

[LEGAL NOTICE NO. 85]

NATIONAL FIRE SERVICE ACT 1994

National Fire Service (Fire Safety Compliance Certificate) Regulations 2024

IN exercise of the powers conferred on me by section 48 of the National Fire Service Act 1994, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the National Fire Service (Fire Safety Compliance Certificate) Regulations 2024.

(2) These Regulations come into force on 26 September 2024.

Fire safety inspection

2. An application for fire inspection and certification must be submitted electronically, and must be accompanied by supporting documents together with the prescribed fees.

Compliance certification

3.—(1) Upon receipt of a complete application, the Authority must initiate the fire inspection and certification process, and must notify the applicant of any additional information or documentation required to facilitate the inspection.

(2) If upon the completion of the inspection, the Authority is satisfied of the compliance, it must issue a certificate of compliance to the building owner or occupier.

(3) The fire compliance safety certificate issued under subregulation (2) must be displayed in a prominent place in the premises visible to the public.

Notice of non-compliance

4.—(1) If a premises that has been inspected by a fire safety inspector is not in compliance, the fire safety inspector must within 7 days from the date of inspection issue a notice of non-compliance.

(2) A notice of non-compliance is to be issued only after the approval of the manager responsible for fire safety and compliance.

(3) Once the notice of non-compliance is issued, the Fire Safety Inspector must inform of the building owner or occupier of the rectification period.

(4) Any failure to comply with the requirements within the rectification period will result in the closure of application and the applicant must reapply with the prescribed fees.

(5) Any failure to comply with the requirements within the rectification period may result in the issuance of a public notice of closure of premises.

(6) The municipality in which the premises is located must be given a copy of the notice of non-compliance.

(7) The municipality in which the premises is located must be given a notification of the re-application.

Manager responsible for fire safety and compliance

5.—(1) If a notice of non-compliance is not issued within 7 days after the inspection of an existing business, the manager responsible for fire safety and compliance must be informed as to the reason of the delay and must issue the notice of non-compliance as soon as possible.

(2) The notice of non-compliance issued under regulation 4(1) must contain relevant information directed by the manager responsible for fire safety and compliance.

Re-inspection

6.—(1) A re-inspection must be conducted within the time frame stipulated in the notice of non-compliance or within 7 days after the rectification period has expired.

(2) If at re-inspection, it is determined that the non-compliance has been rectified, a fire safety compliance certificate must be issued for the premises by the Authority.

(3) If at re-inspection it is determined that non-compliance still exists, the fire safety inspector must assess whether more time may be granted for rectification or whether a public notice of closure of premises must be issued.

(4) The building owner or occupier must be notified in the event a notice of non-compliance is extended.

(5) The manager responsible for fire safety and compliance may approve the grant for an extension after re-inspection.

(6) A copy of the notice of extension of non-compliance must be given to the municipality in which the premises is located.

(7) If it is determined after re-inspection that there is no commitment by the building owner or occupier to rectify the non-compliance, the fire safety inspector must advise the manager responsible for fire safety and compliance who will determine whether a public notice of closure of premises may be issued.

(8) The fire safety inspector must compile a report detailing the steps that has been followed and where non-compliance still exists and provide the same to the manager responsible for fire safety and compliance for further advice.

(9) If a premises rectifies after a notice of non-compliance is issued, the premises owner or the occupier must pay the fee for a new application to be granted a fire safety compliance certificate.

Public notice for closure of premises

7.—(1) The Chief Executive Officer of the Authority may approve for a public notice of closure of premises to be issued against a premises if he or she is satisfied that the owner or occupier has failed to comply with a notice of non-compliance and requirement to make good any non-compliance within the rectification period.

(2) The owner or occupier of a premises must be informed in writing before 14 days from the date of publishing of the notice of the authority's decision to publish a public notice for closure of premises.

(3) A copy of the notice must be pasted on all entry points of the premises including the main entrance and on the Authority's website and social media platforms.

(4) The public notice of closure of premises must be in effect until it is determined that compliance has been met or if a Court order has been granted for the closure of premises to be uplifted.

(5) In the event a public notice of closure of premises is uplifted, a public notice must be published on the uplifting of the closure of premises and the cost to be borne by the owner or occupier of the building.

(6) No business must be conducted and no person other than the owner or occupier, or the fire safety inspectors in the course of their duties, and the people contracted to rectify the non-compliance issues may enter the premises during the time a public notice of closure of premises has been issued against the premises.

(7) In this regulation, “public notice” means a notice published in the daily newspaper and social media platform for information to the general public.

Conditional approval

8. The Chief Executive Officer of the Authority has the discretion to approve conditional fire safety compliance certificate after making considerations on a case-by-case basis.

Made this 25th day of September 2024.

M. K. NALUMISA
Minister for Housing
and Local Government