

Ordinance 17 of 2015

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FIRE SERVICE (AMENDMENT) ORDINANCE 2015

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FIRE SERVICE (AMENDMENT) ORDINANCE 2015

An Ordinance to amend the Fire Service Ordinance 2010

**M. Wigston
ADMINISTRATOR**

13 December 2015

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

Short title

1. This Ordinance may be cited as the Fire Service (Amendment) Ordinance 2015.

Commencement

2.—(1) Subject to subsection (2), this Ordinance comes into force on 1 January 2016.

(2) The following provisions come into force on the day appointed by the Chief Officer by order made as a public instrument—

- (a) section 5(3) (substitution of the definition of Chief Fire Officer in section 2 (interpretation) of the principal Ordinance);
- (b) section 7, in so far as it inserts new section 3A (appointment of Chief Fire Officer) of the principal Ordinance.

Interpretation

3. In this Ordinance, the principal Ordinance means the Fire Service Ordinance 2010(a).

Amendment to Fire Service Ordinance 2010

4. The principal Ordinance is amended in accordance with sections 5 to 10.

Amendment to section 2 (interpretation)

5.—(1) Section 2 is amended as follows.

(2) Insert in the appropriate alphabetical places—

““Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration in the Areas;”;

““emergency services” means ambulance services, fire services and police services;”.

(3) For the definition of “Chief Fire Officer” substitute—

“Chief Fire Officer” means the Chief Fire Officer of the Areas(b) appointed under section 3A(1);”.

(a) Ordinance 4/2010.

(b) “Areas” is defined in Schedule 1 of the Interpretation Ordinance 2012 (Ordinance 8/2012) as the Sovereign Base Areas.

(4) In the definition of “Fire Service” after “or its successor” add “, and which may include a body corporate contracted by the Crown to exercise the functions of the Fire Service”.

Substitution of section 3

6. For section 3 (including the heading) substitute the following section—

“Functions of Fire Service

- 3.—(1)** The Fire Service has the functions of—
- (a) preventing and extinguishing fires;
 - (b) protecting life and property in the event of fire;
 - (c) promoting fire safety;
 - (d) supporting other emergency services on the island of Cyprus, both in and outside the Areas, in accordance with arrangements made by the Administrator.
- (2)** Without limiting the generality of subsection (1)(d), support may include—
- (a) the functions specified in subsection (1)(a) to (c);
 - (b) rescue and protection in the event of—
 - (i) road traffic incidents;
 - (ii) maritime incidents;
 - (iii) the collapse of a building, tunnel or other structure;
 - (iv) an emergency.
- (3)** In this section “emergency” means an event or situation that causes or is likely to cause—
- (a) one or more individuals to die, be seriously injured or become seriously ill; or
 - (b) serious harm to the environment (including the life and health of plants and animals).”.

Insertion of sections 3A and 3B

7. After section 3, as substituted, insert the following sections—

“Appointment of Chief Fire Officer

- 3A.—(1)** The Administrator must appoint a Chief Fire Officer with the concurrence of the Fire Service.
- (2)** If the Administrator directs it to do so, the Fire Service must remove or suspend the Chief Fire Officer.
- (3)** Before making a direction under subsection (2), the Administrator must consult the Fire Service.
- (4)** The Chief Fire Officer is accountable to the Administrator for the organisation and administration of the Fire Service, and for the efficient administration and government of the Service, subject to any order or direction of the Administrator.

Duties of the Chief Fire Officer

- 3B.—(1)** The Chief Fire Officer must—
- (a) prepare, for the Administrator, a business plan for the Fire Service which identifies outcomes by which the objectives in the plan may be measured;
 - (b) provide advice to the Administrator, on the Chief Fire Officer’s own initiative and on request, on fire prevention, fire safety and other fire related matters, including

in connection with the policy on the development of immovable property and the consideration of applications for permits for development and building made under any legislation;

- (c) liaise with other emergency services on the island of Cyprus and in the United Kingdom for the purpose of the effective discharge of the functions of the Fire Service.

