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**LEGISLATION**

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**FIRE SERVICE ORDINANCE 2010**

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An Ordinance to provide for the operation of a Fire Service in the Areas

**J. H. GORDON**  
**ADMINISTRATOR**

*2nd March 2010.*

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**1. Short title**

This Ordinance may be cited as the Fire Service Ordinance 2010.

**2. Interpretation**

In this Ordinance—

“building” has the same meaning as in the Streets and Buildings Regulation (Consolidation) Ordinance 1984**(a)**;

“Chief Fire Officer” means the officer in charge of the Fire Service in the Areas;

“equipment” includes fire engines, other vehicles, appliances, other apparatus, uniforms and badges of rank;

“fire-fighting purposes” means the purposes of the extinguishing of fire and the protection of life and property in the event of fire;

“fire officer” means a person employed as a fire-fighter by the Fire Service, and includes the Chief Fire Officer;

“Fire Service” means the Defence Fire Risk Management Organisation or its successor;

“irrigation association” has the same meaning as in the Irrigation (Private Water) Association Ordinance**(b)**;

“irrigation division” has the same meaning as in the Irrigation Divisions (Villages) Ordinance**(c)**;

“senior fire officer” means the highest ranked fire officer present at the scene of any particular fire or, in the event that more than one person of the highest rank is present, the one of them who has held that rank for the longest time.

### **3. Duties of the Chief Officer**

- (1) The Chief Officer must make provision in the Areas for the purposes of—
  - (a) preventing and extinguishing fires; and
  - (b) protecting life and property in the event of fire.
- (2) In making provision under subsection (1), the Chief Officer must in particular ensure that there is adequate provision for—
  - (a) such fire stations and equipment as are necessary efficiently to meet all normal requirements;
  - (b) training of all personnel;
  - (c) dealing with calls for help and for summoning personnel;
  - (d) obtaining information needed for fire-fighting purposes, in particular relating to—
    - (i) the nature of buildings and other property; and
    - (ii) the water supply available and the means of access to it;
  - (e) ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for fire-fighting purposes;
  - (f) the giving of advice, on request, about—
    - (i) how to prevent fires and restrict their spread through buildings and other property; and
    - (ii) the means of escape from buildings and other property in case of fire.

### **4. Ancillary powers of the Chief Officer**

- (1) The Chief Officer may pay such amount as the Chief Officer considers appropriate to persons (other than fire officers) who assist the Fire Service for fire-fighting purposes.
- (2) The Chief Officer may provide the services of any persons employed by the Fire Service or any equipment maintained by it to any person for any purpose that appears to the Chief Officer to be appropriate.
- (3) When services are provided under subsection (2), the Chief Officer may require that the person to whom they are provided pay such amount as the Chief Officer considers appropriate.

### **5. Fire safety inspections**

- (1) A fire officer may, either on their own initiative or at the request of the Area Officer, inspect for the purpose of fire safety—
  - (a) the plans of a proposed new building or a proposed alteration to an existing building;
  - (b) a new building or alteration, on or before completion of the proposed work;
  - (c) an existing building, other than a private dwelling.
- (2) The Administrator may make regulations to prescribe certain categories of building which must be inspected by a fire officer for the purpose of fire safety.
- (3) A person must not obstruct a fire officer conducting an inspection under this section.
- (4) A person must comply with any recommendations made for the purpose of fire safety following an inspection under this section.
- (5) A person who contravenes subsection (3) or (4) commits an offence and is liable to a fine of €341.
- (6) The Court before which a charge has been brought against a person for an offence under subsection (5) may order the suspension of any further work in relation to the construction, re-construction, alteration or operation of the building in question until the final determination of the case.

