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No. 8218

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General Notice

MUNICIPALITY OF WINDHOEK

No. 592

2023

WINDHOEK FIRE BRIGADE SERVICE REGULATIONS: LOCAL AUTHORITIES FIRE BRIGADE SERVICES ACT, 2006

The Council of the Municipality of Windhoek has under section 20 of the Local Authorities Fire Brigade Services Act, 2006 (Act No. 5 of 2006), after consultation with the Minister of Urban and Rural Development in terms of section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992) -

- (a) made the regulations set out in the Schedule; and
- (b) repealed the Fire Regulations published in Government Notice No. 78 of 1 May 1972 as amended by General Notice No. 63 of 15 June 1985, General Notice No. 87 of 1 June 1994 and General Notice No. 165 of 15 August 1994.

J. UAPINGENE
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL

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PART 1
PRELIMINARY

Definitions

1. In these regulations, a word or an expression to which a meaning has been given in the Act has that meaning and unless the context otherwise indicates -

“above ground storage tank” means a tank situated above ground for the storage of flammable substances in accordance with the applicable standards;

“agricultural holding” means a portion of land not less than 0,8 ha in extent used solely or mainly for the purpose of agriculture, horticulture, breeding or keeping of domestic animals, poultry or bees;

“animal” means any animal kept for domestic, breeding, research, agricultural, resale, veterinary treatment or animal welfare purposes within the local authority area;

“applicable standards” means applicable standards contemplated in section 24 of the Act;

“approved” means an approval given by the Council or by a staff member of the Council who has been authorised by the Council to give such approval;

“automatic fire detection and alarm system” means a system, other than a single self - contain smoke or fire alarm, in which an alarm of fire can be initiated automatically in accordance with the applicable standards;

“automatic releasing hold-open device” means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

“basement”, in relation to a building, means any part of the building which is below the level of the ground storey;

“boundary” means any lateral, rear or street boundary of a site;

“building” means a -

- (a) structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction of such structure, erected or used for, or in connection with the -
 - (i) accommodation or convenience of human beings or animals;
 - (ii) manufacture, processing, storage or sale of any goods;
 - (iii) rendering of any service;
 - (iv) destruction or treatment of combustible refuse or combustible waste; or
 - (v) cultivation or growing of any plant or crop;
- (b) wall, swimming pool, reservoir or bridge or any other structure connected to such wall, swimming pool, reservoir or bridge;
- (c) fuel pump or any tank used in connection with the fuel pump;
- (d) part of a building, including a building referred to in paragraph (a) or (b); or
- (e) facility or system or part or portion of such facility or system, within or outside a building but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;

“building regulations” means the Building Regulations of the Municipality of Windhoek, published under General Notice No. 57 of 28 April 1969;

“bund wall” means a containment wall surrounding the above ground storage tank, constructed of impervious materials and designed to contain 100% of the contents of the storage tank plus 10% extra of the storage tank contents;

“business activity” means any business activity taking place in an open area or structure and such activity has a fire risk in terms of the structure, content or the environment, and includes the following places, areas or activities:

- (a) industrial activities;
- (b) processing activities, including plant rooms;
- (c) commercial service activities;
- (d) places used for office and administration purposes;
- (e) places used as hospitals;
- (f) places or areas used -
 - (i) for high-risk storage, whereby stored materials, in the event of fire, may cause combustion with extreme rapidity or give rise to poisonous fumes or cause explosion;

- (ii) for moderate risk storage, whereby stored materials, in the event of fire, may cause combustion with moderate rapidity but is not likely to give rise to poisonous fumes or cause explosion;
- (iii) for non-combustible storage materials which in the opinion of the chief fire officer require a fire safety certificate of fitness; or
- (iv) as a parking garage, whereby more than 10 motor vehicles are stored or parked;

“certificate of appointment” means a certificate of appointment issued in terms of regulation 13;

“certificate of registration” in relation to -

- (a) flammable substances means a certificate of registration issued in terms of regulation 84; and
- (b) hazardous substance means a certificate of registration issued in terms of regulation 119;

“chief executive officer” means the town clerk of the Council appointed in terms of section 27 of the Local Authorities Act;

“chief fire officer” means the chief fire officer of the Council appointed or deemed to have been appointed in terms of section 3 of the Act and who head the department or division under which the fire brigade service falls for administrative purposes;

“class”, in relation to a flammable and combustible substance, means a class of the substance based on the following classification -

- (a) class O: liquefied petroleum gasses;
- (b) class I: liquids subdivided as follows:
 - (i) class IA: liquids which have a closed-cap flash point below 23°C and a boiling point below 35°C;
 - (ii) class IB: liquids which have a closed-cap flash point below 23°C and a boiling point of 38°C or above; and
 - (iii) class IC: liquids which have a closed-cap flash point of 23°C or above but below 38°C;
- (c) class II: liquids which have a closed-cap flash point of 38°C or above, but below 60.5°C;
- (d) class IIIA: liquids which have a closed-cap flash point of 60°C or above, but below 93°C; and
- (e) class IIIB: liquids which have a closed-cap flash point of 93°C or above;

“combustible liquid” means a liquid which has a close-cap flash point of 38°C or above;

“combustible material” means combustible refuse, combustible waste or any other material capable of igniting;

“combustible refuse” means combustible rubbish, litter or material that is discarded, refused, rejected or considered worthless;

“combustible waste” means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

“competent person” means a person who holds qualifications or possess skills or competencies in a trade or profession which qualifications, skills or competencies are -

- (a) registrable or recognised in terms of any law or other regulatory requirement which regulates the practise of that trade or profession; and
- (b) approved by the Council for purposes of these regulations;

“control room” means a room on any premises which is equipped and used to coordinate and control an emergency situation in or on designated premises;

“Council” means the Municipal Council of Windhoek;

“Criminal Procedure Act” means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

“designated area” means a public place or street or a part of that place or street designated in terms of regulation 78 as an area where or on which fireworks may be discharged;

“designated premises” means premises designated in terms of regulation 53 as premises that require an emergency evacuation plan;

“discharge”, in relation to fireworks, means discharging, lighting or igniting of fireworks;

“dump” means to abandon or discard any substance by depositing, discharging, spilling or releasing the substance;

“dwelling house” means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

“emergency evacuation plan” means an emergency evacuation plan contemplated in regulation 53;

“emergency service vehicle” means -

- (a) an ambulance, being a motor vehicle constructed or adapted for use primarily for conveying sick or injured persons to a place for medical treatment and which is registered as an ambulance;
- (b) a fire-fighting vehicle, being a motor vehicle constructed or adapted for use primarily for fighting fires and which is registered as a fire-fighting vehicle;
- (c) a rescue vehicle, being a motor vehicle constructed or adapted for use primarily for rescue work owned or controlled by the State, a local authority council, a regional council or any organisation approved by the Minister responsible for transport and which is registered as a rescue vehicle;
- (d) any vehicle being used in disaster response as contemplated in the Disaster Risk Management Act, 2012 (Act No. 10 of 2012);

- (e) a Council police vehicle, police vehicle or traffic vehicle, being a motor vehicle constructed or adapted for use primarily for patrol duties, escort duties, crime prevention duties and conveying of arrested persons to the police station or court; or
- (f) any other vehicle determined by the Council to be an emergency service vehicle,

and bearing such marks and fitted with such sounding devices and identification lamps in accordance with the Road Traffic and Transport Act or any other applicable law;

“emergency route” means the part of any escape route which -

- (a) protects the occupiers of any building from fire or smoke; and
- (b) leads to an escape door;

“escape door” means a door at the end of an emergency route, including a door providing entrance to or exit from a building;

“escape route” means the entire path of travel, measured from an escape door to the furthest point in any room in a building;

“explosives” means explosives as defined in section 1 of the Explosives Act;

“Explosives Act” means the Explosives Act, 1956 (Act No. 26 of 1956);

“extinguishing stream” means the amount of water needed in order to extinguish a fire;

“fees and levies” means the fees and levies for services rendered as contemplated in section 11 of the Act;

“feeder route” means a part of an escape route which allows travel in two different directions to the access doors of at least two emergency routes;

“fire brigade service” means the Windhoek Municipal fire brigade service established in terms of section 2 of the Act, and Service has a corresponding meaning;

“fire door” means an automatic, self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

“fire extinguisher” means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing fire;

“fire-fighter” means a member of the Service and includes the chief fire officer;

“fire-fighting equipment” means any portable or mobile fire extinguisher, hose reel or fire hydrant;

“fire hazard” means any situation, process, material or condition which may cause a fire or explosion or that may provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

“fire installation” means any water installation which conveys water solely for the purposes of fire-fighting;

“fire protection installation” means any device or system designed and installed to -

- (a) detect, control or extinguish a fire; or
- (b) alert occupants or the fire service about a fire,

but excludes a portable or mobile fire extinguisher;

“fire risk category” means the definition of the risk profile of any area within the local authority area as provided for in regulation 68 and any applicable standards, and includes -

- (a) Category A (high risk): central business districts and extensive commercial and industrial areas where the risk to life and property are likely to be high due to fire occurrence and spread;
- (b) Category B (moderate risk): limited central business districts, smaller commercial or industrial where the risk to life and property is likely to be moderate due to fire occurrence and spread;
- (c) Category C (low risk): residential areas of conventional construction;
- (d) Category D (low risk): rural risks of limited buildings and remote from local authority area; or
- (e) Category E (special high risk): individual risks requiring a pre-determined attendance over and above the predominant risk category in an area, including large shopping or entertainment centres, informal settlements, harbours, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants;

“fire retardant” means any treatment to a combustible roof material that delays its behaviour when such material is subjected to direct flame or fire;

“fire safety certificate of fitness” means a fire safety certificate of fitness issued in terms of regulation 61;

“fire services installation” means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, pressure regulation system, smoke ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;

“fireworks” means any explosive device or substance which burns or explodes after ignition, including firecrackers, which is regulated under the Explosives Act;

“fireworks display” means the use of fireworks for purposes of public display;

“flammable gas” means a gas which at 20°C and a standard pressure of 101,3 kPa -

- (a) is ignitable when in a mixture of 13% or less by volume with air; or
- (b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

“flammable liquid” means an ignitable liquid or combustible liquid which has a closed-cap flash point of 93°C or below;

“flammable solid” means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause or contribute to a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently as contemplated in the applicable standards;

“flammable substance” means any flammable liquid, combustible liquid or flammable gas;

“General Regulations” means the General Regulations published under Government Notice No. 177 of 13 August 2010;

“hazardous substance” means -

- (a) any of the substance listed in Annexure 5; or
- (b) any grouped hazardous substance as defined in section 1 of the Hazardous Substances Ordinance;

“Hazardous Substances Ordinance” means the Hazardous Substances Ordinance, 1974 (Ordinance No. 14 of 1974);

“liquefied petroleum gas” means a mixture of light hydrocarbons, predominantly propane and butane, that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

“Local Authorities Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“local authority area” means the area of jurisdiction of the Council;

“member of the reserve force” means a member of the reserve force appointed in terms of section 5 of the Act;

“member of the Service” means a member of the fire brigade service appointed in terms of section 4 of the Act, and includes a member of the reserve force member, except where the context otherwise indicates;

“occupier” means a person who -

- (a) occupies or uses any premises without regard to the title under which he or she occupies or uses the premises;
- (b) is legally entitled to occupy or use the premises; or
- (c) controls or manages any premises,

including the agent or representative of the person referred to in paragraph (a), (b) or (c);

“owner” includes -

- (a) a person who has the legal title to the premises;
- (b) a person receiving the rent or profit from the premises from the tenant, lodger or occupier of such premises, or who would have received such rent or profits if such premises were leased, whether for his or her own account or as agent for any other person;

- (c) in the case where a person who has a legal title to the premises is insolvent, dead or is under any form of legal disability, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (d) in the case of premises for which a lease of 10 years or longer has been registered, the lessee;
- (e) in relation to -
 - (i) land delineated on a sectional plan registered in terms of the Sectional Titles Act, 2009 (Act No. 2 of 2009), the developer or the body corporate in respect of the common property; or
 - (ii) land delineated on a sectional plan as referred to in subparagraph (i), the person in whose name such section is registered under the sectional title deed, and includes the lawfully appointed agent of such person;
- (f) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;
- (g) in relation to State land not controlled by a person contemplated in paragraph (a) to (f) -
 - (i) the Minister responsible for exercising control over that State land; or
 - (ii) a person authorised by him or her;
- (h) in relation to land controlled by the Council, the chief executive officer or a person authorised by him or her; or
- (i) in the case of any building complex, the person exercising the management and control over such building complex;

“park”, in relation to a vehicle, means to keep a vehicle, whether occupied or not, stationary for a period of time greater than is reasonably necessary for the actual loading or unloading of persons or goods, except if such vehicle is stationary for a reason beyond the control of the person in charge of the vehicle;

“person in charge” means -

- (a) in relation to premises, a person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- (b) in relation to a building, a person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, a person who is permanently or temporarily responsible for the management or utilisation of the installation, but only if that person is not the person mentioned in paragraph (a); or
- (d) in the event that the person referred to in paragraph (a), (b) or (c) cannot be identified, any person who in the opinion of the chief fire officer is in charge of such premises, building or installation;

“premises” include any building or structure or any vehicle, conveyance, ship, boat or aircraft;

“public gathering” includes any gathering by members of the public -

- (a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or
- (b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

“public parking area” means an area within the local authority area set aside by the Council and utilised by the members of the public for the parking of vehicles, and includes demarcated parking places or public garages or privately-owned parking areas to which the members of the public have access;

“public parking garage” means a building or build-up parking area set aside by the Council and utilised by the members of the public as a parking garage for parking of vehicles, irrespective of whether or not payment of a fee is required;

“public road” means any street, road, thoroughfare or any other place which is commonly used by members of the public or to which the members of the public have right of access and includes -

- (a) the verge of any such public road or thoroughfare;
- (b) any bridge, culvert, causeway, ferry, ford or drift traversed by any such public road or thoroughfare;
- (c) any other work or object forming part of or connected with or belonging to such public road or thoroughfare; or
- (d) public parking area or public parking garage;

“registered premises” means any premises in respect of which a certificate of registration has been issued in terms of these regulations;

“Road Traffic and Transport Act” means the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“spray” means to spray, coat, plate or epoxy-coat with any hazardous substance;

“spraying permit” means a spraying permit issued in terms of regulation 134;

“spraying room” means a spraying room contemplated in regulation 132;

“State” means -

- (a) any department of state or administration in the national, regional or local sphere of government; or
- (b) any other functionary or institution -
 - (i) exercising a power or performing a function in terms of the Constitution; or
 - (ii) exercising a public power or performing a public function in terms of any law;

“store room” means a store room for storage of flammable substances contemplated in regulation 98;

“the Act” means the Local Authorities Fire Brigade Services Act, 2006 (Act No. 5 of 2006);

“transformer” means a device that is used to change electrical energy from one circuit to another circuit or to change the voltage of an electric current between the circuits without direct electrical connection between the circuits but through electromagnetic induction between two or more windings;

“transformer room” means an unattended room in a building used to house electric transformers and auxiliary equipment;

“underground tank” means an underground tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;

“vegetation” includes grass, weeds, leaves, shrubs and trees;

“vehicle” includes a trailer or semi-trailer which -

- (a) has at least four wheels with independent axles and suspension systems; and
- (b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the Road Traffic and Transport Act; and

“zoning scheme” means the Windhoek Zoning Scheme approved in terms of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018).

Application of regulations

2. (1) Unless the context otherwise indicates, these regulations apply to the local authority area of Windhoek.

(2) Despite the provisions in the Hazardous Substances Ordinance and any other applicable law, these regulations regulate flammable substances and hazardous substances so as to prevent and reduce fire hazards or other fire threatening dangers.

Purpose of regulations

3. The purpose of these regulations is to regulate and control the use, and the organisation, of the fire brigade service in the local authority area.

PART 2 ESTABLISHMENT AND ORGANISATION OF FIRE BRIGADE SERVICE

Establishment of fire brigade service

4. The Service within the local authority area which is known as the Windhoek Municipal Emergency Management “WMEMS” continues to exist and is to be known as the Windhoek Municipal Fire Brigade Service, consisting of persons appointed as members of the Service.

