

CHAPTER 54

EBONYI STATE FIRE SERVICE LAW

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CHAPTER 54

EBONYI STATE FIRE SERVICE LAW

Law No. 2 of
1996, Imo State

A Law To Provide For The Fire Service Law Of Ebonyi State

Commencement

(1st June, 1996)

PART I: PRELIMINARY

Citation

1. This Law may be cited as the Ebonyi State Fire Service Law,

Interpretation.

2. In this Law
"Commissioner" means the Commissioner for the time being charged with the responsibility for fire service;
"Fire Authority" means the Government of Ebonyi State whose functions under this Law are delegated to the Commissioner;
"fire brigade" means a troop or formation or squad of firemen and officers stationed in any part of the State;
"fire-fighting equipment" includes fire engine, mobile firefighting equipment, fire extinguisher, uniforms, badge of rank or post, pillar, plate, table or other mark used to indicate the position of a fire hydrant or other source of water, or emergency exit or such other equipment or means of fire fighting, fire prevention and escape as may be prescribed by this Law or by regulations made thereunder;
"fire-fighting unit" means fire-fighting personnel with mobile fire-fighting equipment maintained by a person or persons other than a fire authority for use in the fighting and prevention of fires and the protection of life and property in case of fire;
"fire-fighting purposes" means purposes of extinction and prevention of fires and protection of life and property in case of fire;
"fireman" means a staff of Fire Service below the rank of sub-officer;
"Fire Service" means fire-fighting service established under section 3 of this Law;
"mobile fire-fighting equipment" means any fire-fighting equipment other than fire engine;

"fire officer" means a staff of the Fire Service of the rank of sub-officer or above;

"Permanent Secretary" means the Permanent Secretary in the Ministry for the time being responsible for fire service;

"State" means Ebonyi State of Nigeria;

"Water Authority" means the State Water corporation

PART II.-ESTABLISHMENT, ORGANIZATION AND ADMINISTRATION

3. (1) There is hereby established a fire service to be known as Ebonyi State Fire Service which shall be a division in the Ministry for the time being responsible for the fire service.
- (2) The Ebonyi State Fire Service shall consist of the Chief Fire Officer, such other officers and firemen of such ranks as may from time to time be appointed by the State Civil Service Commission.
4. (1) The Ebonyi State Fire Service shall be under the command of the Chief Fire Officer who shall:
- (a) be the head of the Fire Service Division in the Ministry responsible for fire service;
 - (b) be subject to the general orders and directions of the Permanent Secretary; and
 - (c) be responsible to the said Permanent Secretary for the efficient administration and conduct of the Fire Service.
- (2) The Chief Fire Officer may delegate some of his duties to any of his subordinates and, in the absence of the Chief Fire Officer, the Permanent Secretary may authorize the next senior officer to perform the duties and exercise the functions of the Chief Fire Officer.
5. The duties of the Ebonyi State Fire Service shall include:
- (a) the prevention, control and extinction of fire;
 - (b) the saving and protection of life and property in case of fire;
 - (c) advice as to the proper location of hydrants and fire extinguishers in public buildings and private premises; and
 - (d) such other duties relating to or connected with prevention,

Establishment of
Fire Service and
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Service.

control and extinction of fire or saving and protection of life and property in case of fire as may from time to time be prescribed or authorized by the Commissioner.

Powers of the
Commissioner.

6. The Commissioner shall have power to know what fire fighting equipment are available to the Ebonyi State Fire Service, and in this regard shall have power:
- (a) to make arrangements for the procurement of new fire fighting equipment;
 - (b) to ensure that existing equipment are properly maintained and serviced for efficient prevention, control and extinction of fire outbreak and other matters connected with or related thereto;
 - (c) to make arrangements for training facilities for officers and firemen in the Ebonyi State Fire Service for the due discharge of their functions under this Law;
 - (d) to ensure that water hydrants are located in strategic points in all urban towns and fire extinguishers are installed in all public buildings and commercial houses in the State;
 - (e) to make arrangements for ensuring that reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fires; and
 - (f) to give standing instructions to officers of Ebonyi State Fire Service to advise the public when requested, in relation to prevention of fire, the spread of fire and means of escape in case of fire in private and public buildings.

Supplementary
powers of the
Commissioner.

7. (1) Notwithstanding the provisions of section 6 of this Law, the Commissioner shall have further powers:
- (a) to establish a fire brigade in any local government area of the State, to equip and house such fire brigade to enable it carry out its functions under this Law;
 - (b) to authorize the provision and maintenance of fire alarms in suitable places; and
 - (c) to authorize the payment of fees for services rendered by Ebonyi State Fire Service.
- (2) Save as provided in subsection (1) (c) of this section, the Commissioner or any officer of Ebonyi State Fire Service shall not charge any fee for service rendered by the Fire Service.