## **6. Obtaining information and investigating fires**

- (1) A fire officer may at any reasonable time enter property—
  - (a) for the purpose of obtaining information needed for the discharge of the Chief Officer's duty under section 3(2)(d), or
  - (b) if there has been a fire on the property, for the purpose of investigating what caused the fire and why it progressed as it did.
- (2) A fire officer must not under subsection (1)—
  - (a) enter property by force, or
  - (b) demand admission to a private dwelling unless 24 hours' notice in writing has first been given to the occupier of the dwelling.
- (3) A fire officer must not under subsection (1)(b) enter property in which there has been a fire if—
  - (a) the property is unoccupied, and
  - (b) the property was occupied as a private dwelling immediately before the fire, unless 24 hours' notice in writing has first been given to the person who was the occupier of the dwelling immediately before the fire.
- (4) On an application by a fire officer, the Court may issue a warrant authorising the Fire Service to enter property by force at any reasonable time, if it is satisfied that—
  - (a) it is necessary for the fire officer to enter the property for the purpose of subsection (1), and
  - (b) the fire officer is unable to do so, or is likely to be unable to do so, otherwise than by force.
- (5) If, on an application by a fire officer, the Court is satisfied that it is necessary for the Fire Service to enter a private dwelling for the purposes of subsection (1) without giving notice, the Court may issue a warrant authorising them to enter the dwelling at any time (by force if necessary).
- (6) A fire officer exercising a power of entry under this section must, if requested by the owner or occupier of the property, produce a form of identification showing that they are a fire officer and any warrant issued under subsection (4) or (5)—
  - (a) before entering the property, or
  - (b) if that is impracticable, at any time before leaving the property.

## **7. Supplementary powers when entering property under section 6**

- (1) If a fire officer exercises a power of entry under section 6(1)(a) or (b), they may—
  - (a) take with them any other persons, and any equipment, that they consider necessary;
  - (b) require any person present at the property to provide them with any facilities, information, documents or records, or other assistance, that the fire officer may reasonably request.
- (2) If a fire officer exercises a power of entry under section 6(1)(b), they may—
  - (a) inspect and copy any documents or records at the property or remove them from the property;
  - (b) carry out any inspections, measurements and tests in relation to the property, or to an article or substance found on the property, that they consider necessary;
  - (c) take samples of an article or substance found on the property, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation;
  - (d) dismantle an article found on the property, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation;
  - (e) take possession of an article or substance found on the property and detain it for as long as is necessary for any of these purposes—

- (i) to examine it and do anything they have power to do under paragraph (b) or (d);
  - (ii) to ensure that it is not tampered with before their examination of it is completed;
  - (iii) to ensure that it is available for use as evidence in proceedings for an offence relevant to the investigation.
- (3) If a fire officer exercises the power in subsection (2)(c) they must—
  - (a) leave a notice at the property (either with the owner or occupier or, if that is impracticable, fixed in a prominent position) giving particulars of the article or substance and stating that they have taken a sample of it, and
  - (b) if it is practicable to do so, give to the owner or occupier at the premises a portion of the sample marked in a manner sufficient to identify it.
- (4) If a fire officer exercises the power in subsection (2)(e) they must leave a notice at the premises (either with the owner or occupier or, if that is impracticable, fixed in a prominent position) giving particulars of the article or substance and stating that they have taken possession of it.
- (5) If, in the exercise of any power under section 6 or this section, a fire officer enters property which is unoccupied, or from which the occupier is temporarily absent, they must on their departure leave the property as effectively secured against unauthorised entry as they found it.
- (6) A person commits an offence and is liable to a fine of €341, if without reasonable excuse—
  - (a) they obstruct the exercise of any power under section 6 or this section, or
  - (b) they fail to comply with any requirement under subsection (1)(b).

## **8. Fire-fighting powers**

- (1) If a fire officer or police officer reasonably believes a fire to have broken out or to be about to break out, they may do anything they reasonably believe to be necessary for fire-fighting purposes.
- (2) In particular, in exercising their powers under subsection (1), a fire officer or police officer may enter any property, by force if necessary, without the consent of the owner or occupier.
- (3) The senior fire officer is to have sole charge and control of all aspects of any fire-fighting operation, including—
  - (a) the determination of the position of equipment;
  - (b) the use of any water supply or the attachment of hose to any water pipes; and
  - (c) the selection of the places or objects at which water is to be directed for fire-fighting purposes.
- (4) The senior fire officer, if they consider it necessary or desirable for fire-fighting purposes, may close any street or stop or regulate the traffic in any street.
- (5) A person must not intentionally obstruct or interfere with a fire officer engaged in a fire-fighting operation or any equipment being used by them.
- (6) A person who contravenes subsection (5) commits an offence and is liable to imprisonment for 12 months or a fine of €1,708 or both.