Organisation and division of fire brigade service

5. (1) The chief fire officer -
 - (a) is in charge of the fire brigade service; and

- (b) any fire-fighting organisation providing a fire fighting service within the local authority area, irrespective of whether that organisation is established by the Council or by any other person and the chief fire officer may make use of -
- (i) a member of that organisation; or
 - (ii) any fire-fighting equipment belonging to that organisation.

(2) The Council may divide the fire brigade service into sections, divisions or units as the Council considers necessary and each section, division or unit falls under the management and control of a member of the Service designated by the chief fire officer for that purpose.

Staff establishment of fire brigade service

6. (1) The Council determines the fixed establishment of the fire brigade service.

(2) The chief fire officer is responsible for making recommendations to the chief executive officer as to the numbers, grading, regrading, conversion or abolition of posts constituting part of the fixed establishment of the fire brigade service, including any reduction, re-organisation or re-adjustment of the Service.

(3) The chief executive officer may, in writing, designate or second a staff member on the fixed establishment of the Council to render administrative, technical or other support services to the fire brigade service.

(4) The re-organisation of the fire brigade service contemplated in subregulation (2) which involves expenditure must be approved by the Council and may not be carried out unless prior approval for such expenditure has been obtained from the Council.

(5) Nothing in these regulations prevents the fire brigade service from being a department or a part of the department referred to in section 28 of the Local Authorities Act, or prevents the chief fire officer from being the Head of that department.

Rank structure of fire brigade service

7. (1) The rank structure of the fire brigade service is as set out in Annexure 1.

(2) The chief executive officer, after consultation with the chief fire officer, may temporarily confer a higher rank or position on any member of the Service and that member holds that temporary higher rank or position for a period determined by the chief executive officer.

(3) A member of the Service to whom a rank or position has been conferred under subregulation (2) has the powers and authority applicable to such rank or position, but such member is not entitled to the basic wage or allowances applicable to such rank or position if the appointment is for a period less than 30 days.

(4) A member of the Service, irrespective of the rank or seniority in the Service, is considered to be the superior of any member over whom such member exercises authority.

Appointment of chief fire officer and designation of acting chief fire officer

8. (1) Subject to the qualifications and experience contemplated in regulation 4 of the General Regulations, the Council must appoint, on its fixed establishment, a person as the chief fire officer to be in charge of the fire brigade service as contemplated in section 3 of the Act.

(2) If the chief fire officer is for any reason unable to perform his or her functions, the chief executive officer must designate a suitably qualified member of the Service, on its fixed establishment, as an acting chief fire officer to exercise the powers and perform the functions of the chief fire officer.

(3) If both the chief fire officer and the acting chief fire officer are for any reason unable to perform their functions, the chief executive officer is responsible for the administration and enforcement of these regulations.

Functions and powers of chief fire officer

9. (1) The chief fire officer is responsible for the administration and enforcement of these regulations and exercises the powers and performs the functions conferred or assigned to him or her in terms of the Act and these regulations.

(2) In addition to the powers and functions of the chief fire officer referred to in subregulation (1), the chief fire officer -

- (a) must ensure that the contact numbers in respect of the fire brigade service are made available to the public and any other institutions; and
- (b) must inform the chief executive officer of operational requirements for the structuring of the fire brigade service as contemplated in regulation 6(2).

(3) Despite anything to the contrary contained in any other law, the chief fire officer has the powers to investigate the cause, origin and circumstances of any fire or other fire threatening danger.

Appointment of members of Service

10. Subject to the qualifications and experience contemplated in regulation 5 of the General Regulations, the Council may appoint, on its fixed establishment, persons as members of the Service as contemplated in section 4 of the Act.

Appointment of members of reserve force

11. Subject to the qualifications and experience contemplated in regulation 5 of the General Regulations, the chief fire officer may appoint, on its temporary establishment, persons as members of the reserve force as contemplated in section 5 of the Act.

Application for appointment of members of Service and members of reserve force

12. (1) A person who wishes to be appointed as -

- (a) a member of the Service must make an application to the Council on a form determined by the Council; or
- (b) a member of the reserve force must make an application to the chief fire officer on a form set out in Annexure A of the General Regulations.

(2) A person making an application to be appointed as a member of the Service or a member of the reserve force must -

- (a) allow his or her fingerprints to be taken;

- (b) submit his or her criminal record, and not have a criminal record of an offence -
 - (i) in which dishonesty is an element;
 - (ii) in which the sentence is imprisonment without the option of a fine; or
 - (iii) which is contained in Schedule 1 to the Criminal Procedure Act;
 - (c) submit himself or herself to undergo a medical examination as the Council or chief fire officer may determine, which may include physical, mental or health examination;
 - (d) furnish proof of his or her age; and
 - (e) furnish proof of his or her educational qualifications.
- (3) Subject to the General Regulations and these regulations a person may only be appointed as a member of the Service if -
- (a) the person has completed the probation period determined by the Council;
 - (b) the chief executive officer has issued a certificate as determined by the Council confirming that the person has successfully completed the probation period referred to in paragraph (a) and that the person is in all respects suitable to be appointed permanently as a member of the Service;
 - (c) the person is not under the age of 18 years and is not over the age of 60 years;
 - (d) the person is not suffering from any mental disease or having a physical defect, disease or infirmity which, in the opinion of the Council, will or may interfere with the proper execution of the duties of the person or that may necessitate the retirement of the person before the age of 60 years;
 - (e) the person has not been convicted of a criminal offence referred to in subregulation (2)(b); and
 - (f) the person has not been dismissed from any employment as a result of misconduct of which dishonesty or poor human relations is an element.
- (4) Despite subregulation 3(d), the Council may allow a person contemplated in that subregulation to be employed as a member of the Service or as a member of the reserve force in exceptional circumstances.
- (5) Regulation 3(a), (b) and (c) do not apply to a member of the reserve force.
- (6) The Council may appoint a staff member of the Council who -
- (a) complied with subregulations (2) and (3); and
 - (b) applied to be appointed as a member of the Service,
- as a member of the Service.

(7) A person may not offer a reward or benefit or attempt to offer a reward or benefit or unduly influence a member of the Council, staff member of the Council or member of the Service for -

- (a) that person to be appointed as a member of the Service; or
- (b) any other person to be appointed as a member of the Service.

(8) A person who contravenes subregulation (7) is regarded as unfit to be appointed as a member of the Service and may be subjected to a disciplinary action if he or she has already been appointed.

(9) A person who contravenes subregulation (7) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment not exceeding 12 months or to both such fine and such imprisonment.

Certificate of appointment

13. (1) The Council must, on a form determined by the Council, issue a certificate of appointment to a person who has been appointed as a member of the Service.

- (2) A member of the Service must -
 - (a) carry the certificate of appointment on himself or herself while on duty; and
 - (b) produce his or her certificate of appointment when requested to do so when exercising or performing his or her powers, functions or duties.
- (3) Despite subregulation (1) -
 - (a) an appointment of a member of the Service is not invalid due to the fact that the member has not been issued with a certificate of appointment; or
 - (b) a function performed by a member of the Service is not invalid due to the fact that the member cannot produce a certificate of appointment when requested to do so by a person in respect of whom a power, function or duty has been performed or exercised.

Functions of members of Service

14. (1) The functions of each rank and position of members of the Service are determined by the Council after consultation with the chief fire officer.

(2) A member of the Service must attend drills as may be determined by the chief fire officer.

(3) A member of the Service must perform all firefighting functions and other lawful functions that the member is directed to perform and the member must exercise and perform his or her powers and functions at any place where he or she is placed by the chief fire officer.

Promotion of members of Service and removal from ranks or positions

15. (1) The Council may promote a member of the Service, on its fixed establishment, to any position within the fire brigade service.

(2) The chief fire officer may determine any examinations or assessments that he or she considers appropriate as a requirement for any promotion to a position under subregulation (1).

(3) The Council may, after consultation with the chief fire officer, remove a member of the Service from a particular rank or position within the fire brigade service -

- (a) if the member is no longer medically or psychologically fit to exercise or perform the powers and functions of a fire-fighter of that rank or position;
- (b) if the member is no longer a fit and proper person to exercise or perform the powers and functions of a fire-fighter of that rank or position; or
- (c) at the request of the member.

(4) The Council must give a written notice to the member of the Service referred to in subregulation (3) of its intention to act in terms of that subregulation and the notice must specify the reasons for the proposed removal of the member.

(5) Before the Council removes the member of the Service on any of the grounds referred to in subregulation (3)(a) or (b), the Council must give the member an opportunity to make representation on the proposed removal, within a period specified in the notice.

(6) The Council must consider any representation made by the member of the Service under subregulation (5) before removing the member from a particular rank or position.

(7) If the Council decides to remove the member of the Service from a particular rank or position, the Council must, in writing, notify member of its decision to remove the member from the particular rank or position.

Termination of appointment as member of Service

16. (1) The Council may terminate the appointment of a member of the Service -

- (a) if the member is no longer medically or psychologically fit to exercise or perform the powers and functions of a fire-fighter;
- (b) if the member is no longer a fit and proper person to exercise or perform the powers and functions of a fire-fighter; or
- (c) at the request of the member.

(2) The Council must give a written notice to the member of the Service referred to in subregulation (1) of its intention to act in terms of that subregulation and the notice must specify the reasons for the proposed termination.

(3) Before the Council terminates the appointment of the member from the Service on any of the grounds referred to in subregulation (1)(a) or (b), the Council must give the member an opportunity to make representation on the proposed termination, within a period specified in the notice.

(4) The Council must consider any representation made by the member of the Service under subregulation (3) before considering whether to terminate service of the member.

(5) If the Council decides to terminate the appointment of the member from the Service, the Council must, in writing, notify member of its decision to terminate the member from the Service.

(6) A member of the Service must return his or her certificate of appointment before he or she leaves the Service.

Advertisement of vacancies

17. Subject to any directive of the Minister issued under section 27(2)(b) of the Local Authorities Act, the Council must advertise by way of a notice at the Council offices and in any newspaper circulating nationally in Namibia all permanent vacancies on the fixed establishment of the fire brigade service.

Application of personnel rules and conditions of service of Council

18. The conditions of service and industrial relations policy of the Council, the personnel rules made by the Council under section 27 of the Local Authorities Act and the Labour Act, 2007 (Act No. 11 of 2007), apply to members of the Service who are on the fixed establishment of the Service.

Prohibition on performing private work

19. (1) A member on the fixed establishment of the Service may not -
- (a) perform or engage himself or herself to perform any work outside his or her employment in the fire brigade service; or
 - (b) claim as a right to additional remuneration in respect of any work which is required by the Council or any other person authorised by the Council to be performed by the member during working hours in addition to the member's official duties or work.
- (2) Despite subregulation (1), the chief executive officer may -
- (a) on written application by a member of the Service; and
 - (b) on the recommendation of the chief fire officer,

grant permission to a member of the Service to engage or perform work outside the member's employment in the fire brigade service, subject to such conditions as the chief executive officer may determine.

(3) For the purposes of subregulation (2), the member of the Service must disclose the full nature of the work to be performed.

(4) The chief executive officer may only grant the permission contemplated in subregulation (2), if the -

- (a) performance or engagement in such work does not conflict with the performance of the member's official duties;
- (b) performance or engagement of such work is not detrimental to the interest of the fire brigade service and does not conflict with the Act and these regulations; and

- (c) permission to perform private work may be revoked by the chief executive officer on reasonable grounds at any time.

(5) If a member of the Service receives remuneration, allowance or other reward in connection with the performance of his or her work in the fire brigade service in contravention with the Act or these regulations, such member must -

- (a) pay to the Council an amount equal to the amount of such remuneration, allowance or reward; or
- (b) if the reward does not consist of money, pay the value of such reward, as determined by the chief executive officer,

and if the member fails to do so, the chief executive officer may, on behalf of the Council, recover such amount and value by way of legal proceedings or in such other manner as the chief executive officer considers appropriate.

- (6) If the -

- (a) chief executive officer determines the value as contemplated in subregulation (5); and
- (b) member of the Service affected by that determination is not happy with the determination,

the member may in writing appeal to the Council against the determination of the chief executive officer.

(7) If in the opinion of the chief executive officer a member of the Service has received any remuneration, allowance or other reward as contemplated in subregulation (5), and such remuneration, allowance or reward -

- (a) is still in the member's possession or under the control of another person on the member's behalf; or
- (b) has been deposited in a bank, post office savings bank, a building society or other financial institution in the member's name or in the name of another person on behalf of the member,

the chief executive officer may in writing request the member, other person, bank, post office, building society or financial institution not to dispose of, and retain, the remuneration, allowance or other reward pending the outcome of any legal steps for the recovery of such remuneration, allowance or reward.

(8) If the member, other person, bank, post office, building society or financial institution fails or refuses to comply with a request made under subregulation (7), the chief executive officer may take other lawful steps as he or she considers appropriate, including instituting legal proceedings to ensure that the member, other person, bank, post office, building society or financial institution complies with the request.

PART 3
CONDUCT OF MEMBERS OF SERVICE

Maintenance of self-development

20. The Council must ensure that a member of the Service acquires thorough knowledge and understanding of the Act, the Local Authorities Act, the Criminal Procedure Act, these regulations, the conditions of service, industrial relations policy and personal rules of the Council in so far as the Act, the Local Authorities Act, the Criminal Procedure Act, these regulations, the conditions of service, industrial relations policy and personal rules of the Council are applicable.

Honesty and truthfulness by member of Service

21. (1) A member of the Service must act honestly and truthfully in the exercise and performance of his or her powers and functions.

- (2) A member of the Service may not in his or her capacity as a fire-fighter -
- (a) make a false statement or misleading statement to a person in the exercise and performance of his or her powers and functions;
 - (b) make a false or misleading statement in any official record of the Council;
 - (c) destroy, alter or erase any entry in the official record of the Council; or
 - (d) be involved, whether directly or indirectly, in corrupt conduct.

(3) A member of the Service must account promptly for any money or property that comes into the member's possession during the course of the member's exercise or performance of the member's power or function.

Obedience by members of Service

22. (1) Subject to subregulation (2), a member of the Service must obey any lawful order or instructions given to him or her by a supervisor or any other authorised person.

(2) If it is reasonable in the circumstances, a member of the Service may demand that an order or instructions referred to in subregulation (1) be given in writing before or after the member obeys the order or instructions.

- (3) A member of the Service -
- (a) may not be disrespectful to a person in authority over the member;
 - (b) may not abuse his or her authority by acting oppressively towards a subordinate member of the Service;
 - (c) may not absent himself or herself from duty or be late for any parade, drill or other required attendance without good or sufficient reason;
 - (d) may not allow any loss, damage or injury to occur to any person or property through negligence, carelessness or malice; and

- (e) must report a matter relating to his or her work and make an entry in an official record of the Council as is required of that member.

Unacceptable behaviour of members of Service

- 23.** (1) A member of the Service may not -
- (a) come on duty while under the influence of alcohol or dependence-producing drugs as defined in section 1 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971);
 - (b) while on duty, consume, use or possess any alcohol or dependence-producing drugs as defined in section 1 of the Act referred to in paragraph (a);
 - (c) while on duty, involved in activities that adversely affect the discipline or efficiency of the fire brigade service;
 - (d) smoke at a fire or drill, in any departmental premises in contravention of any law regulating the smoking of tobacco products or in any departmental vehicle;
 - (e) smoke in any public place in contravention of any law regulating the smoking of tobacco products;
 - (f) while off duty, enter or remain on the premises without authority;
 - (g) while on or off duty, by words or action, behave in a manner that is subversive of discipline or likely to discredit the fire brigade service; or
 - (h) while on duty, by words or action, harass, intimidate, threaten, victimise or sexually harass another member of the Service or any other person.

(2) The chief fire officer may refuse a member of the Service to perform his or her duty if the chief fire officer is of the opinion that the member is under the influence of alcohol or dependence-producing drugs as defined in section 1 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971) to such an extent that the member is unable to exercise or perform the powers and functions of a fire-fighter.

Damage or misuse of properties of Council

- 24.** (1) A member of the Service may not damage any property of the Council.
- (2) A member of the Service must promptly report any damage caused to the property of the Council by the member or any other person.
- (3) A member of the Service may not use any property of the Council for unauthorised purpose or be involved, whether directly or indirectly, in the unauthorised use of the property.
- (4) Before a member of the Service leaves his or her employment or service, the member must return to the Council, all the property and equipment that is in the possession of the member.
- (5) The chief fire officer may require a member of the Service who fails to return any property or equipment, or who returns the property or equipment in a damaged condition to pay compensation for the loss or damage, unless if such damage is due to fair wear and tear.