(2) The Chief Fire Officer must ensure there is appropriate and adequate provision for—

- (a) such fire stations and equipment as are necessary to efficiently meet all normal requirements;
- (b) the training of all Fire Service personnel;
- (c) dealing with calls for help and for summoning Fire Service personnel and other persons who may be required for fire-fighting purposes;
- (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) supporting other emergency services on the island of Cyprus;
- (g) the protection of all persons engaged in fire fighting duties under the command of a senior fire officer;
- (h) the conduct of fire safety inspections under section 5 and the preparation of reports of the inspections; and
- (j) the engagement with residents of the Areas, on request and at the initiative of fire officers, to promote fire safety, including the provision of advice on—
 - (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.

(3) In this section, “immovable property” has the meaning given in section 2 of the Immovable Property (Tenure, Registration and Valuation) Ordinance (a).”.

Amendment to section 6 (obtaining information and investigating fires)

8.—(1) Section 6 is amended as follows.

(2) In subsection (1)(a) for “Chief Officer’s duty under section 3(2)(d)” substitute “Chief Fire Officer’s duty under section 3B(2)(d)”.

Amendment to section 17 (delegation to the Republic)

9.—(1) Section 17 is amended as follows.

(2) Subsection (1) is omitted.

(3) In subsection (4) for “subsections (1) and (3)” substitute “subsection (3)”.

(4) After subsection (4) add—

“(5) In this section, “the 2007 Ordinance” means the Delegation of Functions to the Republic Ordinance 2007(b).”.

(a) Cap 224, Laws of Cyprus 1959 ed. Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (UK S.I. 1960/1369). Schedule 2 to the Interpretation Ordinance 2012 (Ord. 8/2012) provides for the interpretation of such legislation.

(b) Ordinance 17/2007, amended by the Interpretation Ordinance 2012 (8/2012).

Substitution of section 18 (application to the Crown)

10. For section 18 (excluding the heading) substitute the following section—

“18. This Ordinance does not bind the Crown, except in so far as its provisions expressly impose a duty on the Administration or a public officer.”.

Transitory provision

11.—(1) Until the relevant date, in section 3(1), as substituted by this Ordinance, for “The Fire Service has the functions of” substitute “The Chief Officer must make provision in the Areas for the purposes of”.

(2) In this section, “relevant date” means the date appointed by the Chief Officer under section 2(2)(b) of this Ordinance.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Fire Service (Amendment) Ordinance 2015 (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. This 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.
3. The Ordinance amends the Fire Service Ordinance 2010 (the “principal Ordinance”). The amendments give statutory effect to arrangements in place for the management and discharge of the functions of the Fire Service in the Areas, by placing these functions on the Chief Fire Officer.
4. Section 6 substitutes section 3 of the principal Ordinance. It sets out the functions of the Fire Service. As well as functions relating to fire-fighting it has the functions of supporting other emergency services on the island of Cyprus (both in and outside the Areas) in accordance with arrangements made by the Administrator. As well as fire-fighting, the support may include rescue and protection in the event of road traffic incidents, maritime incidents, the collapse of buildings, tunnels and other structures and other emergencies. (In an amendment to section 2 of the principal Ordinance, made by section 5, emergency services are defined as ambulance, fire and police services.)
5. Section 7 inserts new section 3A and 3B in the principal Ordinance. Section 3A requires the Administrator to appoint a Chief Fire Officer, with the concurrence of the Fire Service. The Fire Service must remove or suspend the Chief Fire Officer if so directed by the Administrator, but before making a direction the Administrator must consult the Fire Service. The Chief Fire Officer is accountable to the Administrator. This section comes into force on a day appointed by the Chief Officer (section 2(2)(a)).
6. Section 3B sets out the duties of the Chief Fire Officer. These include a requirement for the preparation of an annual business plan for the Administrator, the provision of advice relating to fire prevention measures etc., liaison with other emergency services on the island of Cyprus and fire services in the UK, and ensuring there is provision for the Fire Service to discharge its functions related to fire-fighting.
7. Sections 8, 9 and 10 make minor consequential amendments, and section 11 a transitory provision.

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