

ACT 537

GHANA NATIONAL FIRE SERVICE ACT, 1997

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Establishment of the Ghana National Fire Service

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ACT 537

GHANA NATIONAL FIRE SERVICE ACT, 1997

AN ACT to re-establish the National Fire Service; to provide for the management of undesired fires and to make provision for related matters.

Establishment of the Ghana National Fire Service

1. Establishment of the Ghana National Fire Service

In accordance with article 190 of the Constitution there is established a Ghana National Fire Service.

2. Membership of the Service and scope of Act

(1) The Service consists of

- (a) personnel enlisted in the National Fire Service in existence immediately before the commencement of this Act, and
- (b) any other persons enlisted in the Service.

(2) The Chief Fire Officer shall assume command of any fire fighting institution in the country during a national emergency or disaster.

3. Objective of Service

The objective of the Service is to prevent and manage undesired fire.

4. Functions of the Service

For the purpose of achieving its objective, the Service shall

- (a) organise public fire education programmes to
 - (i) create and sustain awareness of the hazards of fire, and
 - (ii) heighten the role of the individual in the prevention of fire;
- (b) provide technical advice for building plans in respect of machinery and structural layouts to facilitate escape from fire, rescue operations and fire management;

1. This Act was assented to on 29th August, 1997 and notified in the *Gazette* on 5th September 1997.

- (c) inspect and offer technical advice on fire extinguishers;
- (d) co-ordinate and advise on the training of personnel in fire fighting departments of institutions in the country;
- (e) train and organise fire volunteer squads at community level;
- (j) offer rescue and evacuation services to those trapped by fire or in any other emergency situations, and
- (g) undertake any other function incidental to the objective of the Service.

5. Fire Service Council

- (1) The governing body of the Service is the National Fire Service Council.
- (2) The Council consists of
 - (a) the chairman,
 - (b) the Chief Fire Officer,
 - (c) one representative of the Ministry of Works and Housing not below the rank of Director,
 - (d) one representative of the Attorney-General's Department not below the rank of Senior State Attorney,
 - (e) one representative of the Minister not below the rank of Director,
 - (f) one representative of the Minister responsible for Roads and Transport not below the rank of Director,
 - (g) one representative of the Minister responsible for Employment and Social Welfare not below the rank of Director,
 - (h) two members of the Service, nominated by the Chief Fire Officer one of whom is of a junior rank, and
 - (i) two other persons one of whom is a woman.
- (3) The members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.
- (4) The Minister shall, acting in consultation with the Chief Fire Officer, designate an officer not below the rank of assistant chief fire officer as secretary to the Council.
- (5) The secretary to the Council shall arrange the business of the Council, record and keep the minutes of Council meetings and perform the administrative functions determined by the Council.

6. Functions of the Council

The Council shall

- (a) advise the Minister on the formulation of policies; ensure the
- (b) implementation of the functions of the Service; direct the
- (c) administration of the Service;
- (d) determine the type of equipment to be purchased and specifications of equipment for the Service;

- (e) be responsible for determining recruitment, selection, training and promotion of personnel of the Service; and
- (j) perform any other functions for the purpose of achieving the objective of the Service.

7. Tenure of office of the members of the Council

(1) The members of the Council shall hold office for four years and are eligible for re-appointment.

(2) A member of the Council may resign from office in writing addressed to the President through the Minister.

(3) Where the office of a member of the Council becomes vacant before the expiration of the term of office either by resignation or any other cause, the Minister shall notify the President of the occurrence of the event and the President shall, acting in consultation with the Council of State, appoint another person to hold office for the unexpired portion of the term of office.

(4) Where it appears to the President on the recommendation of the Minister that a member of the Council is incapacitated by absence from Ghana or illness or any other sufficient cause from performing the functions of office, the President shall appoint another person to hold office until the time that the President is satisfied that the incapacity of that person has terminated or until the term of the member expires whichever first occurs.

(5) A member of the Council other than an ex-officio member who is absent from three consecutive meetings of the Council without sufficient cause shall cease to be a member.

8. Allowances of members

Members of the Council, co-opted members and members of the committees of the Council shall be paid the allowances determined by the Minister in consultation with the Minister responsible for Finance.

9. Meetings of the Council

(1) The Council shall meet at least once in every three months for the dispatch of business at the times and in the places that the chairman may determine.

(2) The chairman shall on the request of not less than one-third of the membership convene a special meeting of the Council.

(3) The quorum at a meeting of the Council is five members including the Chief Fire Officer.