(6) The amount of the loss or damage caused by the member of the Service may be deducted from any amount due to the member during the service of the member.

Uniforms, insignias and other personal equipment

25. (1) The -

- (a) uniforms, insignia and identification marks for members; and
- (b) rank, uniform and vehicle insignias of,

the fire brigade service is as determined by the Council.

(2) A member of the Service who wilfully or negligently damages or loses any uniforms, insignias or clothing being part of the dress code of the fire brigade service or being the property of the Council, including any property -

- (a) issued to him or her or to any other member of the Service for personal use in the performance of his or her functions or such other member's functions;
- (b) in possession or under the control of the Council; or
- (c) belonging to another member of the Service, a canteen, mess or any other institution of the fire brigade service,

commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

(3) A member of the Service must wear his or her uniform in accordance with any order issued by the chief fire officer.

(4) A member of the Service -

- (a) must take care of all articles, items, uniforms and equipment issued to him or her; and
- (b) may be required to meet the replacement cost of any articles, items, uniforms or equipment damaged or lost through his or her negligence.

Rewards for diligence or devotion to Service

26. (1) The chief executive officer, after consultation with the chief fire officer and with the approval of the Council, may award -

- (a) a member of the Service for extraordinary diligence or devotion in the performance of his or her function as a member; or
- (b) a former member of the Service for extraordinary diligence or devotion in the performance of his or her duties at the time the former member was a member of the Service.

(2) The award referred to in subregulation (1) may be monetary or other reward as the chief executive officer considers appropriate in the circumstances.

Award of decorations and medals

27. (1) A member of the Service who has been awarded a medal under section 6 of the Act may, for each additional act of exceptional service, be awarded a bar to be attached to the ribbon from which the medal is hung.

(2) An award of a medal or bar awarded under section 6 of the Act may be made on the recommendation of a committee appointed by the chief fire officer to consider the merit of such award.

(3) The Council must publish or cause to be published on its official news bulletin the names of the members or persons who received awards and the details of awards, and the record of the awards must be kept by the chief fire officer.

Service certificates

28. (1) A service certificate referred to in section 6(2) of the Act may be awarded on the recommendation of a committee appointed by the chief fire officer to consider the merit of such award.

(2) The Council must publish or cause to be published in its official news bulletin, the names of the members or persons who received the service certificates, and the record of the certificate must be kept by the chief fire officer.

Commendations

29. (1) The chief executive officer or any staff member of the Council designated by the chief executive officer may award commendations to a member of the Service, including the chief fire officer, for courageous action, meritorious or long service to the fire brigade service.

(2) An award of commendation may be made on the recommendation of a committee appointed by the chief fire officer to consider the merit of such award.

(3) The Council must publish or cause to be published on its official news bulletin -

(a) the names of the members of the Service who receive commendations; and

(b) the details of the commendations awarded,

and the record of the commendation must be kept by the chief fire officer.

Honorary list

30. The chief executive officer or the chief fire officer may place on the honorary list the name of any former fire-fighter who has given long and meritorious service to the fire brigade service.

Solicitation, acceptance or retention of rewards or other benefits

31. (1) A member of the Service may not -

(a) directly or indirectly solicit or accept a reward, whether the reward involves pecuniary gain, material gain, provision of service or training or any other benefit in connection with the performance of his or her functions; or

- (b) retain any money received as a gratuity or payment from any person, accept any address, presentation or testimonial in connection with his or her official position,

without the prior written permission of the Council.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

(3) If a member of the Service has been charged with a criminal offence under subregulation (2), the member is not absolved from any disciplinary action that may be taken against him or her by the Council for the same conduct giving rise to the criminal charge.

Recall of off-duty members of Service

32. (1) A member of the Service who is off-duty, including a member who is on vacation leave, may be recalled to duty in an emergency, unless the member -

- (a) is on sick leave;
- (b) is attending court in any capacity; or
- (c) has been subpoenaed to appear in court.

(2) A member of the Service must notify the chief fire officer of his or her whereabouts and how the member may be contacted in a case of emergency.

Calls to fires, hazardous substance incidents or other emergencies

33. A member of the Service receiving a call to a fire, hazardous substance incident or other emergency is responsible for recording the details of the call and must make every effort to ensure immediate response in accordance with the orders of the chief fire officer.

Occurrence book

34. The station officer of a fire station must ensure that all -

- (a) events of significance relating to the operation of a fire station; and
- (b) other matters required by these regulations or by the chief fire officer are recorded in an occurrence book maintained at the fire station.

Absence from fire station

35. (1) A member of the Service who is on duty at a fire station may not leave the fire station without the permission of the station officer of that fire station, or if the member is the station officer, without the permission of a senior officer.

(2) Subregulation (1) does not apply to a member who leaves the fire station to attend to a fire call, other emergencies or to perform any other official functions away from the fire station.

(3) A member of the Service who leaves the fire station must record in the occurrence book the reason for leaving the fire station and the name of the person who gave him or her the permission to leave the fire station.

Operation of fire appliances

36. When responding to a fire call, hazardous substance incident or any other emergency, the driver of an emergency service vehicle or a fire appliance must ensure that the vehicle or fire appliance's lights and audible warning devices are operated to give the best practicable emergency warning to the public and other road users.

Security on fire scene

37. A member of the Service at a fire scene, hazardous incident or any other emergency must -

- (a) ensure that the premises at the site of the fire scene, hazardous incident or any other emergency are not entered into by members of the public;
- (b) ensure that the goods on the premises are not interfered with or removed from the premises unless the person can establish that he or she is the owner of the premises or has the authority to act as from the owner of the premises; and
- (c) by any means, report any incident of a person acting in contravention of paragraph (a) or (b) to a member of the Windhoek City Police or the Namibian Police.

PART 4**SAFETY REQUIREMENTS ON PREMISES****Design and construction of buildings**

38. (1) Subject to subregulation (4), an owner of a building, excluding a dwelling house, must ensure that the building is designed and constructed in a manner that -

- (a) provides for the effective drainage of any water that may result from fire extinguishing activities and the discharge of such water directly into a storm water drain;
- (b) prevents any water that may result from fire-extinguishing activities from draining -
 - (i) down any stairway or lift shaft;
 - (ii) down any electrical shaft or telecommunications service shaft;
 - (iii) down any shaft that is connected to a basement level; or
 - (iv) along any approach to a building or any vehicle access ramp leading to or from a building;
- (c) if any water resulting from fire-extinguishing activities spills into a basement, such water is discharged directly into a storm water drain; and
- (d) complies with the applicable standards and the approved requirements relating to fire protection.

(2) Subject to subregulation (4), an owner of a building equipped with a transformer room must ensure that -

- (a) the transformer room is situated on the ground level;

- (b) there is access to the transformer room from outside the building; and
 - (c) there is adequate and ready access to the transformer room for fire-fighting and maintenance activities.
- (3) Subject to subregulation (4), an owner of a building, including a dwelling house, must ensure that the building or dwelling house is designed and constructed according to the following requirements -
- (a) the wall between the garage and the house must be a firewall 230mm thick, built up to 300mm above the roof level of any combustible roof or any roof if the roof material is of heat conducting material;
 - (b) the door between the garage and the dwelling house must be a self-closing fire door with the required fire resistance of 120 minutes;
 - (c) the garage floor must be sunken 100mm below the floor level of the dwelling house or 100mm threshold be provided;
 - (d) the construction of a fire place must comply with the applicable standards and approved requirements relating to building regulations safety requirements;
 - (e) the walls on boundaries must be firewalls, 230mm thick, built up to 300mm above and alongside roof level;
 - (f) the carports must be left open, and if a carport is to be closed, windows must be re-situated or supplied with wired glass; and
 - (g) the fire-fighting equipment must be installed as indicated on the building plans as required by the Council or applicable standards.
- (4) Subregulations (1), (2) and (3) do not apply in respect of a building which was built and completed before the commencement of these regulations.
- (5) A person who contravenes or fails to comply with subregulation (1), (2) or (3) or any other applicable standards relating to fire protection commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Design and construction of other structures and sites

- 39.** (1) A person who designs, constructs or erects any of the following structures -
- (a) a grain silo;
 - (b) an atrium;
 - (c) an air traffic control tower;
 - (d) a tower for telecommunications or other uses;
 - (e) a thatched structure which is larger than 20 square meters and situated within three metres of the boundary line of the property or larger than 50 square meters and requires a lightning conductor;

- (f) a tent or other temporary structure for holding a public gathering;
- (g) an open-plan commercial or industrial premises with a covering distance that exceeds 45 metres measured from any point in the premises to any escape or exit door; or
- (h) an occupancy with two or more dwelling units, business units, sectional titles on same site considering the firewalls separating them to be 300mm above any roof level if the roof material is combustible or of heat conducting material,

must comply with the building regulations and applicable standards.

(2) A person who designs or constructs an aircraft hangar or helicopter pad must ensure that the design or construction -

- (a) complies with the building regulations and applicable standards;
- (b) provides for the effective drainage of liquid from the floor of the hanger, helicopter pad or any approach to the aircraft hangar or helicopter pad;
- (c) provides for the effective channelling of liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;
- (d) prevents the spread of liquid from the floor of the hanger or helicopter pad; and
- (e) is equipped with effective earthing devices for the discharge of static electricity.

(3) A person who contravenes subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to such both fine and imprisonment.

Right of access to buildings and premises and issuing of instructions

40. (1) Pursuant to section 9(2)(b) of the Act, a member of the Service may enter or break into any premises at any reasonable time to conduct inspections in order to determine the existence of any fire hazard or compliance with any applicable law or applicable standards relating to fire safety on such premises.

(2) If there is any fire hazard or non-compliance with any applicable law or applicable standard as contemplated in subregulation (1), the member of the Service may serve a notice on the owner or occupier of the premises with instructions -

- (a) to comply with applicable law or applicable standards in order to abate the condition; and
 - (b) specifying the deadline for compliance with paragraph (a).
- (3) If -
- (a) a condition may increase the risk of fire or pose a threat to life or property and that condition cannot be immediately rectified; or
 - (b) costs need to be incurred to rectify that condition,

the owner or occupier of the premises must, after having received written notice referred to in subregulation (2), inform the chief fire officer in writing of the measures which he or she intends to take in order to remedy the condition and provide a programme and deadline to the chief fire officer for approval.

(4) The chief fire officer may approve the proposed measures and deadline referred to in subregulation (3) with or without amendments and may give further instructions for compliance with the proposed or required measures.

(5) A person who fails to comply with a written notice referred to in subregulation (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Installation and maintenance of fire-fighting equipment

41. (1) An owner or a person in charge of premises on which the fire-fighting equipment or fire service installations are kept or installed must ensure that -

- (a) the fire-fighting equipment or fire service installations on the premises are installed in compliance with the approved fire protection building plans and, in a manner, and condition that is ready for use in an emergency;
- (b) the portable or mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in the approved manner and in accordance with the applicable law and applicable standards;
- (c) the fire-fighting equipment or fire service installations on the premises are -
 - (i) maintained in a good working condition;
 - (ii) inspected and serviced in accordance with the specifications of the manufacturer; and
 - (iii) inspected by a competent person at least once every 12 months; and
- (d) a comprehensive service record of all the fire-fighting equipment or fire service installation on the premises is maintained and submitted to the chief fire officer every 12 months or as otherwise directed.

(2) The competent person who inspects, services or repairs the fire-fighting equipment or fire service installation must -

- (a) on completing the inspection, service or repair -
 - (i) certify in writing that the equipment or installation is fully functional; and
 - (ii) furnish the certification referred to in paragraph (i) in a form of a certificate to the owner or the person in charge of the premises; or
- (b) if the equipment or installation cannot be readily repaired to a functional state, notify the chief fire officer of the dysfunctional state of the equipment or installation without delay.

- (3) A person may not -
- (a) except for purposes of inspection, service, repair or fire-fighting, remove or interfere with the fire-fighting equipment or fire service installation at any premises; and
 - (b) alter, damage, misuse or render ineffective the fire-fighting equipment or fire service installation at any premises.

(4) A person who contravenes or fails to comply with subregulation (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Fire alarms and fire hydrants

42. (1) The chief fire officer may, without compensation to the owner of the premises, cause -

- (a) a fire alarm;
- (b) a transmission instrument for calls of fire or other emergencies; or
- (c) a transmission instrument for warning residents of a fire or other emergencies,

to be affixed to any building, wall, fence, pole or tree.

(2) The chief fire officer may, without compensation to the owner of the premises, cause the position of a fire hydrant, fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, metal plate, painted marker or by any other means approved by the chief fire officer.

(3) The chief fire officer may at any time cause an installation or equipment referred to in subregulation (1), or any mark, board, metal plate or painted marker referred to in subregulation (2), to be removed from the premises concerned.

(4) A person may not remove, deface, alter, tamper with or damage any installation or equipment referred to in subregulation (1) or any mark, board, metal plate or painted marker referred to in subregulation (2), unless the person has been authorised by the chief fire officer.

(5) A person may not render less effective, inoperative, inaccessible, obstruct or tamper or interfere with a fire hydrant.

(6) A person who contravenes or fails to comply with subregulation (4) or (5) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Sprinkler systems

43. (1) Despite the requirements of any applicable standards, the owner or person in charge of a building -

- (a) with a floor area that exceeds 2500 square metres;
- (b) with a basement parking that exceeds 500 square metres; or

- (c) as may be determined by the chief fire officer,

must install an automatic sprinkler or any other fixed extinguishing systems in the building.

(2) A person who designs, constructs or installs a sprinkler system must ensure that the design, construction or installation is in accordance with applicable standards and approved requirements relating to fire protection.

(3) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

Fire detection and alarm systems

44. (1) Despite the requirements of any applicable standards, the owner or person in charge of a building -

- (a) that is used as a hotel, dormitory, hospital or institutional residence such as old age homes, irrespective of height and floor area;
- (b) that has a basement parking;
- (c) with a floor area of more than 500 square metres; or
- (d) as may be determined by the chief fire officer,

must equip the building with an automatic fire detection and alarm system.

(2) A competent person who designs and installs an automatic fire detection and alarm system must ensure that the design and installation of such system -

- (a) is in accordance with the applicable standards and approved requirements; and
- (b) detects, signals and transmits information automatically to the control room of the fire brigade service.

(3) An owner or a person in charge of the premises where an automatic fire detection and alarm system is installed must annually service, maintain and ensure that an automatic fire detection and alarm system is at all times in an operational condition.

(4) An owner or a person in charge of the premises where an automatic fire detection and alarm system is installed must test or assign a person to test the system at least once a week to ensure that the signal of an automatic fire detection and alarm system is transmitted to the control room of the fire brigade service.

(5) An owner or a person in charge of premises where an automatic fire detection and alarm system is installed must pay the annual fee for the system connection to the Council or to any service provider that is in partnership with the Council, at a rate determined by the Council.

(6) The chief executive officer may designate any head of a department of the Council or designate any other competent person to be responsible for the provision and maintenance of the fire alarm signal receiver and recorder systems in the control room of the fire brigade service.

(7) A person who contravenes or fails to comply with subregulation (1), (2), (3) or (4) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Extractor fan systems

45. (1) An owner, a person in charge of the building or a person who designs, constructs or installs an extractor fan system, related ducts or any similar chimney system must ensure that -

- (a) the system is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
- (b) the conduit and outlet of the system is installed in a manner that does not result in a fire hazard to a person or the property.

(2) An owner or a person in charge of a building in which an extractor fan system, related ducts or similar chimney system has been installed must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate.

(3) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Emergency exits

46. (1) An owner or a person in charge of a building that is fitted with an escape door must ensure that the escape door in the building -

- (a) is fitted with hinges that open in the direction of the escape; and
- (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.

(2) An owner or a person in charge of a building must ensure that any door in a feeder route -

- (a) is a double swing-type door; and
- (b) is not equipped with any locking mechanism.

(3) Despite subregulation (2), if it is necessary that a door in a feeder route be locked for security reasons, the owner or person in charge of the building must provide an alternative means of escape route approved by the chief fire officer.

(4) A person may not obstruct or allow the obstruction of an escape route from the premises that may prevent or hinder the escape of a person or animal from the premises in a case of emergency.

