

FIRE BRIGADE SERVICES ACT NO. 99 OF 1987

[View Regulation]

[ASSENTED TO 15 OCTOBER, 1987]
[DATE OF COMMENCEMENT: 23 OCTOBER, 1987]

(English text signed by the State President)

as amended by

Fire Brigade Services Amendment Act, No. 83 of 1990

Provincial and Local Authority Affairs Amendment Act, No. 134 of 1992

Constitution of the Republic of South Africa, No. 200 of 1993
[with effect from 31 October, 1994—see Proclamation No. R.153 of 1994]

Fire Brigade Services Amendment Act, No. 14 of 2000

ACT

To provide for the establishment, maintenance, employment, co-ordination and standardization of fire brigade services; and for matters connected therewith.

ARRANGEMENT OF SECTIONS

1. Definitions
 2. Fire Brigade Board
 3. Services of local authorities
 4. Designated services
 5. Chief fire officer
 6. Members of service
 - 6A. Fire brigade reserve force
 - 6B. Decorations, medals and certificates
 7. Training institutions
 8. Powers of members of service
 9. Salvaging of movable property
 10. Fees
 11. Grants-in-aid
 12. Agreements
 13. Minister may authorize persons
 14. Urgent cases
 15. Regulations
 16. By-laws and regulations
 17. Failure to comply with requirements
 18. Enforcement of provisions
 19. Delegation
 20. Indemnity
 21. Offences
 22. Repeal of laws and savings
 23. Short title
- Schedule

1. Definitions.—(1) In this Act, unless the context indicates otherwise—

“Administrator”, means the competent authority within the government of a province to whom the administration in that province of this Act was assigned under section 235 (8) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

[Definition of “Administrator” substituted by Proclamation No. R.153 of 1994.]

“area” means—

- (a) in relation to a service of a local authority, the area of jurisdiction of that local authority, excluding any demarcated area contemplated in section 4 (4); and
- (b) in relation to a designated service, the demarcated area contemplated in section 4 (4) of that

designated service;

“Board” means the Fire Brigade Board established by section 2;

“chief fire officer” means the person in charge of a service as contemplated in section 5;

“controlling authority” means a local authority in control of a service or the person in control of a designated service;

[Definition of “controlling authority” substituted by s. 18 (a) of Act No. 134 of 1992.]

“designated service” means a service recognized by the Minister under section 4;

“equipment” means a vehicle, or any other apparatus, intended to be used by a service in the performance of its functions;

“local authority” means an institution or body contemplated in Act section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and includes—

- (a) a board of management or board as defined in Act section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
- (b) a regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);
- (c) a local authority as defined in Act section 1 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);

[Para. (c) substituted by s. 1 (a) of Act No. 83 of 1990.]

- (d) a local government body established by virtue of the provisions of section 30 (2) (a) of the Black Administration Act, 1927 (Act No. 38 of 1927);

[Para. (d) substituted by s. 1 (a) of Act No. 83 of 1990.]

- (e) a local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987); or

[Para. (e) added by s. 1 (a) of Act No. 83 of 1990.]

- (f) an institution or body declared by the Minister, by notice in the *Gazette*, to be a local government for the purposes of this Act: Provided that the Minister may only declare an institution or body to be a local government if such institution or body was established by an Act of Parliament and if it, in terms of or by virtue of that Act, exercises powers and performs duties which, in the opinion of the Minister, may be exercised or performed by an institution, body or board contemplated in section 84 (1) (f) of the Provincial Government Act, 1961, or in paragraphs (a) to (e) of this definition;

[Para. (f) added by s. 1 (a) of Act No. 83 of 1990.]

- (g) any similar institution or body existing or which is established in an area to which the provisions of this Act did not apply before the insertion of section 1 (2) in this Act;

[Para. (g) added by Proclamation No. R.153 of 1994.]

“material” means water or any other substance consumed by a service in the performance of its functions;

[Definition of “material” substituted by s. 1 (b) of Act No. 83 of 1990.]

“Minister” means—

- (a) except in paragraph (f) of the definition of “local authority” and sections 2, 15 and 17, the competent authority within the government of a province to whom the administration of this Act in that province has been assigned under section 235 (8) of the said Constitution; and
- (b) in paragraph (f) of the definition of “local authority” and sections 2, 15 and 17, the national Minister responsible for provincial and local government;

[Definition of “Minister” substituted by s. 1 (c) of Act No. 83 of 1990 and by Proclamation No. R.153 of 1994 and amended by s. 1 of Act No. 14 of 2000.]