## **9. Fire hydrants**

- (1) A water supplier must comply with any request from the Chief Fire Officer to install fire hydrants at specified points in their water supply network, and must maintain and replace such hydrants as necessary to keep them in good working order.
- (2) The expenses incurred by a water supplier in complying with a request under subsection (1) are to be borne as follows—
  - (a) if the hydrant is in land which has been laid out or divided into plots in accordance with a licence granted under the Streets and Buildings Regulation

(Consolidation) Ordinance 1984, the expenses are to be borne by the person holding that licence;

- (b) if the hydrant is in land other than that described in paragraph (a), the expenses are to be borne by the Administration.
- (3) The Chief Fire Officer may install manholes in order to access fire hydrants on the water supply network, together with markers to allow such hydrants to be easily identified.
- (4) A person must not interfere with, or obstruct the use of, any fire hydrant, manhole or marker.
- (5) A person who contravenes subsection (4) commits an offence and is liable to imprisonment for 12 months or a fine of €1,708 or both.

#### **10. Notice of works affecting water supply**

- (1) If a water supplier intends to lay a new water supply network or extend an existing network, they must give at least 6 weeks' notice in writing to the Chief Fire Officer and provide a plan of the new network or extension.
- (2) If it is not practicable for a person to give notice as required by subsection (1), they are to be regarded as having given the notice required by that subsection if they give notice as soon as practicable.

#### **11. Obligation to increase water supply and pressure**

- (1) If the senior fire officer requests a water supplier to provide a supply and pressure of water for fire-fighting purposes that is greater than the supplier would otherwise provide, the supplier must take all necessary steps in order to do so.
- (2) For the purpose of complying with their obligation under subsection (1) a water supplier may shut off the water from the mains and pipes in any area.
- (3) Neither the senior fire officer nor any other person is liable to any penalty or claim arising because of anything done by a water supplier in complying with their obligation under subsection (1).

#### **12. Use of water supply**

- (1) A fire officer may use any suitable supply of water for fire-fighting purposes.
- (2) A person must not refuse consent to, or obstruct, the use of water under subsection (1).
- (3) If water is taken under subsection (1) from an irrigation division, irrigation association or private individual, the Administration must on request pay reasonable compensation for the water used.
- (4) Subsection (3) does not apply to water taken from a person who is obliged, by the conditions of a building permit or other licence relating to a business, to provide water to the Fire Service for the purpose of extinguishing a fire in the business premises.

#### **13. False alarms**

- (1) A person must not knowingly give, or cause to be given, a false fire alarm to the Fire Service.
- (2) A person who contravenes subsection (1) commits an offence and is liable to imprisonment for 3 months or a fine of €854 or both.

#### **14. Insurance against fire damage**

Any damage caused by a fire officer, or by any person acting under the instructions of the senior fire officer, in the execution of their duty at the scene of a fire or a place threatened by fire is to be deemed as damage caused by the fire for the purpose of any insurance policy against such damage.

#### **15. Regulations**

The Administrator may make regulations in respect of any matter for which this Ordinance provides and more generally for the better implementation of this Ordinance.

## **16. Liability of officers of a body corporate**

Where an offence contrary to this Ordinance is committed by a body corporate and it is proved that it is committed with the consent, connivance or approval of, or that its commission has been facilitated by the negligence of, any director, secretary or any other individual having similar responsibilities in relation to the body corporate, such director, secretary or other individual also commits a like offence and is liable to the same penalty.