(5) If required by the chief fire officer, the owner or person in charge of a building must clearly indicate an escape route with illuminated type signage which are approved by the chief fire officer or which comply with the applicable standards, indicating the direction of travel in the event of fire or any other emergencies.

(6) A person who contravenes or fails to comply with subregulation (1), (2), (4) or (5) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Fire doors and assemblies

47. (1) Subject to any applicable standards, a fire door and its assembly must be maintained in such a manner that in the case of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.

(2) A fire door may be kept open only when it is equipped with an automatic releasing hold-open device approved by the chief fire officer.

(3) A person may not render a fire door and assembly less effective by -

- (a) altering the integrity, insulation or stability of a particular class of door;
- (b) disconnecting the self-closing mechanism;
- (c) wedging, blocking or obstructing the door so that it cannot close;
- (d) painting the fusible link actuating mechanism of a door;
- (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
- (f) performing any other action that renders a fire door or assembly less effective.

(4) A person who contravenes or fails to comply with subregulation (1) or (3) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Design, identification and access to premises for fire-fighting and rescue purposes

48. (1) Subject to the provisions of zoning scheme and the conditions of establishment of any approved township, a person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated is planned, designed and constructed so that -

- (a) at least one elevation of the building fronts onto a street;
- (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the chief fire officer;
- (c) a motorised or electronically operated gate is equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device or any other assistance;
- (d) there is a climate-proof, weather-proof parking surface for parking and operating fire-fighting vehicle or equipment in an emergency -
 - (i) of dimensions at least 10 metres wide;
 - (ii) that runs the full length of the side elevation of the building that borders the surface; and

- (iii) with a carrying capacity of at least 70 metric tons; and
 - (e) any entrance arch to the premises provides an opening with dimensions of at least 4 metres wide by 4.2 metres high, unless there is an alternative and easy access route to the premises at least of the same dimensions.
- (2) For purposes of easy identification by a member of the Services in an emergency, an owner or a person in charge of the premises must ensure that the correct street number of the premises is -
- (a) displayed clearly on the street boundary of the premises in numbers of at least 75 millimetres high;
 - (b) visible from the street; and
 - (c) maintained in a legible condition at all times.
- (3) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Accessibility of fire-fighting equipment and fire installations on premises

49. (1) The owner or person in charge of premises where any fire-fighting equipment or fire protection installation is installed must ensure that the fire-fighting equipment or fire protection installation is accessible to the members of the Service at all times.
- (2) A person who causes or permits any fire-fighting equipment or fire protection installations to be obstructed or impedes such accessibility or operation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Barricading of vacant buildings

50. (1) An owner or a person in charge of a building or portion of a building that is vacant must, to the satisfaction of the chief fire officer -
- (a) remove all combustible waste and refuse from the building; and
 - (b) block, barricade or secure all windows, doors and other openings in the building in a manner that will prevent the creation of fire hazards caused by entering of the building by an unauthorised person.
- (2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Fire protection for thatch roof structures

51. (1) An owner of a thatch roof construction which is supported by structural walls or independent structural walls must comply with the approved requirements and applicable standards relating to thatch roof structures.

(2) A rational design, in accordance with the applicable standards, must be provided for any thatch roof construction with an area exceeding 50 square metres or where such construction is attached to an existing dwelling.

(3) Where a new thatch structure or replacement of the thatch structure is to be constructed for any building, the following must be incorporated into the design and construction of the thatch roof -

- (a) the thatch density may not be less than 35 to 50 kg/m² for a thickness of 175mm to 200mm;
 - (b) sisal binding twine must be used;
 - (c) all materials used in the construction of the thatch roof structure must be of good quality;
 - (d) where electrical wiring passes through the roof space of the thatch roof, the wiring must run in continuous conduit and all junction boxes must be properly sealed;
 - (e) if in the opinion of the chief fire officer the risk of lightning may pose a hazard, the chief fire officer may direct that certain parts of the thatch structure be protected by the installation of lightning conductors in accordance with the approved requirements and applicable standards;
 - (f) the wooden components and all exposed surfaces of thatch must be treated after every five years with an approved fire retardant and the thatching must be rodent proofed; and
 - (g) on completion of the thatch construction and treatment, the owner of the thatch structure must provide the chief fire officer with written certification of compliance stating compliance with this regulation.
- (4) If in the opinion of the chief fire officer a fire in a thatched building may -
- (a) pose an unacceptable risk to the adjacent buildings or property; or
 - (b) result in an increased risk from an external fire because of its location,

the chief fire officer may require the owner or person in charge of the building to -

- (i) install an extinguishing system which may be manual or automatic in operation; or
 - (ii) erect a firewall between the adjacent buildings or property.
- (5) A chimney passing through a thatch roof must be constructed so that -
- (a) only full 220mm bricks are used and laid in a manner that the unexposed faces of the bricks in contact with the thatch do not become hot;
 - (b) all joints and spaces are properly filled with mortar;
 - (c) wooden building component or decoration is not built into or through the chimney;

- (d) the top of the chimney stack is extended at least one metre above the highest point of the roof; and
- (e) a spark arrestor comprising a stainless steel wire mesh measuring 10 x 10 x 1mm across the full width of the flue is fitted not less than 700mm from the top of the stack.

Reporting of fire hazard and other threatening danger

52. (1) An owner, an occupier or a person in charge of premises must immediately notify the fire brigade service, if he or she discovers any evidence of a fire hazard or other threatening danger.

(2) An owner, an occupier or a person in charge of premises must provide the fire brigade service with full details pertaining to the incident contemplated in subregulation (1).

(3) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Emergency evacuation plans

53. The chief fire officer, by written notice to an owner or a person in charge of the premises -

- (a) may designate the premises as premises requiring an emergency evacuation plan; and
- (b) must specify the premises to be designated for purposes of paragraph (a).

Duties of owner or person in charge of designated premises

54. (1) An owner or a person in charge of the designated premises, with the approval of the chief fire officer, must -

- (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guidelines set out in Annexure 2 and submit the plan to the chief fire officer in triplicate within 30 days of service of the designation notice in accordance with regulation 53;
- (b) establish a fire protection committee comprising of occupiers of the premises to assist the owner or person in charge of the premises to organise a fire protection programme and regular and scheduled fire evacuation drills;
- (c) ensure that the emergency evacuation plan is reviewed at least every 12 months and when -
 - (i) the floor layout of the premises has changed; or
 - (ii) the chief fire officer requires the review of the plan;
- (d) ensure that an up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept, maintained and are at all times available in the control room on the premises for inspection by any member of the Service;

- (e) display the emergency evacuation plan at visible positions inside the premises; and
 - (f) identify a place of safety outside the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors, injured or deceased persons.
- (2) The chief fire officer may in respect of the designated premises -
- (a) require the review of any emergency evacuation plan by the owner or person in charge of the premises and may provide directions in that regard;
 - (b) instruct the owner or the person in charge of the premises to implement a fire protection program that the chief fire officer considers necessary to ensure the safety of persons and property on the premises; or
 - (c) require the owner or the person in charge of the premises to provide the chief fire officer with a certified copy of the emergency evacuation plan and any other relevant documents.
- (3) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Duties and orders during emergency situations

55. (1) The chief fire officer, a member of the Service in charge of an emergency situation or a party to an agreement referred to in terms of section 15 of the Act must in respect of every emergency situation ensure that -

- (a) adequate manpower and appropriate apparatus and equipment are available, deployed and used in an emergency without delay;
- (b) upon arrival of the members of the Service, the emergency situation is immediately assessed and additional resources or assistance considered necessary are called for without delay;
- (c) all pertinent information, including information about places, times and other relevant particulars about the emergency are recorded during the emergency or as soon as possible after the emergency; and
- (d) the information recorded in paragraph (c) is preserved in accordance with the provisions of the Archives Act, 1992 (Act No. 12 of 1992).

(2) A person, including any government office, ministry or agency as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995), that wishes to inspect any information referred to in subregulation (1)(c) must send a motivated request in writing to the chief fire office.

(3) A press or media release concerning the fire brigade service emergency situation or any matter relating to the emergency situation must be in accordance with the guidelines determined by the Council.

Fire-breaks requirements

56. (1) An owner or occupier of premises must clear all grass and shrubs and maintain a safety fire break along every boundary of his or her premises.

(2) An owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm -

(a) of at least three metres wide when measured parallel from the boundary; and

(b) that has no vegetation or combustible residue.

(3) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier of the premises must clear and maintain a five-metre-wide safety fire-break around the obstruction.

(4) A person may not clear or maintain a safety fire-break by means of burning, unless that person has obtained the written permission of the chief fire officer or a person authorised by the chief fire officer in accordance with subregulation (5).

(5) A person who intends to clear or maintain a safety fire-break by means of burning pursuant to subregulation (4) must -

(a) apply in writing to the chief fire officer or a person authorised by the chief fire officer for permission, specifying the property concerned and the proposed date and time of the burning; and

(b) request the fire brigade service to provide assistance at the burning site against payment of the applicable fee, unless the burning is to be performed by a person or body approved by the Council for that purpose.

(6) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Making of fires

57. (1) A person may not make, cause or permit a fire to be made in an open air or in such a manner that the fire may endanger the safety of a person, building, premises or property.

(2) A person may not burn, cause or permit to be burnt in an open air, whether on private property or not, any rubbish, wood, straw or other material.

(3) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Chimney fires

58. (1) An owner or occupier of a building may not allow soot or any other combustible substance to accumulate in any chimney of the building in such quantities or in such a manner that may create a danger of fire to the building.

(2) An owner or occupier of a building may not allow smoke from a chimney to be a nuisance to any other person.

(3) If at the trial of a person charged with having contravened subregulation (1) or (2) it is proved that the fire occurred in a chimney of the building occupied by the accused person, the person is, unless the contrary is proved, considered to have knowingly or negligently allowed soot or other combustible substance to accumulate in the chimney in such quantities and in such a manner as to create a danger of fire to the building or allow smoke from the chimney to be a nuisance to other persons.

(4) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Prohibition of public gatherings or business activities in certain circumstances

59. (1) A person may not hold a public gathering or business activities or allow public gathering or business activities to be held in a building or temporary structure unless that person holds a fire safety certificate of fitness issued in respect of the building or temporary structure.

(2) A person who -

- (a) holds a public gathering or business activities or allows a public gathering or business activities to be hold in a building or temporary structure; and
- (b) does not hold a fire safety certificate of fitness issued in respect of a building or temporary structure,

before the commencement of these regulations must apply for a fire safety certificate of fitness within a period of three years from the date of commencement of these regulations.

(3) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application for fire safety certificate of fitness

60. (1) An owner or a person in charge of a building or temporary structure intending to hold a public gathering or business activities on such premises or structure must make an application to the chief fire officer for a fire safety certificate of fitness.

(2) An application referred to in subregulation (1) must be -

- (a) made on the form determined by the Council;
- (b) submitted to the chief fire officer;
- (c) accompanied by the applicable fee;
- (d) submitted at least 30 days before any intended public gathering.

(3) Despite subregulation (2), the chief fire officer may request for additional documents or information relevant to the application for purposes of making a decision in terms of this regulation.

(4) The chief fire officer may not issue a fire safety certificate of fitness in respect of a building or temporary structure unless -

- (a) the Council is in possession of an up-to-date building plans for the premises; and
- (b) the building or temporary structure complies with the fire safety requirements of these regulations, applicable standards and any other applicable law.

Issue of fire safety certificate of fitness

61. (1) If the chief fire officer is satisfied that the application for a fire safety certificate of fitness complies with regulation 60, the chief fire officer may -

- (a) issue the fire safety certificate of fitness to the applicant; and
- (b) impose conditions which the chief fire officer considers necessary.

(2) A fire safety certificate of fitness must be on a form determined by the Council and must, where applicable, record information on -

- (a) the trade name and street address of each occupier of the building or temporary structure;
- (b) a description of the type of activity carried on by each occupier of the building or structure;
- (c) the full names and addresses of the persons who serve on the governing or similar body of premises;
- (d) the maximum permissible number of persons who may be admitted to the useable floor area of the building or structure; and
- (e) the date of issue of the fire safety certificate of fitness, expiry date of the certificate and its serial number.

Period of validity and renewal of fire safety certificate of fitness

62. (1) A fire safety certificate of fitness is valid for a period of 12 months.

(2) If the owner or person in charge of a building or temporary structure intends to renew his or her fire safety certificate of fitness, the owner or the person must make an application in accordance with regulation 60 for renewal of the fire safety certificate of fitness.

(3) The application for renewal of the fire safety certificate of fitness must be made at least 30 days before the expiry of the fire safety certificate of fitness.

Duties of holder of fire safety certificate of fitness

63. (1) The holder of a fire safety certificate of fitness must -

- (a) comply with any conditions imposed on the fire safety certificate of fitness;
- (b) at all times display the fire safety certificate of fitness prominently on the premises and maintain the certificate in a legible condition; and

- (c) immediately notify the chief fire officer and chief fire officer in writing of any change to the trade name, activity or governing body or similar body of any occupier of the building or structure.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Suspension and cancellation of fire safety certificate of fitness

64. (1) The chief fire officer may suspend or cancel the fire safety certificate of fitness in respect of a building or temporary structure if -

- (a) the owner or person in charge of the premises contravenes or fails to comply with the provision of these regulations;
- (b) the owner or person in charge of the premises or temporary structure fails to comply with any condition imposed on the fire safety certificate of fitness; or
- (c) the building or temporary structure is not in compliance with these regulations, applicable standards or any other applicable law.

(2) Before the chief fire officer suspends or cancel a fire safety certificate of fitness, he or she must give the owner or person in charge of the premises -

- (a) a written notice of the intention to suspend the fire safety certificate of fitness and the reasons for such intended suspension or cancellation; and
- (b) a period of at least 21 days to make written representations to the Council giving reasons why the fire safety certificate of fitness should not be suspended.

(3) The chief fire officer after considering any representation made by the owner or person in charge of the premises or temporary structure may -

- (a) suspend the fire safety certificate of fitness and may impose any condition to be complied with by the owner or person in charge of the premises or temporary structure; or
- (b) cancel the fire safety certificate of fitness.

(4) If the chief fire officer cancels or suspends a fire safety certificate of fitness in terms of subregulation (3), he or she must furnish the owner or person in charge of the building or temporary structure with a written notice of the cancellation or suspension of the fire safety certificate of fitness.

(5) Despite subregulation (2), the chief fire officer may cancel or suspend a fire safety certificate of fitness without complying with that subregulation, if the chief fire officer is of the opinion that the building or temporary structure is no longer safe for the person who may gather in such premises or temporary structure.

PART 5
WATER SUPPLY FOR FIRE SUPPRESSION PURPOSES

Township development water supply requirements

65. (1) A person who develops or redevelops a township within the local authority area must -

- (a) design and develop the township with sufficient water supply, minimum fire flow and hydrant requirements approved by the chief fire officer;
- (b) ensure compliance with any applicable standards and any applicable law; and
- (c) furnish written proof of such compliance to the chief fire officer.

(2) A person referred to in subregulation (1) must ensure that -

- (a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for fire-fighting purposes;
- (b) the water supply from the reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions;
- (c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply;
- (d) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system -
 - (i) for more than 150 metres in a high risk area; or
 - (ii) for more than 300 metres in a moderate or low risk area,

in the event that the system, excluding any of the branches, is damaged or requires repair; and

- (e) if the redevelopment of a township alters the fire risk category of an area in the township referred to in regulation 68, the water reticulation system is adapted without delay so as to comply with the requirements of regulations 66 and 67.

(3) A person is considered as complying with subregulation (2)(c) if -

- (a) the water is supplied to the township from more than one reservoir;
- (b) each reservoir receives water from a separate supply main and pump; and
- (c) the reservoirs are connected to each other.

(4) The chief fire officer must inspect the fire hydrants and conduct flow and pressure tests as approved or as contemplated in any applicable standards.

(5) This regulation and regulations 66 and 67 apply to the Council and to a person who develops or redevelops a township only after the commencement of these regulations.

