



MONTSERRAT

CHAPTER 10.06

FIRE AND RESCUE SERVICE ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

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CHAPTER 10.06

FIRE AND RESCUE SERVICE ACT

(Acts 7 of 1999 and 9 of 2011)

AN ACT TO ESTABLISH A FIRE AND RESCUE SERVICE FOR MONTSERRAT.

Commencement

[10 November 1999]

Short title

1. This Act may be cited as the Fire and Rescue Service Act.

PART 1

PRELIMINARY

Interpretation

2. In this Act—

“**auxiliary fireman**” means an auxiliary fire officer or auxiliary firemen appointed by the Governor under section 9;

“**Chief Fire Officer**” means the Chief Fire Officer appointed under section 4;

“**Fire Officer**” means a member of the Fire and Rescue Service above the rank of fireman but below the rank of Deputy Chief Fire Officer;

“**fireman**” means a member of the Fire and Rescue Service below the rank of fire officer;

“**Inspector**” means a Fire Prevention Inspector appointed under section 5(2);

“**Service**” means the Fire and Rescue Service established by this Act.

PART 2

ESTABLISHMENT OF A FIRE AND RESCUE SERVICE

Establishment of a Fire and Rescue Service

3. There is hereby established a Service to be known as the Fire and Rescue Service for Montserrat (hereinafter referred to as “**the Service**”).

Composition of the Service

4. (1) The Service shall consist of—

- (a) the Commander of the Service who shall be responsible for the administration and overall command of the Service;
- (b) a Chief Fire Officer;
- (c) a Deputy Chief Fire Officer;
- (d) the number of fire officers and firemen that may be required for the purpose of this Act.

(2) If a public officer is not appointed to the post of Commander of the Service, the Commissioner of Police is to be the Commander of the Service.

(Substituted by Act 9 of 2011)

Chief Fire Officer responsibility

5. (1) The Chief Fire Officer has the command and superintendence of the Service and shall be responsible for its efficient administration and for the management of the public moneys appropriated for the conduct of its operation.

(2) The Chief Fire Officer shall from time to time and whenever the need arises, appoint members of the service to be Fire Prevention Inspectors for the purpose of this Act.

Particular responsibility

6. Without prejudice to the generality of the provisions of section 5, the Chief Fire Officer shall be responsible for—

- (a) the maintenance of discipline within the Service;
- (b) the maintenance in good working order of fire trucks, fire-fighting equipment, fire fighting apparatus and other appliances kept by the Service for fire fighting and emergency purposes;
- (c) ensuring by timely action, including presentation before the courts, that persons both within the Service and from the general public do not contravene the provisions of this Act; and
- (d) promoting such precautions as he thinks necessary to prevent fires and the destructive effect of fires and elimination of fire hazards.

Function of Deputy Chief Fire Officer

7. The Deputy Chief Fire Officer shall act as the principal assistant to the Chief Fire Officer in the performance of his duties under this Act and shall be responsible for the efficient administration of the Service during the absence or incapacity of the Chief Fire Officer and when authorised by him in that regard.

Duties of fire officers and firemen

8. The fire officers and firemen shall perform such duties as may be delegated to them by the Chief Fire Officer and all such other duties as devolve upon them under this Act and any regulations made under it.

Auxiliary firemen

9. The Service may be constituted of regular firemen and such number of auxiliary firemen as may be appointed by the Governor.

PART 3

APPOINTMENT AND DISCIPLINE

Appointment to the Service

10. (1) The Governor may appoint fit and proper persons to be members of the Service and may determine the duties to be performed by them.

(2) Members of the Service, other than auxiliary members, shall be public servants and the terms and conditions of their Service shall, where it is not specifically provided for by this Act or by regulations made under it be governed by the General Orders.

Eligibility for appointment

11. No person shall be eligible for appointment to the post of fire officer or fireman unless he is over eighteen years of age and in good physical and mental health and of good character.