## **17. Delegation to the Republic**

- (1) The function placed on the Chief Officer by section 3 is a modified qualified delegated function for the purposes of the Delegation of Functions to the Republic Ordinance 2007(d) (“the 2007 Ordinance”).
- (2) The function placed on the Area Officer by section 5(1) is a general delegated function for the purposes of the 2007 Ordinance.
- (3) The functions placed on the Administration, Chief Officer, Chief Fire Officer, senior fire officer and fire officers by sections 4, 5, 8, 9, 11 and 12 are modified general delegated functions for the purposes of the 2007 Ordinance.
- (4) The modifications applicable to delegation under subsections (1) and (3) are that—
  - (a) if an officer of the Areas carries out a function under sections 8(1), 8(2) or 12 of this Ordinance, sections 13(2) to (4) of the 2007 Ordinance do not apply and the following applies instead—
    - (i) the carrying out of a delegated function by an officer of the Areas does not deprive an officer of the Republic of the right to carry out that function, and the officers may carry out the function jointly;
    - (ii) an officer of the Areas may deprive an officer of the Republic of the right to carry out a delegated function for as long as, and in the respects in which, the officer of the Areas carries it out, by informing the officer of the Republic to that effect;
  - (b) if an officer of the Republic wishes to carry out a delegated function under section 8 or 12 of this Ordinance, any authorisation required by section 15 or 16 of the 2007 Ordinance may be given orally by the Chief Fire Officer, who may impose conditions or restrictions on the authorisation; and
  - (c) section 17 of the 2007 Ordinance does not apply in respect of any member of the police force of the Republic who is also a member of the Fire Service of the Republic.

## **18. Application to the Crown**

- (1) This Ordinance does not bind the Crown except insofar as its provisions expressly impose duties on the Administration, the Chief Officer and fire officers.
- (2) For the purposes of this section, “the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas.

## **19. Repeal and revocation**

- (1) The Fire Services Ordinance 1968(e) is repealed.
- (2) The Fire Services (Establishment of Senior Fire Officers) Regulations 1978(f) are revoked.

## **20. Amendment of Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006**

- (1) Section 2(1) (Interpretation) of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006(g) (“the 2006 Ordinance”) is amended by inserting the following definition in the appropriate alphabetical place—

““Fire Service” has the same meaning as in the Fire Service Ordinance 2010 except that it also includes the Fire Service of the Republic;”.

- (2) Section 4B (Exemption for fire, ambulance and Crown vehicles) of the 2006 Ordinance is amended by—
- (a) revoking paragraph (a) and replacing it with the following—  
“(a) by the Fire Service;” and
  - (b) inserting a new paragraph as follows—  
“(d) a police vehicle.”.

## **21. Commencement**

This Ordinance comes into force on the day it is published in the Gazette.

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### **Notes**

- (a) Ordinance 7/84.
- (b) Cap. 115, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (c) Cap. 342, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).
- (d) Ordinance 17/07.
- (e) Ordinance 1/68.
- (f) Public Instrument 5/78.
- (g) Ordinance 5/06. Section 4B was inserted by Ordinance 24/08.

## EXPLANATORY NOTE

**(This note does not form part of the Ordinance)**

### Introduction

1. This explanatory note relates to the Fire Service Ordinance 2010 (“the Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

### Particular points

3. The Ordinance repeals and replaces the Fire Services Ordinance 1968 and the Fire Services (Establishment of Senior Fire Officers) Regulations 1978. It is intended broadly to replicate the effect of Part VII of the Republican Police Law 2004 (Law 73(I)/2004) (“the Republican law”).

4. The “Fire Service” in the Areas is defined as the Defence Fire Risk Management Organisation (“DFRMO”) or any successor (section 2). DFRMO is an organisation within the UK Ministry of Defence responsible for providing a fire service to Her Majesty’s Forces both in the UK and overseas. The Fire Service of the Republic and the SBA Police are no longer included in the definition of Fire Service, but are given specific powers where appropriate. Where the Fire Service of the Republic carries out functions in the Areas, this is done within the framework of the Delegation of Functions to the Republic Ordinance 2007 (“the 2007 Ordinance”).

5. The general responsibility for ensuring an adequate fire service in the Areas is placed on the Chief Officer (section 3). This is a modified qualified delegated function (section 17(1)), so it can be carried out in the Areas by the officer of the Republic who exercises equivalent functions, after consultation with the Chief Officer.