“prescribe” or **“prescribed”** means prescribe or prescribed by regulation under section 15 or, except for the purposes of section 11, by guideline recommended by the Board and approved by the Minister;

[Definition of “prescribe” or “prescribed” substituted by s. 18 (b) of Act No. 134 of 1992.]

“province” means a province established in terms of section 124 of the said Constitution;

[Definition of “province” inserted by Proclamation No. R.153 of 1994.]

“self-governing territory”

[Definition of “self-governing territory” inserted by s. 1 (d) of Act No. 83 of 1990 and deleted by Proclamation No. R.153 of 1994.]

“service” means a fire brigade service intended to be employed for—

- (a) preventing the outbreak or spread of a fire;
- (b) fighting or extinguishing a fire;
- (c) the protection of life or property against a fire or other threatening danger;
- (d) the rescue of life or property from a fire or other danger;
- (e) subject to the provisions of the Health Act, 1977 (Act No. 63 of 1977), the rendering of an ambulance service as an integral part of the fire brigade service; or
- (f) the performance of any other function connected with any of the matters referred to in paragraphs (a) to (e).

(2) This Act shall apply in the national territory referred to in section 1 of the said Constitution.

[Sub-s. (2) added by Proclamation No. R.153 of 1994.]

2. Fire Brigade Board.—(1) There is hereby established a board known as the Fire Brigade Board, to perform the functions assigned to it in terms of this Act or the regulations contemplated in section 15.

[Sub-s. (1) substituted by s. 19 of Act No. 134 van 1992.]

(2) The Board shall consist of—

- (a) one person designated by the Minister, who shall be the chairperson;
- (b) one person designated by each of the Administrators;
- (c) two persons designated by the South African Local Government Association;
- (d) one person designated by the Minister of Finance;
- (e) one person designated by the South African Emergency Services Institute; and
- (f) not more than three persons designated by the Minister, one of whom represents organised business and one of whom represents organised labour.

[Sub-s. (2) substituted by s. 2 (a) of Act No. 14 of 2000.]

(2A) The Board shall comprise both women and men.

[Sub-s. (2A) inserted by s. 2 (b) of Act No. 14 of 2000.]

(3) The quorum for and the procedure at a meeting of the Board shall be determined by the Board.

(4) The administrative work arising from the performance of the functions of the Board under this Act shall be performed by officers or employees of the national department responsible for provincial and local government.

[Sub-s. (4) substituted by s. 2 (a) of Act No. 83 of 1990 and amended by s. 2 (c) of Act No. 14 of 2000.]

(5) (a) The Board may establish a committee to perform such functions as may be assigned to it by the Board.

(b) The Board shall designate a member of a committee so established as chairman of that committee.

(5A) The Board may at the request of the government of another state advise such government, or the representatives of such government, concerning any matter which falls within the functions of the Board.

[Sub-s. (5A) inserted by s. 2 (b) of Act No. 83 of 1990 and amended by s. 2 (d) of Act No. 14 of 2000.]

(6) The Board may allow any member of a committee established under subsection (5) who is not a member of the Board to attend any meeting of the Board at which any matter relating to a function assigned to that committee is dealt with and may allow such member to take part in the proceedings at such meeting.

(7) A member of the Board, or of a committee referred to in subsection (5), who is not in the full-time employment of the State may, out of money appropriated by Parliament for that purpose, in respect of his services as a member of the Board or committee, as the case may be, be paid such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine.

(8) The Minister shall designate an officer in the public service to act as secretary of the Board.

[Sub-s. (8) added by s. 2 (c) of Act No. 83 of 1990.]

3. Services of local authorities.—(1) A local authority may establish and maintain a service in accordance with the prescribed requirements.

(2) The Administrator may, after consultation with the Board and the local authority concerned, direct a local authority—

- (a) to maintain a service which it has established; or
- (b) to establish and maintain a service,

in accordance with the prescribed requirements.

(3) A service contemplated in this section shall be employed inside the area of the local authority concerned, unless such local authority is requested, or in terms of an agreement contemplated in section 12 obliged, to employ the service outside the area.