(4) The chairman shall preside at the meeting of the Council and in the absence of the chairman a member of the Council elected by the members present and voting from among their number may preside.

(5) Questions before the Council shall be decided by the majority of the members present and voting and in the event of equality of votes the chairman or person presiding shall have a casting vote.

(6) The Council may co-opt a person to attend any of its meetings but a co-opted person is not entitled to vote at the meeting.

(7) The validity of the proceedings of the Council shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(8) A member of the Council who has an interest in a contract or any other transaction proposed to be entered into with the Service shall disclose in writing to the Council the nature of the interest and is disqualified from participating in the deliberation of the Council in respect of the contract or that other transaction.

(9) A member of the Council who infringes subsection (8) shall be removed from the Council.

(10) Except as otherwise provided under this Act, the Council shall determine and regulate the procedure for its meetings.

10. Committees of the Council

The Council may for the performance of its functions appoint committees of the Council consisting of members or non-members or both and may assign to a committee any of its functions but a committee composed exclusively of non-members may only advise the Council.

11. Establishment of the fire service technical advisory committee

- (1) Without limiting the effect of section 10, there is hereby established a fire service technical advisory committee.
- (2) The technical committee consists of
 - (a) the Chief Fire Officer as the chairman,
 - (b) the head of the Armed Forces Fire Service,
 - (c) the head of the Tema Oil Refinery fire unit,
 - (d) the head of the V ALCO fire unit,
 - (e) the head of the Civil Aviation fire department,
 - (f) the head of the Ports and Harbours fire department,
 - (g) one representative of the Volta River Authority,
 - (h) one representative of the Ghana Water and Sewerage Corporation,
 - (i) one representative of the Ghana Chamber of Mines,
 - (j) one representative of the Electricity Company of Ghana,
 - (k) one representative of the Insurance industry, and
 - (l) two other persons appointed by the Council.

12. Functions of the technical committee

The technical committee shall, subject to the directives given by the Council,

- (a) co-ordinate and ensure a uniform training programme for the Service;

- (b) be responsible for the standardisation of fire fighting equipment for fire fighting units, departments and organisations in the country;
- (c) prepare a national fire safety programme and provide a common fire fighting strategy;
- (d) ensure that fire fighting and fire protection equipment imported into the country or manufactured locally conform to specifications determined by the Council; and
- (e) perform any other functions assigned by the Council.

13. Establishment of regional fire service committees

(1) A regional fire service committee shall be established in each Region which shall consist of

- (a) the Regional Minister or the representative of the Region as the chairman,
- (b) the Regional Fire Officer,
- (c) one representative of the Regional Co-ordinating Council,
- (d) one representative of the Attorney-General's Department not below the rank of State Attorney,
- (e) the regional head of the Ghana Water and Sewerage Corporation or the representative of the head,
- (f) the regional head or a representative of the Electricity Company of Ghana or the Volta River Authority where there is no regional head of the Electricity Company of Ghana in the Region, and
- (g) one representative of the Regional House of Chiefs.

(2) The Regional Co-ordinating Director of the Region is the secretary to the regional fire service committee.

14. Functions of the regional fire service committee

A regional fire service committee shall advise the Council on a matter relating to the functions of the Service in its respective Region.

(1) A district fire service committee shall be established in each district which shall consist of

- (a) the District Chief Executive or the representative of the District Chief Executive as the chairman Executive as the chairman,
- (b) the district fire officer,
- (c) one representative of the Ghana Water and Sewerage Corporation,
- (d) one representative of the Electricity Company of Ghana or the Volta River Authority where appropriate,
- (e) one representative of the Traditional Council, and

(f) two other persons appointed by the District Assembly one of whom is a woman

(2) The district co-ordinating director shall be the secretary to the district fire service committee.

16. Functions of a district fire service committee

A district fire service committee shall,

- (a) advise the regional fire service committee on a matter relating to the functions of the service in its district, and
- (b) determine complaints related to the issue of fire certificates under this Act and the Regulations.

Administration of the Service

17. Headquarters and departments of the Service

- (1) The headquarters of the Service shall be in Accra.
- (2) The Service shall have the departments specified in the Schedule.
- (3) Despite subsection (2), the Council may create any other departments in the Service as it considers appropriate.
- (4) The Council shall determine the functions of the department.

