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National Fire and Emergency Service Order, 1975

Kings Order in Council 14 of 1975

Legislation as at 1 December 1998

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National Fire and Emergency Service Order, 1975
Contents

1. Short title 1

2. Interpretation 1

3. Establishment of a National Fire and Emergency Service 1

4. Duty of the Service 1

5. Personnel of the Service 1

6. Discipline of the members of the Service 2

7. The powers of officers in the Service 2

8. Duty of police to assist 2

9. The use of water and water supplies 2

10. Fire insurance policy to cover charges and damages 2

11. Indemnification of the Government, Service and police 2

12. Additional duties and powers of Service 3

13. Arrangements with the Board of the Post Office Special Fund 3

14. Offences 3

15. Regulations 3

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National Fire and Emergency Service Order, 1975

Kings Order in Council 14 of 1975

Assented to on 5 May 1975

Commenced on 1 May 1976

[This is the version of this document at 1 December 1998.]

A King's Order-in-Council to provide for the establishment as a department of the Ministry of Home Affairs of a National Fire and Emergency Service.

1. Short title

This King's Order-in-Council may be cited as The National Fire and Emergency Service Order, 1975.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Minister**” means the Minister for Home Affairs;

“**officer**” means any officer serving as an officer in the Service in terms of [section 5](#);

“**Service**” means the National Fire and Emergency Service established as a department of the Ministry of Home Affairs in terms of [section 3](#).

3. Establishment of a National Fire and Emergency Service

- (1) There is hereby established a National Fire and Emergency Service which shall be a department within the Ministry of Home Affairs.
- (2) The responsibility for the administration and control of the Service is hereby assigned to the Minister.

4. Duty of the Service

- (1) The primary duty of the Service shall be to fight, extinguish and prevent the spread of fire, to protect or save life and property in case of fire or any other calamitous event and to perform such other humanitarian services as may be generally or specially authorised by or on behalf of the Minister.
- (2) The Service shall with the Minister's approval establish and control such fire stations or establishments, including a training centre as may be considered necessary.

5. Personnel of the Service

- (1) The personnel of the Service shall consist in whole or in part of permanent or part-time officers or of volunteers.
- (2) The Service shall, unless the Minister otherwise directs, consist of—
 - (a) the following senior officers, namely, a chief fire officer, an assistant fire officer, and such divisional officers as the Minister may consider necessary;
 - (b) station officers who shall be classified as middle rank officers; and

- (c) the following junior rank officers namely, such sub-officers, leading firemen and firemen as the Minister may consider necessary.
- (3) The responsibilities, duties and ranking of the officers referred to in subsection (2) shall be as defined by the Minister who shall consult the chief fire officer thereon.

6. Discipline of the members of the Service

The Minister may make regulations with regard to the discipline to apply to officers of the Service not inconsistent with the Civil Service Order, No. 16 of 1973:

Provided that the Minister may delegate to the chief fire officer the power to make rules relating to such discipline, including the right in the case of any contravention of any such rule to impose a punishment of reduction in rank, a fine, or reprimand, subject, however, to the Minister's approval of such punishment.

7. The powers of officers in the Service

- (1) Any officer may take possession of and control property on fire or in danger, close any street, enter upon, break into or through, pull down or destroy any property, forcibly evacuate any person or animal, forcibly remove any person, animal, vehicle or any other object interfering with or obstructing or likely to interfere with or obstruct the operations of any unit of the Service.
- (2) On the withdrawal of a unit of the Service from any property, the chief officer, or any other person authorised by him generally or specially, may make such disposition with regard to such property for security and safety reasons as he may deem fit.

8. Duty of police to assist

Any police officer shall, when called upon to do by the officer in charge of a unit of the Service, assist in the maintenance of order, the controlling of crowds, the closing of streets or roads, the forcible evacuation of any person or animal, the forcible removal of any person, animal or vehicle interfering with or obstructing or likely to interfere or obstruct the operations of a fire brigade.

