

THE FIRE AND RESCUE SERVICES ACT, 1985

ARRANGEMENT OF SECTIONS

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THE UNITED REPUBLIC OF TANZANIA



NO. 3 OF 1985

I ASSENT,

Julius K. Nyerere
President

3rd April, 1985.

An Act to provide for the better organization, administration, discipline and operation of fire and rescue brigade services

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

- 1. This Act may be cited as the Fire and Rescue Services Act, 1985, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint. Short title and commencement
- 2. This Act shall apply throughout the United Republic of Tanzania. Application
- 3. In this Act, unless the context requires otherwise— Interpretation
 - “brigade” means an organized unit of the Force providing fire and rescue services within a specific area or in relation to a particular public authority; and the term, when used in relation to any area, authority, corporation or region means the brigade for that area, authority, corporation or region;
 - “calamity” means an occurrence by which life or property is endangered;
 - “the Commissioner” means the Commissioner of the Force;
 - “fire hazard” means—
 - (a) any alteration to any building in contravention of the Building Cap. 101 Rules such as might render escape in the event of fire or other calamity materially more difficult;
 - (b) the overcrowding of any place of public entertainment or public assembly such as might render escape in the event of fire or other calamity materially more difficult;

- (c) any removal from any building of any fire service Installation or equipment which was provided in such building in accordance with plans certified by the Commissioner for the purposes of the provisions of the Building Rules;
- (d) the presence in any building of any fire service installation or equipment, provided in the building in accordance with plans referred to in paragraph (c) of this definition, which from lack of proper maintenance or for any other reason is not in efficient working order;
- (c) any other matter or circumstance which materially increases the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity, or which would materially hamper the Force in the discharge of its duties in the event of fire or the calamity;
- "fireman" means any member of the Force other than the Commissioner;
- "fire officer" means any fireman of or above the rank of inspector;
- "fire station" means any place appointed by the Commissioner to be a fire station;
- "the force" means the Fire and Rescue Services Force;
- "Minister" means the Minister for the time being responsible for Fire and rescue services;
- "officer in charge of a fire station" means any fire officer appointed by the Commissioner to take command of firemen in a brigade or place or any fire officer senior in rank for the time being in such brigade or place and, where such officer is absent from the brigade or place or unable, for any reason, to take command, the fire officer or fireman who is next in rank to such fire officer;
- "premises" includes any place or conveyance;
- "property" includes any movable property, money or valuable security;
- "rank and file" means firemen of ranks below that of Inspector.

PART 11

CONSTITUTION, DUTIES AND POWERS OF THE FIRE AND RESCUE SERVICES
FORCE

Establish-
ment and
constitution-

4.-(1) There is hereby established a national fire brigade for the United Republic which shall be know as the Fire and Rescue Services Force.

(2) The Force shall consist of the Commissioner and such complement of fire officers and rank and file as the President may, subject to this Act, direct.

(3) All officers and other persons who are, immediately before the commencement of this Act, members of the Fire Brigade Department shall, upon the commencement of this Act, be deemed to have been enlisted, appointed or commissioned under this Act and any other legislation made under this Act, in such designations or offices as the minister may determine.

(4) The Pensions Ordinance shall apply to all firemen serving under this Act, save that a fireman shall not be deemed to be employed in the Civil Service by reason only of the application in relation to him of the Pensions Ordinance.. cap. 371

5. For the purposes of the Constitution of the United Republic, the Force shall be deemed to be a disciplinary force. Duties of the Force

(1) The duties of the Force shall be, throughout the United Republic, to take all lawful measures for-

- (a) extinguishing fires;
- (b) protecting life and property in case of fire or other calamity;
- (c) discharging such other duties as may be imposed on it by law or by any direction of the Minister.