[Sub-s. (3) substituted by s. 3 of Act No. 83 of 1990.]

4. Designated services.—(1) A service which does not fall under the control of a local authority may, in the prescribed manner, apply to the Minister to be recognized as a designated service.

(2) If the Minister after consultation with the Board is satisfied that the service referred to in subsection (1) complies with the prescribed requirements, he may recognize the service as a designated service subject to such conditions as he may determine.

(3) (a) If the Minister after consultation with the Board is of the opinion that circumstances exist at a place which require that there should be a service which complies with the prescribed requirements, the Minister may direct the person (including a department of State) who in the opinion of the Minister is responsible for those circumstances—

(i) to maintain a service which it has established; or

(ii) to establish and maintain a service,

in accordance with the prescribed requirements, and such a service may under subsection (2) be recognized as a designated service.

(b) (i) A department of State shall not be directed in terms of paragraph (a) without the concurrence of the Minister responsible for that department of State.

(ii) Any other person shall not be directed in terms of paragraph (a) unless the Board has consulted with the person concerned.

(4) A designated service shall be employed inside the area or areas, whether adjacent or not, demarcated for it by the Minister after consultation with the Board, unless the controlling authority concerned is requested, or is obliged in terms of an agreement contemplated in section 12 to employ the service outside that area or areas, as the case may be.

[Sub-s. (4) substituted by s. 4 of Act No. 83 of 1990.]

(5) The Minister may, after consultation with the Board which has consulted with the controlling authority, withdraw a recognition contemplated in subsection (2).

5. Chief fire officer.—(1) A controlling authority shall appoint a person who possesses the prescribed qualifications and experience, as chief fire officer to be in charge of its service.

(2) A person who immediately prior to the commencement of this Act was in the service of a local authority as a chief fire officer in terms of a law which is repealed by this Act shall be deemed to have been appointed in terms of subsection (1).

(3) Whenever a chief fire officer is for any reason unable to perform his duties of office, the controlling authority shall appoint a member of the service as acting chief fire officer to perform the duties and functions of the chief fire officer.

[Sub-s. (3) added by s. 5 of Act No. 83 of 1990.]

6. Members of service.—(1) A controlling authority may appoint any person who possesses the prescribed qualifications and experience, as a member of its service to perform such functions as may be assigned to him by the chief fire officer: Provided that a controlling authority may, after due consideration of the peculiar circumstances of a specific case, appoint any person who does not possess the prescribed qualifications and experience as a member of its service subject to the general conditions determined by the Board.

(2) A person who immediately prior to the commencement of this Act was employed as a member of a service of a local authority in terms of a law which is repealed by this Act, shall be deemed to have been appointed in terms of subsection (1).

6A. Fire brigade reserve force.—(1) A controlling authority may establish a fire brigade reserve force for its area of jurisdiction.

(2) A chief fire officer may, on the prescribed conditions, appoint a person who applies therefor, as a member of a fire brigade reserve force.

(3) A member of the fire brigade reserve force shall be a temporary member of the service and shall perform the functions entrusted to him by the chief fire officer, or a member of the service acting on behalf of the chief fire officer: Provided that a member of a fire brigade reserve force may, as far as possible, only be employed for the performance of those functions for which he, in the opinion of the chief fire officer, has received adequate training.

(4) A chief fire officer may at any time discharge a member of a fire brigade reserve force.

(5) A member of a fire brigade reserve force shall have the same powers as a member of the service and shall, in the performance of his functions, be regarded as a member of the service.

6B. Decorations, medals and certificates.—(1) The State President may, subject to such requirements as he may deem fit, institute decorations and medals and, in respect of such decorations and medals, bars, clasps and ribbons, which may be awarded by the Minister or any person designated by the Minister to any member of a service, including a chief fire officer, in respect of his service as such a member or chief fire officer, as the case may be, or to any other person in respect of exceptional service rendered in terms of this Act.

(2) The Minister may, subject to such requirements as he may deem fit, institute service certificates, which may be awarded by the Administrator or any person designated by the Administrator, to any member of a service, including a chief fire officer, in respect of his service as such a member or chief fire officer, as the case may be, or to any other person in respect of exceptional service rendered in terms of this Act.

[S. 6B inserted by s. 6 of Act No. 83 of 1990.]