8. A fireman or a fire officer shall, on appointment, be enlisted to serve in the Ebonyi State Fire Service for a probationary period of two years or for such other term as may be fixed by the Civil Service Commission.

Enlistment of firemen.

PART III: CONFIRMATION, GRATUITY AND PENSION

9. (1) As a civil servant, a fireman or fire officer of any rank, in the absence of adverse report against him shall, after probationary period of two years, be confirmed and thereafter hold a pensionable post under the provisions of the Pensions Law applicable statute for the time being in force.
(2) Pensions and gratuity shall be calculated in accordance with the provisions of the Pensions Act, 1990.
(3) Where a fireman or a fire officer has been permanently incapacitated by an injury sustained or illness contracted in the performance of his duty and without his own default, or on account of circumstances specifically attributable to the nature of the duty, and his discharge is thereby necessitated or materially accelerated, his pension shall be calculated in accordance with the provisions of the Pensions Act, 1990 or any applicable statute for the time being in force or any modifications thereof.

Confirmation gratuity and pension.

PART IV: FIRE-FIGHTING, PREVENTION AND OTHER SERVICES

10. The Commissioner may take all reasonable measures for ensuring the provision of adequate water supply for use in case of fire; and for this purpose, after consultation with the Ebonyi State Water corporation, may from time to time make regulations:
 - (a) for making use of the free water supply guaranteed by the Ebonyi State Water Corporation Law,
 - (b) for the installation at suitable places of water main pipes, valves and for hydrants or other waterworks which may be required by the Fire Authority at the expense of the Fire Authority, in the discharge of its functions in the prevention or control of fire;
 - (c) for the provision of distinguishing marks to be placed on any wall, fence or post adjoining a street or public place;
 - (d) for providing for uniformity;

Water supply.

- (i) in fire hydrants and other sources of water supply;
- (ii) in the distinguishing marks denoting the location of the fire hydrants or other sources of water supply;
- (iii) in the positions of pressure of water available;
- (e) for the provision of such auxiliary pumping plant and equipment as may be necessary; and
- (f) for the giving of prior notice from the Water Corporation to the Fire Authority of any proposed installation of new main water pipes, or of the carrying out of major alterations to an existing main pipe, giving details, plans and other information of the proposed works.

Regulations.

11. (1)

Without prejudice to the powers conferred on him by section 10 of this Law, the Commissioner may from time to time make regulations:

- (a) with the concurrence of the Civil Service Commission with respect to:
 - (i) the organization and administration of the Fire Service;
 - (ii) the training of members of the Fire Service; and
 - (iii) the promotion, transfer, dismissal and disciplinary control of members of the Fire Service;
- (b) setting out the scales of charges permitted under subsection (3) of section 13 of this Law for services rendered by the Fire Service;
- (c) for the administration of the Fire Service Reward Fund;
- (d) for the prevention of fire and reduction of the risk of fire, and for the safety of persons or animals or property in or near any building from fire hazards;
- (e) prescribing the type of signals, audible or visual, to be used by fire engines or other mobile fire-fighting equipment;
- (f) for the establishment and management of canteens and recreational facilities for members of the Fire Service; and

- (g) requiring owners of multiple dwellings, cinemas, theatres, office buildings and other similar buildings or structures to which members of the public resort from time to time, to take such precautions as the Commissioner may specify for safety of the tenants, occupiers, invitees or other users of such buildings or structures against fire hazards.
- (2) For purposes of paragraph (g) of subsection (1) of this section, the Commissioner may:
 - (a) classify these buildings or structures into different categories; and
 - (b) prescribe different safety requirements for each category; and
 - (c) require the owners of any category thereof to install such fire-fighting equipment of such standard as may be prescribed by the Chief Fire Officer and approved by the Commissioner, and in such a way that the tenants, occupiers, invitees or other users thereof shall at all times in case of fire, have free access to such fire-fighting equipment.

12. A fire alarm or a notice, tablet, plate, pillar, post or other distinguishing mark indicating the location of a fire hydrant or other sources of water supply as required or prescribed by this Law may be affixed or placed upon any land or other property by the Fire Service for the purposes of this Law without the prior consent of the owner of the land or property and without compensation for such user of the land.

Fire alarms.

- (2) In this section:
 "land" includes buildings, walls or fence; and "owner" includes a lessee, tenant, licensee or occupier.

13. (1) Subject to the provisions of subsection (4) of this section, the Commissioner may enter into arrangements with the Federal Government or any other neighbouring State Government(s) or other authorities that maintain a fire brigade or a fire-fighting unit outside the State, to secure, on such terms as may be provided by or under the arrangements, the provision by the participating Government(s), person(s) or authorities, of mutual assistance for the purpose of dealing with fire occurring in

Mutual assistance.