(2) Subject to this Act, and without prejudice to the generality of sub-section (1), the Force shall-

- (a) formulate policies or fire safety and advise the Government with a view to -securing their implementation;
- (b) make the necessary provision for fire fighting at airport and other premises in accordance with international standards, practices and recommendations;
- (c) carry out research and training in all fire fighting and related fields and ensure the co-ordination of the international aspects of such research and training;
- (d) supervise, instruct and monitor all fire and rescue service activities of all fire brigades in the United Republic.

(3) Every fireman shall be bound to serve anywhere within the United Republic, and to proceed to any neighbouring country or other place in accordance with the exigencies of duty.

6.-(1) Subject to this section, the Commissioner or any fireman or other person authorized by him in writing, on producing, if so required, the writing showing his authority, shall have a right to enter any premises at all reasonable hours for the purposes of- General powers of entry

- (a) ascertaining whether there is, or has been, on or in connection with the premises, any contravention of any of the provisions of this Act;
- (b) obtaining information required for fire-fighting purposes with respect to the character of the premises, the availability of water supplies and the means of access to them, and other material circumstances;
- (c) ascertaining whether or not there exists any fire hazard;
- (d) the performance by the Commissioner or by the Force of his or its powers or duties under this Act or any other law for the time being in force.

(2) The Commissioner, or any person authorized by him in writing, shall not exercise the right of entry conferred by subsection (1) in respect of premises which are not a place of public entertainment or public

assembly, factory, workshop or workplace or premises otherwise used for business purposes, unless twenty-four hours' notice in writing of the intended entry has been given to the occupier.

(3) If it is shown to the satisfaction of a magistrate or justice of the peace in writing on oath-

- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any purpose specified in sub-section (1); and
- (c) the notice of the intention to apply for the warrant has been given to the occupier of the premises, or that the premises are unoccupied or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry,

the magistrate or justice of the peace may by warrant in the prescribed form authorize the Commissioner, or any person authorized by him in writing in that behalf, to enter the premises, if need be by force.

(4) The Commissioner or any person entering any premises by virtue of this section, or of a warrant issued under this section may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them to be at the time of entry.

(5) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(6) If any person who, in compliance with this section or a warrant issued under this section, enters a factory, workshop, workplace or premises used for business purposes discloses to any person any information obtained by him in the factory, workshop or workplace or premises used for business purposes with regard to any manufacturing process or trade or professional secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and liable on conviction to a fine not exceeding twenty thousand shillings.

7. (1) If the Commissioner is satisfied of the existence in any premises of any fire hazard-

(a) he may serve a fire hazard abatement notice in the prescribed form--

Abatement
of fire
hazards

- (i) upon the person by reason of whose act, default or sufferance the fire hazard arose or continues; or
- (ii) if such person is the servant or agent of some other person. upon such other person; or
- (iii) if such person or such other person, the case may be, cannot readily be found or is absent from the United Republic upon the occupier or the owner of the premises in which such fire hazard exists,

requiring him to abate the fire hazard within the period specified in the notice, and to do all such things as may be necessary for that purpose, and the notice may, if the Commissioner thinks fit, specify any works to be executed for those purposes; save that if the fire hazard arose or continues from any want or defect of a structural character in any premises or such premises are unoccupied, the notice shall be served upon the owner of the premises; and

- (b) he may also, by notice under paragraph (a) or by a further fire hazard abatement notice, require the person on whom the notice is served to do what is necessary for preventing the recurrence of the fire hazard to which the notice relates and, if the Commissioner thinks it desirable, specify any works to be executed for that purpose, and a notice containing such a requirement may, notwithstanding that the fire hazard to which it relates may for the time being have been abated, be served if the Commissioner considers that the fire hazard is likely to recur in the same premises.

(2) Where the person by reason of whose act, default or sufferance a fire hazard arose or continues cannot be found and it is clear that the fire hazard neither arose nor continues by reason of any act, default or sufferance a fire hazard arose or continues cannot be found and it is clear that the fire hazard neither arose nor continues by reason of any act, default or sufferance on the part of the occupiers or the Commissioner may abate the hazard and may do what is necessary to prevent its recurrence.

(3) Where a fire hazard abatement notice is served on any person pursuant to sub-section (1), then, if either--

- (a) the fire hazard to which the notice relates arose by reason of the wilful act or default of that person; or
- (b) that person fails to comply with any of the requirements of the notice within the time specified in it,

he shall, whether or not an order under subsection (4) has been made in respect of him, be guilty of an offence and shall be liable to a fine not exceeding twenty thousand shillings and, where the offence is the failure to comply with any of the requirements of a notice within the time specified in it, to a fine of two hundred shillings for each day during which the offence continues.

(4) Where a fire hazard abatement notice is served on any person, then if-

- (a) that person fails to comply with any of the requirements of the notice within the time specified in it; or
- (b) the fire hazard, although abated since the service of the notice, is, in the opinion of the Commissioner, likely to recur in the same premises,

the Commissioner may make a complaint to a magistrate's court and the court hearing the complaint may make a summary order in the prescribed form, in this section referred to as a fire hazard order.

(5) A fire hazard order may be-

- (a) an abatement order, that is to say, an order which requires a person to comply with all or any of the requirements of a fire hazard abatement notice in connection with which the order is made, or otherwise to abate the fire hazard or to do what may be necessary to prevent the recurrence of the fire hazard within the period specified in the order; or
- (b) a prohibition order, that is to say, an order which prohibits the recurrence of the fire hazard; or
- (c) a closing order, that is to say, an order which prohibits the use of any premises for human habitation or the storage, including storage in the course of use, of such kinds or categories of goods, or such quantities of them, specified in the order, as materially increase the likelihood of fire or other calamity or the danger to life or property that would result from the outbreak of fire or the occurrence of any other calamity; or
- (d) a combination of such orders.

(6) A closing order shall only be made if it is proved to the satisfaction of the court that the cause of the fire hazard is the structural character of the premises concerned, or the location of such premises having regard to the nature of the area in which such premises are situate.

(7) An abatement order or a prohibition order shall, if the person in respect of whom it is made so requires or if the court making it considers it desirable, specify the works to be executed by such person for the purpose of abating, or of preventing the recurrence of, the fire hazard to which the order relates.

(8) A magistrate's court if satisfied that any premises in respect of which a closing order is in force has been rendered suitable for human habitation or the storage of goods of the kind or category or in the quantity specified in the order, as the case may be, may declare that it is so satisfied and revoke the closing order.

(9) Any person who without reasonable excuse knowingly contravenes a fire hazard order is guilty of an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings and, in addition, a fine of two hundred shillings for each day during which the offence continues.

(10) Any property removed by the Commissioner in abating, or doing what is necessary to prevent the recurrence of, a fire hazard may be sold by public auction or, if the Commissioner thinks the circumstances of the case require it, may otherwise be sold, or may be disposed of without sale. The money arising from the sale or any property under this subsection may be retained by the Commissioner and applied in payment of the expenses incurred by the Force in connection with the abatement of the fire hazard and the surplus, if any, shall be paid to the owner of the property.

occasion of
Powers of
Force in
fire

8.-(1) Upon an alarm of fire being communicated to any fire station or brigade, the fire officer in charge shall cause a fire officer, together with all available firemen or such number of them as he may deem appro-

priate, to proceed as quickly as possible to the locality of the fire with all such fire-fighting apparatus, safety equipment and other implements, as are requisite and available.

(2) Notwithstanding any law or custom to the contrary, all vehicular traffic shall give way to the Force when proceeding to the locality of a fire or a fire alarm.

(3) Any person in charge or control of any vehicle who neglects or refuses to comply with the provisions of sub-section (2) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months.

(4) The Commissioner or other fire officer in charge of the Force or any brigade or other contingent of it on the occasion of a fire or other calamity may-

- (a) take such measures as may appear to him to be necessary or expedient for the protection of life and property;
- (b) remove or order any fireman under his command to remove any person interfering by his presence or actions with operations of the Force;
- (c) by himself or firemen under his command enter, break into or through and take possession of or demolish or cause to be taken possession of or demolished any premises or thing for the purpose of putting an end to the fire or minimizing the effect of the calamity;
- (d) close any street near the site of the fire or calamity;
- (e) use any convenient supply of water.

9.-(1) The Force shall provide and maintain, or cause to be provided and maintained, such fire hydrants and other water installations as are necessary for securing the best practical use of the available water supply in case of the outbreak of fire, subject to the approval of the Director of Public Works, and the location of every such hydrant shall be plainly indicated by a notice or distinguishing mark or plate which may be placed on any wall or fence adjoining a street or public place, subject to sub-section (2).

**Fire
hydrants
and water
Supplies**

(2) Upon giving seven days' notice in writing to the owner of any property situate in the vicinity of a fire hydrant or emergency water supply, the Commissioner may cause a plate indicating the location of such fire hydrant or water supply to be fixed to such part of the property as may, in the opinion of the Commissioner, be best suited to indicate such location.

(3) Any person who uses a fire hydrant or other water supply or installation referred to in sub-section (1), for any purpose other than that authorized by the Force is guilty of an offence and shall be liable on summary conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding three months.

(4) Any person who refuses to allow the fixing of any plate referred to in sub-section (2) or obstructs any person in the course of fixing it or removes or defaces any such plate after it has been so fixed is guilty of an offence and shall be liable on summary conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding three months.

(5) The Force may use for the purpose of extinguishing fire any conveyance or suitable supply of water.

PART III

ADMINISTRATION AND DISCIPLINE

- Brigades 10. The Force may be divided into such brigades and other contingents of such size and establishment as the Minister may determine from time to time.
- Administration of Force 11.-(1) The Commissioner shall, subject to this Act and to the orders and directions of the President, have the administrative command, superintendence, control and direction of the Force and all firemen within the United Republic.
- (2) The Minister may make Regulations providing for the administration and command of the brigades and other contingents of the Force.
- (3) In the exercise of the powers vested in him by this section in regard to the operational control of the Force, the Commissioner shall be responsible and subject to direction and guidance by the Minister.
- Delegation of powers 12.--(1) Save where the contrary intention appears from the context of any law and subject to any special instructions of the Commissioner, a Deputy Commissioner or an Assistant Commissioner, as the case may be, may exercise or discharge any of the powers or duties which the Commissioner is by any law entitled to exercise or required to discharge.
- (2) Save where the contrary intention appears from the context of any special instructions of the Minister, the Commissioner may authorize any officer of the Force, not being below the rank of Inspector or a head mechanic or ambulance dresser, by name, office or appointment, to exercise or discharge any of the powers or duties which the Commissioner is by any law entitled to exercise or required to discharge.
- (3) For the avoidance of doubt, nothing in this section shall be deemed to derogate from any power of delegation conferred upon the Commissioner by the provisions of any other law.
- Duties of senior officers 13.-(1) For the purposes of this section the expression "Senior officer" means any person holding office in such rank in the Force as may be prescribed in the Fire and Rescue General Regulations.
- (2) The senior officer present at any fire shall take sole charge and control of all extinguishing operations, positioning of appliances, the attaching of a hose and the selection of the areas against which the water is directed.

(3) Every officer in charge of a fire station shall be responsible for all public stores and public money issued and delivered for the use of members of the Force under his command and shall account the same to the Commissioner.

(4) The provisions of this section shall apply in conjunction with the Fire and Rescue General Regulations, as well as the regulations made under this Act.

14.-(1) The Commissioner may, with the consent of the Minister, make orders to be known as "Fire and Rescue General Regulations" not inconsistent with this Act or any other law, for the better guidance of the discharge by firemen and other persons of the duties of the Force.

Fire and
Rescus
General
Orders

(2) General Regulations made under sub-section (1) may provide for-

- (a) the control, direction and information of the Force.
- (b) discipline in the Force;
- (c) training of firemen, and of members of the public in matters relating to awareness of and preparedness to overcome fire and other calamities when they occur;
- (d) classification and promotions;
- (e) inspection, drills, exercises and parades;
- (f) welfare;
- (g) departmental finance;
- (h) buildings, grounds, stores, furniture and equipment;
- (i) services to be performed by firemen;
- (j) the manner and form of reports, correspondence and other records;
- (k) the performance of any act which may be necessary for the proper carrying out of the provisions of this Act or any regulations made under it or of any other law or for the discharge of any duty imposed by law on the Force.
- (l) such other matters as may be necessary or expedient for preventing abuse or neglect of duty, for rendering the Force efficient in the discharge of its duties and for carrying out the objects and provisions of this Act.

15.-(1) Every fireman shall exercise such powers and perform such duties as are by law conferred or imposed upon a fireman, and shall obey all lawful directions in respect of the execution of his office which he may from time to time receive from his superiors in the Force.

General
powers and
duties of
firemen

(2) A fireman shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of the United Republic.

(3) Every fireman shall promptly obey and execute all orders, notices and warrants lawfully issued to him, endeavor to save life and protect the property of the people from destruction by fire or other calamity, render humanitarian services and prevent destructions of all kinds which may be caused by fire and combat any fire.

(4) Any fireman who contravenes the provisions of this Act or commits any contravention against regulations, rules or orders established for the maintenance of discipline and efficiency in the Force is liable to be dismissed or otherwise dealt with as provided in this Act or regulations, rules or orders made under it.

(5) For the avoidance of doubt it is hereby declared that-

- (a) if criminal proceedings are instituted or about to be instituted against a fireman, he may be interdicted from duty and thereafter paid half his emoluments;
- (b) if fireman is convicted of a criminal offence he may be dismissed in accordance with the provisions of the Security of Employment Act, 1964;
- (c) nothing in this Part shall be construed to preclude the summary dismissal of any fireman in accordance with regulations or orders made under this Act;
- (d) nothing in this Part shall be construed to preclude the termination of the employment in accordance with regulations or orders made under this Act of a fireman on the ground that, having regard to the conditions of the public service, the usefulness of the fireman to the Force and all the other circumstances of the case, such termination is desirable in the public interest.

PART IV

MISCELLANEOUS PROVISIONS

Special duties and expenses of it

16.-(1) On the application of any person, the Commissioner may, if he thinks fit, detail any fireman to do special duty in, upon or about any premises or business or vessel specified by the applicant and for the purpose furnish such equipment as he may deem necessary.

(2) The applicant shall pay to the Commissioner for the services of any fireman so detailed and for the use of equipment so furnished such fees as may be prescribed by the Minister.

(3) All fees so received by the Commissioner shall be paid by him into the Treasury forthwith to the credit of the Fire and Rescue Services Force Welfare Fund and be accounted for monthly and shall be recoverable by suit in like manner as a debt to the Government.

Provision and maintenance of fire escape

17.---(1) Every building which has a storey the floor of which is more than thirty-five feet above the level of the street or ground surface adjoining part of the building shall be provided in every such storey, with either-

- (a) adequate free and unobstructed means of escape from there leading to the roof of the building and to the street or ground surface adjoining the building : or

(b) Such other means of escape in the event of fire as the Commissioner may require; save that the Commissioner may, by notice published in the *Gazette*, exempt any building or category of buildings from the provisions of this section on the basis of technical grounds only.

(2) The owner of any building to which sub-section (1) applies who fails to provide a means of escape in accordance with sub-section (1) or who fails to maintain and keep such means of escape so provided in good condition, order and repair is guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty thousand shillings.

18.-(1) The Force may erect or fix and maintain fire alarms in such positions in such street, premises or public place as the Commissioner may, after consultation with the Inspector-General of Police, and the prior consent of the Minister, determine.

Fire alarm

(2) Any person who by any means knowingly gives or causes to be given to the Force or to any fireman or police officer a fire alarm which is false is guilty of an offence and liable on summary conviction to a fine of five thousand shillings or to imprisonment for six months without any remission.