Surrender of equipment on dismissal, suspension or reduction in rank

12. (1) Where any officer—

(a) is dismissed or has his services otherwise dispensed with, he shall deliver up to the Chief Fire Officer all such articles and equipment, other than clothing, which were issued to him as a member of the Service out of public funds and which he was not expressly authorised to retain;

(b) is suspended or reduced in rank, he shall deliver up all such articles as are not required by him in his new status and which were issued to him as a member of the Service out of public funds.

(2) Every member of the Service who contravenes the provisions of—

(a) subsection (1)(a) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1,000 and to imprisonment for six months;

- (b) subsection (1)(b) shall be liable to disciplinary action including a deduction of the value of such article from his wages.

Punishments for indiscipline

13. (1) Any fire officer or fireman who is guilty of—

- (a) insubordination;
- (b) wilful disobedience of lawful orders;
- (c) malingering; or
- (d) of disposing in any manner, losing, spoiling, damaging or appropriating for his own use any equipment including clothing issued to him as a member of the Service,

shall be liable to disciplinary action by the Chief Fire Officer.

(2) Any fire officer or fireman found guilty of an offence under subsection (1) by the Chief Fire Officer, may be—

- (a) suspended for a period of up to three months without pay;
- (b) reprimanded;
- (c) fined a sum of up to \$100, which fine shall be deducted from his wages.

(3) Any fire officer or fireman aggrieved by a decision of the Chief Fire Officer may appeal to the Commander in writing, and the Commander may confirm or reverse the finding of the Chief Fire Officer after he has informed himself of the facts which constituted the subject matter of the complaint and inquiry in the particular case.

(4) In exercising their functions under this section the Chief Fire Officer and the Commander shall act in accordance with any directions that may be given by the Governor.

Punishments for gross indiscipline

14. (1) Any fire officer or fireman who—

- (a) is found to be under the influence of any drug or any alcoholic beverage while on duty;
- (b) is absent from duty without leave;
- (c) wilfully disobeys any lawful order or any regulation under this Act;
- (d) conducts himself in such a manner as to disrupt the good order and discipline within the Service or to bring the Service into disrepute; or

- (e) conducts himself in such a manner when on active duty so that he endangers other members of the Service or members of the public,

shall be guilty of a disciplinary offence and liable to disciplinary action by the Commander on a complaint made to him by the Chief Fire Officer.

(2) Upon a complaint by the Chief Fire Officer of the commission of an offence under subsection (1) by a fire officer or a fireman, the Commander shall hear and determine the complaint and, if the offence is proved to his satisfaction, sentence the offender to an appropriate punishment under subsection (3).

(3) Any fire officer or fireman who is found guilty of an offence under subsection (1) shall be liable to—

- (a) dismissal from the Service;
- (b) reduction in rank or reduction of wages;
- (c) a fine not exceeding a weeks wages;
- (d) a severe reprimand or reprimand; or
- (e) any one or more of the punishments in paragraphs (b) to (d).

(4) Any member of the Service who absents himself without leave shall in any event not be entitled to his wages for the period of his absence.

(5) Any fire officer or firemen aggrieved by a decision of the Commander shall, within fourteen days of the notification in writing to him of the Commander's decision, appeal in writing, stating the specific grounds for his being aggrieved, to the Public Service Commission.

(6) Upon receipt by it of a timely appeal, the Public Service Commission shall call for the record of the relevant disciplinary proceedings and shall examine the same and shall recommend to the Deputy Governor whether it is satisfied that—

- (a) the proceedings were properly conducted and had reached a just conclusion and should be accepted; or
- (b) the proceedings were properly conducted but reached an unjustifiable conclusion which should be amended as suggested by the Public Service Commission; or
- (c) the proceedings were not properly conducted and its conclusions were unsupportable; or
- (d) the proceedings were properly conducted but that the punishment should be some other punishment than that imposed by the Commander.

