

CHAPTER 129
SUVA FIRE BRIGADE

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

SECTION

1. Short title.
2. Application.
3. Interpretation.

PART II—THE FIRE BOARD

4. Constitution of Board.
5. Members of the Board.
6. Election by insurance companies.
7. Resignations.
8. Term of office.
9. Minister may appoint member on failure of insurance companies to elect.
10. Extraordinary vacancy.
11. Power to acquire and deal with property.
12. Exemption from legal process.
13. Acquisition of land.
14. Duties of Board.
15. No action against Board for failure to provide against fire.
16. By-laws.
17. Charges for attending fires.
18. Attendance outside the fire area.
19. Board to have use of water mains.
20. Payment by Board of insurance premiums.

PART III—THE OFFICERS

21. Appointment of officers.
22. Brigades to proceed with speed to fire.
23. Powers of officer in charge.
24. Exercise of powers in absence of officer in charge.
25. Authority of officer to be recognized.
26. Free access to buildings, etc.
27. Damage caused by brigade, etc., to be damage by fire.

PART IV—FINANCE

28. The Fund.
29. Estimate of expenditure by Board.

30. Proportion of contributions.
31. Contributions by insurance companies.
32. Payments.
33. Contribution of City Council may be raised by rate.
34. Audit of accounts.

PART V—MISCELLANEOUS AND SUPPLEMENTAL

35. Salvage corps or fire brigade not to be constituted unless authorised.
36. Concealing fire plug or hydrant.
37. Injuring building, appliance, etc.
38. Bona fide exercise of powers protected.
39. Actions for recovery of contributions.
40. Power of agents.
41. Power of agents to deduct payments made for owners.
42. Power of trustee.
43. Owner to give information as to insurance.

SUVA FIRE BRIGADE

*Ordinances Nos. 15 of 1923, 9 of 1924, 4 of 1926, 10 of 1940,
2 of 1945, 1 of 1955, 26 of 1960, 9 of 1965, 37 of 1966, 7 of 1967.*

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTEN- ANCE OF A FIRE BRIGADE IN THE CITY OF SUVA AND FOR PURPOSES CONSEQUENT THEREON OR INCIDENTAL THERETO

[1st September, 1923.]

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Suva Fire Brigade Act.

Application

2. This Act shall apply to the City of Suva.

Interpretation

3. In this Act unless the context otherwise requires—
 - “Board” means the Board of Fire Commissioners of Suva;
 - “by-laws” means the by-laws which may hereafter be made under the provisions of this Act;
 - “City Council” means the Suva City Council;
 - “fire district” means the area within the boundaries as constituted from time to time of the city of Suva; (*Substituted by 1 of 1955.*)
 - “Fund” means the Fund belonging to and administered by the Board under the provisions of this Act;
 - “inflammable matter” includes all substances capable of ignition or

combustion by the application of heat or by means of sparks or flame or by spontaneous causes; also which may hereafter be classified as inflammable in any by-laws made under the provisions of this Act; "insurance company" means any company, partnership, corporation or person insuring against loss or damage by fire any property situate within the fire district and includes their agent, attorney or representative, whether such company, partnership, corporation or person is incorporated or resident in Fiji or not; "owner" includes any person for the time being in actual receipt of or entitled to receive the rents and profits of the land or buildings in connexion with which the word is used or who, if such land or buildings were let to a tenant, would be entitled to receive the rents and profits thereof whether as beneficial owner, trustee, executor, mortgagee in possession or as agent or attorney for any other person or otherwise; "vessel" includes any ship, barge, punt, boat, or other floating vessel used for storing goods or for carrying passengers.

PART II—THE FIRE BOARD

Constitution of Board

4.—(1) There is hereby constituted a Board consisting of a president and two other members appointed and elected under this Act. The said Board shall be a body corporate under the name of the "The Board of Fire Commissioners of Suva" and by that name shall have perpetual succession and a common seal and may sue and be sued. All courts, judges and persons acting judicially shall take judicial notice of such seal and shall presume that such seal when affixed to any document was properly so affixed.

(2) Two members shall be a quorum of the Board for the exercise of its powers. At any meeting of the Board the president shall have a deliberative and, where the votes are equal, a casting vote.

(3) No act of the Board shall be invalid by reason only that the number of members of the Board was not complete at the time when such act was done or by reason of any defect in the appointment of any such member.

(4) No member of the Board shall be liable for any act of the Board, but the Board alone shall be liable.

Members of the Board

5.—(1) The president of the Board shall be the mayor of the Suva City Council for the time being.

(2) Of the two other members of the Board one shall be appointed by the Minister and one shall be elected by the insurance companies which for the time being are carrying on business within the fire district.

Election by insurance companies

6.—(1) The election of the member of the Board by the insurance companies shall be conducted in accordance with rules made from time to time in the manner following by the representatives of the insurance companies carrying on business within the fire district:—

(a) the Minister may from time to time as he thinks fit notify in the Gazette

the time and place of a meeting of representatives of the insurance companies carrying on business within the fire district;

(b) at every meeting the representatives present shall elect one of their number to be the chairman, and all matters shall be decided by a majority of votes, each representative having one vote in respect of each insurance company represented by him. The chairman shall have a casting as well as a deliberative vote;

(c) a copy signed by the chairman of the rules agreed upon at any such meeting shall be sent to the Permanent Secretary to the Ministry and, if the said rules are approved by the Minister and gazetted, they shall have the force of law. (*Amended by 9 of 1965, s. 2.*)

(2) All rules purporting to be made under the authority of this section and approved by the Minister and gazetted shall be conclusively presumed to have been made in pursuance of this Act and shall not be questioned in any court.

Resignations

7.—(1) An appointed or elected member of the Board may resign his office by writing addressed to the president of the Board.

(2) In the case of an appointed member such vacancy shall be filled by the appointment by the Minister of a new member.

(3) In the case of an elected member such vacancy shall be filled by the election of a new member by the body by which the member whose place is to be filled was originally elected.