7. Training institutions.—(1) The Minister may after consultation with the Training Board established by Act section 2 of the Local Government Training Act, 1985 (Act No. 41 of 1985), and the Board which has consulted with the service or other institution concerned—

- (a) on such conditions as he may determine by notice in the *Gazette* declare such a service or other institution as a training institution at which the proficiency training, or any part thereof, required for or connected with the prescribed qualifications of a chief fire officer or a member of a service may be presented;

[Para. (a) substituted by s. 20 of Act No. 134 of 1992.]

- (b) take such steps or cause such steps to be taken as he may deem necessary or expedient for the proper control, management and development of, or for the extension of the training facilities at, such training institution.

(2) Whenever a member of a service with the approval of his employer attends a course at such training institution, that employer shall pay to the training institution the costs of such attendance according to a tariff determined by the training institution concerned.

8. Powers of members of service.—(1) A member of a service of a controlling authority, including a chief fire officer, may, whenever he regards it necessary or expedient in order to perform his functions, perform any act, and may also—

- (a) close any road or street;

[Para. (a) substituted by s. 7 of Act No. 83 of 1990.]

- (b) enter or break and enter any premises;
- (c) damage, destroy or pull down any property;
- (d) forcibly remove or cause to be removed from the scene any person who is in danger or who obstructs that member in the performance of his duties; and
- (e) take material or any object from any person: Provided that the owner of the material or object so taken shall be compensated therefor by the controlling authority concerned to an amount agreed upon by the controlling authority and the owner, or in the absence of such agreement, an amount determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965).

(2) A member of a service of a controlling authority, including a chief fire officer, may, whenever he regards it necessary in order to perform his functions, order any inhabitant of the Republic who is not younger than 16 years and not older than 60 years to assist him in the performance of his functions on any particular occasion.

9. Salvaging of movable property.—(1) A chief fire officer may in the performance of his functions salvage, or remove and place in safe custody, any movable property which in his opinion is in danger.

(2) Any costs incurred by or at the request of a chief fire officer for the purposes contemplated in subsection (1), may be recovered from the owner or possessor of the property in question, and the controlling authority concerned has a lien on that property for the payment of those costs.

(3) If the costs referred to in subsection (2) are not paid within 30 days, or such longer period as may be determined by the controlling authority concerned, after that authority—

- (a) served a written request for payment thereof on the owner or possessor in question; or
- (b) if that owner or possessor cannot be traced, remitted such request by registered post to his last known address or published such request in both official languages in a newspaper circulated in the area concerned,

the controlling authority may sell the property in question by public auction and shall apply the proceeds thereof for the defrayal of those costs, while any balance shall on application be reimbursed to the owner or possessor in question.

(4) If no application for reimbursement of the balance is made within one year after the public auction referred to in subsection (3), that balance shall be forfeited to the controlling authority concerned.

(5) A certificate purporting to be signed by a chief fire officer and in which it is certified that the costs specified therein have been incurred for the purposes contemplated in subsection (1) shall on production thereof in a court of law be *prima facie* proof of the costs referred to in subsection (2).

(6) If the owner or possessor of movable property which in terms of subsection (1) has been salvaged or removed does not claim such property within 30 days after the controlling authority has made known in both official languages in a newspaper circulated in the area concerned that such property has been placed in safe custody, that controlling authority may sell the property concerned by public auction and apply the proceeds thereof for the defrayal of any costs incurred while any balance shall be employed by the controlling authority in respect of the maintenance of its service.

10. Fees.—(1) A controlling authority may, subject to any condition contemplated in section 11 (2) (a), determine the fees payable by a person on whose behalf the service of the controlling authority is applied—

- (a) for the attendance of the service;
- (b) for the use of the service and equipment; or
- (c) for any material consumed.

(2) A person on whose behalf, in the opinion of the chief fire officer concerned, a service of a controlling authority has been employed, may in writing be assessed by that chief fire officer for the payment of the fees referred to in subsection (1) or any portion thereof.

(3) Any person who feels aggrieved by an assessment contemplated in subsection (2) may within 14 days after receipt of that assessment object in writing against that assessment as such or the amount thereof to the controlling authority concerned.

(4) As soon as an objection contemplated in subsection (3) is received the chief executive officer of the controlling authority concerned shall without delay obtain written comment thereon from the chief fire officer and submit it together with the objection to the controlling authority, which may confirm, alter or revoke the assessment.