18. Chief Fire Officer

- (1) There shall be appointed by the President in accordance with article 195 of the Constitution, a head of the Service who shall be designated the Chief Fire Officer.
- (2) The Chief Fire Officer shall hold office on the terms and conditions specified in the letter of appointment.
- (3) The Chief Fire Officer is responsible, subject to the general directions of the Council, for the efficient organisation and management of the Service and for the direction of its work.
- (4) The Chief Fire Officer may delegate any of the functions that the Chief Fire Officer may determine to an officer of the Service but is not relieved from the Ultimate responsibility for the performance of the delegated function.

19. Appointment of other officers and staff of the Service

- (1) The Service shall have the other officers and staff as are necessary for the proper and effective performance of its functions.
- (2) The officers and staff of the Service shall perform the functions that the Chief Fire Officer may assign to them.
- (3) The President shall in accordance with article 195 of the Constitution, appoint the officers and staff that the Council may require for the Service.

(4) The President may in accordance with article 195 (2) of the Constitution delegate the power of appointment of public officers under this Act.

(5) The Council may engage the services of consultants and advisers on the recommendation of the Chief Fire Officer.

20. Transfer and secondment of staff

(1) Officers and staff may be transferred or seconded from a public service to the Service.

(2) The Minister shall approve the transfer or secondment to the Service.

Financial and Miscellaneous Provisions

21. Funds, expenses of the Service

Parliament shall provide the Service with funds for its operational and administrative expenses and the Service may receive moneys from other sources approved by the Minister responsible for Finance.

22. Fire Safety Fund

(1) There is hereby established a Fire Safety Fund.

(2) The Fund shall be used to finance fire safety programmes in the country.

(3) The moneys for the Fund shall consist of

(a) the moneys provided by Parliament,

(b) gifts, and

(c) any other moneys that may become available to the Service for the Fund.

(4) The Fund shall be managed by the Council.

(5) Withdrawals from the Fund are subject to the approval of the Minister.

(6) The provisions in sections 23 and 24 on the internal auditor, accounts and audit shall apply to the Fund.

23. Internal auditor

(1) There shall be appointed for the Service an internal auditor.

(2) The internal auditor shall carry out an internal audit of the Service every three months and shall submit the report to the Council.

(3) This section shall be read and construed as one with the Audit Agency Act, 2003 (Act 658), and where there is a conflict, that Act shall prevail.

24. Accounts and audit

(1) The Council shall keep books of accounts and proper records in relation to them in the form approved by the Auditor-General.

(2) The accounts of the Service shall be audited by the Auditor-General within three months after the end of each financial year.

(3) The financial year of the Service shall be the same as the financial year of the Government.

(4) The Chief Fire Officer shall prepare budget estimates for each financial year and present the estimates to the Council for its approval not later than two months before the end of the financial year to which the budget relates.

25. Annual report and other reports

(1) The Council shall as soon as possible after the end of each financial year but within six months after the end of the year submit to the Minister an annual report covering the activities and operations of the Service for the year to which the report relates.

(2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.

(3) The Council shall also submit to the Minister any other reports that the Minister may in writing require.

(4) The Minister shall within two months after the receipt of the annual report, submit the report to Parliament with a statement the Minister considers necessary.

26. Special powers

(1) The Chief Fire Officer or an authorised officer may

(a) break and enter into premises with or without the consent of the owner or occupier,

(i) where a fire has or is believed to have broken out, or

(ii) where it is necessary to enter premises to gain access to extinguish or deal with fire, or to save life and property; and

(b) do anything reasonably necessary on any premises to extinguish or deal with a fire.

(2) A member of the Service may for the purpose of dealing with or extinguishing fire, enter any building, marine premises or an aerodrome facility without the consent of the owner or occupier to

(a) use water or any other facility under the control of a person,

(b) improve access to water or any other facility, or

(c) maintain a hydrant or carry out any other work in connection with the use of a hydrant.

(3) The Chief Fire Officer or an authorised officer shall give notice where practicable of the intention to exercise any of the powers under this section.

(4) A member of the Service may arrest a person who starts a fire where the fire causes or is likely to cause damage to property or endanger life.

(5) The owner of property deployed to fight a fire is entitled to reasonable compensation from the Service for the use of that property and for damage caused by that use.

(6) The Chief Fire Officer or an authorised officer may at a reasonable time enter and inspect premises to ensure that the provisions of this Act and of the Regulations are complied with.

27. Pension

(1) At the commencement of this Act, the provisions of the Pensions and Social Security (Amendment) Decree, 1975 (S.M.C.D. 8) other than the provisions, which relate to the Pensions Ordinance (Cap. 30) shall cease to apply to a member of the Service.