Term of office

8. Every member of the Board, whether appointed or elected, shall, unless he sooner resigns or dies, hold office for a period of four years from the date of appointment or election, but shall be eligible for re-appointment or re-election. (*Amended by 9 of 1965, s. 3.*)

Minister may appoint member on failure of insurance companies to elect

9. If for any cause the insurance companies fail, neglect or refuse to elect a member to the Board, the Minister may appoint any person whomsoever to be a member of such Board in lieu of the member who ought so to have been elected and such person shall be deemed for all purposes to have been elected by the insurance companies.

Extraordinary vacancy

10. In the event of an extraordinary vacancy occurring in the office of a member of the Board, whether by death, resignation or otherwise, such vacancy shall within one month after the occurrence thereof be filled by the election or appointment as the case may be of some other person to be a member of the Board who shall hold office so long only as his predecessor would have held it.

Power to acquire and deal with property

11. The Board may, subject to the consent of the Minister—

(a) purchase, lease or otherwise acquire and hold such real and personal property as the Board deems necessary for the purposes of this Act and may sell or exchange such property;

(*Amended by 7 of 1967, s. 2.*)

- (b) erect buildings on any lands held by it;
- (c) borrow money by way of loan on debentures for the purposes of altering or adding to any building or buildings vested in the Board or erecting any new building or for any other purpose which the Board may consider necessary for the purposes of this Act subject to such terms as to interest and repayment as the Board, with the consent of the Minister, may determine. (*Inserted by 10 of 1940, s. 2.*)

Exemption from legal process

12. No fire engine, fire escape, ladder, reel, cart, tools, implement, appliance or accoutrements of the Board shall be seized or sold under any legal process or warrant of distress.

Acquisition of land

13. The Minister may, at the request of the Board, acquire land under the provisions of the Crown Acquisition of Lands Act for the purposes of this Act. Such land shall vest in the Board and the Board shall pay into the Consolidated Fund the costs of and incidental to any such acquisition. (*Cap. 135.*)

Duties of Board

14.—(1) It shall be the duty of the Board to establish and maintain an efficient Brigade and to take all practicable measures for preventing and extinguishing fires and for protecting life and property from loss or damage in case of fire within the fire district and to provide such buildings and equipment as it deems necessary for such purposes.

(2) The Board shall, on or before the thirty-first day of March in each year, prepare and forward to the Minister a report of its operations during the preceding year. This report shall be laid before Parliament at its next meeting after the receipt thereof.

No action against Board for failure to provide against fire

15. No action shall be brought against the Board to recover damages for any loss or damage due to the failure or neglect of the Board to perform the duties imposed by subsection (1) of section 14.

By-laws

16.—(1) It shall be lawful for the Board from time to time to make by-laws not inconsistent with the provisions of this Act providing for any of the following matters:—

- (a) regulating the meetings of the Board and the procedure at such meetings and the custody and use of the seal of the Board;
- (b) regulating the keeping of the accounts of the Board, the payment and receipt of money by the Board and the administering of the Fund;
- (c) regulating the payment of the salaries of officers and servants of the Board;
- (d) prescribing generally the duties of such officers and servants;
- (e) for the maintenance of the efficiency, discipline and good conduct of members of the Brigade;

- (f) for permitting the attendance and services of the Brigade at fires taking place on board any ship or vessel and the payment by the owner of such ship or vessel of fees for the services so rendered by the Brigade;
 - (g) for permitting the attendance and services of the Brigade at fires taking place outside the boundaries of the fire district and the payment by the owner of any building in which any such fire takes place of charges for the services of the Brigade;
 - (h) for regulating the storage of empty crates, cases and other packages, saw-dust, shavings, copra, hay and straw, either in packages or loose;
(Amended by 4 of 1926, s. 2.)
 - (i) for prohibiting or regulating the lighting of fires where the same would be likely to be dangerous to buildings or other property;
 - (j) for permitting the attendance and services of the Brigade in connexion with the pumping out of water from vessels and buildings, the carrying out of salvage work and the rendering of first aid and for the charging of fees for such attendance and services;
(Inserted by 9 of 1965, s. 4.)
 - (k) for prescribing the forms of notices and other documents to be used in carrying out the provisions of this Act and the by-laws and generally for carrying out the provisions of this Act;
 - (l) imposing any penalty not exceeding forty dollars for any breach of the by-laws.
- (2) All such by-laws shall be subject to the approval of the Minister and when approved and gazetted shall have the force of law.

Charges for attending fires

17. No charge shall be made by the Board for attending fires within the fire district and in no case whatsoever shall a charge be leviable against the Crown.

Attendance outside the fire area

18. Subject to the payment of such charges for the services of the Brigade as may be prescribed, in all cases when the Brigade attends a fire beyond the limits of the area to which this Act applies for the purpose of extinguishing such fire the provisions of this Act shall apply to such fire and to anything done thereat.
(Amended by 37 of 1966, s. 28.)

Board to have use of water mains

19. The Board, its officers and servants shall have the use of all water mains, water valves and hydrants free of charge for the purpose of extinguishing any fire or for the purpose of drills conducted under the authority of the Board:
Provided that water shall not be used for the purpose of drills except with the consent of the Commissioner of Water Supply.

Payment by Board of insurance premiums

20. The Fire Board may, subject to the approval of the Minister, expend such part of its revenues as it thinks fit in the payment of premiums on policies of accident insurance issued by any insurance company to officers or members of any fire brigade under the control of the Board.

PART III—THE OFFICERS

Appointment of officers

21.—(1) There shall be appointed by the Board an officer-in-charge of the Fire Brigade, a secretary to the Board and such firemen and other employees as the Board thinks fit.

(2) The officer-in-charge shall be paid such salary as is determined from time to time by the Higher Salaries Commission. (*Substituted by Act 11 of 1983, s.27, Sch.2.*)

(3) Subject to the provisions of the Higher Salaries Commission Act, the secretary, firemen and other employees appointed under subsection (1) shall be paid such salaries as the Board from time to time determines. (*Inserted by Act 11 of 1983, s.27, Sch.2.*)
(Cap. 2A.)

Brigades to proceed with speed to fire

22. A fire brigade upon an alarm of fire may, notwithstanding any provision to the contrary in any Act, proceed with all speed to the place where the fire is and endeavour by all possible means to extinguish the fire and save such lives and property as may be in danger.