(7) Upon receipt by him of the recommendations of the Public Service Commission, the Deputy Governor may—

- (a) accept the recommendations of the Public Service Commission and—

- (i) confirm the decision and sentence imposed by the Commander; or
- (ii) confirm the decision of the Commander but vary the punishment; or
- (iii) vary or reverse the decision of the Commander and vary the sentence or discharge the offender as the case may be;

or

- (b) not accept the recommendations of the Public Service Commission and yet act in accordance with paragraph (a)(i), (ii) or (iii).

(Amended by Act 9 of 2011)

PART 4

POWERS OF MEMBERS OF THE SERVICE

Member of service may enter premises to prevent or extinguish fire

15. Any member of the Service who is on duty may enter and, if necessary, break into any premises or place in which fire has or is reasonably believed to have broken out, or any premises or place it is necessary to enter for the purposes of extinguishing a fire or of protecting the premises or place from acts done for fire fighting purpose, without the consent of the owner or occupier thereof and may do all such things as he deems necessary for extinguishing the fire or for protecting any person or property from fire or for rescuing any person or property therein.

Fire officer in charge may destroy house to arrest spread of fire

16. (1) Upon the occurrence of a fire, the Chief Fire Officer or other member of the Service in charge at the scene of the fire is hereby empowered, if it appears to him to be necessary for the purpose of arresting the progress of the fire, to order any house or other building, paling or erection to be pulled down or otherwise destroyed, and he is also empowered to use any water in any tank, swimming pool, cistern or other vessel or receptacle in the neighbourhood of the fire.

(2) No actions for damages or compensation in respect of anything so done shall lie against the Chief Fire Officer or other member of the Service in charge at the scene of the fire or anyone acting on his authority.

Power to regulate traffic where necessary

17. The senior officer of the police service present at the scene of a fire or, in the absence of any such officer, the member of the Service in charge at the scene may close any street to traffic or stop or regulate the traffic in any street whenever, in the opinion of that officer or member of the Service

as the case may be, it is necessary or desirable to do so for fire fighting purposes. (*Amended by Act 9 of 2011*)

Power to take charge and organize fire fighting

18. In the event of a fire, the Chief Fire Officer or other member of the Service in charge at the scene of the fire may—

- (a) take command of other persons who volunteer their assistance;
- (b) remove or order any person to remove or request any member of the police service to remove, any other person who by his presence or otherwise interferes with or obstructs the operations of the Service; (*Amended by Act 9 of 2011*)
- (c) engage the services of any persons to aid in extinguishing any fire or in removing furniture or goods from any building or place that is on fire or is in danger of fire and to secure the furniture or goods so removed;
- (d) cause any water to be shut off from the mains and pipes in any district in order to give a greater supply and pressure of water in the area where the fire or danger of fire exists;
- (e) generally, take any measure that may appear expedient for the protection of fire and property.

Notice before destruction

19. The Chief Fire Officer or other member of the Service in charge at the scene of a fire shall whenever practicable, before he orders that any house or other building, paling or erection be pulled down or destroyed pursuant to section 16(1), give notice verbally to the owner or occupier of the house or other building, paling or erection of the need to do so to enable him to bring the fire under control.

Time to remove furniture etc. before destruction

20. Where a house or other building, paling or erection to be destroyed is not itself on fire but is in imminent danger of catching fire, the notice given, under section 19 shall indicate the house, building, paling or erection with sufficient certainty so as to enable it to be identified and, whenever practicable, the Chief Fire Officer or member of the Service in charge at the scene of the fire shall permit as much time as he thinks to be safe to the owner or occupier to remove such property and goods as he can to reduce the damage likely to be caused by the destruction.

Report on destruction

21. Where any house or other building, paling or erection which was not itself on fire but, in the opinion of the Chief Fire Officer or member of the Service in charge at the scene of the fire, is in imminent danger of catching

fire, is destroyed pursuant to section 19, the Chief Fire Officer shall forward to the Governor a full report of the circumstances in which the house or other building, paling, erection or other property was pulled down or destroyed as the case may be and the extent of the damage thereby caused.

