAN ISLANDS

FIRE BRIGADE LAW, 1979
Arrangement of Sections

- 1. Short title
- 2. Interpretation
- 3. The Fire Brigade
- 4. Constitution of the Brigade
- 5. The Chief Fire Officer's duties
- 6. The Chief Fire Officer's powers
- 7. Officers' duties
- 8. Officers' powers
- 9. Right of consultation
- 10. Chief Fire Officer may issue directions
- 11. Fire damage
- 12. Volunteer Officers
- 13. Securing entry to premises
- 14. Regulations
- 15. Penal.

CAYMAN ISLANDS

Law 21 of 1979

I assent

T. RUSSELL
Governor

28th June, 1979.

L. S.

A LAW to provide the Cayman Islands with a fire fighting and prevention service.

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Fire Brigade Law, 1979.

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

“Brigade” means the Fire Brigade established by section 3;

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

“Chief Fire Officer” means the officer appointed by section 3 to have charge of the Brigade and includes any officer performing his duties as such;

“Commissioner” means the Commissioner of Police;

“fire equipment” means any installation or equipment for attacking, preventing, limiting or giving warning of a fire or providing means of access for that purpose;

“fire hazard” means any state of affairs tending to increase the likelihood of a calamity;

“Governor” means the Governor in Council;

“Law” means this Law and any subordinate legislation made under it;

“Member” means the Member of Executive Council responsible for Communication, Works and Local Administration;

“occupant” means a person who, independently of this Law, has a right to be present in any building or premises;

“occupier” means every person who, independently of this Law, exercises or has the right to exercise control over any building or premises; and

“officer” means an officer of the Brigade as constituted by section 4.

3. There is hereby established in the Islands a fire fighting service called the Fire Brigade which shall, subject to the supervision of the Member, be commanded by a Chief Fire Officer and shall consist of the Chief Fire Officer and such other officers of such ranks and designations as the Governor acting in his discretion may from time to time appoint.

The Fire Brigade.

Constitution of the Brigade.

4. (1) The Brigade shall consist of gazetted officers, permanent officers, probationary officers and volunteer officers who shall be appointed by the Governor acting in his discretion upon the advice of the Public Service Commission and who shall, subject to section 3, have the rank and precedence prescribed by the Regulations.

(2) Subject to this Law, officers of the Brigade in the absence of any contract to the contrary are pensionable under the Pensions Law and subject to the Public Service Commission Law.

5. The Chief Fire Officer's duties and responsibilities include —

- (a) the preservation, care and control of all stores and fire and other equipment provided for the use of the Brigade;
- (b) the discipline, administration and training of the Brigade;
- (c) control of fire-fighting;
- (d) the elimination or reduction of fire hazards; and
- (e) the enforcement of this Law.

6. The Chief Fire Officer, in the course of carrying out his duties shall have towards the general public powers equivalent to the Commissioner in the carrying out of his duties and shall take precedence over the Commissioner when, and only when, he is engaged in fighting a fire which has not been brought under control.

7. The duties of officers include —

- (a) fire fighting;

The Chief Fire Officer's powers.

Officers' duties.

(b) the elimination and reduction of fire hazards;

(c) the enforcement of this Law;

(d) the maintenance of stores and equipment;

(e) compliance with the lawful orders of superior officers;

(f) such other duties as may be assigned to them from time to time by or from the Chief Fire Officer.

Officers' powers.

8. (1) When engaged in their duties officers shall, in relation to the public, have all the powers of constables and when engaged in fighting a fire which is out of control shall take precedence over constables of equivalent rank.

(2) In the performance of their fire-fighting duties officers may enter upon any premises with or without the consent of any occupant or occupier and take such steps including the use of any water supply or storage, the closure of any street or way and the demolition of any building as in their opinion are desirable —

- (a) to extinguish any fire or
- (b) to avert any calamity.

(3) Whether or not for the purpose of this section and section 6, a fire is out of control is a question for the decision of the senior officer present thereat.

(4) When engaged in their duty of eliminating and reducing fire hazards, the Chief Fire Officer and any officer authorized in writing by him has, subject to section 13, right of entry to and search of any premises at all reasonable times for the purpose of detecting such hazards and devising remedies thereagainst.

(5) No action for damages may be brought against —

- (a) the Brigade or any member thereof;
- (b) any constable;
- (c) any member of the public acting at the request of any officer; or
- (d) the Crown

in respect of death, injury or loss incurred by any person occasioned in the course of carrying out fire-fighting duties or averting a calamity.

Right of consultation.

9. The Chief Fire Officer has the right to be consulted by the building inspectorate, the electrical inspectorate, the public health and the public works departments and all public undertakers in all matters involving fire hazards.

Chief Fire Officer may issue directions.

10. The Chief Fire Officer may issue directions in writing to the occupiers of any premises regarding —

- (a) the accumulation of inflammable material;
- (b) the storage of combustible material;
- (c) the provision of access to and exits from any premises;
- (d) the installation of fire control equipment;
- (e) the provision of hydrants and water supply points; and
- (f) the cutting and removal of dry vegetation;

and the occupier shall comply with such directions:

Provided that, when any occupier considers any such direction to be

unreasonable he may appeal thereagainst to the Member within ten days of the receipt thereof and the decision of the Member shall be final and binding upon such occupier.

Fire damage. 11. Notwithstanding the terms of any contract or policy of insurance, damage or loss caused to any property in the course of fighting or preventing the spread of any fire shall be included as fire damage or loss as the case may be as if such damage or loss were caused directly by the fire itself.

Volunteer officers. 12. Volunteer officers may be recruited upon terms and conditions prescribed by regulations.

Securing entry to premises. 13. Where a Justice of the Peace is credibly informed by the Chief Fire Officer that access to any premises under this Law for the purpose of the detection of fire hazards has been refused by any occupant or occupier of any premises such Justice shall issue an entry warrant empowering the Chief Fire Officer to enter by force if necessary.

- Regulations.** 14. The Governor in Council may make regulations —
- (a) defining fire hazards;
 - (b) prescribing minimum standards of access to and egress from buildings;
 - (c) prescribing fire equipment to be provided and maintained in various classes of buildings;
 - (d) providing for fire hydrants;
 - (e) providing for fire stations;
 - (f) prescribing standards of training and methods of fire-fighting;
 - (g) prescribing uniforms and badges of rank to be worn by officers;
 - (h) for the storage of combustible substances in any premises;
 - (i) conditions of recruiting and employing probationary and volunteer officers;
 - (j) prescribing anything required to be prescribed by this Law.

- Penal.** 15. Whoever being a member of the public —
- (a) subject to any right of appeal, fails to comply with any directions given him under section 10;
 - (b) obstructs any officer acting in accordance with his duty under this Law;
 - (c) fails to comply with any lawful direction oral or otherwise given him by an officer engaged in fire-fighting duties;
 - (d) at any time obstructs any fire hydrant or other water point under the control of the Brigade or access of any fire station;
 - (e) without good cause raises any fire alarm; or
 - (f) contravenes any provisions of this Law directed to members of the public

is liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding three months or both.

Passed the Legislative Assembly 11th day of June, 1979.

T. RUSSELL,
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly