

Namibia

Local Authorities Fire Brigade Services Act, 2006

Model Fire Brigade Services Regulations, 2010

Government Notice 176 of 2010

Legislation as at 15 November 2017

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Model Fire Brigade Services Regulations, 2010

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Republic of Namibia
Annotated Statutes

Local Authorities Fire Brigade Services Act, 2006

Model Fire Brigade Services Regulations, 2010

Government Notice 176 of 2010

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1. Definitions

In this Regulations a word or expression to which a meaning has been assigned in the Act bears that meaning and unless the context otherwise indicates -

“**cost**” means the purchase price of the article concerned plus 20 per cent of that purchase price, as administrative expenditure, and in the case of water the selling price of such water to the general public within the local authority concerned;

“**Council**” means the local authority council concerned;

“**officer in charge**” includes a chief fire officer, any member of a service to whom any power has been delegated or any duty has been assigned as contemplated in section 23 of the Act or any other member of a service who provisionally heads any subdivision, station, substation, fire-fighting or other emergency condition or inspection, as the case may be;

“**service**” means the service utilized in respect of a Council as contemplated in section 8 of the Act; and

“**the Act**” means the Local Authorities Fire Brigade Services Act, 2006 (Act [No. 5 of 2006](#)).

2. Organisation and division of service

- (1) A chief fire officer is in control of any service or any fire-fighting organization within his or her local authority area, whether such service or organization is owned by the Council or by any other person, which is in attendance or operation at the scene of an outbreak of fire or any other emergency, or stationed on premises where such an outbreak or other emergency has occurred, and may make such use as he or she considers necessary of any member of a service, or of any fire-extinguishing appliance belonging to such service or such other fire-fighting organization.

- (2) A Council may divide its service into such sections or divisions as it considers necessary and each such section or division falls under the control of a member of the service, designated by the chief fire officer for that purpose.

3. Duty to render assistance

- (1) A member of a service or other fire-fighting organization in a local authority area not belonging to the Council concerned must render, if ordered by the officer in charge to do so, all possible assistance in his or her power to any member of the service of the Council concerned in the execution of such last mentioned member's duties in connection with an outbreak of fire or other emergency-
 - (a) at which that first-mentioned service or other fire-fighting organization is present; or
 - (b) which has occurred at the premises at which such first-mentioned service is stationed.
- (2) Any person who contravenes or fails to comply with subregulation (1) commits an offence.

4. Procedure during outbreak of fire or other emergency

- (1) If a service has been notified of, or any officer in charge has reason to believe that there has occurred, an outbreak of fire or other emergency for which the services of a service are required-
 - (a) the chief fire officer or any other officer in charge must as soon as reasonably possible proceed with such personnel and fire appliances as he or she may consider necessary to the place where the fire or other emergency is reported to have, or where he or she has reason to believe that it has, broken out or arisen or where the damage or the emergency is in existence;
 - (b) the officer in charge may avail himself or herself of the offer of voluntary assistance from any person to assist in the fighting of a fire or in dealing with any other emergency, and any person whose assistance is accepted must obey all orders or directives given to him or her by or on behalf of the officer in charge.
- (2) The officer in charge may-
 - (a) assume entire command of;
 - (b) modify or interfere with; or
 - (c) put a stop to,any operation being conducted in respect of a fire or other emergency by persons not in the employ of the service, including the owner of the premises and his or her servants or agents.
- (3) A person who interferes or refuses to comply with or commits any act in contravention of any reasonable direction or order given by a chief fire officer or the officer in charge in pursuance of subregulation (2) commits an offence.
- (4) Subject to subregulation (5), an officer in charge has for the purposes of section 9(1),(2) and (3) of the Act the right of access to, and may draw or take water from, any hydrant, tank, cistern, pipe or other water supply, whether on public or on private property.
- (5) An officer in charge may not unreasonably exercise any power referred to in subregulation (4), but must exercise such power so as to cause as little damage as possible, taking into consideration the purpose to be achieved.

5. Temporary closing of passages and places

In addition to the temporary closing of a street, as contemplated in section 9 of the Act, an officer in charge or any member of the Namibian Police Force or the Namibian Defence Force may, of his or her own

motion, temporarily close any passage or place, for such period of time as he or she considers necessary, for the effective fighting of a fire or for dealing with any other emergency.

6. Fees payable for rendering of services

- (1) The fees set out in Annexure I are payable to the Council, together with the cost of materials and water consumed, by the owner or occupier of the building, structure or premises in respect of which the service concerned has been rendered.
- (2) The Council may in its discretion decide that any service rendered by a service is free of charge.

7. Fees payable in respect of training at training institutions

A Council whose members of its service are undergoing training at a training institution in a local authority area other than the local authority area of that Council must pay the application fees set out in Annexure II to the Council of the local authority area in which that training institution is situated, prior to such member undertaking such training.

8. Pumping or removal of water

The owner or occupier of any premises from which water, from whatever source, has been pumped or otherwise removed by a service at the request of the owner or occupier concerned, must pay in respect of such pumping or removal, as the case may be, the applicable fees set out in Annexure I.

9. Protection services

A person who undertakes or is in control of any public presentation or entertainment in or on any premises-

- (a) must, where the safety of the public requires the attendance of a member of the service and if a chief fire officer so decides, have one or more members of the service available at such place during such presentation or entertainment; and
- (b) must, if a member of the service is made available as contemplated in paragraph (a), pay the applicable fee for each such member as set out in Annexure I.

10. Damaging of equipment

A person who knowingly, deliberately or negligently drives a vehicle over a fire hose or damages any equipment belonging to a service, commits an offence and must, in addition to any penalty which may be imposed upon him or her in terms of regulation 19, compensate the Council for the damage so caused by him or her.

11. Combustible material

- (1) A person may not store, cause or permit to be stored, whether inside or outside any building, any combustible material in such quantities and in such position or in such manner as to cause or create a danger of fire to that building.
- (2) A person who is in occupation or control of any premises may not allow grass, weeds or any hedge or tree to grow, or rubbish to accumulate on such premises in such a manner or in such quantities as to cause or create a danger of fire to any building or premises.
- (3) A chief fire officer may by written notice require any person who has in his or her opinion contravened subregulation (1) or (2)-
 - (a) to remove within a specified period the combustible material, grass, weeds, hedges, trees or rubbish concerned, or

- (b) to take such other reasonable steps as the chief fire officer may determine, so as to remove the danger of fire.
- (4) If at the end of the period contemplated in subregulation (3) the terms of the notice have not been complied with, the chief fire officer may himself or herself take such steps as he or she considers necessary for removing the danger of fire as contemplated in such notice.
- (5) The chief fire officer-
 - (a) must charge any costs relating to any steps taken by him or her, as contemplated in subregulation (4), to the person to whom the notice was directed; and
 - (b) may recover any unpaid charges by proceedings applicable to the recovery of a civil debt.
- (6) A person who, at the end of the period stipulated in a notice referred to in subregulation (3), fails to comply with that notice commits an offence and is liable on conviction to a fine not exceeding N\$ 1000-00 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.
- (7) A person who has been convicted of an offence for a contravention of subregulation (6) and who after such conviction persists in the conduct or failure in respect of which he or she has been found guilty commits a continuing offence and is liable on conviction to a fine not exceeding N\$ 100-00 or imprisonment for a period not exceeding 30 days in respect of every day or part of a day which elapses between the date of such conviction and the date on which the instruction in the notice concerned is executed.
- (8) If any failure by the owner or occupier of any premises to comply with the requirements of this regulation results in an outbreak of a fire of such a nature as to necessitate the attendance thereof of members of the service the owner or occupier concerned must pay, without derogating from subregulations (6) and (7) and in addition to such fines which may be payable thereunder, to the Council N\$ 50-00 per hour or part thereof for every fire-fighting vehicle participating in the said attendance, and in addition thereto, N\$ 25-00 per member per hour or part thereof during which any member of a service is required to remain on the premises for the purpose of controlling or extinguishing the fire concerned.