Power of arrest

22. All members of the Service who are on duty at the scene of a fire are hereby empowered to arrest any person who assaults, obstructs or otherwise impedes a member of the Service in the execution of his duties.

Exemption from liability

23. No member of the Service acting *bona fide* in the exercise of the powers conferred upon him under this Act shall be liable for any act done in furtherance of his duties or for any damage caused by him in doing so.

Insurance cover

24. Damage caused to any house or other building, paling or erection or to any goods by any member of the Service or any person engaged or volunteering to assist any member of the Service in fighting a fire shall be deemed to be damage caused by the fire within the meaning of any policy of insurance against fire.

Right to seek assistance from emergency forces

25. (1) The Chief Fire Officer shall be entitled to request assistance in case of fire from any of the emergency forces including the police service, the military forces and any civil defence force, and shall receive such assistance as can be rendered without endangering the viability of those forces. (*Amended by Act 9 of 2011*)

(2) Where such assistance is rendered the members of the assisting force shall perform such duties as are assigned to them by the member of the Service in charge at the scene of the fire.

PART 5

PREVENTION OF FIRE

Sketch of water service

26. (1) The Chief Fire Officer shall cause to be prepared a sketch plan of each area and shall mark thereon the exact location of any source of water such as a hydrant, tank, swimming pool, tap, natural water way, pool or well.

(2) A copy of the sketch plan so prepared shall be placed in every fire engine or other mobile fire fighting equipment so as to be readily available to any member of the Service in charge at the scene of a fire.

Removal of combustibles

27. (1) The Chief Fire Officer or an Inspector may, after reasonable notice, enter and inspect any shop, place of public entertainment, building or other premises in which he has reason to believe that any article or thing (other than any article or thing which is a stock-in-trade) of a combustible nature likely to cause a fire hazard is stored and may remove the article or thing or ask the owner or occupier of the premises to do so.

(2) Where the owner or occupier fails to remove or cause to be removed any article or thing the Chief Fire Officer or Inspector asked him to remove under subsection (1) the Chief Fire Officer or Inspector may cause the article or thing to be removed and the cost of the removal may be recovered from the owner or occupier in addition to any penalty to which he may be liable under subsection (3).

(3) An owner or occupier who fails to remove or cause to be removed any article or thing after being asked to do so under subsection (1) shall be liable on summary conviction to a fine of \$500 and to imprisonment for three months.

Duties relating to fire prevention

28. (1) The Chief Fire Officer, an Inspector and every member of the Service shall—

- (a)* enforce the laws relating to fire fighting and fire prevention;
- (b)* investigate the causes, circumstances and origin of any fire;
- (c)* take steps to remove fire hazards; and
- (d)* prosecute any person acting in contravention of the provisions of the Act and any regulations made under it.

(2) Where upon inspection of any premises or of any fire alarm system or fire fighting equipment, the Chief Fire Officer or an Inspector is of the opinion that the occupier of such premises or owner of such system or equipment as the case may be should be required to remedy any condition which is in violation of any provision of this Act or regulations made under it or is hazardous to the welfare of persons or property, he may—

- (a)* order the owner, in writing, to take such measures as he thinks necessary to remedy the offending condition;
- (b)* where the offending condition relates to matters falling within the purview of another department of government, report matters to that department;
- (c)* where the condition amounts to an offence against the provisions of this Act or any regulations made under it, prosecute the person responsible;

- (d) where he has instructed any person to take certain measures to remedy any offending condition and the person responsible has not done so, prosecute that person.

Exits, stairways and passages to be displayed

29. Every premises, building, vessel or structure to which the public have access whether on payment of a charge or otherwise shall—

- (a) in the case of any such premises, building, vessel or structure which exceeds one thousand square feet in size have posted in a conspicuous place on every floor of the building, a diagram of the layout of the building showing the exits, stairways and passages;
- (b) be equipped with fire extinguishers.