Powers of officer-in-charge

23. The officer-in-charge shall perform the following duties and may exercise the following powers in the case of any fire happening within the fire district:—

- (a) he may cause any street, public place, private road, right-of-way or thoroughfare in the vicinity of any fire to be closed to traffic during the continuance of the fire;
- (b) he may without payment use any water mains, pipes and hydrants and all water therein or in any well, tank or stream and cause water to flow into or be shut off from any main or pipe for the purpose of extinguishing or controlling a fire;
- (c) he may at the time of a fire or immediately thereafter pull down, destroy or shore up any building damaged or rendered insecure by the fire or which in his opinion may be dangerous to life or property;
- (d) he may remove or cause to be removed any person, vehicle or thing the presence of whom or which at or near a fire might in his opinion interfere with the work of any fire brigade;
- (e) he shall control and direct the operations at a fire of any fire brigade engaged therein;
- (f) he may shut off or disconnect or order any person having the control thereof to shut off or disconnect the supply of gas or electricity to any building which is on fire, or which is in the vicinity of any building which is on fire;
- (g) he may enter and if necessary break into any building on fire or any building or premises adjacent thereto;
- (h) he may remove from any such building or premises without responsibility for any consequent loss or damage any inflammable, explosive or dangerous matter found therein;
- (i) for the purpose of extinguishing or preventing the spread of any fire he may cause any building which is on fire or which is adjacent to or in the vicinity of any building on fire to be pulled down wholly or partially or otherwise destroyed or damaged; and

- (j) generally he may do all other things which are reasonably necessary for the extinction of any fire or for preventing the spreading thereof.

Exercise of powers in absence of officer-in-charge

24. During the absence from any fire of the officer-in-charge the person for the time being in charge of the brigade engaged at such fire shall have all the powers and duties hereinbefore conferred and imposed on the officer-in-charge.

Authority of officer to be recognized

25. The authority of the officer-in-charge shall be recognized by all police officers and by all other persons and it shall be the duty of police officers present at any fire to support the authority of the officer-in-charge and assist him in the maintenance of his authority and in enforcing obedience by all persons to any orders given by him pursuant to the provisions of this Act.

Free access to buildings, etc.

26.—(1) The officer-in-charge, or such fireman as may be authorised in writing by the officer-in-charge, shall have free access at any time to any land, building or vessel to ascertain whether the provisions of any Act, regulation or by-law for the prevention of fire or relating to the storage of explosives or of kerosene, benzine or other inflammable material or matter or relating to the lighting of fires where the same would be likely to be dangerous to buildings or other property or as to the storage of empty crates, cases and other packages, sawdust, shavings, copra, hay or straw, either in packages or loose, have been contravened or have not been complied with. (Amended by Ordinance 4 of 1926, s. 3; 9 of 1965, s. 5.)

(2) The officer-in-charge may, with the authority of the Board, cause to be served personally or by post on the occupier or owner of any land, building or vessel in or on which any infringement of any Act, regulation or by-law in relation to fire prevention has occurred a notice requiring him forthwith to comply with the provisions of any such Act, regulation or by-law. If such occupier or owner neglects to comply with such requirements he shall be liable to a fine not exceeding \$40 for every day during which such neglect continues. (Amended by Legal Notice 118 of 1970.)

Damage caused by brigade, etc., to be damage by fire

27. Any damage to property occasioned by a fire brigade or by the officer-in-charge or by a member of a fire brigade at or in connection with any fire shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged notwithstanding any clause or condition to the contrary in any such policy.

PART IV—FINANCE

The Fund

28.—(1) There shall be a Fund belonging to and administered by the Board from which shall be paid all moneys required for carrying out the provisions of this Act.

(2) There shall be kept an account of the moneys contributed to the Fund and the amount appropriated and expended for administrative purposes under this Act.

(3) The Board may expend moneys out of the Fund for the purpose of—

- (a) subsidizing any scheme or system of endowment assurance or other form of retirement benefit which may be approved by the Board for the benefit of all or any of its officers or employees:

Provided that the moneys so expended shall not exceed in the case of any officer or employee five per cent of his salary or wages;

(b) granting gratuities in individual cases, or in accordance with any scheme or system instituted by the Board, to any of its officers or employees who shall not be entitled to be contributories to any subsidized scheme or system of endowment assurance or other form of retirement benefit established by the Board under the foregoing provisions of this section or for whose case such last-mentioned scheme or system, in the Board's opinion, is not suitable or should not be applicable or to any dependants of any such officer or employee. (*Inserted by 26 of 1960, s. 2.*)

Estimate of expenditure by Board

29.—(1) On or before the thirty-first day of August in every year the Board shall submit to the Minister for his approval an estimate of the expenditure necessary for the administration of this Act for the year commencing on the first day of January following.

(2) No such estimate shall have force or effect until approved by the Minister.

Proportion of contributions

30. The amount of the annual expenditure so estimated shall be contributed and paid to the Board in the manner and in the proportions following that is to say:—

- (a) one-third by the Chief Accountant out of the Consolidated Fund;
- (b) one-third by the City Council out of the general revenue of the city; and
- (c) one-third by the insurance companies.

Contributions by insurance companies

31. For the purpose of ascertaining the amounts to be contributed by each insurance company the following provisions shall apply:—

- (a) every such company shall in the month of March in each year or at such other time as the Board may notify, transmit to the Board a return showing the total gross amount of the premiums received by or due to such company during the year ending the thirty-first day of December then last past in respect of the insurances held by such company within the fire district after deducting the amount of premium paid by way of local re-insurance to any other insurance company contributing under this Act in respect of the premium so received by it;
- (b) every such return shall be accompanied by a statutory declaration by the manager, secretary or agent of the company that according to the books thereof and to the best of his knowledge, information and belief the return contains a true statement of the amount of such premiums;
- (c) if any company liable to contribute under this Act makes default in transmitting such return within the time prescribed or notified as aforesaid such company shall be liable to a fine of ten dollars for every day during which it is so in default. If any return is false in any material particular such company shall be liable to a fine not exceeding two hundred dollars;

