

# Fire Brigade Services Act 99 of 1987 (FBA)

Topic: Health, Safety and Environmental

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## IN A CALABASH

### Introduction

Fire fighting in South Africa is done by the various fire departments which have been established in each local municipal area.

### Objectives of the Act

The Fire Brigade Services Act (FBA) was enacted in order to regulate and ensure the efficient operation of a fire safety system in South Africa.

The Act provides for:

- the establishment, maintenance, employment, co-ordination and standardisation of fire brigade services;
  - preventing the outbreak or spread of a fire;
  - fighting and extinguishing a fire;
  - controlling incidents involving hazardous or dangerous goods and materials;
  - protecting life or property against a fire or other threatening danger;
  - rescuing life or property from a fire or other danger;
  - rendering an ambulance service as an integral part of the fire service, subject to the provisions of the National Health Act 61 of 2003;
  - fire safety functions; and
  - the performance of any other function connected with any of the matters contemplated in the items above, and
  - to be a world class fire service.
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### Application of the Act and its implication to Tourism

The FBA has two areas of application–

- firstly, it applies to any Fire Brigade Service established in a municipal area.
- secondly, it applies to all citizens who own or operate a property, business or activity in any local municipal area. Such persons must seek out the location of and the contact details of the fire brigade and make contact with the Chief Fire Officer for the purposes of an introduction.

A Chief Fire Inspector may assist in providing–

- fire related advice;
  - a copy of the local fire fighting and related by-laws; and
  - an audit testing and assessment of the reliability and sufficiency of one s fire fighting equipment.
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## **Summary of the provisions of the Act**

### **Fire Brigade Board**

A Fire Brigade Board (FBB) has been established by the FBA, which is responsible for the regulation of public fire services in South Africa.

### **Establishment of a fire brigade station in a municipality and activities**

In terms of the FBA, any local authority may establish and maintain a fire fighting service in its jurisdiction, which establishment will be managed by a Chief Fire Officer.

In addition, a controlling authority may establish a fire brigade reserve force for its area of jurisdiction.

All fire brigades established in South Africa are mandated to–

- prevent the outbreak or spread of a fire through proactive measures such as assisting with fire-fighting equipment assessments, audits and advisory services;
- react to and fight or extinguish a fire;
- protect life or property against a fire or other threatening danger;
- rescue life or property from a fire or other danger; and
- render an ambulance service as an integral part of the fire brigade service.

### **Duties and powers of a fire brigade and citizens**

Whenever a fire brigade deems it necessary or expedient in order to perform its functions, it may–

- close any road or street;
- enter or break and enter any premises;
- damage, destroy or pull down any property;
- forcibly remove or cause to be removed from the scene any person who is in danger or who obstructs a member of the fire brigade in the performance of his or her duties;
- take material or any object from any person, save that the owner of the material or object might, under certain circumstances, be compensated; and/or
- order any inhabitant of the Republic who is not younger than 16 years and not older than 60 years to assist in the performance of the fire brigade's functions on any particular occasion.

Everyone is under a duty to co-operate and assist any member of fire brigade, including a Chief Fire Officer, in the exercise of his or her powers.

## **Salvaging of Movable Property**

When performing any fire fighting function, a Chief Fire Officer has the right to salvage or remove and place in safe custody any movable property which, in his or her opinion, is in danger.

## **Fees**

Anyone using the services of a fire brigade must pay for such services, including the costs of–

- the attendance of the service;
- the use of the service and equipment; and/or
- any material consumed in such services.

These costs are usually available on the local municipality website under the applicable by-laws which regulate the services and duties of a fire brigade.

## **Urgent cases**

The Minister of Provincial and Local Government or anybody designated by him or her may, for the purpose of fighting a fire, in a case where it is his or her opinion that urgent action is necessary and is in the public interest–

- order any person to make available his or her service, equipment or material; and/or
- order any person who manufactures equipment or material to manufacture particular equipment or material within a particular period.

A person who has acted in terms of such an order will be compensated subject to an amount agreed upon between the Minister and the person concerned or, in the absence of such agreement, an amount determined by arbitration in accordance with the provisions of the Arbitration Act 42 of 1965.

## **Failure to comply with requirements**

Any failure to comply with a requirement, standard or direction, will result in a written notice to comply within a period being sent to the non-complying person.

A failure to comply with the notice may result in the Administrator or Minister taking steps to ensure compliance with the requirement, standard or direction. The Administrator or Minister may also recover from that person any costs which he or she incurred in ensuring that the order is complied with.

A compliance notice or direction will only be issued once the Minister or Administrator has consulted with the local authority or person concerned.

## **Enforcement of provisions**

A Chief Fire Officer may at any reasonable time enter any premises in order to determine whether the provisions of the FBA, its regulations and/or by-laws are being complied with.

If the Chief Fire Officer finds that any provisions are not being complied with, he or she may issue to the owner of those premises or his or her authorised agent a written instruction to comply with the provisions in question within a stated period.

A failure to comply with such an instruction within the required period, may result in the controlling authority taking the necessary steps in order to ensure compliance with the provision. This is done on behalf of the owner concerned and to recover from the owner the costs in connection with the activity taken.

'Owner' means the registered owner of the premises or, in relation to a sectional title scheme, the body corporate established in terms of the Sectional Titles Act 95 of 1986.

## **Indemnity**

A controlling authority, Chief Fire Officer, member of a Fire Brigade service or an inhabitant will not be liable for any damage or loss as a result of bodily injury, loss of life or loss of or damage to property which arises out of or in connection with anything done or performed in the exercise or performance of a power, function or duty conferred or imposed in terms of the FBA, the regulations and by-laws.



### **WHAT HAPPENS IF YOU DO NOT COMPLY?**

Failure to comply with the FBA is a criminal offence.

Any person who contravenes the FBA will be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding 12 months.



### **RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT**

- All citizens owning or operating a property, business or activity in any local municipal area must find out the location and the contact details of the local fire brigade.
- Once this is done, one should make contact with and introduce oneself to the Chief Fire Officer.
- A copy of the local fire fighting by-laws and any other related by-laws should be examined and complied with.
- All citizens should familiarise themselves with the provisions of the by-laws and obtain a copy of the various services which are offered by the fire brigade and the associated and related costs.
- The Chief Fire Officer should inspect and approve any fire-fighting equipment which may be housed and used in the business/premises.
- Where a compliance notice is issued, any person in receipt of such notice must ensure compliance with the order housed therein within the required period of time.

## FURTHER INFORMATION

### **Regulator**

Chief Fire Officer in local area. See local or district municipality website for details.

### **Website**

[www.fpasa.co.za](http://www.fpasa.co.za)