Township development fire-extinguishing stream requirements

66. A person who develops or redevelops a township within the local authority area must ensure that the water supply provides a fire-extinguishing stream that is immediately available to the Council in an emergency and is of the following volume and duration:

Fire risk category	Minimum volume of extinguishing stream (litres per minute)	Minimum duration of extinguishing stream (hours)
High risk	11 500	6
Moderate risk	5 750	4
Low risk	2 300	2

Township development fire hydrant requirements

67. (1) A person who develops or redevelops a township within the local authority area must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire risk category	Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)	Minimum distance between fire hydrants (metres)
High risk	1980	120
Moderate risk	1 150	180
Low risk	900	200

(2) A person referred to in subregulation (1) must ensure that hydrants are pillar type, tamper proof and the position of fire hydrants is plotted safely and accurately on a plan that is furnished to the chief fire officer for operational fire-fighting purposes.

Fire risk categories

68. (1) For purposes of regulation 66 and 67, the following areas of a township is regarded -

- (a) as high risk -
 - (i) a factory area, high density shopping area, warehouse or commercial building;
 - (ii) a plantation, timber yard or wooden building;
 - (iii) a building higher than three storeys;
 - (iv) a building in which hazardous substances are used, handled or stored;
 - (v) a building in which hazardous processes are conducted; and
 - (vi) any other area that has a high fire risk or high fire spread risk;

- (b) as moderate risk -
 - (i) an area in which factories, commercial buildings or residential buildings are generally detached from each other and do not exceed three storeys;
 - (ii) an area in which the chief fire officer has not declared the materials processed or stored in the buildings as highly dangerous;
 - (iii) an area where the fire risk and risk of spread of fire is moderate; and
 - (iv) an area that is not a high or low risk area; and
- (c) as low risk -
 - (i) an area that is mainly residential or semi-rural;
 - (ii) an area that has predominantly detached, duet, cluster or town house developments; and
 - (iii) an area where the fire risk or risk of spread of fire is slight or insignificant.

Connection to water reticulation system

69. (1) The Council may not allow a person to do a water connection to the water reticulation system of the Council unless the fire protection plans for the premises to be connected have been approved by the chief fire officer.

(2) A person or an owner of premises who requires water connection to the water reticulation system of the Council must -

- (a) if the premises to be connected is protected by a sprinkler installation, ensure that -
 - (i) the connection calculated and designed for each sprinkler installation is in accordance with the requirements approved by the chief fire officer or provided for in building regulations or applicable standards;
 - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer; and
 - (iii) the fire water is connected to its own water meter separate from the domestic meter to avoid interference in cases of repair;
- (b) provide a larger water connection, if the chief fire officer requires a larger water connection for purposes of fire-fighting;
- (c) ensure that the size, work pressure and delivery flow is calculated and designed in accordance with the approved requirements or any applicable standards, except in the case of water connection to a sprinkler installation; and
- (d) ensure that the water installation on completion complies with approved requirements or applicable standards.

PART 6
PREVENTION OF FIRE HAZARDS

Certain fires prohibited

70. (1) A person may not make or allow any other person to make a fire that may endanger a person, animal or property in the local authority area.

(2) A person may not burn or allow any other person to burn refuse or combustible material unless -

- (a) he or she has obtained prior written permission from the chief fire officer; and
- (b) the refuse or combustible material is burnt in an approved incinerating device.

(3) A person who makes a fire or allows any other person to make a fire must take reasonable steps to ensure that the fire does not endanger a person, animal or property in the local authority area.

(4) Subregulation (2) does not apply to a fire made -

- (a) in an approved and purpose-made stove, fireplace or hearth that forms an integral part of a building or structure;
- (b) for the purpose of preparing food on private premises set aside for that purpose; or
- (c) in any device for preparing food which -
 - (i) is heated by electricity or liquefied petroleum gas; and
 - (ii) is so positioned that the fire does not endanger a person, animal or property.

(5) A person who contravenes or fails to comply with subregulation (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Storage and accumulation of combustible materials prohibited

71. (1) A person may not -

- (a) store combustible material or allow it to be stored at a place or in a manner that may pose a fire hazard to a person, animal or property;
- (b) allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to a person, animal or property;
- (c) use or allow to be used any sawdust or similar combustible material to soak up flammable liquid;
- (d) allow soot or any other combustible material to accumulate in a chimney, flue or duct in such quantities and manner that may pose a fire hazard to a person or property; or
- (e) allow vegetation to become overgrown at a place or premises under the control of that person that may pose a fire hazard to a person, animal or property.

(2) If a fire hazard contemplated in subregulation (1)(e) arises, the owner or the person in charge of the place or premises must without delay eliminate the hazard or cause the hazard to be eliminated by -

- (a) cutting the grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
- (b) pruning, chopping down or sawing any shrub or tree; and
- (c) removing any resulting combustible residue from the property.

(3) A person who contravenes or fails to comply with subregulations (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Electrical fittings, equipment and appliances

72. (1) A person may not cause or allow -

- (a) electrical supply outlet to be overloaded; or
- (b) electrical appliance or extension lead to be used in a manner that may pose a fire hazard to a person, animal or property.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Flame-emitting devices

73. (1) A person may not use, cause or allow to be used any flame-emitting device, including but not limited to a candle, lantern or torch, in a manner that may cause a fire hazard to a person or property.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Discard of flammable liquid or substance in sewers or drains

74. (1) A person may not discard into, cause, permit or allow a flammable liquid or flammable substance to enter any waste, foul water, storm water sewer or drain whether underground or on the surface.

(2) A person who becomes aware of an escape, whether accidental or otherwise, of any quantity of flammable liquid or flammable substance which is likely to constitute a fire hazard from any premises or vehicle into a sewer, drain, inlet or drain linking with such sewer or drain must immediately report such escape to the chief fire officer.

(3) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Flammable gases

75. (1) A person may not fill a balloon or other device with flammable gas without the written authority of the chief fire officer and subject to conditions that the chief fire officer may require after having regard to the circumstances of the specific case.

(2) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Smoking restrictions and discarding of combustibles

76. (1) If conditions exist where smoking may create a fire hazard on any premises, smoking in the premises must be prohibited and the owner or the person in charge of the premises must prominently display or cause to be displayed a “No Smoking” sign complying with any approved requirements, any applicable standards or in accordance with any law regulating the smoking of tobacco products at the premises as directed by the chief fire officer.

(2) A person may not remove or damage a “No Smoking” sign displayed in accordance with subregulation (1).

(3) A person may not light or smoke a cigarette or any other smoking materials or ignite or set fire to other material, or hold or discard any lit or smouldering substance in a place where it is expressly prohibited.

(4) An owner or a person in charge of a place or premises may not allow or permit a person to light or smoke a cigarette or any other smoking materials or ignite or set fire to any other material, or hold or discard any lit or smouldering substance in a place or premises where it is expressly prohibited.

(5) Where smoking is permitted, the owner of such place or premises must make adequate provision for the safe disposal of any smoking materials and matches.

(6) A person may not discard or dispose of a burning cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion, on a road, in a road reserve or in any other public place.

(7) Where a cigarette, smoking materials or any other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road or any other public place, it is presumed, in the absence of evidence to the contrary, that such action was performed by the driver of such vehicle.

(8) A person who contravenes or fails to comply with subregulations (1), (2), (3), (4), (5) or (6) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to such both fine and such imprisonment.

Safety requirements for informal settlement areas

77. In the event of establishment of an informal settlement, including a temporary settlement area, the following minimum requirements apply -

- (a) a minimum safety distance of three metres between structures must be maintained; and

- (b) the settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of eight metres between blocks.

PART 7
REGULATION OF FIREWORKS

Designation of areas for fireworks

78. (1) The Council may designate a public place, street or any part of the place or street within the local authority area as the area on which fireworks may be discharged.

(2) The Council may, on application by an owner or occupier of land, designate a part of such place or street as a private open space where fireworks may be discharged.

(3) An area designated in terms of subregulation (1) or (2) must be published by the Council in its official news bulletin.

(4) The Council may impose conditions as to the date on which, period or time when the discharge of fireworks may take place on the designated area and may further impose conditions as to the manner of discharge of the fireworks.

Discharge of fireworks

79. (1) A person may not discharge fireworks in an area other than the designated area.

(2) A person who wishes to present a fireworks display must apply to the chief fire officer for authorisation on a form determined by the Council.

(3) An application for authorisation referred to in subregulation (2) must be -

- (a) submitted to the chief fire officer;
- (b) accompanied by proof of payment of the application fee; and
- (c) made at least 14 days before the date of the proposed fireworks display.

(4) The chief fire officer may request the applicant to submit such information and documents as the Council may request.

(5) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Dealing in fireworks

80. (1) A person may not deal in fireworks unless the person -

- (a) holds the required fireworks licence in terms of the Explosives Act; and
- (b) has a written authority from the chief fire officer to deal in fireworks.

(2) A person who wishes to obtain the written authority from the chief fire officer to deal in fireworks as contemplated in subregulation (1) must make an application to the chief fire officer on a form determined by the Council.

(3) An application under subregulation (2) must be accompanied by -

(a) the application fee; and

(a) a copy of the licence referred to in subregulation (1)(a).

(4) Despite subregulation (3), the chief fire officer may request for additional documents or information relevant to the application for the purposes of making a decision in terms of this regulation.

(5) If the chief fire officer is satisfied with the application for authority to deal in fireworks, he or she may -

(a) issue the authorisation on a form determined by the Council; and

(b) impose conditions to the authorisation granted under paragraph (a).

(5) The chief fire officer may cancel the written authorisation to deal in fireworks, if the holder of the authorisation is not complying with any conditions imposed, under subregulation (5) (b), on the authorisation to deal in fireworks.

(7) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Seizure of fireworks

81. A member of the Service may take into his or her possession any fireworks found by him or her in contravention of regulation 79 or 80 and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act, relating to seizure and disposal of goods.

PART 8

CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

Use, handling and storage of flammable substances

82. (1) Subject to subregulation (3), a person may not use, handle or store flammable substance or allow such substance to be used, handled or stored on any premises unless that person holds a certificate of registration issued by the chief fire officer in respect of the flammable substance and the premises concerned.

(2) A certificate of registration is not required if the flammable substance is of a class, and does not exceed the quantity, stipulated in Annexure 3.

(3) Despite subregulation (2), a person may not use, handle or store flammable substance referred to in that subregulation or allow such substance to be used, handled or stored on any premises, unless the flammable substance -

(a) is used, handled or stored in a manner that -

(i) the flammable substance or flammable substance fumes does not come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;

- (ii) in the event of a fire or other emergencies, the escape of a person or an animal is not hindered or obstructed in any way;
- (b) is used, handled or stored -
 - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
 - (ii) in a suitable outdoor place that ensures the safe disposal of fumes or gas; and
- (c) is stored in a strong, gas-tight containers and appropriately labelled.

(4) A person who contravenes or fails to comply with subregulation (1) or (3) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application for certificate of registration for flammable substances

83. (1) An application for the certificate of registration of flammable substances must be -

- (a) made to the chief fire officer on a form determined by the Council; and
- (b) accompanied by the application fee.

(2) The chief fire officer may request for any information and documents as the chief fire officer may consider necessary for purposes of the application for the certificate of registration.

Issue of certificate of registration of flammable substances

84. (1) After consideration of an application made under regulation 83, the chief fire officer may, if satisfied that the application meets the requirements of these regulations, issue a certificate of registration to the applicant specifying -

- (a) the class and quantity of the flammable substance for which the premises have been registered;
- (b) the number of storage tanks or storage facilities on the premises and their capacities;
- (c) the number of flammable substance storerooms on the premises and their capacities;
- (d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
- (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
- (f) the physical address of the premises and the name and postal address of the owner or the person in charge of the premises; and
- (g) the period of validity and expiry date of the certificate of registration.

- (2) A certificate of registration -
 - (a) is not transferable from one premises to another premises;
 - (b) may not be issued for a period exceeding 12 months; and
 - (c) may be transferred to a new owner of the premises in respect of which it was issued, only if an application for such transfer is made to the chief fire officer and granted by the chief fire officer.
- (3) A certificate of registration is valid for the -
 - (a) premises for which it was issued;
 - (b) condition of the premises at the time of issue of the certificate; and
 - (c) quantity of flammable substance specified on the certificate.

Certificate of registration to be kept on premises

85. The holder of a certificate of registration must ensure that the certificate is kept on the premises at all times for inspection by any member of the Service or by any other person authorised by the Council to inspect the premises.

Fire-fighting equipment on premises

86. (1) A person who holds a certificate of registration must ensure that the premises to which the certificate applies is equipped with -

- (a) portable fire extinguishers -
 - (i) approved by the chief fire officer or as specified in the applicable standards; and
 - (ii) in such numbers as is appropriate on the premises and in accordance with specifications approved by the chief fire officer or in accordance with applicable standard;
- (b) if applicable, hose reels approved by the chief fire officer or as specified in any applicable standards, that are connected to a water supply -
 - (i) approved by the chief fire officer or in accordance with any applicable standards; and
 - (ii) that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
- (c) if applicable, fire hydrants -
 - (i) with couplings approved by the chief fire officer or as specified in any applicable standards; and
 - (ii) in a ratio of 1 hydrant to every 1000 square metres or subsequent part of 1000 meters; and

- (d) if applicable, in relation to any above-ground facility, a sprinkler system or dilute system that -
- (i) is approved by the chief fire officer; and
 - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (2) Despite subregulation (1) and if the chief fire officer is of the opinion that there is an exceptional hazard or risk in respect of the premises concerned, the chief fire officer may -
- (a) specify the type of fire extinguisher to be installed;
 - (b) require that a greater number of fire extinguishers, fire hose reels and fire hydrants be installed; and
 - (c) require that a fire detection, warning system or an automatic extinguishing system be installed.
- (3) The holder of a certificate of registration must ensure that all fire-fighting equipment referred to in subregulation (1) -
- (a) are inspected, maintained and serviced to the satisfaction of the chief fire officer by a person approved by the Council or by a competent person in accordance with the applicable standards at least every 12 months;
 - (b) if installed outside the premises, are adequately protected from the weather; and
 - (c) are positioned prominently, or where this is not possible the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign -
 - (i) as specified by the chief fire officer or in accordance with the specifications of the applicable standards; and
 - (ii) to the satisfaction of the chief fire officer.
- (4) A person who contravenes or fails to comply with subregulation (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Suspension or cancellation of certificate of registration

87. (1) The chief fire officer may suspend or cancel a certificate of registration if he or she has reason to believe that -

- (a) the owner or person in charge of the premises contravenes or fails to comply with these regulations; or
- (b) the building or structure no longer complies with the requirements of these regulations or applicable standards.

(2) Before the chief fire officer suspends or cancels the certificate of registration, the chief fire officer must give the holder of the certificate -

- (a) a written notice of his or her intention to suspend or cancel the certificate and the reasons for intended suspension or cancellation; and
 - (b) an opportunity to make written representations regarding the intended suspension or cancellation within a period specified in the notice.
- (3) Despite subregulation (2), the chief fire officer may suspend or cancel a certificate of registration without complying with that subregulation, if the chief fire officer is of the opinion that the premises are no longer safe and suitable for use, handling or storing flammable substances.
- (4) If the chief fire officer suspends or cancels a certificate of registration in terms subregulation (3), he or she must furnish the holder of the certificate of registration with a written notice of suspension or cancellation.
- (5) The written notice of suspension must indicate the period of suspension of the certificate of registration and the conditions that the holder of the certificate must comply with before the certificate may be reinstated.

Renewal and amendment of certificate of registration

- 88.** (1) If the holder of the certificate of registration intends to renew his or her certificate, the holder must make an application in accordance with regulation 83 for renewal of the certificate.
- (2) The application for renewal of the certificate of registration must be made at least 30 days before the expiry of the certificate.
- (3) A person who is in possession of a certificate of registration may apply to the Council for a certificate to be amended if the person intends to change any of the particulars referred in regulation 84(1)(a) to (f) for which the certificate was issued.
- (4) An application for an amendment referred to in subregulation (3) must be -
- (a) made on a form determined by the Council;
 - (b) accompanied by the original certificate of registration to be amended; and
 - (c) accompanied by the application fee.

Certificate of authorisation not required for certain fuel tanks

- 89.** Despite anything contrary to these regulations, a certificate of registration is not required in respect of flammable liquids in a fuel tank of -
- (a) any motor vehicle; or
 - (b) a stationary engine, if the volume of the fuel tank does not exceed 1 000 litres, and is surrounded by an impervious bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.

Record of certificates of registration

- 90.** The chief fire officer must keep an updated record of all premises in respect of which certificate of registrations have been issued.