12. Making of fires

- (1) A person may not make, cause or permit to be made, a fire in the open air in such a place or in such a manner as to endanger the safety of any person, building, premises or property.
- (2) A person may not, without the prior written approval of the chief fire officer, burn or cause or permit to be burnt, in the open air, whether on private property or not, any refuse or waste.
- (3) A chief fire officer may impose such conditions as he or she considers necessary when granting approval contemplated in subregulation (2).

13. Gas-filled balloon or other device

- (1) Subject to subregulation (2), a person may not-
 - (a) without the prior written approval of a chief fire officer, fill any balloon or other device with any flammable or explosive gas; or
 - (b) use or display any balloon or other device with any flammable or explosive gas inside any building to which the public ordinarily has access or which is used for recreation purposes.
- (2) Nothing contained in this regulation is construed as preventing the sale or use of balloons or other devices filled with any flammable or explosive gas for any *bona fide* scientific or educational purposes.

- (3) A chief fire officer, when granting approval as contemplated in subregulation (1) (a), must have regard to all the circumstances of each such application and may impose upon such approval such conditions as he or she considers necessary.
- (4) A person to whom approval is granted, as contemplated in subregulation (1)(a), must furnish the Council with an indemnity substantially in the form set out in Annexure III.
- (5) For the purpose of this regulation “flammable or explosive gas” includes any mixture of gases which is either flammable or explosive in air.

14. Chimney-fires

- (1) An occupier of a building may not allow soot or any other combustible substance to accumulate in any chimney of that building in such quantities or in such manner as to create a danger of fire to that building.
- (2) A person who fails to comply with or contravenes subregulation (1) commits an offence.

15. Safety of premises and buildings

- (1) If a chief fire officer or any other member of a service duly authorized by the chief fire officer considers it necessary the chief fire officer or the member, as the case may be, may at any time which is in his or her opinion reasonable in the particular circumstances-
 - (a) enter upon and inspect any premises or building for the purpose of ascertaining whether any conditions exist which will or may cause or increase the danger of fire or any danger to life or property which might arise in the event of fire, or in particular jeopardize or obstruct the escape of persons to safety;
 - (b) inspect-
 - (i) fire alarms, sprinkler systems and other fire-fighting appliances;
 - (ii) manufacturing processes involving a danger of fire; and
 - (iii) storing methods or installations making use of acetylene or other flammable gasses, chemicals, oils, explosives, fireworks or any flammable substance; and
 - (c) give such directions as he or she may considers necessary for minimizing the risk of fire and for the preservation of life and property.

[The verb “may considers” should be “may consider”.]

- (2) Without derogating from the generality of subregulation (1), if such officer or such member finds-
 - (a) in or upon any premises combustible or explosive matter or any dangerous or unnecessary accumulation of rubbish, waste paper, boxes, wood shavings, sawdust or similar combustible matter so stipulated as to increase the risk or danger to life or property which will arise in the event of fire;
 - (b) any obstruction on or in any fire escape, staircase, passage, doorway or window;
 - (c) any situation, state of affairs or practice which is in the opinion of the member likely to increase the said risk or danger or in particular to interfere with the operations of the service or the escape of persons to safety in the event of fire; or
 - (d) any defective or insufficient fire appliance,

that officer or member must, subject to subregulation (3), direct the owner or occupier or person in charge or control of the premises to comply, as soon as is reasonably practicable, with the measures or steps determined as necessary to remedy any state of affairs so found or to minimize the risk or danger which may arise in the event of fire.