(2) A member of the Service who before the commencement of this Act was required by

(a) the Pensions and Social Security (Amendment) Decree, 1975 (S.M.C.D. 8);
or

(b) the Social Security Act, 1991/

to contribute towards pension or to the Social Security Fund as a member of that Fund, shall cease to make that contribution.

(3) Despite subsection (2) an amount paid by or on behalf of a member of the Service under the Fire Service Act, 1963 (Act 219) as contribution towards that member's pension or to the Social Security Fund before the commencement of this Act shall be refunded

(a) when that member retires from the Service having reached the retirement age prescribed by law in respect of the Service, or

(b) when that member is dismissed or resigns from the Service, on reaching the age of superannuation as provided for in the Social Security Act, 1991³ subject to the Constitution.

(4) An amount payable to a member of the Service under subsection (3) of this section shall be paid to the estate if the member dies before the amount is paid to the member.

(5) Subject to subsection (1) of this section a member of the Service is eligible for pension and the Pension Act⁴ shall apply to him.

(6) A period of duty in the Service in respect of which a member of the Service has contributed to the Social Security Fund under section 1 of the Pensions and Social Security (Amendment) Decree, 1975 (S.M.C.D. 8) shall be deemed to be pensionable service for the purpose of computing the pension of that member.

28. Regulations

(1) The Minister on the advice of the Council and in consultation with the Minister responsible for Works and Housing may, by legislative instrument, make Regulations

(a) requiring premises to have fire fighting facilities, and

(b) on fire protection facilities to be provided by occupiers of premises.

2. P.N.D.C.L 247.

3. P.N.D.C.L 247.

4. Cap. 30 of the 1957 Edition of the Laws of the Gold Coast.

(2) The Minister on the advice of the Council may, by legislative instrument, make Regulations

- (a) on the issue of fire certificates;
- (b) on the code of discipline for members of the Service;
- (c) on any matter that falls within the scope of the functions of the Service; and
- (d) generally for carrying this Act into effect.

29. Transfer of assets and liabilities

(1) The assets, rights and properties vested in or held by the Service or a person on behalf of the National Fire Service under the Fire Service Act, 1963 (Act 219) are hereby vested in the Service established under this Act.

(2) The obligations and liabilities subsisting at the commencement of this Act in respect of the National Fire Service under the Fire Service Act, 1963 (Act 219) shall subsist in respect of the Service established under this Act.

30. Interpretation

In this Act, unless the context otherwise requires,

"**authorised officer**" means a member of the Service authorised by the Chief Fire Officer to perform a function under this Act;

"**chairman**" means the chairman of the Council;

"**Council**" means the National Fire Service Council;

"**district**" includes the area of authority of a District Assembly and of a municipality and metropolis;

"**District Assembly**" includes a Municipal and a Metropolitan Assembly;

"**tire**" means a fire which is undesired or accidental;

"**Fund**" means the Fire Safety Fund established by section 22;

"**Minister**" means the Minister responsible for the Interior;

"**Region**" means a Region of Ghana;

"**Regulations**" means Regulations made with this Act;

"**Service**" means the National Fire Service established in accordance with article 190 of the Constitution;

"**technical committee**" means the Technical Advisory Committee established under section 11.

31. Effect of other enactments

Despite anything contained in this Act or in the Regulations,

- (a) the Criminal Offences Act, 1960 (Act 29) or any other enactment which relates to property damage or offences against the person or property, and

- (b) the functions of members of the Police Service or District Assemblies in relation to fire, shall not be affected by the provisions of this Act.

32. Exemption for acts done by officers

Subject to the Constitution an officer of the Service shall not be found liable for an act done in the performance or intended performance of a function under this Act.

33. Repeal and savings

(1) The following enactments are hereby repealed:

(a) the Fire Service Act, 1963 (Act 219); and

(b) sections 31, 32 and 33 of the Factories, Offices and Shops Act, 1970 (Act 328) which relate to fire safety in a factory, office or shop except that this repeal shall become operative on a date to be specified by legislative instrument under the hand of the Minister.

(2) Despite the repeal in paragraph (a) of subsection (1) of this section,

(a) any regulation, by-law or other instrument made under that enactment and in force immediately before the commencement of this Act shall continue in force until amended or revoked under this Act; and

(b) any appointments made under that enactment and in force immediately before the commencement of this Act are hereby saved and shall remain valid a& if made under this Act until terminated or otherwise dealt with under this Act.

SCHEDULE

[Section 17 (2)]

Departments

1. Administration.
2. Operations.
3. Training.
4. Logistics.