- (d) the contribution of each such company shall bear the same proportion to the amount payable by all the insurance companies liable to contribute as the amount of premium as shown by each such return bears to the total amount of premiums as shown by all such returns;
- (e) all such returns and all information obtained and all extracts made in order to verify such returns shall be kept secret by the Board and by every member thereof and by every officer and person appointed thereby, and every person guilty of the non-observance of the secrecy hereby required shall be liable to a fine not exceeding one hundred dollars;
- (f) for the purpose of verifying any such return the Board may appoint an auditor to examine the books and accounts of the company making such return and it shall be the duty of the said auditor to make such examination and to report the result of the same to the Board, and the said company shall forthwith on demand submit such books and accounts to the said auditor, and for any default in so doing the company shall be liable to a fine of ten dollars for every day during which such default continues;
- (g) every company receiving any premium by way of re-insurance in respect of property within the fire district shall be deemed to hold the insurance on that property for the purpose of this section and shall include the amount of such premium in its return;
- (h) every broker, agent or other person who enters into any contract insuring against fire any property in the fire district with or on behalf of any insurance company not carrying on business in Fiji is for the purpose of this section himself deemed to be an insurance company;
- (i) where an owner of property of any description within the fire district insures such property against fire with an insurance company not carrying on business in Fiji such owner shall in respect of the premium paid for such insurance (whether such premium was paid within or outside Fiji) be liable for the contribution which such company would have been liable to contribute in respect of such premium under the provisions of paragraph (d) had such insurance company made returns as required by this section. The amount of any such payment may be deducted from any premium recoverable in Fiji by or on behalf of such company on the issue or renewal of any fire policy on such property or may be recovered from such company by any person making such payment.

Payments

32. The amount of the annual contributions shall be paid in quarterly instalments on the first days of January, April, July and October in each year or on such other days as the Board may fix. If any such instalment payable by the City Council or any insurance company is not paid within fourteen days after any day so prescribed as fixed, the City Council or company shall be liable to a fine not exceeding one hundred dollars and also to a further fine of twenty dollars for every day during which such failure to pay continues.

Contribution of City Council may be raised by rate.

33. In order to raise the amount required by section 30 to be contributed by the City Council it may either pay the same out of its general rate or make and levy for that purpose a special rate in respect of ratable property.

Audit of accounts

34.—(1) The accounts of all moneys received and disbursed by the Board shall be audited once at least in every year by an auditor to be appointed by the Board.

(2) The Board shall once at least in every year furnish to the Minister a true copy of the accounts so audited as aforesaid together with a particular statement of all moneys received and of the expenditure thereof by the Board.

(3) Copies of such accounts and statements shall be laid before Parliament at the next meeting after the receipt thereof.

PART V—MISCELLANEOUS AND SUPPLEMENTAL

Salvage corps or fire brigade not to be constituted unless authorised

35. It shall not be lawful for any person to constitute or maintain a salvage corps or a fire brigade for the purpose of salvage of property at fires or of extinguishing fire within the fire district outside premises or land owned or used by such person or at or on which such person is employed unless such corps or brigade is constituted by the Board or is authorised by the Board to act as a salvage corps or fire brigade. Any person who is guilty of a breach of the provisions of this section shall be liable to a fine not exceeding forty dollars.

Concealing fire plug or hydrant

36. Any person who wilfully covers up, encloses or conceals any water valve or hydrant so as to render its position difficult to ascertain or who obliterates or removes any mark, sign or letter used for the purpose of indicating the position of or distinguishing any fire plug or hydrant shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months.

Injuring building, appliance, etc.

37. Any person who wilfully injures or destroys any building, engine, reel, hose, ladder or other thing belonging to the Board or tampers with any fire alarm or signalling apparatus for giving notice of fire or who maliciously gives any false alarm of fire shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months.

Bona fide exercise of powers protected

38. The Board, the officer-in-charge or any servant of the Board exercising any powers conferred by this Act or by-laws made hereunder shall not be liable for any damage caused in the bona fide exercise of such powers. Any person who obstructs or hinders such officer or servant in the lawful exercise of such powers shall be liable to a fine not exceeding forty dollars or to imprisonment for a term not exceeding three months.

Actions for recovery of contributions

39. All contributions whether from the City Council or from any insurance company and any moneys payable under this Act to the Board may be recovered at the suit of the Board in any court of competent jurisdiction.

Power of agents

40. Any agent for any insurance company may deduct from any moneys held by him for such company all expenditure necessarily or properly incurred and paid by him under this Act for or in respect of such company or he may in any court of competent jurisdiction recover from such company the amounts so incurred and paid.

Power of agents to deduct payments made for owners

41. Any agent may deduct from any moneys held by him for his principal all charges, costs or expenses necessarily or properly incurred and paid by him under this Act in respect of any houses, lands or premises for which he is the agent of such principal or he may in any court of competent jurisdiction recover from such principal the amount so incurred and paid.

Power of trustee

42. Any trustee of any houses, lands or premises may apply any of the funds under his control in defraying any charges, costs or expenses necessarily or properly incurred by him under this Act in respect of such houses, lands or premises.

Owner to give information as to insurance

43.—(1) The owner of a house or building where a fire occurs shall, on being requested so to do by any member of the Board, inform such member whether such house or building is insured or not and at the like request shall furnish such member with full particulars of the insurance (if any) thereon including the name of the company with which the insurance is effected and the amount of such insurance.

(2) The owner of any personal property which may be in any house or building or on any premises where a fire occurs or which may be destroyed or damaged by fire shall at the like request give the like information and furnish the like particulars as are required to be given with respect to a house or building as in the last subsection provided.

(3) Any person who refuses to comply with any such request as aforesaid or who wilfully gives any false information or who wilfully gives any incorrect particulars with regard to such insurance as aforesaid shall be liable to a fine not exceeding forty dollars.

Controlled by Ministry of Urban Development, Housing and Social Welfare

CHAPTER 129

SUVA FIRE BRIGADE

SECTION 6.—SUVA FIRE BRIGADE (ELECTION) RULES

Rules 1st Sept., 1923 [in force 1st Sept., 1923], 18th Jan., 1977.