PART 9
GENERAL PROVISIONS REGARDING USE, HANDLING
AND STORAGE OF FLAMMABLE SUBSTANCES

General prohibitions regarding use, handling and storage of flammable substances

91. (1) A person who uses, handles or stores flammable substances or allows flammable substances to be used, handled or stored on any premises may not -

- (a) do anything or allow anything to be done that may result in or cause fire or explosion; or
- (b) do anything or allow anything to be done that may obstruct a person or an animal to a place of safety during an emergency.

(2) A person may not -

- (a) dump, spill or allow the dumping or spilling of flammable substance into a borehole, sewer, drain system or surface water;
- (b) discard or allow the discarding of flammable substance from premises in any way other than by a competent person who is properly equipped and authorised to do so in terms of these regulations;
- (c) make or bring a fire or device capable of producing an open flame or allow any other person to do so, within five metres of a place where a flammable substance is stored;
- (d) use or allow to be used a device in connection with a flammable substance in a basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintaining the building;
- (e) except the driver or another person in charge of a bus, fill or allow the filling of its fuel tank or transport or allow the transportation of flammable substance on the bus while a person is on the bus; and
- (f) deliver, supply or allow to be delivered or supplied flammable substance to any premises unless the owner or person in charge of the premises is in possession of a certificate of registration.

Use, handling and storage of liquefied petroleum gas

92. (1) A person may not use, handle or store liquefied petroleum gas in any quantity exceeding the quantity specified in Annexure 4, unless -

- (a) the person is in possession of a certificate of registration; and
- (b) the use, handling and storage of the liquefied petroleum gas complies with these regulations and the applicable standards.

(2) Liquid petroleum gas may only be used, handled or stored within the boundaries of the premises and in compliance with safety distances approved by the chief fire officer and in accordance with any applicable standards.

(3) Any storage of liquid petroleum gas cylinders at a service station for retail purposes must comply with the requirements approved by the chief fire officer and the applicable standards.

(4) A person may not use, handle or store liquid petroleum gas cylinder at a public exhibition or demonstration without the prior written permission of the chief fire officer.

(5) An application for permission contemplated in subregulation (4) must be made to the chief fire officer, in writing, at least 14 days before the date of the public exhibition or demonstration.

(6) The chief fire officer may impose conditions on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to the number of cylinders, the manner of storage, safety distances and other safety requirements.

(7) A person using, handling or storing liquid petroleum gas cylinder at a public exhibition or demonstration must comply with the conditions imposed in terms of subregulation (6).

(8) A person who contravenes or fails to comply with subregulation (1), (2), (3), (4) or (7) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Display of symbolic warning signs

93. (1) The owner or person in charge of any premises where flammable or explosive substance is used, handled or stored must display symbolic signs prohibiting smoking and open flames.

(2) The symbolic sign referred to in subregulation (1) must be of a size and number determined by the chief fire officer and placed in an area where the sign can be clearly seen.

(3) A person may not disregard or allow to be disregarded any prohibition on the symbolic sign displayed in terms of subregulation (1).

(4) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Duty to report fires, accidents and dumping

94. (1) If any fire, accident or dumping involving a flammable substance has occurred on any premises, the owner or occupier of the premises must immediately report such fire, accident or dumping to the chief fire officer.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

PART 10
STORAGE OF FLAMMABLE SUBSTANCES

Storage of flammable substances prohibited in certain circumstances

95. (1) A person may not store or allow the storage of flammable substance in any storeroom unless -

- (a) the person has a certificate of registration in respect of the storeroom; and
- (b) the storeroom complies with the requirements of these regulations, any applicable standards and any other applicable law.

(2) A person who contravenes or fails to comply with this regulation commits an offence and is on conviction liable to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Taking of samples in respect of flammable substances

96. (1) If a member of the Service inspects any premises and suspects that a flammable substance is used, handled or stored on such premises without a certificate of registration, the member may take a sample of such substance for the purposes of analysis, examination or investigation.

(2) The member of the Service referred to in subregulation (1) must take the sample referred to in that subregulation in the presence of the owner or person in charge of the premises and the member must -

- (a) divide the sample into two equal parts;
- (b) seal the samples into two similar containers and the member must mark the containers with -
 - (i) the address of the premises where the sample was taken;
 - (ii) the trade name of the premises where the sample was taken;
 - (iii) the name and signature of the person in whose presence the sample was taken;
 - (iv) the date on, and time at, which the sample was taken; and
 - (v) the description of the location of the premises where the sample was taken.

(3) The chief fire officer must, as soon as possible, submit the sample taken in terms of subregulation (1) to an approved institution for analysis or examination together with a written report on the findings.

Symbolic safety signs to be displayed

97. (1) The holder of a certificate of registration for a storeroom to be used for flammable substance must ensure that -

- (a) the symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom and are -
 - (i) of a number determined by the chief fire officer;
 - (ii) of dimensions at least 290 millimetres by 200 millimetres; and
 - (iii) manufactured in accordance with approved requirements, any applicable standards and any applicable law; and
- (b) the group of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters of at least 75 millimetres high and against a white background.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Construction of flammable substance storerooms

98. A storeroom to be used for flammable substance must be designed and constructed according to the following criteria -

- (a) the storeroom floor must consist of concrete;
- (b) the storeroom walls must consist materials that have a fire resistance of at least 120 minutes; and
- (c) the storeroom roof must consist of -
 - (i) reinforced concrete with a fire resistance of at least 120 minutes; or
 - (ii) any other non-combustible material, if the storeroom -
 - (aa) is not situated within five metres of any adjacent building or boundary of the premises; or
 - (bb) adjoins a higher wall with no opening within 10 metres of any adjacent building.

Requirements for storeroom doors

99. (1) A storeroom to be used for flammable substance must be equipped with a fire rated fire door that -

- (a) is manufactured and installed in accordance with approved requirements or any applicable standards;
- (b) opens to the outside;
- (c) is equipped with a lock approved by the chief fire officer; and
- (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.

(2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in the storeroom to a door is four metres or more, and the fire doors must be installed as far from each other as is practicable in the circumstances.

- (3) A fire door contemplated in subregulation (1) and (2) must, if installed on -
- (a) an external wall, be a “B” class fire door; and
 - (b) an internal wall in communication within a building, be a “D” class fire door.

Requirements for storeroom windows

- 100.** (1) A window frame of a storeroom to be used for flammable substance must -
- (a) consist of steel;
 - (b) have window panels of dimensions not exceeding 450 millimetres by 450 millimetres; and
 - (c) be fitted with wire glass of a thickness not less than eight millimetres.
- (2) Every storeroom window must -
- (a) be fitted to the external wall of a building; and
 - (b) not be capable of being opened by any person, except in cases of emergencies.

Requirements for storeroom catch pits

101. (1) A storeroom to be used for any flammable substance must be designed and constructed in a way that the floor is recessed below the level of the door sill to form a catch pit -

- (a) with a holding capacity at least equal to the total volume of flammable substances capable of being stored in the storeroom, plus 10%; and
- (b) if required by the chief fire officer -
 - (i) covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
 - (ii) equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery.

(2) The floor grill referred to in subregulation (1) must contain a suitably positioned access hatch for cleaning purposes.

Ventilation for storerooms

102. (1) A storeroom to be used for flammable substance must be designed and constructed to ensure -

- (a) the effective ventilation of flammable substance fumes; and
- (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.

(2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks that are -

- (a) not less than 140 millimetres by 250 millimetres in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
- (b) provided in at least three external walls of the storeroom; and
- (c) positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.

(3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip the storeroom with a mechanical ventilation system -

- (a) designed and installed for that purpose;
- (b) with a flow rate of 0,5 metres per second across the store;
- (c) with vanes that consist of a static-free material;
- (d) that discharges through a vertical metal duct into the open air -
 - (i) not situated within five metres of any opening of a building or erf boundary; and
 - (ii) terminating at least one metre above roof height or at least 3,6 metres above ground level, whichever is greater;
- (e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
- (f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
- (g) equipped with ducting material that -
 - (i) is as short as possible in the circumstances and does not have sharp bends; and
 - (ii) is fitted with an automatic fire damper, including its assembly, which complies with approved requirements or the requirements of any applicable standards, of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

Electrical equipment for storerooms

103. (1) An owner or a person in charge of a storeroom to be used for flammable substance must ensure that -

- (a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed in accordance with approved requirements or any applicable standards;
- (b) except electrical equipment contemplated in approved requirements or applicable standards, switch gear, distribution box, fuse or other electrical equipment are not situated -
 - (i) inside the storeroom; or
 - (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
- (c) the metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
- (d) the mechanical ventilation system switch is situated outside the storeroom;
- (e) the mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
- (f) all the electrical apparatus and fittings, except the mechanical ventilation system, are switched off when the storeroom is unattended.

(2) An electrical installation in a storeroom may only be installed and certified by an electrician who is a competent person.

(3) An owner or a person in charge of a storeroom must submit the certification contemplated in subregulation (2), in a form of a certificate, to the chief fire officer for record purposes immediately after installation and certification in terms of that subregulation.

(4) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Foam inlets required for certain storerooms

104. An owner or a person in charge of a store room that is used or intended to be used for storing more than 5 000 litres of flammable substance must ensure that -

- (a) the store room is provided with a foam inlet consisting of a 65 millimetres male instantaneous coupling and mild steel pipe work leading to the inside; and
- (b) the foam inlet is identified by a sign in block letters at least 100 millimetres high, displaying the words "foam inlet".

Shelving in storerooms

105. An owner or a person in charge of a storeroom to be used for storing flammable substance must ensure that the racking of shelving erected or installed in the storeroom is of a non-combustible material.

Unauthorised use and entry of storerooms prohibited

- 106.** (1) A person may not -
- (a) without the authority of the owner or person in charge of the storeroom, enter or allow any other person to enter a storeroom used for flammable substance;
 - (b) use a storeroom or allow it to be used for any purposes other than for the use, handling or storage of flammable substances;
 - (c) allow a person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
 - (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.

(2) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Mixing and decanting rooms

107. (1) An owner or a person in charge of any premises, where quantities of flammable liquids exceeding the quantity specified in Annexure 3 are decanted or mixed, must ensure that a room where decanting or mixing takes place complies with the requirements of these regulations applicable to storerooms.

(2) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Temporary above ground storage of flammable substances

108. (1) A person who wishes to store flammable substance on premises on a temporary basis must apply to the chief fire officer for a temporary certificate of registration.

- (2) A temporary certificate of registration is issued by the chief fire officer -
- (a) for a period not exceeding 12 months; and
 - (b) if the flammable substance is required -
 - (i) in respect of excavation work, construction work or road construction and the volume of the flammable substance does not exceed 9 000 litres; or
 - (ii) in respect of small fleet maintenance or research purposes and the volume of the flammable substance does not exceed 4 400 litres; and

- (c) if the application complies with these regulations, the approved requirements and any applicable standards the certificate may be renewed.
- (3) The holder of a temporary certificate of registration must ensure that -
 - (a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;
 - (b) adequate provision is made for rainwater run-off from retaining walls or embankments;
 - (c) source of ignition or potential source of ignition does not exist within five metres of a storage tank;
 - (d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and
 - (e) at least two dry chemical fire extinguishers of nine kilogram each are installed and kept in good working condition, within 10 metres of a temporary storage tank.

Hand tools to be intrinsically safe

109. An owner or a person in charge of a storeroom containing flammable substance must ensure that the hand tools used in the storeroom are safe from fires and are spark proof.

Permanent above ground storage tanks for flammable liquids

110. (1) In addition to other requirements of this Part, an owner or a person in charge of a permanent above ground storage tank for flammable liquids must ensure that -

- (a) the tank is erected or installed -
 - (i) in accordance with approved requirements or any applicable standards; and
 - (ii) at least 3.5 metres away from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material; and
- (b) the flammable liquid stored in the tank is clearly identified by means of an approved hazchem placards or in accordance with any applicable standards.

(2) An electrical installation associated with the permanent above ground storage tank for flammable liquids must comply with approved requirements or any applicable standards.

(3) A person who contravenes or fails to comply with subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Underground storage tanks for flammable liquids

111. (1) An owner or a person in charge of premises used or intended to be used as an underground storage of flammable liquid must ensure that the underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with approved requirements or any applicable standards.

(2) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Installing, erecting, removing and demolishing without prior notice

112. (1) A person may not, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless the person has, on the form determined by the Council, notified the chief fire officer of his or her intention to do so, at least three working days prior to the commencement of such work.

(2) The notice in terms of subregulation (1) must include the intended commencement date and estimated completion date of the proposed work.

(3) Subregulation (1) does not apply to -

- (a) the necessary replacement of equipment or their parts; and
- (b) the replacement of any storage tank with a tank of the same capacity.

(4) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Repair and maintenance of storage tanks

113. (1) A person may not enter or allow any other person to enter a storage tank that contains or contained a flammable substance -

- (a) until such tank has been de-aerated and made free of gas and fumes in accordance with approved requirements or any applicable standards; and
- (b) unless the person -
 - (i) is wearing an effective self-supporting breathing apparatus; and
 - (ii) is attached to a rescue rope under the control of a competent or responsible person.

(2) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Termination of storage and use of flammable substances

114. (1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of flammable substance, the owner or person in charge of the premises on which the installation is located must -

- (a) notify the chief fire officer in writing within seven days of such storage or use ceasing;
- (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
- (c) unless the chief fire officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
- (d) restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of seven days of completing such removal, to the satisfaction of the chief fire officer.

(2) Despite subregulation (1) and if the removal of the underground tank installation for the storage of a flammable substance detrimentally affects the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the chief fire officer, fill the underground tank with liquid cement slurry.

(3) A person who contravenes or fails to comply with subregulation (1)(a) or (b) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Container handling and storage

115. (1) An owner or a person in charge of a flammable substance container must -

- (a) keep the container closed when not in use;
- (b) have the container declared gas or vapour-free by a competent person before any modification or repairs are made to the container; and
- (c) ensure that the container is manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.

(2) An owner or a person in charge of a flammable liquid container must label and mark the container with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.

(3) A person may not extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap.

(4) An owner or a person in charge of an empty flammable liquid container must store the container in a storeroom.

(5) Despite subregulation (4), the chief fire officer may permit the storage of an empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that -

- (a) the storage area is in a position and is of sufficient size that a fire hazard or other threatening danger will not be caused;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
 - (c) the fence supports are of steel or reinforced concrete;
 - (d) the storage area has an outward opening gate that is kept locked when not in use;
 - (e) when the floor area exceeds 10 square metres, an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
 - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- (6) If the quantity of flammable and combustible liquids to be stored is more than 40 litres of class I or more than 210 litres of class II and class IIIA combined, such flammable and combustible liquids must be stored in a storeroom.
- (7) A person who contravenes or fails to comply with subregulation (1)(a) or (b), (2), (3), (4) or (6) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

PART 11 HAZARDOUS SUBSTANCES

Application for approval of fire protection plans

116. (1) Despite the building regulations and the zoning scheme or any applicable standards, an owner of premises on which a layout or structural change is envisaged or on which a facility in connection with the use, storage or handling of hazardous substances is to be erected or installed must submit the fire protection plans in triplicate to the chief fire officer on the form determined by the Council.

(2) A person who submit the fire protection plans under subregulation (1) must pay the fees for scrutiny of the plans, which fees exclude the plan submission fees charged for the building plans to the chief building inspector of the Council.

(3) All fire protection plans, other than plans determined to be minor building work, submitted to the chief fire officer must bear the official stamp or mark of the chief fire officer.

(4) The chief fire officer may approve fire protection plans submitted in terms of subregulation (1) if he or she satisfied that the layout or structural change envisaged to the premises or the facility to be erected or installed on the premises will be suitable for the use, storage or handling of hazardous substances.

- (5) A person may not commence with the construction work or installation unless -
- (a) the building contractor is in possession of the approved fire protection plans, which approval must include the comments by the chief fire officer; and
 - (b) the fire protection plans are available on the premises for inspection for the duration of construction or installation work.

(6) Despite this regulation, any applicable standards, the building regulations and the zoning scheme are applicable to the approval of all plans as contemplated in this regulation.

(7) The approval of any fire protection plan by the chief fire officer is void if, within one year of the date of the approval, the building, construction or installation has not yet been erected in accordance with the approved fire protection plans.