- the State or, as the case may be, for the rendering of assistance by the Fire Service for the purposes of dealing with fires occurring outside the State.
- (2) The Commissioner may enter into arrangements with persons (not being fire authorities) who maintain fire-fighting units to secure on such terms as to payment or otherwise as may be provided by or under the arrangements; the provision by these persons of assistance for the purpose of dealing with fires or other emergencies occurring in the State where either:
- (a) it is necessary to supplement the services provided in connection with the Fire Service; or
 - (b) reinforcement at a fire occurring in the State or, as the case may be, for the rendering of assistance by the Fire Service for the purpose of dealing with fire occurring outside the State.
- (3) The Commissioner may make such charges as to him seem reasonable for services, other than fire-fighting services, rendered by the Fire Service; and such a charge shall be a charge on the property in respect of which those services were rendered.
- (4) No arrangement for rendering of assistance by the Fire Service for the purpose of dealing with fires occurring outside the State may be entered into by the Commissioner unless the Government of that State where the fire brigade or fire-fighting service or unit is maintained approves of the arrangement and undertakes to indemnify the Fire Service and every staff thereof who may be taking part in a fire-fighting operation against damages or injury to person or property caused by any act or omission on their part during the operation.

PART V: POWERS OF STAFF OF FIRE SERVICE

Power to
enter premises.

14. (1) A staff of the Fire Service or of a fire brigade in the execution of his official duties under this Law may enter or, if necessary, break into:
- (a) any premises or place in which a fire has or is reasonably believed to have occurred; or
 - (b) any premises or place which it is necessary to enter

for the purpose of extinguishing a fire or of protecting the premises or place from dangers arising from acts done for fire-fighting purposes or in order to obtain water for fire-fighting purposes, without the consent of the owner or occupier of the premises or place and may do, while remaining there, all such things as are deemed necessary —

- (i) for extinguishing the fire or preventing further spread of the fire, or
 - (ii) for protecting the premises or place from fire or from dangers arising from acts done for firefighting purposes, or
 - (iii) for rescuing a person, animal or property in the premises or place, or
 - (iv) for obtaining water for fire-fighting purposes.
- (2) At any fire-fighting operation the most senior staff of the Fire Service present shall be in control of the operation and shall see to it that the fire is brought under effective control.
- (3) The senior police officer present at a fire-fighting operation, or in the absence of a police officer, the most senior staff of the Fire Service present, may close to traffic a street, if in his opinion, it is necessary or desirable to do so for the fire-fighting purpose.
- (4) Any injury to a person or damage to property caused by a staff of the Fire Service or a police officer while acting in the execution of his duties in the extinguishing of a fire or in aid or assistance to persons or animals under the provisions of this Law shall be deemed to be injury or damage by fire.

15. (1) Any staff of the Fire Service who is on duty or any person or authority assisting the Fire Service on duty pursuant to any reciprocal arrangements provided under this Law, may, without the consent of the owner or occupier:
- (a) enter and if necessary break into any building, place or property in which a fire has or is reasonably suspected to have broken out;
 - (b) enter and if necessary break into any building, place or property which he believes to be necessary to be entered for the purpose of rescuing or

Power to enter
upon lands.

- protecting the building, place or property from fire or from acts done for rescuing or fire-fighting purposes or for the purposes of extinguishing a fire therein or on any property adjacent thereto;
- (c) having entered such building, place or property, do such acts therein as are necessary for rescue operations or for extinguishing any such fire or for protecting such building, place or property adjacent thereto or any property therein from fire or from acts done for rescue or fire-fighting purposes;
 - (d) having entered such building, place or property, do such acts therein as are necessary for the rescue of the life of animals;
 - (e) having entered such building, place or property, remove any chemicals, containers, petroleum products, explosives or any property, furniture or item which in his opinion is capable of causing fire or is dangerous to the tenants or occupiers of such building, place or property or any property adjacent thereto;
 - (f) pull down any building or other structure, or destroy or remove any property as are necessary to extinguish or limit the spread of any fire, or carry out rescue of persons and/or animals;
 - (g) having entered any building, place or property, stop the storage or sale of any commodity or material which constitutes fire hazard;
 - (h) take water from any source whatever without payment or other compensation therefore for the purpose of extinguishing fire or of limiting the spread of fire; and
 - (i) enter any building, place or property, and give advice on the proper placement of fire-fighting equipment thereon.

Limitation of
actions against
any fireman or
fire officer.

16. The provision of the Public Officers Protection Law shall apply in relation to any action, prosecution or other proceeding against any fireman or fire officer for any act done by him in the execution or performance of his duty under this Law.