Made by the Insurance Companies carrying on business in Fiji and approved by the Governor

Short title

1. These Rules may be cited as the Suva Fire Brigade (Election) Rules.

Interpretation

2. All terms used in these Rules shall, unless the contrary intention appears, have the same meaning as in the Suva Fire Brigade Act (hereinafter called the Act).

Fixing date of election

3. On or before the first day of September, 1923, and thereafter on or before the first day of September in every second or alternate year or so often as any casual vacancy occurs in connexion with the insurance companies' representative, the Minister shall notify in the Gazette and by circular letter addressed to each insurance company and to the secretary of the Local Committee of Control of the South Sea Islands Fire and Accident Underwriters' Association at Suva, that an election of a representative of insurance companies is required. The notice shall state the date of the election.

Date of election

4. Such biennial election shall be held on the second Monday in September, and any other election shall be held on such day within one month after a vacancy occurs as shall be determined by the Minister and notified as aforesaid.

Companies permitted to vote

5. Only those companies that are carrying on fire insurance business within the city of Suva shall be entitled to vote at any election of the insurance companies' representative.

Procedure to qualify for voting

6. Every insurance company entitled to vote in accordance with the provisions of rule 5 shall by its principal officer in Fiji notify to the secretary of the Local Committee of Control of the South Sea Islands Fire and Accident Underwriters' Association at Suva prior to the date of the election in the prescribed form in the First Schedule the name of its representative or agent authorised to vote on behalf of such company.

Procedure as to nomination for election

7. Nomination papers for a member of the Board shall be in the form in the Second Schedule and shall be signed by the candidate and by at least two authorised voters in accordance with the provisions of rule 6, and such nomination papers shall be lodged at the office of the secretary of the Local Committee of Control of the South Sea Islands Fire and Accident Underwriters' Association at Suva, not less than three days prior to the date of the election, addressed to the secretary of such Committee; and the secretary of such Committee for the time being shall be the returning officer for the purpose of holding and declaring the result of such election with power to appoint, in writing, a deputy for that purpose should he be unable to preside thereat; such deputy to be nominated prior to the date of the election and approved by the insurance companies or the majority of them. No person shall be qualified for election who has not been duly nominated in accordance with the foregoing provisions.

If only one person nominated for election

8. Should there be only one person nominated he shall be deemed to be duly elected and the returning officer or his deputy shall transmit in writing the name of the person so elected to the Minister who shall, notify the same in the Gazette.

If more than one person nominated

9. Should more than one person be nominated the returning officer or his deputy, by circular addressed to each insurance company, shall forthwith notify the names of the persons so nominated and call a meeting of the persons qualified to vote on behalf of the said insurance companies to be held on the day appointed for the election in accordance with rule 4.

Procedure as to ballot

10.—(1) The said meeting shall be held at 2.15 p.m. on the day aforesaid at the office of the secretary of the Local Committee of Control of the South Sea Islands Fire and Accident Underwriters' Association, when a poll shall be taken. Voting shall be by ballot, and the ballot shall be closed by the returning officer or his deputy as soon as all representatives have voted or not later than 4 p.m. on the same day. The said meeting shall appoint a chairman whose power of voting shall remain unaffected by his appointment.

(2) The meeting may appoint a scrutineer or scrutineers for the purposes of the poll and the counting of the votes.

(3) In the case of an equality of votes at any election the election shall be decided by lot in such manner as the chairman shall determine.

Advice of election

11. The returning officer or his deputy shall transmit in writing the result of the election to the Minister who shall by notice in the Gazette declare the candidate so elected to be the representative member on the Board for insurance companies.

Listing of companies

12.—(1) A list of all insurance companies qualified to vote shall be published by the Minister in the Gazette at least once in every year and prior to the date of any election.

(2) Any insurance company qualified to vote and omitted from such list may have its name inserted therein by applying to the Minister.

(3) Such list with the name of any insurance company so added shall be taken to be the roll of insurance companies entitled to vote at the election of the insurance companies' representative on the Fire Board, and no insurance company whose name does not appear on the said roll shall be qualified to vote at any election.

Scale of votes

13. Each representative voting on behalf of any company at any election of a representative to the Board shall be entitled to one vote.

Issue of voting papers

14. The returning officer shall issue at each election a voting paper to the persons so entitled to vote on behalf of companies.

Alteration of rules

15.—(1) These Rules may be altered from time to time but only at a meeting of duly authorised representatives of the insurance companies called in accordance with subsection (1) of section 6 of the Act. At such a meeting each such representative shall have one vote in respect of each company represented by him. Any amendments of these Rules will be subject to the approval of the Minister in the manner provided by section 6 of the Act.

(2) Any two representatives of insurance companies desiring any alteration or amendment of these Rules shall notify the secretary of the Local Committee of Control of the South Sea Islands Fire and Accident Underwriters' Association who will thereupon petition the Minister to convene a meeting.

FIRST SCHEDULE
(Rule 6)

ELECTION TO FIRE BOARD

FORM OF NOMINATION

To the Secretary of the Local Committee of Control, the South Sea Islands
Fire and Accident Underwriters' Association, Suva, Fiji.

We have pleasure in nominating
as a candidate for a seat on the Fire Board.

I consent to this nomination and will act if elected.

SECOND SCHEDULE
(Rule 7)

ELECTION TO FIRE BOARD

VOTING REPRESENTATIVE

To the Secretary of the Local Committee of Control, the South Sea Islands
Fire and Accident Underwriters' Association, Suva, Fiji.
Please note that _____ is our representative
and authorised to vote at the election to be held on _____
Chief Representative

SECTION 16.—SUVA FIRE BRIGADE BY-LAWS

By-laws 26th Nov., 1926. [in force 11th March, 1927],
2nd March, 1948, 12th Dec., 1955, 16th Feb., 1959,
30th Nov., 1974.

Made by the Board of Fire Commissioners and approved by the Governor in Council

Short title

1. These By-laws may be cited as the Suva Fire Brigade By-laws.

PART I—OFFICES, MEETINGS, ETC.

Offices of the Board

2. The offices of the Board shall be at the Fire Station, Suva, or at such other place as may from time to time be determined by the Board.