(5) A certificate purporting to be signed by a chief fire officer and in which it is certified that the assessment specified therein was made under subsection (2), shall on production thereof in a court of law be *prima facie* proof of the amount payable by the person mentioned therein.

11. Grants-in-aid.—(1) Subject to subsections (2) and (3), the Administrator may, after consultation with the Board, from money appropriated by Parliament for the purpose, pay a grant-in-aid calculated on the prescribed basis to any controlling authority in respect of the establishment or maintenance of its service.

(2) A grant-in-aid contemplated in subsection (1)—

- (a) shall be paid subject to the prescribed conditions and the further conditions determined by the Administrator after consultation with the Board in any particular case; and
- (b) shall not be paid unless any local authority produces proof to the Administrator that the local authority does not discriminate in its service between its employees on the basis of sex, race, colour or religion.

(3) A controlling authority which receives a grant-in-aid in terms of this section shall submit annually to the Director-General of the province from which the grant-in-aid is received—

- (a) in the form and manner and before or on a date determined by the said Director-General, an estimate of expenditure in respect of its service for the ensuing financial year for approval by the Administrator; and

[Para. (a) amended by s. 8 of Act No. 83 of 1990.]

- (b) before or on 30 September or such later date as the said Director-General may determine, a written statement certified by the treasurer of the controlling authority and specifying—

- (i) the actual expenditure incurred in respect of its service during the immediately preceding financial year;
- (ii) the actual income received in respect of its service during the financial year referred to in subparagraph (i); and
- (iii) such further information as the Director-General may require.

[Sub-s. (3) amended by s. 8 of Act No. 83 of 1990. Para. (b) amended by s. 8 of Act No. 83 of 1990. Sub-para. (iii) amended by s. 8 of Act No. 83 of 1990.]

12. Agreements.—(1) Subject to any condition contemplated in section 11 (2) (a) a controlling authority may, with a view to the more efficient employment of its service, conclude a written agreement—

- (a) with any other controlling authority in terms of which the parties undertake to co-operate on the conditions as may be agreed upon; or

- (b) with any other person in terms of which the controlling authority undertakes to make available its service to that person, or in terms of which that person undertakes to make available his material or equipment to the controlling authority.

(2) A controlling authority may under subsection (1) undertake to employ its service inside or outside its area or inside or outside the province in which its area is situated.

(3) A controlling authority may, with the concurrence of the Administrator and the Minister of Foreign Affairs, conclude an agreement in terms of which—

- (a) the controlling authority undertakes to make available its service, on such conditions as may be agreed upon, to any person, institution or body in any other state; or
- (b) a person, institution or body in any other state undertakes to make available a service, on such conditions as may be agreed upon, to the controlling authority.

[Sub-s. (3) added by s. 21 of Act No. 134 of 1992.]

13. Minister may authorize persons.—The Minister may, after consultation with the Board, by notice in the *Gazette* declare that a category of persons in the service of the State or a controlling authority designated for the purpose by the Administrator may perform the prescribed functions in order to ensure that the objects of this Act are achieved.

[S. 13 substituted by s. 9 of Act No. 83 of 1990.]

14. Urgent cases.—(1) Notwithstanding anything to the contrary contained in any other law, the Minister or anybody designated by him may, in any case where in his opinion urgent action is necessary in the public interest—

- (a) order any person, including a controlling authority, to make available his service, or equipment or material under his control, to a particular service or to employ it in a particular way; or
- (b) order any person who manufactures equipment or material to manufacture particular equipment or material within a particular period.

[Sub-s. (1) amended by s. 10 (a) of Act No. 83 of 1990.]

(2) A person who has acted in terms of an order referred to in subsection (1), shall be compensated therefor by the Minister to an amount agreed upon between the Minister and the person concerned, or in the absence of such agreement, an amount determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965).

(3) Where assistance has been rendered in terms of this section to a controlling authority or any other person, or where any action in terms of this section by a controlling authority or any other person has been necessitated, the Minister may recover any amount spent in terms of subsection (2) from such controlling authority or person.

[Sub-s. (3) added by s. 10 (b) of Act No. 83 of 1990.]