17. (1) A fire engine or any mobile fire-fighting equipment, when responding to an alarm shall, as far as practicable, have prior right of way over all other traffic.
- (2) Notwithstanding the proviso in subsection (1) of this section, a police officer or traffic warden in charge of traffic and the drivers of other vehicles shall at all material times ensure the quick passage of a fire engine or a mobile fire-fighting equipment in cases of emergency or while proceeding on fire operation, whether with siren signal or not.

Fire engine prior right of way.

PART VI: MISCELLANEOUS

18. (1) No charge shall be made for any service rendered by the Fire Service in extinguishing fires.
- (2) Charges may be made for service other than extinguishing fires rendered by the Fire Service at a rate to be prescribed by the Commissioner.
- (3) The Chief Fire Officer shall issue demand notice to the person or authority who is liable to pay the charges prescribed under subsection (2) of this section, and if the person or authority fails to pay the charges within 30 (thirty) days from the date of the demand notice, the Chief Fire Officer may maintain an action in a court of competent jurisdiction to recover the amount payable as a debt to the Government of the State.
19. (1) The Fire Authority may establish and run Fire Service training courses in the State.
- (2) A person who is not a staff in the Fire Service of the State may, with the approval of the Commissioner and on such terms as to payment or otherwise as may be prescribed, be admitted to the full or part of the training courses in fire fighting and fire prevention established by subsection (1) of this section.
20. Any person who, not being a staff of the Fire Service:
- (a) puts on the official dress wholly or part thereof, or assumes the official name or designation of any staff of the Fire Service; or
- (b) in any way pretends or represents himself to be a staff of the Fire Service for the purpose of gaining admission into a

Charges for services rendered.

Fire Services training facilities.

Personation as staff of Fire Service

house or place or of doing an act which the person is not entitled to do under this Law, is guilty of an offence and liable on summary conviction to a fine of four thousand naira or imprisonment for one year or to both fine and imprisonment.

Contravention of this Law or regulations made thereunder

21.

Any person who contravenes any provision of this Law or regulation made thereunder for which no penalty has been specifically provided, is guilty of an offence and liable to a fine of one thousand naira or to imprisonment for three months.

Disclosure of official secret.

22.

(1) Any staff of the Fire Service who discloses to an unauthorized person any confidential or secret information which the staff becomes possessed of in the course of his duties, is guilty of an offence and liable to a fine of two thousand naira or imprisonment for six months or to both fine and imprisonment.

(2) A person found guilty under subsection (1) of this section shall, in addition to the punishment specified thereunder, be liable to summary dismissal from the Service.

(3) For the purpose of this section:

"unauthorized person" means any person other than a person to whom the staff of the Fire Service is authorized by the Commissioner to disclose a secret or confidential information.

Obstruction of or interference with work of firemen.

23.

Any person who:

(a) willfully obstructs or interferes with the work of a fireman who is engaged in fire-fighting operation, or who is carrying out other duties prescribed by or under this Law; or

(b) willfully obstructs a fire engine or a mobile fire-fighting equipment that is proceeding to a place of fire incident; or

(c) fails to yield right of way to a fire engine or a mobile fire-fighting equipment, is guilty of an offence and liable to a fine of one thousand naira or to imprisonment for four months or to both fine and imprisonment.

False fire alarm.

24.

Any person who knowingly gives or causes to be given a false fire alarm or a false fire information to the Fire Service to a staff of the

Fire Service, is guilty of an offence and liable to a fine of two thousand naira or imprisonment for six months or to both fine and imprisonment.

25. (1) Any person who unlawfully interferes with or damages or removes any fire-fighting equipment maintained or owned by the Fire Service, is guilty of an offence, and liable to a fine of ten thousand naira or to imprisonment for six months or to both fine and imprisonment.
- (2) In this section, "fire-fighting equipment" includes a fire alarm, fire hydrant or fire hydrant cover.
26. Any staff of the Fire Service who engages, encourages, abates, takes part in strike action, work-to-rule, group disturbance, mob action, any trade union activities or mutiny, shall be guilty of an offence and liable to summary dismissal from Service.
27. (1) Any person who for profit stores, sells, buys or transports any flammable liquid or gas other than in the fuel tank of a vehicle or engine without first obtaining a fire certificate shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred naira or to imprisonment not exceeding six months, and in addition such flammable product shall be forfeited to the Fire Authority.
- (2) For purposes of this section, "fire certificate" means written permit signed by the Chief Fire Officer (or by any fire officer so authorized by him in writing to sign and issue such permit).

Interference with
fire equipment.

Taking part in
strike, work to-
rule, group
disturbance,
mutiny by staff
prohibited.

Storage, sale and
transportation of
flammable liquid
or gas.