(8) A person who contravenes or fails to comply with subregulation (5) commits an offence and on conviction is liable to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Use, handling and storage of hazardous substances

117. (1) Subject to the provisions of the Hazardous Substances Ordinance, a person may not use or permit hazardous substances to be used, handled or stored on any premises unless the person holds a certificate of registration issued by the chief fire officer in respect of the hazardous substances and the premises concerned.

(2) The certificate of registration is not required in respect of premises where only one group of hazardous substance is kept or used and if the maximum permissible quantity of such substance specified in Annexure 5 has not been exceeded.

(3) Despite subregulation (2), a person may only use or permit hazardous substance referred to in that subregulation to be used, handled or stored at a place and in a manner so as to ensure that -

- (a) hazardous substance or fumes do not come into contact or are not likely to come into contact with fire, flame, naked light or other source of ignition;
- (b) hazardous substances are stored in strong, labelled and tightly sealed containers while not in use;
- (c) the escape of human beings or animals will not be hindered or obstructed in the event of a fire or emergency; and
- (d) a person on premises may not use or handle hazardous substances or cause or permit them to be used or handled, except in a suitable place out doors or in a properly ventilated room.

(4) Nothing in this regulation prevents the chief fire officer from requiring a person who is storing, manufacturing, selling, using or handling, on any premises, flammable liquid or flammable substance not falling within a Class I or Class II, to register such premises in terms of this regulation.

(5) A person who contravenes or fails to comply with subregulation (1) or (3) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application for certificate of registration for hazardous substances

118. (1) An application for a certificate of registration for the use, handling or storage of hazardous substances must be made to the Council and must be -

- (a) made on a form determined by the Council; and

(b) accompanied by the application fee.

(2) The Council may request additional information and documents from the applicant for the purposes of the application.

Issue of certificate of registration for hazardous substances

119. (1) After consideration of an application made under regulation 118, the Council may, if satisfied that the application meets the requirements of these regulations, issue a certificate of registration to the applicant specifying -

- (a) the groups and the quantities of hazardous substances for which the premises is registered;
- (b) the number of aboveground or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
- (c) the number of storerooms and the total capacity of each storeroom;
- (d) the number of gas installations, the type of gas installation and the total volume or delivery capacity of each installation;
- (e) the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility;
- (f) the serial number of that certificate;
- (g) whether the issuing of the certificate is permanent or temporary; and
- (h) the period of validity of the certificate which may not exceed 12 months from the date of issue.

(2) A certificate of registration is not transferable from one premises to another premises.

(3) A certificate of registration may be transferable from a holder of the certificate to another person or from the control of the holder of the certificate to another person on the same premises, except that -

- (a) an application for such transfer must be made to the Council in the manner set out in regulation 118; and
- (b) if the trade name of the premises changes, the holder of the certificate must ensure that the Council is immediately notified of such change in writing.

(4) A certificate of registration may not be issued or renewed unless the Council is in possession of the approved fire protection plans contemplated in regulation 116.

(5) A person who is in possession of a certificate of registration may apply to the Council for a certificate to be amended if the person intends to change the quantity of hazardous substances, the number of underground tanks, storerooms, gas installations or other storage areas.

(6) An application for an amendment referred to in subregulation (5) must be -

- (a) made on a form determined by the Council;

- (b) accompanied by the original certificate of registration to be amended; and
- (c) accompanied by the application fee.

Certificate of registration to be kept on premises

120. (1) A holder of the certificate of registration must -

- (a) display the certificate in a weatherproof container at all times and in a conspicuous place on the premises as designated by a member of the Service or a staff member of the Council authorised to do so; and
- (b) maintain the certificate in a legible condition.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Renewal, suspension and cancellation of certificate of registration for hazardous substances

121. (1) A holder of a certificate of registration who wishes to renew the certificate must apply for a renewal of the certificate to the Council-

- (a) on the form determined by the Council; and
- (b) the application must be accompanied by the application fee.

(2) The Council may require additional or amended plans of the registered premises for the purposes of the renewal of the certificate.

(3) An application for renewal of the certificate of registration must be submitted to the chief fire officer at least 30 days prior to the expiry date of the certificate of registration.

(4) Regulation 87 applies with the necessary changes to the suspension and cancellation of the certificate of registration for hazardous substances.

Supply of hazardous substances

122. (1) A person may not -

- (a) supply or permit to be supplied to an unregistered premise greater quantities of hazardous substance than the quantities set out in Annexure 5;
- (b) deliver, supply or permit the supply of any other group of hazardous substance in greater quantities than the quantities specified in the certificate of registration; or
- (c) handle or permit any container containing a hazardous substance to be handled in a manner that may damage or may cause damage to the container.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Certificate of authorisation not required for certain fuel tanks

123. Despite anything to the contrary in these regulations, a certificate of registration is not required in respect of a fuel tank of -

- (a) a motor vehicle; or
- (b) a stationary engine, if the fuel tank does not exceed 1 000 litres and is surrounded by an impervious bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.

Temporary storage of hazardous substances

124. (1) The Council may grant a temporary certificate of registration for a period not exceeding six months to a person who, for any valid reasons, requires more hazardous substances on the premises than the quantities contemplated in regulation 117.

(2) Despite subregulation (1) and if the hazardous substances are required for, or in connection with, excavations for construction work or road construction, the Council may only grant a temporary certificate of registration if the quantity of the hazardous substance does not exceed 14 000 litres.

(3) An application for a temporary certificate of registration contemplated in subregulation (1) must be made to the Council and must be -

- (a) made on a form determined by the Council;
- (b) accompanied by the appropriate fees; and
- (c) accompanied the fire protection plans required in terms of regulation 116.

(4) If an application for a temporary certificate of registration contemplated in subregulation (1) is granted, the certificate is valid for the period specified in the certificate or as may be directed by the Council.

(5) A person whose application for a temporary storage tank is granted must ensure that -

- (a) the storage tank is surrounded by an impervious bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;
- (b) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
- (c) the storage tank is not erected within five metres of any erf boundary, building, excavation, road or driveway;
- (d) any source of ignition or potential ignition is not brought within five metres of the storage tank;
- (e) symbolic signs prohibiting smoking and open flames, at least 300 millimetres by 300 millimetres in size, are affixed to all sides of the temporary installation; and

- (f) a minimum of two nine kilogramme dry chemical fire extinguishers are installed within 10m of the temporary installation.

Delivery of hazardous substances

- 125.** (1) A person delivering hazardous substances to a supplier or user -
- (a) may not park a delivery vehicle on or across a pavement or on a public road;
 - (b) may not place or allow a delivery hose to lie on or across a pavement, public road or other premises or pass through or over a building;
 - (c) must ensure that a nine kilograms dry chemical fire extinguisher is available and placed in the immediate readiness at all times;
 - (d) must ensure that, during the pumped transfer of hazardous substances by pipe or hose, the delivery vehicle and all components of the transfer including the storage facility are bonded and earthed;
 - (e) must ensure that the delivery vehicle is positioned so as to enable quick and easy removal in the event of an emergency without exacerbating the situation; and
 - (f) must ensure that the hazardous substance is not transferred from a delivery vehicle to a facility that is leaking or broken.

(2) The owner of a device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the intended purpose and is in a safe and good working condition.

(3) The person in charge of any delivery process relating to hazardous substance must take reasonable precautionary measures to ensure that the hazardous substance is not spilled on any surface during delivery or the transfer from a delivery vehicle to a storage facility.

(4) A person may not transfer or permit the transfer of hazardous substance to a motor vehicle, aircraft, vessel, ship or boat while the power source is in operation.

(5) A person may not transfer a hazardous substance to an aircraft unless the aircraft has been bonded to the transfer device and earthed to ground.

(6) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Prohibition of certain actions in relation to hazardous substances

126. (1) A person who stores or permits hazardous substances to be stored, handled or used on premises may not perform or permit any act to be performed that may -

- (a) cause a fire or an explosion; or
- (b) obstruct the escape of a person or an animal to a place of safety during an emergency.

(2) A person may not dump or permit hazardous substance to be dumped into a borehole, pit, sewer, drain system or surface water.

(3) A person may not discard hazardous substances in any manner other than by having or permitting such substances to be removed by an approved hazardous waste disposal person who is suitably equipped to do so.

(4) A person may not light, bring or use or permit any fire, flame or anything that produces or is capable of producing an open flame within five metres of an area where hazardous substances are stored, used or handled.

(5) A person may not use or permit any device to be used in connection with hazardous substances in any basement of a building, excluding a gas welding device or gas cutting device for the sole purpose of welding or cutting in connection with the maintenance of the building,

(6) A person may not transport or permit the transportation of hazardous substances in or on a bus, except fuel that is in the fuel tank of the bus.

(7) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Smoking signs

127. (1) An owner or a person in charge of a building or premises must, in area where flammable or explosive hazardous substances is used, stored or handled, prominently display an approved symbolic sign prohibiting smoking or open flames in that building or premises and such signs must be of the size specified by the Council.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment

Hazardous substances that are explosives

128. (1) A person who handles, uses, stores or transports hazardous substances that are explosives must handle, use, store or transport the substances in accordance with approved requirements or the applicable standards, and where applicable, in accordance with the Explosives Act and the Hazardous Substances Ordinance.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Hazardous substances that are gases

129. (1) A person who handles, uses, stores or transports hazardous substances that are gases must make sure all portable -

- (a) metal containers and related devices for hazardous substances that are gases are manufactured, marked, maintained, filled and stored in accordance with approved specifications or any applicable standards;
- (b) metal containers for liquid petroleum gas are stored, filled or installed in accordance with approved specifications or any applicable standards; and
- (c) containers for hazardous substances that are gases are at all times transported, stored or installed in a vertical position.

(2) All bulk containers for hazardous substances that are gases must be designed, manufactured, maintained and installed in accordance with the approved specifications or any applicable standards, the building regulations and the zoning scheme.

(3) Subject to subregulation (4), a person may not, use, store, handle or install any hazardous substances that are gases indoors or in a manifold installation or otherwise on any premises, except when authorised by the Council or in accordance any applicable standards.

(4) Subregulation (3) does not apply to the storage, use, handling or installation of portable liquid petroleum gas container with a maximum water capacity of 45 litres inside a detached private dwelling and the -

- (a) container is used or required solely for the purposes of residential; and
- (b) cylinders are installed in accordance with approved requirements, any applicable standards, building regulation and the zoning scheme.

(5) The proof that a portable liquid petroleum gas container referred to in subregulation (4), is installed as required by that subregulation must be furnished by an approved professional engineer or a competent person appointed by the owner or occupier of the building in question.

(6) Any proof furnished in terms of subregulation (5) must be scientifically based on detailed calculations and tests.

(7) A person may not use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices or hydrogen balloons indoors, unless authorised by the chief fire officer.

(8) For the purposes of subregulation (7), hydrogen gas includes any gas compound that contains hydrogen gas, unless the non-flammable nature or no-explosiveness of the gas compound can be scientifically certified.

(9) Acetylene welding or cutting devices may be used indoors in accordance with approved specifications or any applicable standards, but the chief fire officer may impose conditions relating to, but not limited to, the fire protection requirements concerning the installation, storage and use of such devices.

(10) The installation of underground pipelines for hazardous substances that are gases within the area in the vicinity of the installation, including branches and manifolds of such pipelines must be made in accordance with regulations 111 and 114.

(11) Any underground pipeline for hazardous substances that are gases must comply with the following requirements -

- (a) the owner of the pipeline must provide fire hydrants of which the required delivery of each individual fire hydrant must be at least 1 600 litres per minute at a work pressure of 300 kPa, and such fire hydrants must be parallel to the pipeline at every pump station within the area and the owner must maintain the fire hydrants in a working condition at all times;
- (b) the owner of a pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times;

- (c) a pipeline must be indicated by markers approved by the chief fire officer and such markers must be maintained in a functional condition at all times by the owner of the pipeline;
- (d) the installation and extension of a pipeline or branches to the premises of a consumer and the maintenance of the pipeline within the local authority area, must be done according to a recognised standard approved by the chief fire officer; and
- (e) construction work above or below the ground may not be done within 16 metres of the pipeline reserve, unless the construction company is in possession of written authorisation issued by the chief fire officer and the owner of the pipeline.

(12) A person who contravenes or fails to comply with subregulation (1), (3), (7) or (9) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Storage tanks for underground storage for flammable liquids

130. (1) A person may not install, use or utilise or attempt to install, use or utilise any storage tank for the underground storage of flammable liquids, unless the tank has been manufactured in accordance with approved specifications or any applicable standards.

(2) A person who installs, uses, utilises or attempts to install, use or utilise any under-ground storage tank which does not comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Installation of storage tanks for flammable liquids

131. (1) Subject to subregulation (2), a person who installs a storage tank for a hazardous substance that is flammable liquid must install such tank in accordance with approved requirements or applicable standards.

- (2) A person referred to in subregulation (1) must ensure that -
 - (a) a storage tank installed indoor is in accordance with approved requirements or any applicable standards;
 - (b) a pump and filling device installed indoor is in registered premises; and
 - (c) an above-ground storage tank is only installed in a bulk depot.

PART 12 SPRAYING PAINTING AND SPRAYING ROOMS

Spraying rooms and booths

132. A spraying room, booth or an area designated for the purposes of flammable liquid must -

- (a) be constructed and equipped in accordance with the requirements of Annexure 6;
- (b) be operated in compliance with the Regulations Relating to the Health and Safety of Employees at Work published under Government Notice No. 156 of 1 August 1997; and

- (c) comply with the approved requirements or any applicable standards.

Spraying prohibited without spraying permit

133. (1) A person may not spray, coat, plate or epoxy-coat any vehicle, article, object or building or part of any vehicle, article, object or building or allow them to be sprayed, coated, plated or epoxy-coated with flammable substance unless -

- (a) the person is in possession of a spraying permit; and
- (b) the spraying, coating, plating or epoxy-coating is conducted in a spraying room approved by the chief fire officer on registered premises.

(2) A person who contravenes or fails to comply with this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Application for spraying permit

134. (1) An application for a spraying permit must -

- (a) be made to the Council in a form determined by the Council; and
- (b) be accompanied by the application fee.

(2) The Council may request the applicant to furnish such information and documents as the Council may require for the purpose of the application.

(3) The Council must consider the application for a spraying permit, and if satisfied that all the applicable provisions of this regulation have been complied with, the Council may issue a spraying permit on a form determined by the Council.

Cancellation of spraying permit

135. Regulation 87 apply with the necessary changes to the cancellation of a spraying permit.

PART 13 GENERAL PROVISIONS

Confidentiality

136. (1) A member of the Service may not disclose confidential information obtained -

- (a) during the exercise or performance of his or her powers or functions; or
- (b) in the course of his or her employment by the Council or in the fire brigade service,

without the prior written permission of the chief fire officer, unless if the member is required to disclose such confidential information by any law or court of law.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

(3) If a member of the Service has been charged with a criminal offence under subregulation (2), the member is not absolved from any disciplinary action that may be taken against him or her by the Council for the same conduct giving rise to the criminal charge.

Public comment on administration

137. (1) A member of the Service may not, without the prior written permission of the chief fire officer, publicly comment or make a statement about the Council or the fire brigade service in a manner that prejudices or likely to prejudice discipline in the fire brigade service.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

(3) If a member of the service has been charged with a criminal offence under subregulation (2), the member is not absolved from any disciplinary action that may be taken by the Council for the same conduct giving rise to the criminal charge.

Operating emergency service vehicles

138. (1) A member of the Service may not operate an emergency service vehicle, unless -

- (a) he or she is in the possession of a driving licence of the relevant class of vehicle;
- (b) the driving licence is endorsed with a professional authorisation if the gross vehicle mass of such vehicle is in excess of 3 500 kilograms; and
- (c) the chief fire officer has given authorisation for the member to operate the vehicle.

(2) Pursuant to section 75(3) of the Road Traffic and Transport Act, a member of the Service who drives an emergency service vehicle in the performance of his or her duties may disregard the directions of a road traffic sign, but in such event such vehicle must be driven with -

- (a) due regard to the safety of other traffic on the road;
- (b) its sounding device turned on; and
- (c) the identification lamp emitting a red light being activated.

(3) The driver of the emergency service vehicle referred to in subregulation (1) may only disregard the directions of a road traffic sign when the driver is driving that vehicle in the performance of his or her duty under the Act or these regulations.