9. The use of water and water supplies

- (1) The Minister may enter into any agreement or arrangement with the Water and Sewerage Board Special Fund established under [Legal Notice No. 37 of 1974](#) or any other competent authority for the use of water by, or for the supply of water to, the Service in case of fire.
- (2) The Service shall, when necessary to carry out its duties and functions under this Order, have the right of access to all private and public water supplies for the purpose of the extraction of water for use in any emergency.

10. Fire insurance policy to cover charges and damages

The charges and expenses payable by any person to or on behalf of the Service in connection with the operation of a unit of the Service and all damages done by such unit or the police in the execution of their duties and the exercise of their powers under this Order shall be deemed to be a loss or damage by fire within the meaning of any policy of insurance against fire relating to the property concerned, notwithstanding anything to the contrary in such policy:

Provided, however, that nothing in this section shall be construed as compelling an insurer to pay a sum in excess of the total amount for which the property has been insured.

11. Indemnification of the Government, Service and police

The Government, the Service or any of its officers, and any police officer who has acted under this Order are hereby indemnified against, and exempted from, all legal proceedings whatsoever (whether criminal

or civil) on account of anything done by any officer or police officer in the execution of his duties and the exercising of his powers under this Order.

12. Additional duties and powers of Service

- (1) The Service may by inspection of premises or any other lawful means obtain information required for fire-fighting purposes or rescue procedures.
- (2) The Service shall ensure that any law with regard to fire precaution, means of escape from premises in danger, fire protection, safety regulations connected with fire hazard are complied with by the owner or occupier of any premises or vehicle.
- (3) The Service shall when called upon by any member of the public at all reasonable times give advice in respect of fire prevention and general safety, the provisions and use of fire protection equipment and all related matters.
- (4) The Service shall co-operate with any inspectors or officers appointed under any other law in connection with the prevention or extinguishment of fires in order that they may be the better able to carry out their duties and functions under such law.

13. Arrangements with the Board of the Post Office Special Fund

The Service shall in conjunction with the Board of the Post Office Special Fund take the necessary steps to provide for the telephonic transmission of emergency messages to the Service or any fire service control or fire service station falling under its authority, and such matters that are incidental thereto.

14. Offences

Any person who wilfully obstructs or interferes with an officer or a police officer engaged in operations of fire fighting or any other emergency purpose or refuses, obstructs or prevents the inspection of any premises for the purpose of [section 12\(1\)](#) shall be guilty of an offence and liable on conviction to a fine of one thousand emalangeni or imprisonment for twelve months, or both.

15. Regulations

The Minister may make regulations for the better administration of this Order, and for the attainment of the objects of this Order, and without affecting the generality of the foregoing he may prescribe—

- (a) requirements as to provision, maintenance and keeping free from obstruction, means of escape in case of fire;
- (b) requirements as to provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;
- (c) requirements as to provision and maintenance for fighting fire and means for giving warning in case of fire;
- (d) the prohibition of the presence or the use in premises of furniture or equipment of any specified description, or such prohibition unless specified standards or conditions are complied with;
- (e) provisions for appropriate training and instruction of persons employed in premises in what to do in case of fire;
- (f) the charges to be paid for the attendance and services of a unit of the Service and the persons who shall be liable for such charges between an owner and occupier of the affected premises or goods;
- (g) the hours of duty of an officer;
- (h) the uniforms to be worn by officers of different ranks, the amount of the payment of a uniform allowance to officers, and the return of uniforms on an officer leaving the Service;

- (i) notwithstanding any other law, the right of certain officers to take photographs of any incident, property, place or vehicle in connection with or in pursuance of his duties under this Order;
- (j) the respective duties and functions of officers during a fire or other emergency;
- (k) in conjunction with the Minister for Public Works and Transport, traffic rules to be observed by officers in the course of their duties under this Order and the relaxation of the observance of traffic laws by officers in the course of their duties under this Order;
- (l) specified types of fire extinguishers and detection and extinguishing systems to be used in any area of Swaziland which he may prescribe;
- (m) tests or examinations to be passed by members of the Service before they are eligible for promotion.