15. Regulations.—(1) The Minister may, after consultation with the Board, make regulations which are not contrary to this Act or any other law—

- (a) regarding any matter which may or shall be prescribed in terms of this Act;
- (b) regarding the organization and procedure for the employment of a service of a controlling authority;
- (c) regarding the uniforms, insignia and identification of members of a service of a controlling authority;
- (d) regarding the safety requirements to be complied with on premises in order to reduce the risk of a fire or other danger, or to facilitate the evacuation of the premises in the event of such danger;
- (e) regarding the use, manufacture, storage or transportation of explosives, fireworks, petroleum or any other flammable or combustible substance, gas or any other dangerous substance;

[Para. (e) substituted by s. 11 (a) of Act No. 83 of 1990.]

- (f) regarding the specifications and standards with which the equipment and material of a service shall comply; and

- (fA) regarding the control over and registration of the chief fire officer and members of a service;

[Para. (fA) inserted by s. 11 (b) of Act No. 83 of 1990.]

- (g) regarding any matter which he may deem necessary or expedient in order to achieve the objects of this Act.

(2) A regulation regarding the qualifications and experience of a chief fire officer, and of a member of a service, of a controlling authority which is a department of State, shall not be made without consultation with the Minister responsible for the department of State concerned.

(2A) Different regulations may be made under subsection (1) in respect of different areas or different categories of persons, services or equipment.

[Sub-s. (2A) inserted by s. 11 (c) of Act No. 83 of 1990 and substituted by s. 22 of Act No. 134 of 1992.]

(3) The Minister may after consultation with the Board incorporate in the regulations any code of practice issued under Act section 18 of the Standards Act, 1982 (Act No. 30 of 1982), or any part of that code, by means of a mere reference to particulars by which it can be identified, and thereafter the code of practice or the part thereof concerned shall in so far as it is not repugnant to this Act be deemed to be part of the regulations.

[Sub-s. (3) substituted by s. 11 (d) of Act No. 83 of 1990.]

(4) (a) A regulation contemplated in this section shall not be made before the proposed regulation has been published in the *Gazette* together with a notice calling upon interested persons to lodge any comments, representations or objections they may have against it in writing to the secretary referred to in section 2 (8) within the period mentioned therein and that period has expired.

[Para. (a) substituted by s. 11 (e) of Act No. 83 of 1990.]

(b) The provisions of paragraph (a) shall not apply to any amendment effected by the Minister with the concurrence of the Board to the proposed regulations as a result of objections received in terms of that paragraph.

(5) A regulation made under this section may, in respect of a contravention thereof or a failure to comply therewith, provide for a punishment of a fine not exceeding R10 000 or of imprisonment for a period not exceeding 12 months.

16. By-laws and regulations.—(1) A local authority may, after consultation with the Board, and subject to the provisions of any law applicable to the local authority in relation to the promulgation of by-laws or regulations, as the case may be, make by-laws or regulations, as the case may be, which are not contrary to any law, for its area of jurisdiction regarding any matter which it may deem necessary or expedient in order to employ its service effectively.

(2) The Administrator may after consultation with the Board make by-laws or regulations, as the case may be, which are not contrary to any law, regarding any matter referred to in subsection (1), and such by-laws or regulations shall apply in the area of jurisdiction of every local authority in the province concerned in so far as they are applicable and not inconsistent with the by-laws or regulations, as the case may be, of the local authority concerned.

(3) A by-law or regulation contemplated in subsection (1) or (2) may in respect of a contravention thereof or failure to comply therewith provide for a punishment of a fine not exceeding R5 000 or of imprisonment for a period not exceeding six months.

[S. 16 substituted by s. 12 of Act No. 83 of 1990.]

17. Failure to comply with requirements.—(1) If a person, including a local authority and a department of State, fails to comply with a requirement, standard or direction determined or issued under this Act or the regulations contemplated in section 15, the Administrator may by written notice direct a local authority, and the Minister may by written notice direct any other person, to comply with the requirement, standard or direction within the period mentioned therein.

(2) If such a person fails to give effect to such a notice, the Administrator or Minister, as the case may be, may cause steps to be taken in order to comply with the requirement, standard or direction on behalf of the person concerned and to recover the costs in connection therewith from that person.

(3) A direction referred to in subsection (1) shall not be issued before consultation with the local authority or person concerned, as the case may be.