(4) Pursuant to section 77 of the Road Traffic and Transport Act, a member of the Service who drives an emergency service vehicle in the performance of his or her duties may exceed the applicable general speed limit, but in such event such vehicle must be driven with -

- (a) due regard to the safety of other traffic; and
- (b) its sounding device turned on; and
- (c) the identification lamp being activated.

(5) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Instructions by members of Service

139. (1) In addition to powers contemplated in section 9 of the Act, a member of the Service may give instructions to a person in order to comply with these regulations or to ensure the safety of a person, animal or property.

(2) Instructions referred to in subregulation (1) may be given orally or in writing and if the instructions are given orally, the member of the Service must confirm the instructions in writing and give it to the person concerned at the earliest opportunity.

(3) Instruction referred to in subregulation (1) may include, but is not limited to, an instruction -

- (a) for the immediate evacuation of any premises;
- (b) to close or barricade any premises or part of the premises, until such time that compliance with these regulations has been made;
- (c) to cease an activity;
- (d) to remove an immediate threat to the safety of a person, animal or property;
- (e) to take specified steps to comply with this regulation, either immediately or within a specified period; or
- (f) if it is not reasonable to immediately take steps as contemplated in paragraph (e), the owner or person in charge of the premises must provide the chief fire officer with -
 - (i) a written description of the steps to be taken to ensure compliance; and
 - (ii) the period within which the steps referred to in paragraph (a) is to be taken in order to comply with these regulations.

(4) A person who, without lawful excuse, refuses or fails to comply with instructions given under this regulation commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Compliances notices

140. (1) Despite these regulations, if a person fails or refuses to comply with these regulations, the chief fire officer or a member of the Service authorised by the chief fire officer may issue a written notice to the person requesting that person to comply with these regulations.

- (2) The notice referred to in subregulation (1) must specify -
- (a) the alleged provision of the regulation that the person has contravened, failed or refuses to comply with;
 - (b) the remedial action required to be taken by the person;

- (c) the period within which the remedial action referred to in paragraph (b) must be undertaken; and
- (d) the period within which the person should make representation on the matter.

(3) The chief fire officer must serve or cause the notice issued under subregulation (1) to be served either personally or by registered mail on a person who in the opinion of the chief fire officer is the appropriate person to be served.

(4) For unattended or abandoned premises, a copy of the notice issued under subregulation (1) must be posted on the premises in a conspicuous place or near the entrance to the premises and the notice must be mailed by registered mail, to the last known address of the owner or the person in charge of the premises.

(5) An owner or a person in charge of premises who is not in agreement with the notice issued by the chief fire officer may appeal against such decision in accordance with regulation 145.

Handling of animals during emergencies

141. (1) An owner, occupier or person in charge of a zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study must make sure the animals are handled with care during an emergency.

(2) Despite subregulation (1), the chief fire officer may, in respect of any premises, authorise a suitably qualified person to handle or put down an animal during an emergency.

(3) The Council may recover any costs incurred in relation to the professional handling or putting down of an animal during an emergency from the owner or the person in charge of the premises.

Exemption

142. (1) A person may, in writing, make an application to the Council for an exemption from any provision of these regulations, specifying the reasons for the exemption.

(2) The Council may grant an exemption -

- (a) in general or in particular case;
- (b) for a specified period; and
- (c) subject to any conditions that the Council may impose.

(3) If an exemption is granted, the Council must issue a certificate of exemption to the applicant, specifying the scope and period of the exemption and any condition imposed on the exemption.

(4) The holder of a certificate of exemption must ensure that the certificate is available on the premises at all times for inspection by any member of the Service.

(5) The Council may amend or withdraw a certificate of exemption at any time, after -

- (a) notifying the holder of the certificate of exemption of its intention to amend or withdraw the certificate; and

- (b) having afforded the holder of the certificate an opportunity to be heard.

Approval, authorisation or permission under regulations

143. (1) A person who requires approval, authorisation, permission or any other similar matter contemplated in these regulations in respect of which no application procedure has been provided for by these regulations, must -

- (a) make an application for that approval, authorisation or permission on a form determined by the Council; and
- (b) pay the applicable fee.

(2) Regulation 87 applies with the necessary changes to the suspension or cancellation of an approval, authorisation or permission contemplated in subregulation (1).

Fees and levies

144. (1) The fees and levies payable to the Council in respect of services rendered by the Council as contemplated in section 11 of the Act or any other services rendered by the fire brigade service to any person in terms of these regulations are as set out in the Council tariff structure.

(2) The Council may charge a fee and levies for the provision of an inspection, re-inspection or any other service, including the approval or issuing of permits or certificates as contemplated in these regulations.

(3) Any cost incurred by the Council for any action necessary to prevent a fire hazard, accident or other threatening danger is considered as a fee payable by a person for services rendered as contemplated in subregulation (1).

- (4) Any costs incurred by the Council in connection with -

- (a) the examination or analysis of any sample taken from any premises for the purposes of these regulations; and
- (b) a report on such analysis by an institution approved by the Council,

may be recovered from the owner or person in charge of the premises, if the owner or person in charge of the premises is not in compliance with these regulations regarding the matter concerned.

(5) Despite subregulation (1), the chief fire officer may assess the aggregate of charges contemplated in that subregulation or any portion of that charge, except that such portion may not be less than 90% of the aggregate of the charges that would have been payable and that in assessing such charges or portion of the charge due regard, in addition to other factors, must be given to -

- (a) the fact that the amount assessed is proportionate with the services rendered;
- (b) the manner, place and origin of fire or other emergencies; and
- (c) the loss that might have been caused by the fire or other emergencies to the person liable to pay the charges, if the services had not been rendered.

(6) If a person liable to pay the charges assessed in terms of subregulation (5) is aggrieved by such assessment, he or she may lodge an appeal in terms of regulation 145.

(7) If a person fails or refuses to pay an amount which is payable in terms of these regulations after such fee is due and payable, the Council may without prejudice to any other available legal remedy -

- (a) suspend any service under these regulations to that person until such time as all outstanding amounts have been paid in full;
- (b) take all legal steps necessary to recover the outstanding amount; and
- (c) recover costs or expenditure incurred for the recovery of such outstanding amounts from the person.

Appeals

145. (1) A person who is not in agreement with a decision of the chief fire officer may appeal against that decision to the chief executive officer.

- (2) An appeal contemplated in subregulation (1) must -
 - (a) be made in writing;
 - (b) specify the reasons for the appeal; and
 - (c) be made within 21 days from the date of the notification of the decision.
- (3) On receipt of an appeal, the chief executive officer must consider the appeal and may -
 - (a) set aside the decision of the chief fire officer in whole or in part;
 - (b) dismiss the appeal and confirm the decision of the chief fire officer with or without amendments;
 - (c) refer the matter back to the chief fire officer for his or her reconsideration; or
 - (d) take any other action he or she considers fair and just in the circumstances.

Savings

146. Despite the repeal of the Fire Regulations published in Government Notice No. 78 of 1 May 1972 by these regulations, any permit, certificate, registration, authorisation or other documents issued under the regulations repealed by these regulations continue to be of effect until the date of expiry of such permit, certificate, registration, authorisation or document.

ANNEXURES**ANNEXURE 1****RANK STRUCTURE OF FIRE BRIGADE SERVICES IN ORDER OF PRECEDENCE
(Regulation 7)**

1. Chief fire officer
2. Deputy chief fire officer
3. Assistant chief fire officer
4. Senior station officer
5. Station officer
6. Leading fighter/Platoon officer
7. Senior fire-fighters /Sub-officer
8. Fire-fighters

ANNEXURE 2**GUIDELINES FOR EMERGENCY EVACUATION PLANS
(Regulation 54)****Content of emergency evacuation plans**

Every emergency evacuation plan must contain at least the information under the following headings:

1. Emergency telephone numbers

A list of all relevant emergency telephone numbers.

2. General information

- (a) the physical address of the premises;
- (b) a description of the activities on the premises;
- (c) the number of persons present on the premises at any time;
- (d) an indication of any control room on the premises;
- (e) an indication of any alarm system on the premises; and
- (f) the particulars and contact details of every responsible person in the event of an emergency.

3. Area study

- (a) a history of emergency incidents on the premises;
- (b) any important and relevant features or landmarks regarding the premises; and

- (c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.

4. Socio-economic or other threats

Any socio-economic or other threats and their potential impact on the premises.

5. Details of available equipment

Particulars and details regarding the position of the following equipment:

- (a) equipment in the control room;
- (b) fire fighting and first aid equipment on the premises; and
- (c) any other equipment which may be relevant in an emergency.

6. The emergency team

Particulars and details regarding the identity of members of the emergency team, including -

- (a) its management;
- (b) the continuity officers;
- (c) the fire teams; and
- (d) the first aid teams.

7. Duties of emergency team members

The duties and responsibilities of members of the emergency team.

8. Action plans and emergency procedures

Details of the specific action plans and emergency procedures applicable to the premises.

9. Building plans and maps

The building plans of the premises and any relevant topographical map must be included in the evacuation plan.

10. Emergency plan register

The plan must include -

- (a) an updated register of the emergency evacuation plan;
- (b) an updated drill register for the emergency evacuation plan; and
- (c) a bomb threat questionnaire.

11. Review of emergency evacuation plans

- (1) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises at least once each year and if a member of the management of the emergency team ceases to work at the premises.
- (2) If an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

12. Emergency evacuation drills

- (1) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.
- (2) The owner or person in charge of a building must give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

13. Emergency evacuation awareness

A person who works or resides on premises must be aware of the emergency evacuation plan for that premises.

14. Training of persons

A person who resides or works on premises with an emergency evacuation plan must be suitably trained in -

- (a) first aid or firefighting;
- (b) emergency aid;
- (c) emergency evacuation procedures; and
- (d) emergency management techniques.

ANNEXURE 3**EXEMPTION FROM CERTIFICATE OF REGISTRATION: FLAMMABLE SUBSTANCES**
(Regulations 82(2) and 107(1))

A certificate of registration issued in terms of regulation 84 is not required if the flammable substances are of a type, and do not exceed the quantity, stipulated below:

GASES:		
Class O	Liquefied petroleum gas	Flat - Total cylinder capacity may not exceed 9 kg per flat. Houses or commercial premises - Total maximum of 19 kg inside and total maximum of 100 kg on premises. Industrial premises - Maximum of 19 kg per 600 m ³ of building space with a total maximum of 100 kg.
FLAMMABLE LIQUIDS AND COMBUSTIBLE LIQUIDS:		
Class I	Liquids that have a closed-cap flash point of below 38°C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38°C or above, but below 60,5°C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres
Class IIIA	Liquids that have a close-cap flash point of 60,5°C or above but below 93°C	

ANNEXURE 4**EXEMPTION FROM CERTIFICATE OF REGISTRATION: LIQUEFIED PETROLEUM GAS**
(Regulation 92(1))

A certificate of registration in terms of regulation 92(1) is not required for the type of gases and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUANTITY
II	GASES	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms
III	FLAMMABLE LIQUIDS	
	With flash points $\leq 18^{\circ}\text{C}$	Total quantity may not exceed 100 litres
	With flash points $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$	Total quantity may not exceed 420 litres
	With flash points $> 23^{\circ}\text{C}$ but $\leq 61^{\circ}\text{C}$	Total quantity may not exceed 1 100 litres

GROUP	DESCRIPTION	QUANTITY
	With flash points > 61°C but ≤ 100°C	Total quantity may not exceed 1 100 litres
IV	FLAMMABLE SOLIDS	
	Flammable solids	Total quantity may not exceed 250 kg
V	OXIDISING AGENTS AND ORGANIC PEROXIDES	
	Oxidising agents	Total quantity may not exceed 200 kilograms
	Group II organic peroxides in packets	Total quantity may not exceed 200 kilograms
VI	TOXIC / INFECTIVE SUBSTANCES	
	Group I toxic substances in packets	Total quantity may not exceed 5 kilograms
	Group II toxic substances in packets	Total quantity may not exceed 50 kilograms
	Group III toxic substances in packets	Total quantity may not exceed 500 kilograms
VIII	CORROSIVE / CAUSTIC SUBSTANCES	
	Group I acids in packets	Total quantity may not exceed 50 kilograms
	Group II acids in packets	Total quantity may not exceed 200 kilograms
	Group III acids in packets	Total quantity may not exceed 1 000 kilograms
	Group I alkaline substances in packets	Total quantity may not exceed 50 kilograms
	Group II alkaline substances in packets	Total quantity may not exceed 200 kilograms
	Group III alkaline substances in packets	Total quantity may not exceed 1 000 kilograms
IX	MISCELLANEOUS SUBSTANCES	
	Liquids	Total quantity may not exceed 210 litres
	Solids	Total quantity may not exceed 210 kilograms

ANNEXURE 5

MAXIMUM QUANTITIES OF HAZARDOUS SUBSTANCES FOR
EXEMPTION FROM CERTIFICATES OF REGISTRATION
(Regulations 117(2) and 123)

(A)	SINGLE-LOAD HAZARDOUS SUBSTANCES	QUANTITIES MAY NOT EXCEED
1.	Group I: Explosives	No exemption
2.	Group II: Gases	
2.1	Flammable gases	100 kg total cylinder capacity
2.2	Non-flammable gases	333 kg total cylinder capacity
2.3	Toxic gases	No exemption

3.	Group III: Flammable liquids	
3.1	Flash point ≤ 18 °C	100 litres
3.2	Flash point > 18 °C but ≤ 23 °C	420 litres
3.3	Flash point > 23 °C but ≤ 61 °C	1 100 litres
3.4	Flash point > 61 °C but ≤ 100 °C	1 100 litres
4.	Group IV: Flammable solids	
4.1	Flammable solids	250 kg
4.2	Pyrophoric substances	No exemption
4.3	Water-reactive substances	No exemption
5.	Group V: Oxidising agents and organic peroxides	
5.1	Oxidising agents	200 kg
5.2	Group I organic peroxides in packets	No exemption
5.3	Group II organic peroxides in packets	200 kg
6.	Group VI: Toxic/ Infective substances	
6.1	Group I toxic substances in packets	5 kg
6.2	Group II toxic substances in packets	50 kg
6.3	Group III toxic substances in packets	500 kg
6.4	Infective substances	No exemption
7.	Group VII: Radioactive materials	No exemption
8.	Group VIII: Corrosive/ caustic substances	
8.1	Group I acids in packets	50 kg
8.2	Group II acids in packets	200 kg
8.3	Group III acids in packets	1 000 kg
8.4	Group I alkaline substances in packets	50 kg
8.5	Group II alkaline substances in packets	200 kg
8.6	Group III alkaline substances in packets	1 000 kg
9.	Group IX: Miscellaneous substances	
9.1	Liquids	210 litres
9.2	Solids	210 kg
(B)	MULTIPLE-LOAD HAZARDOUS SUBSTANCES	No exemption

ANNEXURE 6

**REQUIREMENTS FOR CONSTRUCTION OF SPRAYING ROOM,
BOOTH OR AN AREA: FLAMMABLE LIQUID
(Regulation 132)**

WALLS	225mm Brickwork.
ROOF	Reinforced concrete.
FLOOR	Concrete or other impervious material.
DOORS (A)	Constructed of 50mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door.
(B)	Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm.
NOTE:	Where the floor area exceeds 18 square metres 2 doors must be provided.
WINDOWS	Metal frames with no opening regulations glazed with wire-woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the Director: Fire and Emergency Services.
NOTE:	The Factory Inspector requires natural light to the extent of 20% of the floor area.
VENTILATION	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating one (1) metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at four (4) metre centers or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
NOTE:	If the ducting is external to the Spraying Booth and in communication with the Workshop etc., it must be protected by either 110mm brick or 50mm asbestos cement lagging.
VENTILATION INLETS	The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than two (2) metres.
<u>MINIMUM NO. OF AIRBRICKS</u>	<u>SIZE OF ROOM</u>
40	Up to but not exceeding 140 cubic metres.
65	Up to but not exceeding 280 cubic metres.
90	Up to but not exceeding 470 cubic metres.
150	Up to but not exceeding 650 cubic metres.
NOTE:	Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.
ELECTRICAL WORK	All electrical work must be of flame-proof construction.
DANGER NOTICE	“DANGER – NO SMOKING” notices in 150mm high white letters on a red background to be provided above the doors outside the Spraying Booth.