Inspection

30. An Inspector may on any day other than a Sunday or a public holiday and between the hours of nine in the forenoon and five in the afternoon, enter and inspect any vessel, premises, building or structure to which the public have access for the purpose of verifying that the premises comply with the requirements of section 29.

Notice to comply

31. Where an Inspector finds that any vessel, premises, building or structure does not comply with the requirements of section 29, he shall serve upon the occupier a written notice ordering him to comply with the requirements of section 29 within a time fixed in that Order.

Time to comply

32. Where the owner or occupier on whom an order under section 31 is served fails to comply with the Order the Inspector may—

- (a) grant him an extension of time to do so if the Inspector is satisfied that the occupier had good reasons for failing to comply; or
- (b) order the immediate closure to the public of the vessel, premises, building or structure as the case may be, and

shall in either event report the matter to the Chief Fire Officer.

Penalties

33. The failure to comply with—

- (a) an Order under section 31 shall be an offence and shall render the occupier guilty of an offence and liable upon summary conviction to a fine of \$1,000 and to imprisonment for three months;

- (b) an Order for closure under section 32(b) shall be an offence and shall render the occupier guilty of an offence and liable upon summary conviction to a fine of \$2,500 and to imprisonment for six months.

Inspection of recreational premises

34. An Inspector may inspect any premises in which any recreational activity is continuing at any time of day or night and may, if he concludes that because of the failure to comply with the provisions of section 29 an extremely dangerous situation exists, order the premises to be vacated at once.

Inspector may seek assistance from Police

35. (1) An Inspector may seek and obtain assistance of the police service to enforce an Order made under section 34. (*Amended by Act 9 of 2011*)

(2) No police officer may, without a good reason for doing so, refuse to assist an Inspector in the circumstances set out in section 34.

Failure to vacate

36. Any owner or occupier of any premises in respect of which an Order to vacate has been made shall in the event of a failure to comply with the Order be guilty of an offence and liable upon summary conviction to a fine of \$2,500 and to imprisonment for six months in addition to any other penalty for his failure to comply with the provisions of section 29. It shall not be a sufficient defence to a prosecution under this section to plead that the owner or occupier was not present or that his employees acted in ignorance of the law.

Application for fire certificate

37. The owner or occupier of any premises being used as a factory, workshop, restaurant, hall or auditorium or a place of recreation and in which there is likely to be more than twenty five people present at some times, may apply to the Chief Fire Officer for a fire certificate.

Duty of Chief Fire Officer on application for fire certificate

38. Upon receipt of an application for a fire certificate the Chief Fire Officer shall inspect the premises to which the application relates and shall—

- (a) satisfy himself that the premises have a sufficient number of easily accessible exits, fire alarms, sufficient fire fighting equipment such as extinguishers and easy access to a sufficient supply of water and that the building itself is constructed of acceptable materials of a low incendiary nature;

- (b) if he is not satisfied as required by paragraph (a) hereof, he shall so inform the owner or occupier and indicate what needs to be done to enable him to grant a fire certificate.

Validity of fire certificate

39. (1) A fire certificate shall be sufficient evidence of the compliance with the requirements of this Act and any regulation made under it for a period of three months.

(2) It may be revalidated after an inspection to verify that the safety measures continue to be observed.

Fire certificate bar to inspection

40. A fire certificate shall for so long as it is valid be a bar to inspection except where the Chief Fire Officer or Inspector has good and sufficient reason to believe that the safety measures are not being observed any longer.

Issue of fire certificate

41. The Chief Fire Officer may—

- (a) where he is satisfied that a premises is safe for the use of the persons admitted into it; and
- (b) upon payment of the requisite fee of \$100,

issue a fire certificate in a form to be prescribed by regulations made hereunder.