Meetings of the Board

3.—(1) Subject to the provisions of the Act, the Board may meet for the despatch of business, adjourn and otherwise regulate its meetings as it thinks fit. The Board shall meet at any time when duly summoned by the president, or deputy acting in his stead and during his absence from Suva.

(2) Two members shall be a quorum of the Board for the exercise of its powers. At any meeting of the Board the president shall have a deliberative and, where the votes are equal, a casting vote.

Committee

4. The Board may delegate any of its powers to committees consisting of such member or members as it may think fit but any committee so formed shall, in the exercise of its powers so delegated, conform to any directions that may be imposed upon it by the Board. Each such committee shall report to the Board. The president shall be ex officio a member of all such committees.

Agenda papers

5. The agenda papers for the meetings of the Board shall be compiled on such days and in such manner as the president may direct.

Notice of motion

6. Any member desiring to submit any business shall communicate such in writing to the Board in the form of a motion which must be in the hands of the secretary at least two clear days prior to the date fixed for the next meeting.

Members not to vote if personally interested

7. A member of the Board shall not vote in any matter in which he may be personally interested by way of profit. During the discussion of the matter the member so interested shall withdraw from the board room unless by the unanimous consent of the members present he be permitted to remain.

The secretary

8.—(1) The secretary or other officer acting in his stead shall attend all meetings of the Board or committees of the same and shall enter all minutes, resolutions and proceedings in a minute book to be kept for that purpose.

(2) He shall keep books showing all receipts and disbursements made and shall at the end of each financial year submit to the Board a statement of account showing the assets and liabilities, income and expenditure of the Board in respect of such period and balance at bank verified by bankers' certificate that the balance represented in the pass book is correct. The accounts shall be duly audited.

(3) He shall be responsible for laying before the Board all correspondence and reports of the officer in charge.

The seal

9. The common seal of the Board shall be in the joint custody of the president and secretary or other officer authorised by the Board but shall not be affixed to any documents except by order of the Board as recorded in the minute book and shall only be affixed in the presence of the president and in his absence any other member appointed by the Board, and secretary or other officer authorised by the Board.

Payment of accounts

10. All payments of \$2 or upwards shall be made by cheque upon the bankers of the Board signed by the president or other member authorised by the Board and countersigned by the secretary.

Financial year

11. The financial year of the Board shall commence on the 1st January and end on the 31st December of every year.

PART II.—OFFICER IN CHARGE OF FIRE BRIGADE

Responsibility of the officer in charge

12. The officer in charge of the Fire Brigade shall be responsible to the Board for the proper control and management of the fire station and property of the Board therein and the fire alarm system, the property of the Board and any other plant or equipment vested in the Board, and shall—

- (a) keep a proper inventory of the fire engines, spare parts thereof and all appliances and equipment and other property attached to the station, or elsewhere, the property of the Board;
 - (b) requisition the Board through the secretary for any supplies or repairs required to the station or appliances;
 - (c) be responsible to the Board for the maintenance of the efficiency, discipline and conduct of the members of the brigade;
 - (d) regularly drill and instruct the members of the brigade, and regulate the duties to be performed by the men;
 - (e) keep and see that an "Occurrence Book" is regularly entered up;
 - (f) report to the Board after the happening of each fire noting water pressure, consumption, hose used, etc., and other details likely to interest the Board for the purpose of record;
 - (g) furnish to the Board annually as at the 31st December in each year a report of the brigade operations, etc.
- (By-law amended by By-laws 16th February, 1959.)

PART III—THE MANNING OF THE BRIGADE

Personnel

13. The brigade shall be constituted by the officer in charge and such number of firemen as may from time to time be determined by the Board.

Qualifications for membership

- 14.—(1) Members of the brigade must be British subjects and physically strong men free from any defect in limb, hearing, sight, and not subject to fits or nervousness, generally intelligent, able to read and write the English language and capable of receiving instruction in the duties of the brigade.
- (2) Candidates must be over eighteen years of age and under forty years of age and must be approved by the officer in charge.
- (3) Candidates will be required to give the names of at least two reliable and responsible persons who must be able to testify as to the character of applicants and if necessary they will be required to produce satisfactory proof of age.
- (4) Candidates who belong to such trades or occupations as will fit them for the duties of a fireman and for the work of fire fighting, shall receive preference in appointment to the brigade.
- (5) Candidates must reside in the vicinity of the fire station and their main avocations should be such that during working hours they are within easy call of the fire station, but so that this by-law shall be subject to such direction or decision as the Board may give defining "vicinity" or "easy call".

Appointment of firemen

- 15.—(1) Applications for appointment as firemen must be made in the candidate's own handwriting addressed to the officer in charge.
- (2) Applications for appointment together with testimonials shall be submitted to the Board by the officer in charge accompanied by his report thereon.
- (3) Subject to good conduct and efficient service the engagement of every member will be for three months and so continued until discharged by one week's notice from the officer in charge.

(4) Any appointment made by the Board may be cancelled or annulled without any reason being assigned.

Duties of men

16.—(1) Every member shall promptly and cheerfully obey all lawful commands of the officer in charge, and shall at all times conform to the by-laws and orders issued from time to time by the Board or officer in charge. Any breach of these will render the member liable to suspension and such punishment as the Board may deem necessary by deduction from pay or dismissal from the brigade.

(2) In the temporary absence of the officer in charge the senior fireman shall take command of the brigade and undertake all the duties and responsibility of the officer in charge.

(3) Every member shall attend exercise and drill at such times as may in the discretion of the officer in charge be considered necessary and a record of same shall be kept in the "Occurrence Book".

(4) Leave of absence from attendance at the station and at drill may be allowed by the officer in charge.

(5) Every member shall take his portion of duty at the station as required by the officer in charge.

(6) In case of illness the member may be required to forward to the officer in charge a medical certificate stating the nature of his illness. Subject to the discretion of the officer in charge the retaining fee shall not be forfeited for the first month during which a member is sick, but thereafter no retaining fees shall be paid.

(7) Every member may be relieved from brigade duties for one month without loss of retaining fee at the discretion of the officer in charge.