18. Enforcement of provisions.—(1) A chief fire officer may at any reasonable time enter any premises in the area of the controlling authority concerned in order to determine whether the provisions contemplated in sections 15 (1) (a), (d), (e) and (g) and 16 are being complied with.

(2) If the chief fire officer finds that such provisions are not being complied with, he may issue to the owner of those premises, or his authorized agent, a written instruction to comply with the provisions in question within the period mentioned therein.

[Sub-s. (2) substituted by s. 13 of Act No. 83 of 1990.]

(3) If an instruction contemplated in subsection (2) is not carried out within the period mentioned therein, the controlling authority concerned may cause the necessary steps to be taken in order to comply with the provisions in question on behalf of the owner concerned and to recover the costs in connection therewith from the owner.

(4) For the purposes of this section "owner" means the registered owner of the premises or in relation to a sectional title scheme, the body corporate established in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986).

19. Delegation.—(1) A chief fire officer may—

- (a) delegate any power granted to him by or under this Act, the regulations contemplated in section 15 or the by-laws or regulations contemplated in section 16, excluding the power referred to in this section, to a member of the service concerned; and

[Para. (a) substituted by s. 14 of Act No. 83 of 1990.]

- (b) grant authority that a duty so assigned to him may be performed by such a member.

(2) A power so delegated and a duty so authorized shall be exercised or performed subject to the directions of the chief fire officer, who may at any time withdraw such delegation or authority.

(3) A delegation under subsection (1) (a) does not prevent the chief fire officer from exercising the power in question himself.

20. Indemnity.—Subject to the proviso to paragraph (e) of section 8 (1), a controlling authority, chief fire officer or member of a service of a controlling authority or an inhabitant referred to in section 8 (2) shall not be liable for any damage or loss as a result of bodily injury, loss of life or loss of or damage to property which is caused by or arises out of or in connection with anything done or performed *bona fide* in the exercise or performance of a power, function or duty conferred or imposed in terms of this Act, the regulations contemplated in section 15 or the by-laws contemplated in section 16.

21. Offences.—Any person who—

- (a) intentionally resists or obstructs a member of a service, including a chief fire officer, in the exercise of his powers referred to in section 8 (1);
- (b) refuses or fails to comply with an order contemplated in section 14 (1);
- (c) refuses or fails to carry out an instruction contemplated in section 18 (2) within the period mentioned therein; or
- (d) summons a service while he knows that there is no reason to do so,

shall be guilty of an offence, and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding 12 months.

22. Repeal of laws and savings.—(1) The laws specified in the Schedule are hereby repealed to the extent indicated in the third column of the Schedule.

(2) A regulation or by-law made under a law repealed by subsection (1) and which deals with a matter referred to in section 15 (1) or 16 (1) of this Act, shall be deemed to have been made under the relevant section of this Act.

23. Short title.—This Act shall be called the Fire Brigade Services Act, 1987.

Schedule

No. and year of law	Title	Extent of Repeal
Ordinance No. 18 of 1977, of the Transvaal	Ordinance on Fire Brigade Services	The whole
Ordinance No. 2 of 1978, of the Orange Free State	Ordinance on Fire Brigade Services	The whole
Ordinance No. 14 of 1978, of the Cape of Good Hope	Ordinance on Fire Brigade Services	The whole
Ordinance No. 31 of 1978, of Natal	Ordinance on Fire Brigade Services	The whole
Ordinance No. 9 of 1979, of the Orange Free State	Fire Brigade Services Amendment Ordinance	The whole
Ordinance No. 14 of 1979, of the Transvaal	Fire Brigade Services Amendment Ordinance	The whole
Ordinance No. 8 of 1980, of the Cape of Good Hope	Fire Brigade Services Amendment Ordinance	The whole
Ordinance No. 12 of 1980, of Natal	Fire Brigade Services Amendment Ordinance	The whole
Ordinance No. 14 of 1981, of the Cape of Good Hope	Fire Brigade Services Amendment Ordinance	The whole
Ordinance No. 22 of 1982, of Natal	Fire Brigade Services Amendment Ordinance	The whole
Ordinance No. 15 of 1983, of the Transvaal	Fire Brigade Services Amendment Ordinance	The whole
Ordinance No. 12 of 1984, of the Orange Free State	Fire Brigade Services Amendment Ordinance	The whole
Act No. 102 of 1982	Black Local Authorities Act	Item 30 (c) of Schedule