Form of fire certificate

42. The fire certificate shall set out, in relation to the particular premises—

- (a) the use to which the premises is being put;
- (b) a diagrammatic description of the means of escape in case of fire;
- (c) the means of ensuring that the means of escape can be safely and effectively used at all times;
- (d) the type, number and location of the fire fighting equipment;
- (e) type, number and location of fire alarms; and
- (f) the location of sources of water.

Certificate to be displayed

43. The recipient of a fire certificate shall display it in a conspicuous place open to the public in the premises to which it relates.

Fire drills in work places

44. The Chief Fire Officer may require any owner or occupier of premises which are regularly used as a factory, work place or business to perform periodic fire drills including instruction and practice in the use of means of exit in fire prevention exercises and in fire extinguishing methods and equipment.

PART 6

AUXILIARY FIRE AND RESCUE SERVICE

Establishment of the Auxiliary Service

45. There is hereby established an Auxiliary Fire and Rescue Service comprised of such number of Auxiliary Fire Officers and Auxiliary firemen as the Governor shall appoint.

Attendance at parades and drills

46. Every auxiliary member of the Service shall, whether or not he has been called out on service, attend and carry out such parades and drills in such places and at such times and in such manner as may be determined by the Chief Fire Officer.

Duty to follow orders

47. Every auxiliary member of the Service shall, when he is called out for service, carry out such duties as he may be ordered to carry out by the Chief Fire Officer or other member of the Service in charge at the scene of a fire.

Right to resign

48. Except at any time when he has been called out on service, an auxiliary member may resign his position by giving one month's notice of his intention so to do to the Chief Fire Officer.

Entitlement to honorarium

49. Every auxiliary member of the Service shall, whenever he is called for service or to attend any parade or drill be paid an honorarium at a rate to be prescribed by regulations made by the Governor.

Where auxiliary fireman is injured he is entitled to treatment at public expense

50. (1) Any auxiliary member of the Service who, through no fault of his own, contracts any illness or sustains any injury while in actual discharge of his duties shall be entitled to medical treatment at public expense as may be prescribed by regulations made by the Governor.

(2) Any auxiliary member of the Service who sustains any bodily injury in the actual discharge of his duties which results in any permanent disablement shall be granted a pension or gratuity upon such terms and conditions as shall be prescribed by regulations made by the Governor.

(3) Where the bodily injury referred to in subsection (2) results in death, there shall be awarded to the dependents of the deceased a pension or gratuity upon such terms and conditions as shall be prescribed by regulations made by the Governor.

PART 7

TERMS OF SERVICE

Medical treatments

51. Any member of the Service who is injured in the course of the actual performance of his duties shall be entitled to medical treatment at public expense.

Death on Service

52. Where a member of the Service dies in consequence of the actual performance of his duties his funeral expenses up to such sum as shall be set out in regulations and such pension or gratuity as is payable to him shall be charged on and paid out of the Consolidated Fund.

PART 8

MISCELLANEOUS

Setting fires and giving false alarms, penalty for

53. (1) Any person who knowingly gives or causes to be given a false alarm of fire to the Service, to any member of the Service or of the police service shall be guilty of an offence and punishable on summary conviction to a fine of \$500 and to imprisonment for one month, and shall be ordered to pay compensation to cover the costs of a call out or other action resulting from the false alarm. *(Amended by Act 9 of 2011)*

(2) Any person who sets fire to any crop or trash in such a manner that the fire spreads or is in imminent damage of spreading to another property shall be guilty of an offence and punishable on summary conviction to a fine of \$500 and to imprisonment for one month and shall be ordered to pay compensation for any resulting damage.

Illegal possession of articles belonging to the Service

54. Any person who is not a member of the Service who has in his possession any article of clothing or equipment belonging to the Service shall, if he does not have a satisfactory explanation therefor, be guilty of an

offence and punishable on summary conviction to a fine of \$200 and to imprisonment for a month and the article of clothing or equipment shall be forfeited to the Service.