(8) The man on duty shall not leave the station or be out of hearing of the bells unless properly relieved and an entry to that effect made in the "Occurrence Book".

(9) No man shall be deemed to be relieved from station duty until the relieving man has booked himself on duty or has been booked on duty by the officer in charge.

(10) Every man is required to make himself acquainted with the provisions of the Act and of all by-laws thereunder. Ignorance of any such provision or by-law will not be accepted as an excuse for any breach thereof.

Remuneration

17.—(1) Firemen will receive pay in accordance with the following scale:—

(a) Senior Fireman, a retaining fee of \$1.50 per week. Fireman, a retaining fee of \$1.25 per week.

(b) In addition to the retaining fees, pay will be allowed for attendance at fires and drills in accordance with the following scale:—

	<i>Fires</i>	<i>Drills</i>
	per hour	
Senior Fireman	80c.	60c.
Fireman	60c.	40c.

(Substituted by By-laws 12th December, 1965.)

(2) No pay will be granted for false alarms unless under special circumstances and no fireman will be entitled to receive pay under this by-law for services at any

fire unless he has received orders from the officer in charge. No retaining fee shall be paid unless all drills have been attended except with the approval of the Board.

Uniform

18.—(1) The fire uniform of the brigade shall consist of heavy blue tunic and trousers, leather jack boots, helmet, belt, axe and pouch and may be replaced when considered necessary by the officer in charge.

(Substituted by By-laws 12th December, 1955.)

(2) An axe, hose, and nozzle spanner, belt, and pouches will be issued to every member on appointment.

(3) If any article or articles of equipment shall have been in the opinion of the officer in charge improperly used or damaged a deduction may be made from any moneys due to the member, to cover the loss sustained.

(4) Members shall not wear fire brigade uniforms when not engaged in fire brigade duty except by special permission of the officer in charge.

(5) A member on leaving the brigade must deliver up all uniform, clothing, boots, accoutrements or other articles the property of the Board.

(6) Undress uniforms for drills and station duties shall be khaki shirts and trousers, and shall be issued annually. Peak cap and khaki cover, badge and buttons may be issued when considered necessary by the officer in charge.

(Inserted by By-laws 12th December, 1955.)

Discipline

19.—(1) Every member shall be liable to dismissal for any offence which in the opinion of the Board is sufficiently serious to warrant such action.

(2) Any member found guilty of tampering with the brigade books or causing wilful damage to the building, fire extinguishing appliances or other material under his care will be liable to punishment and further, the value of the damage, etc., may be deducted from moneys which may be due to the said member then or to become due thereafter.

(3) Quarters in the fire station shall be subject to inspection by the officer in charge and when vacated must be left clean and in good order.

(4) Any member absenting himself from drills for three consecutive months unless specially exempted will be dismissed from the brigade.

PART IV—ATTENDANCE AT VESSELS OR OUTSIDE FIRE DISTRICT

Brigade attendance at vessels, buildings or outside fire district, etc.

20. The Board, through its officer in charge, may, should occasion require, permit a portion of the brigade or any of its men or engines or other property, to proceed or to be taken outside the fire district, or to proceed to the help of some vessel, for the purpose of extinguishing a fire, or to help in the pumping out of water from any vessel or building or to render first aid and upon any such occasion the following maximum scale of charges may be made:—

(a) For the services of each officer attending, per hour or part thereof	\$ c 6-00
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(b) For the services of each leading fireman attending, per hour or part thereof	\$ c
(c) For the services of each fireman attending, per hour or part thereof	2.50
(d) For the use of each fire appliance (i.e. fire engine or other self-propelled pump) employed, for each hour or part thereof that it is in attendance (whether in use or not) .	1.50
(e) For the use of each special appliance (e.g. turn-table ladder, foam tender, emergency tender, hose layer, etc.) employed, for each hour or part thereof that it is in attendance (whether in use or not)	10.00
(f) For the use of each truck, van or car (other than fire appliances or special appliances) employed, for each hour or part thereof that it is in attendance (whether in use or not)	12.00
(g) Mileage for each vehicle employed, per mile (to be charged in addition to all other charges)	2.50
(h) For the use of each heavy self-propelled pump, for each hour or part thereof whilst it is pumping (to be charged in addition to any other charges)	0.25
(i) For the use of each light self-propelled pump, for each hour or part thereof whilst it is pumping (to be charged in addition to any other charges)	10.00
(j) For the use of each portable pump and trailer, for each hour or part thereof whilst it is pumping (to be charged in addition to any other charges)	6.00
(k) For the use of each ejector pump, for each hour or part thereof whilst it is pumping (to be charged in addition to any other charges)	8.00
(l) For the use of each breathing apparatus, for each day or part thereof	3.00
(m) For recharging cylinders: per cylinder	4.50
(n) For the use of each length of hose, per length per day or part thereof	1.00
(o) For the use of each standpipe, per day or part thereof	1.00
(p) For the use of each branch and nozzle, per day or part thereof	0.50
(q) For the use of each extinguisher, per day or part thereof .	1.50
(r) For recharging each extinguisher (additional charge).....	Cost plus 10%
(s) For all foam compound or oil dispersant used (additional charge).....	Cost plus 10%
(t) For equipment damaged or contaminated and rendered unserviceable	Replacement cost

(u) For equipment damaged or contaminated which can be repaired or reinstated Cost of repairs or reinstatement plus 10%

(Substituted by By-laws 30th November, 1974.)

PART V.—INSURANCE COMPANIES' RETURNS

Publication of alteration of date of insurance companies return

21. The Board in any year may direct any alteration in the date before which insurance companies within the fire district shall during that year transmit to the Board a return, directed by section 31 of the Act, and in such case the Board shall publish notice of such alteration in the Gazette not less than seven days before the day to which such date is so altered.

Forms of annual return and declaration to accompany same

22. The forms of the annual return and declaration to be made by insurance companies under section 31 of the Act shall be as set out in the Schedule.

PART VI.—STORAGE OF EMPTY CASES, ETC.