- (3) A member of a service must, if he or she finds-
- (a) in or upon any premises a fire escape which is in his or her opinion inadequate for the escape to safety in the event of fire of such number of persons as are likely to be in the building at any one time; or
 - (b) any other thing or state of affairs, of a structural nature or otherwise, which in his or her opinion, regard being had in particular to the kind of use made of the building and the number of persons likely to be using it at any one time-
 - (i) is increasing the risk or danger to life or property which may arise in the event of fire;
 - (ii) is not immediately remediable; and
 - (iii) requires for the remedying thereof the doing of work or the incurring of expenses,report his or her findings to the chief fire officer.
- (4) The chief fire officer must by written notice, if he or she accepts the findings of the member referred to in subregulation (3) and if he or she thinks it necessary to do so-
- (a) set out to the owner, occupier or person in control of the building the findings concerned; and
 - (b) direct that owner, occupier or person to perform, at no expense to the council, such things and within such period of time as the chief fire officer may consider necessary to remedy or remove the said risk of danger.
- (5) A person who receives a direction referred to in subregulation (1)(c) or (2) or on whom a notice is served in terms of subregulation (4) and who fails to comply therewith within the specified period commits an offence.
- (6) Subject to subregulation (7), every door which affords a way of escape from a public building to a place of safety in the event of fire must at all times-
- (a) be kept unlocked;
 - (b) be in good working order;
 - (c) be clearly marked on the inside with the words "Escape Door" in illuminating letters of not less than 15 centimeters in height; and
 - (d) open in the direction of escape from the building.
- (7) Notwithstanding subregulation (6)(a), a door may be kept locked by means of a device which enables it to be opened at all times from inside the building.
- (8) A device referred to in subregulation (7) must be enclosed, protected or arranged to the satisfaction of the chief fire officer concerned.

16. Telephones and fire-alarms

- (1) The Council may affix or cause to be affixed to, or remove or cause to be removed from, any building, wall, fence, other erection or any tree within the local authority area-
- (a) any telephone, fire-alarm or other apparatus for the transmission of calls or signals relating to fire; and
 - (b) any board or metal plate or devise indicating in any manner the position of the nearest hydrant or other fire-fighting equipment, fixture or apparatus.
- (2) Only persons authorized by the chief fire officer to do so may move, deface, damage or interfere with any telephone, fire-alarm, other apparatus, board or metal plate referred to in subregulation (1).

- (3) A person who contravenes subregulation (2) commits an offence.
- (4) A person who has been convicted of an offence for a contravention of subregulation (2) must reimburse to the Council any expenditure incurred by it as a result of the commission of the offence concerned.

17. Sealing of fire-fighting equipment

- (1) A chief fire officer, any other member of a service or any other organization or body duly authorized by the chief fire officer, may seal, with wire and lead bearing such distinguishing marks as the chief fire officer may decide from time to time, any pump booster connection, hydrant, valve, hydraulic hose reel, pipe or other fire-fighting appliance installed for fire-fighting purposes in any place or building, and only such chief fire officer or other member may break or tamper with such seal.
- (2) Notwithstanding subregulation (1), any person may for the exclusive purpose of fighting or controlling a fire in any public building, any premises or property or any fire which may endanger such building, premises or property break or tamper with such seal, but such person must as soon as reasonably possible notify the chief fire officer concerned thereof.
- (3) A chief fire officer or his or her authorized representative must, if he or she finds any seal broken or tampered with, replace such broken or defective seal.

18. Servicing of fire-fighting equipment

- (1) At the request of the owner concerned and upon payment of the appropriate fee set out in Annexure I, the Council may check, test, refill and clean or cause any fire extinguisher to be checked, tested, refilled and cleaned, or check any fire hose or other fire appliances or cause such fire hose or other fire appliance to be checked.
- (2) Any person who is not a member of a service and who undertakes to examine, test, refill and clean fire extinguishers and fire appliances, must be in possession of a certificate of competence issued by a Council and the written approval of the chief fire officer concerned.
- (3) Every owner of a fire extinguisher and other fire appliance must at least once a year have such extinguisher and appliance tested, serviced, if necessary, and labeled to that effect by a competent person referred to in subregulation (1) or (2).

19. Penalties

Any person who contravenes or fails to comply with any regulation in respect of which no penalty has been provided is liable upon conviction to a fine not exceeding N\$ 4000-00 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

ANNEXURE I

FEEES PAYABLE FOR the RENDERING OF A SERVICE

[the shading of rows in the *Government Gazette* is inconsistent. In the table presented below, the shading has been correlated with the hierarchy of headings, which seems to have been the intention.]