Impersonation

55. Any person who impersonates a member of the Service so as to enter any premises or obtain any goods or money shall be guilty of an offence and liable on summary conviction to a fine of \$200 and to imprisonment for three months.

General Offences

56. Every person who—

- (a) wilfully removes or assists or is concerned in removing any chain, rope or other barrier placed in or upon or across any street pursuant to this Act;
- (b) obstructs any hydrant by placing or causing to be placed thereon or thereby any matter or thing whatsoever;
- (c) wilfully damages any vehicle, engine, hose, hydrant or other apparatus of the Service;
- (d) unless authorised by an officer of the Service or of the police service, removes or is concerned in removing any furniture or goods from any building on fire or in danger of fire;
(Amended by Act 9 of 2011)
- (e) removes, damages or disfigures any work placed for the purposes of indicating the location of any hydrant,

shall be guilty of an offence and shall be liable on summary conviction to a fine of \$200 and to imprisonment for three months.

Regulations

57. The Governor shall make regulations prescribing—

- (a) the conditions of service of members of the Service;
- (b) the grant to members of the Auxiliary Service of medical treatment, pensions and gratuities, compensation, rates of wages and all such other matters relating to the Auxiliary Service;
- (c) all other matters to be prescribed under this Act by regulations.

FIRE AND RESCUE (CONDITIONS OF SERVICE) REGULATIONS –SECTION 58

(S.R.O. 73/1999 and Act 9 of 2011)

Commencement

[11 January 2000]

Short title

1. These Regulations may be cited as the Fire and Rescue (Conditions of Service) Regulations.

Honorarium

2. An Auxiliary member of the Service shall, whenever he is called for service or to attend a parade or drill be paid an honorarium of \$12.50 per hour for any period of less than twenty four hours or \$100 per day for periods in excess of twenty four hours.

Salary for full time Fire Officers

3. Members of the Service, other than Auxiliary members shall be paid such remuneration as shall be specified for their grade of public officers in the estimates approved by the Legislative Assembly. *(Amended by Act 9 of 2011)*

General Orders to apply

4. The Public Service General Orders shall apply to members of the Service other than Auxiliary members.

Compensation for injury

5. Where a member of the Service, including an Auxiliary member is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty, which is not wholly or mainly due to, or seriously aggravated by his own serious and culpable negligence or misconduct, he may be granted compensation if the injury results in any permanent disablement.

Amount of compensation

6. The compensation payable under regulation 5 above shall be—

- (a) in the case of an Auxiliary member a pension; and
- (b) in the case of any other member an additional pension,

at the annual rate of the proportion of the actual pay, of a person in that grade of the Service to which he belongs, or would belong if he had not been only an Auxiliary member, at the date of his injury, appropriate to his case as shown in the following table—

- (i) slightly impaired – five sixtieths of a month's pay
- (ii) impaired – ten sixtieths of a month's pay
- (iii) materially impaired – fifteen sixtieths of a month's pay
- (iv) totally disabled – twenty sixtieths of a month's pay.

Provisional Award pending determination

7. If for the purpose of assessing the amount of any additional pension or pension, as the case may be, to be granted to any member of the Service, the degree of permanent impairment of his capacity to contribute to his support is in doubt, he may be granted a provisional award to have effect until such time as the degree of permanent impairment can be determined.

Not to apply in workmen's compensation cases

8. Regulations 5, 6 and 7 above shall not apply in any case of a member of the Service who, in consequence of his injury, is entitled to compensation under the Workmen's Compensation Act.

Damages recovered by injured to be taken into account

9. Where the Governor is satisfied that damages have been or will be recovered by a member of the Service in respect of an injury for which an additional pension or pension may be granted under regulations 5, 6 and 7, the Governor may take the damages into account against such additional pension or pension in such manner and to such extent as he may think fit and may withhold or reduce the additional pension or pension accordingly.