6. The Ordinance gives fire officers new building inspection powers. Section 5 broadly replicates the effect of the equivalent provisions in the Republican law, providing fire officers with a power to carry out inspections for the purpose of ensuring fire safety. Such inspections can be carried out either on a fire officer’s own initiative or at the request of the Area Officer. The Area Officer’s function is a general delegated function (section 17(2)) and the fire officers’ function is a modified general delegated function (section 17(3)). The practical effect of this is that requests can be made by the relevant District Office of the Republic and inspections can be carried out by the Fire Service of the Republic.

7. Sections 6 and 7 provide for additional inspection powers for the purposes of obtaining information needed for fire-fighting purposes under section 3(2)(d) and investigating the cause of fires. These powers are not delegated, so are only exercisable by DFRMO officers. It is an offence to obstruct a fire officer conducting an inspection under either section (section 7(6)).

8. Both fire officers and police officers are given power to do anything they reasonably believe necessary to fight a fire, including forcibly entering property without the consent of the owner or occupier (section 8). A fire officer may use any suitable supply of water in order to fight a fire (section 12). The powers of fire officers, but not police officers, under these sections are modified general delegated functions (section 17(3)) so can be exercised in the Areas by Republican fire officers. It is an offence to obstruct or interfere with a fire officer engaged in fire-fighting or any equipment being used by them (section 8(6)), or to refuse consent to or obstruct the use of water (section 12(2)).

9. New duties are placed on water suppliers with regard to installing fire hydrants on the water supply network (section 9), informing the Chief Fire Officer of any changes to the network (section 10) and providing an increased supply and pressure of water if so requested for the purpose of fire-fighting (section 11). The functions created by sections 9 and 11 are modified general delegated functions (section 17(3)), so can be carried out by Republican fire officers. It is an offence to interfere with a fire hydrant, manhole or marker (section 9(4)).

10. It is an offence to knowingly give, or cause to be given, a false fire alarm (section 13).

11. Section 17 provides for the delegation of certain functions within the meaning of the 2007 Ordinance. The key practical effects of this have already been highlighted above. Delegated functions are ones which may be carried out in the Areas by an officer of the Republic on whom

a corresponding function is placed under Republican law. The 2007 Ordinance sets out the effects and limits of delegation. However, in relation to functions delegated by section 17(1) and (3), the effects of the 2007 Ordinance are modified in the way set out in section 17(4).

12. Section 17(4)(a) disapplies s13(2) of the 2007 Ordinance (which provides that a RoC officer will be deprived of their right to carry out a function in the event that an SBA officer exercises the same function) with respect to the fire-fighting powers in s8(1), 8(2) and 12. This ensures that both DFRMO and Republican fire officers have powers to fight a fire jointly (although the DFRMO officer does retain the right to deprive the RoC officer of their powers). Section 17(4)(b) varies sections 15 and 16 of the 2007 Ordinance (exempted matters and exempted entry rights) so that RoC fire officers can carry out fire-fighting functions on Crown land upon oral authorisation from the Chief Fire Officer rather than written authorisation from the Chief Officer. Section 17(4)(c) disapplies section 17 of the 2007 Ordinance (which prevents the delegation of functions to Republican police officers) because the Fire Service of the Republic is part of the police force of the Republic.

13. A summary of the way in which functions are delegated by section 17 is set out in the following table:

<b>Section</b>	<b>Function placed on</b>	<b>General or qualified delegation?</b>	<b>Modified by</b>
3 (duties of Chief Officer)	Chief Officer	qualified	17(4)(c)
4 (ancillary powers of Chief Officer)	Chief Officer	general	17(4)(c)
5(1) (fire safety inspections)	Area Officer	general	/
5 (fire safety inspections)	fire officer	general	17(4)(c)
8(1) or (2) (fire-fighting powers)	fire officer	general	17(4)(a), (b) & (c)
8 (fire-fighting powers)	senior fire officer	general	17(4)(b) & (c)
9 (fire hydrants)	Chief Fire Officer, Administration	general	17(4)(c)
11 (obligation to increase water supply and pressure)	senior fire officer	general	17(4)(c)
12 (use of water supply)	fire officer, Administration	general	17(4)(a), (b) & (c)

14. Section 20 makes minor technical amendments to the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006 as a consequence of the new definition of “Fire Service” in the Ordinance.