A. FOR THE USE OF VEHICLES, EQUIPMENT AND APPLIANCES		
1. Charges per hour or part thereof in respect of the use of any of the following:		
(a)	turntable ladder or hydraulic platform	N\$ 100-00
(b)	special vehicles i.e. salvage or rescue unit, hazmat unit, control and communication unit	N\$ 150-00
(c)	water tanker	N\$ 75-00
(d)	heavy duty pump having a flow capacity above 3200 litres per minute	N\$ 150-00
(e)	medium duty pump having a flow capacity of between 1500 litres and 3200 litres per minute	N\$ 100-00
(f)	light duty pump having a flow capacity of less than 1500 litres per minute	N\$ 75-00
(g)	portable pump	N\$ 30-00
(h)	small rescue unit for vehicles	N\$ 75-00
(i)	light vehicle used as a duty vehicle	N\$ 50-00
(j)	per member of a service	N\$ 30-00
2. Travelling charges in respect of services rendered outside of the relevant local authority area, charged per kilometre or part of a kilometre		
(a)	from the point of departure at the fire station up to the return of that fire station	N\$ 5-00
B. For protection services rendered chargeable-		

(a)	per member of a service per hour or part of an hour	N\$ 30-00
C. For checking, testing, refilling and cleaning of fire extinguishers, testing of fire-hoses and testing of hydraulic hose reels-		
(a)	checking, testing and refilling of fire extinguisher	the cost of its contents and material and N\$ 20-00 for handling and labour per fire extinguisher
(b)	cleaning of fire extinguisher	N\$ 30-00 per fire extinguisher cleaned
(c)	testing and repair of fire hose	N\$ 20-00 per length tested, plus N\$ 5-00 per patch used in the case of repair
(d)	fitting of fire hose coupling	N\$ 20-00 per single coupling
(e)	testing of hydraulic hose and reel hydrant	N\$ 20-00 per reel or hydrant tested
(f)	resealing of hydraulic hose reels and hydrant in the event of unauthorized use	N\$ 20-00 per reel or hydrant sealed

ANNEXURE II

FEES PAYABLE IN RESPECT OF TRAINING RECEIVED AT A TRAINING INSTITUTION

[Obvious errors in The placement of The text in Item 2 of TCis table have been corrected.]

Course offered	Duration of days	Amount chargeable
1. Recruit training	65 days	N\$ 4140-00
2. Fire extinguisher, maintenance and reconditioning	5 days	N\$ 2300-00
3. Self contained breathing apparatus (SCBA)	5 days	N\$ 1150-00
4. Fire Officer I	10 days	N\$ 1725-00
5. Ventilation	7 days	N\$ 2300-00
6. Forcible entry	2 days	N\$ 345-00
7. Vehicle extrication / entrapment rescue course	8 days	N\$ 1725-00
8. Aerial apparatus	15 days	N\$ 2300-00
9. Confined space rescue	10 days	N\$ 2300-00
10. High angle rescue	10 days	N\$ 1725-00
11. Hazmat first response awareness	5 days	N\$ 690-00
12. Hazmat awareness challenge	1 day	N\$ 230-00
13. Hazmat first response operation	10 days	N\$ 1150-00
14. Hazmat operation challenge	2 days	N\$ 345-00
15. Fire Fighter I	65 days	N\$ 4140-00
16. Fire Fighter I challenge	5 days	N\$ 805-00
17. Fire Fighter II	15 days	N\$ 1725-00

18. Fire Fighter II challenge	2 days	N\$ 805-00
19. Fire Service Instructor	5 days	N\$ 747-00
20. Pump / Driver Operator	7 days	N\$ 1725-00
21. First Aid A & B (including CPR)	4 days	N\$ 345-00

ANNEXURE III

FORMS

[Editorial note: The forms have not been reproduced.]