Damages may be by Court Order or settlement

10. For the purpose of regulation 9 above a member of the Service shall be deemed to recover damages whether they are paid in pursuance of a judgment or order of the Court or by way of settlement or compromise of his claim and whether or not proceedings are instituted to enforce that claim.

Regulations 5, 6 and 7 to cease to apply

11. Regulations 5, 6 and 7 shall upon the coming into force of the revised cease to apply Social Security Act.

COLONIAL FIRE BRIGADES LONG SERVICE MEDAL REGULATIONS

(S.R.O. 7/1987)

Commencement

[3 February 1987]

Short title

1. These Regulations may be cited as the Colonial Fire Brigades Long Service Medal Regulations.

Service required

2. (1) The Colonial Fire Brigades Long Service Medal will be granted as a reward for long service and good conduct to members of all ranks of properly organized Fire Brigades of Montserrat, who on or after 21 March, 1956, shall have completed eighteen years' continuous service as hereinafter defined.

(2) A Clasp will also be granted to a recipient of the Medal on his completing twenty years' qualifying service, and a further Clasp on completing thirty years' qualifying service. For each Clasp so awarded a small silver rose may be added to the ribbon when worn alone.

Continuity of Service

3. (1) Service in properly organised Fire Brigades in other Colonies, Associated States or Territories under Her Majesty's Protection or Administration may be allowed to reckon towards the required period of qualifying service, as may also service which would reckon as qualifying service for the Fire Brigade Long Service and Good Conduct Medal, if the total period of such service amounts to not less than eighteen years; provided, however, that where service has been rendered in Montserrat and in one or more of the territories defined above an interval not exceeding twelve months between any two periods of service shall not be regarded as breaking the continuity of such service; provided also that a break in service not exceeding six calendar months in Montserrat or in any one territory as defined above shall not be regarded as breaking the continuity of such service.

(2) Service in Her Majesty's Armed Forces or Merchant Navy whether on secondment, on recall or when called upon to serve may be allowed to reckon towards the required period to qualifying service, provided that such military or Merchant Navy service interrupted and was continuous with qualifying fire service.

Exemplary character

4. (1) For the purposes of these regulations, service shall be reckoned as qualifying service only if it is certified that the character and conduct of the person recommended for the grant of the medal or Clasp has been exemplary.

(2) Such person shall be deemed to be in possession of an exemplary character if—

(a) he has not been convicted of an offence involving moral turpitude;

- (b) he has not been guilty frequently of minor disciplinary offences;
- (c) he has not been guilty of any serious disciplinary offences during the last six years of his service; and
- (d) he has, in the opinion of the recommending authority, set a high example by his conduct.

Recommending authority

5. Recommendations for the award of the Medal or Clasp shall be submitted by the Officer in Command of the Fire Brigades to the Governor. The Medal will be awarded on the authority of the Governor and a notification of such award shall be published in the *Gazette*.

Forfeiture and Restoration

6. (1) A recipient of the Medal or Clasp who is convicted of a criminal offence or is dismissed or removed from the Fire Service for misconduct shall forfeit the Medal or Clasp unless the Governor shall otherwise direct.

(2) A Medal or Clasp so forfeited may be restored to the recipient by the Governor at his discretion.

(3) A notice of forfeiture or restoration shall in every case be published in the *Gazette*.

Replacement of Medal or Clasp in event of loss

7. (1) When a Medal or Clasp is lost through carelessness or neglect, the loser may be recommended by the recommending authority to be provided with a new Medal or Clasp at his own expense. If the loss is accidental, the loser may be recommended to be supplied with a new Medal or Clasp, either at his own or at the public expense, according to the circumstances of the case.

(2) An application for a new Medal or Clasp to replace one which has been lost must be accompanied by a declaration as to the circumstances under which the original medal was lost. A replacement will not be issued until a period of six months has elapsed since the date upon which the loss occurred.