Storage of empty crates, cases and other packages, sawdust, shavings, hay and straw in packages or loose

23. No person shall within the fire district or in any area to which the Act applies store or continue to store empty crates, cases and other packages, saw-dust, shavings, copra, hay and straw in packages or loose, in or about any yard, passageways between buildings, on vacant land adjoining buildings or otherwise in such situations as would in the opinion of the officer in charge be likely to be dangerous to buildings in the event of fire, and every person being an occupier or owner of premises on which articles as aforesaid are so stored who, have been requested in writing by the officer in charge to comply with the requirements of this by-law, neglects to do so, shall forthwith be liable to a fine not exceeding forty dollars for every day during which such neglect continues.

Lighting of fires

24. No person shall within the fire district or any area to which the Act applies light any fire whatsoever in any place where the lighting of such fire would be likely to be dangerous to buildings without having first obtained permission in writing from the officer in charge, and every offender against this by-law shall be liable to a fine not exceeding forty dollars for each offence.

PART VII.—STORAGE OF COPRA

Storage of copra

25. No person shall smoke or exhibit naked lights in a shed where copra is stored.

(2) No person shall store copra in bags or otherwise than in bulk for a longer period than seventy-two hours without the permission of the Board.

(3) No person shall without the permission of the Board keep for a longer period than six hours in premises where copra is stored any sacks or bags which have previously contained copra.

(4) The storage of copra in bags which contain an undue amount of moisture shall be absolutely prohibited.

(5) The person in charge of premises where copra is stored shall—

(a) cause to be prominently exhibited therein notices of a standard form approved by the Board for the prohibition of smoking; and

(b) instal and maintain to the satisfaction of the Board a sufficient number of two gallon foam extinguishers.

(6) Any person contravening any of the provisions of this by-law shall be guilty of an offence and shall be liable upon conviction for each contravention to a fine not exceeding forty dollars. (By-law inserted by By-laws 2nd March, 1948.)

SCHEDULE
(By-law 22)

ANNUAL RETURN

THE SUVA FIRE BRIGADE ACT

To the Board of Fire Commissioners, Suva, Fiji. Suva, 19 .
From the Insurance Co., Ltd.

The Gross Fire Premium (less Return Premiums) received by this Company for the period 1st January, 19 , to 31st December, 19 , amounts to..... \$
Less Local Reinsurances with Companies furnishing Returns under the Act..... \$

Total Net Premiums \$

For and on behalf of the Insurance Co., Ltd.
(State whether Manager, Secretary, Agent or otherwise.)

DECLARATION

I, , of the City of Suva, Fiji, do solemnly and sincerely declare and affirm that I am of the Insurance Company Limited, and that the above Return of the Gross Fire Premium Income, less Return Premiums and Local Reinsurances of the Insurance Company Limited, from 1st January, 19 , to 31st December, 19 , upon Fire Insurance within the Fire District is in accordance with the Books of the Company, and to the best of my knowledge, information and belief the Return contains a true statement of the

amount of such premiums. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act.

Declared at Suva this
day of _____, 19____ }
(A Commissioner for Oaths
or Justice of the Peace.) }

REGULATIONS MADE BY OUR GOVERNOR-GENERAL UNDER THE
ROYAL WARRANT DATED THE 16TH MAY, 1972

Regulations 28th July, 1972, 3rd Feb., 1976.

1. These Regulations may be cited as the Fiji Fire Services Medal Regulations.
- 2.—(1) The Fiji Fire Services Medal will be granted as a reward for long service and good conduct to all members of any properly organised Fire Service in Fiji who on or after the 10th October, 1970, shall have completed eighteen years' continuous qualifying service or an aggregate of such qualifying service as hereinafter defined.
 - (2) A Clasp will also be granted to a recipient of the Medal on his completing twenty-five years' qualifying service and a further Clasp on completing thirty years' qualifying service. For each Clasp so awarded, a small silver rose may be added to the ribbon when worn alone.
3. Qualifying service in the Fire Service of any other country or territory of the Commonwealth may be allowed to reckon towards the required period of qualifying service, if the total period of such service amounts to not less than eighteen years—
 - (a) where service has been rendered in Fiji and in one or more such country or territory as aforesaid, an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service;
 - (b) a break in service not exceeding six calendar months in Fiji or in any one such country or territory shall not be regarded as breaking the continuity of such service.
4. For the purpose of these Regulations, service shall be reckoned as qualifying service only if it is certified that the character and conduct of the person recommended for the grant of the Medal or Clasp has been exemplary. No member of the properly organised Fire Service shall be deemed to be of exemplary character who during the last ten years of his service has been convicted of—
 - (a) any criminal offence, excluding offences under the Traffic Act (but including the offence of driving under the influence of drink or drugs);
 - (b) a disciplinary offence of drunkenness or incapacity for duty due to alcoholism; or
 - (c) a disciplinary offence and sentenced to a punishment of—
 - (i) reduction in rank;
 - (ii) fined more than three days' pay.
5. Recommendations for the award of the Medal or Clasp shall be submitted by the Minister for Urban Development, Housing and Social Welfare to the

Governor-General. The Medal or Clasp will be awarded on the authority of the Governor-General and a notification of such award shall be published in the *Fiji Royal Gazette*.

6.—(1) A recipient of the Medal or Clasp who is convicted of such a criminal offence as aforesaid or is dismissed or removed from the Fire Service for misconduct shall forfeit the Medal or Clasp unless the Governor-General shall otherwise direct.

(2) A Medal or Clasp so forfeited may be restored to the recipient by the Governor-General at his discretion.

(3) A notice of forfeiture or restoration shall in every case be published in the *Fiji Royal Gazette*.

7.—(1) When a Medal is lost through carelessness or neglect, the Minister for Urban Development, Housing and Social Welfare may recommend that the loser be provided with a new medal at the loser's own expense. If the loss is accidental, it may be recommended that the loser be supplied with a new medal, either at his own or at the public expense, according to the circumstances of the case.

(2) An application for a new medal to replace one which has been lost must be accompanied by a declaration as to the circumstances under which the original medal was lost. A new medal will not be issued until a period of six months has elapsed since the date on which the loss occurred.

Controlled by Ministry of Urban Development, Housing and Social Welfare