19.-(1) No fireman acting *bona fide* under powers conferred by, or under this Act shall be liable to any action for damages for any Act done or omitted to be done by him in connection with his duties on the occasion of a fire or other calamity or in response to a fire alarm.

Protection of firemen

(2) Any damage done by the Force in the execution of its duties on the occasion of a fire or other calamity or in response to a fire alarm, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

20. There is hereby established a fund to be known as the Fire and Rescue Services Force Welfare Fund which shall consist of-

Welfare fund

- (a) all fines inflicted upon firemen for offences against discipline;
- (b) all sums paid for the services of firemen detailed to do special duty under section 16 and for the use of equipment furnished for the purpose;
- (c) all illegal gratifications given or offered to firemen, and all presents the receipt of which is prohibited by any law in the United Republic given or offered to firemen;
- (d) any donations and voluntary contributions to the fund;
- (e) such sums as may be voted by Parliament in that behalf.

21. The Fire and Rescue Services Force Welfare Fund shall be controlled by the Commissioner subject to regulations made by the Minister, after consultation with the Minister for the time being responsible for finance, and applied for the purpose of-

Control of fund

- (a) recompensing fireman for extra services rendered by them;
- (b) procuring for firemen who are serving or for former Firemen who have been retired on pension, gratuity or other allowance, comforts, convenience or other advantage not ordinarily chargeable on public revenue;

- (c) granting loans to firemen who are serving or to former firemen who have been retired on pension, gratuity or other allowance on rates and terms in accordance with regulations, made under this section.
- Regulations 22. The Minister may, after consultation with or upon the recommendation of the Commissioner, make regulations providing for-
- (a) the discipline and punishment of firemen;
 - (b) the administration of the Force;
 - (c) description of uniforms and equipment to be provided for the purposes of the Force;
 - (d) the establishment, organization and distribution of the Force into brigades and other contingents;
 - (e) the conditions of appointment and service of firemen, and their appointment or promotion into their various grades, ranks and appointments;
 - (f) such other matters as may or are required to be prescribed under this Act or as may be necessary or expedient for rendering the Force efficient in the discharge of its duties;
 - (g) the making and issue of reports and certificates regarding-
 - (i) fires or other calamities attended by the Force;
 - (ii) premises, vessels or other property damaged by fire;
 - (iii) matters relating to fire risks or fire precautions in or connected with any premises, vessel or other property, and fees to be charged in relation to them;
 - (h) generally, for the better carrying into effect of the provisions of this Act in relation to any matter, whether or not similar to those mentioned in this section, as to which it may be convenient to make regulations.
- Offences 23.-(1) Any person who resists or obstructs any fireman acting in the execution of his duty is guilty of an offence and shall be liable on conviction to a fine of two thousand shillings or to imprisonment for a term not exceeding six months.
- (2) Any fireman who-
- (a) deserts;
 - (b) on the occasion of a fire or other calamity wilfully disobeys a lawful command of a fire officer or fireman whom it is his duty to obey,
- is guilty of an offence and shall be liable on conviction to a fine of one thousand shillings or to imprisonment for six months without remission.
- (3) Any person who, not being a fireman, wears, without permission of the Commissioner, the uniform of the Force, or any dress having the appearance or bearing any of the distinctive marks of that uniform, is guilty of an offence and shall be liable on conviction to a fine of one thousand shillings or to imprisonment for six months without remission.

SCHEDULE*Under S.O. 81 (2)*

1. The Bill entitled the Fire and Rescue Service Act, 1985 is hereby amended in the original title by the expression "fire" the following—

"and rescue".

2. The Bill is further amended in—

- (a) Clause 7(10) by deleting the expression "on demand" which appears on the last, but one, line; and
- (b) Clause 11(2) by deleting the expression "with the consent of the President."

Passed in the National Assembly on the thirty-first day of January, 1985.

