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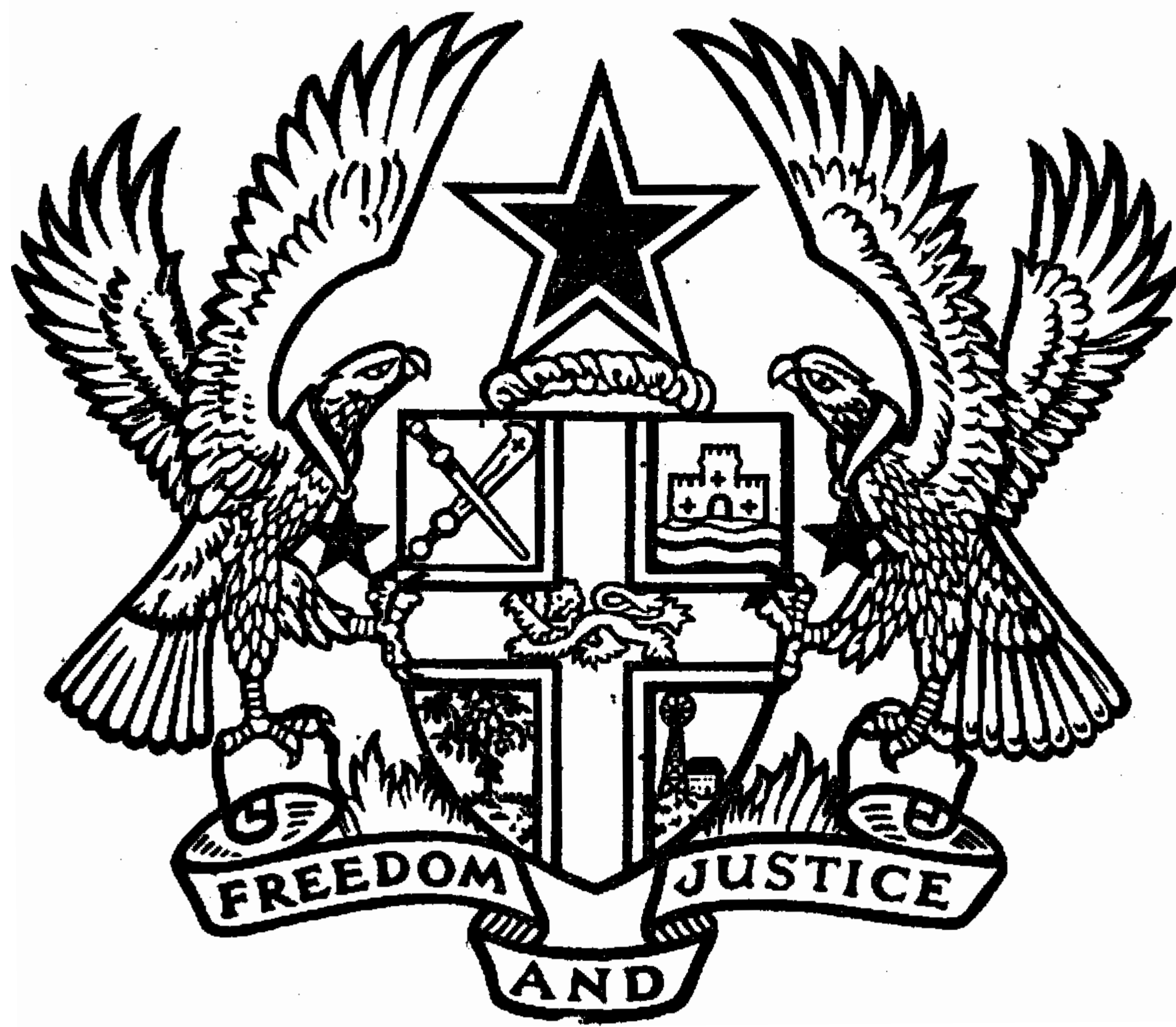
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SCHEDULE



THE TWO HUNDRED AND NINETEENTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA

ENTITLED

THE FIRE SERVICES ACT, 1963

AN ACT to provide for the establishment of a National Fire Service and other matters connected therewith.

DATE OF ASSENT: *11th December, 1963*

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—CONSTITUTION AND GOVERNMENT

Establish-
ment
of National
Fire Service.

1. (1) There shall be established in accordance with the provisions of this Act a National Fire Service which shall be part of the Public Services of Ghana.

See L.1.350/64

(2) The fire services specified in Part I of the Schedule to this Act shall be dissolved on a date which the Minister may by legislative instrument appoint and in such manner as the Minister may think fit.

(3) Upon the dissolution of a fire service under subsection (2)—
(a) the assets and liabilities thereof (if any) shall, without any further authority than this subsection, vest in the Service; and

(b) all persons employed therein shall become members of the Service subject to—

(i) such terms and conditions as may be prescribed; and

(ii) such directions as may be given by the Minister.

(4) This Act shall not apply to the fire services specified in Part II of the Schedule to this Act.

2. The Service shall be employed for the discharge of the following functions, that is to say:— Functions of the Service.

(a) the fighting and extinguishing of fires;

(b) the rescue of persons, animals and property from fires or from the threat or effects thereof; and

(c) any other functions which may be prescribed or which may be specified by the Minister.

3. The Service shall have its headquarters in such place and shall be divided into such divisions, sections or departments as the Minister may direct. Divisions.

4. (1) The Service shall consist of a Chief Fire Officer and of such number and ranks of members of the Service as the Minister may direct. Staff.

(2) No member of the Police Service shall be a member of the Service.

5. Subject to the general control of the Minister in respect of matters of policy and subject to section 12 of the Civil Service Act, 1960 (C.A.5), the Chief Fire Officer shall have the command and be charged with the superintendence of the Service. Functions of Chief Fire Officer.

6. The Minister may, in accordance with arrangements approved by the Minister responsible for finance, provide equipment for the discharge of the functions of the Service. Equipment.

PART II—POWERS OF THE SERVICE

7. (1) Any member of the Service who is on duty may, without the consent of the occupier— Power to enter premises.

(a) enter and, if necessary, break into any premises or place in which a fire has or is believed to have broken out or in which it is necessary to enter for the purposes of extinguishing or dealing with the fire; and

(b) do all such things in the premises or place as he may deem necessary for extinguishing or dealing with the fire.

(2) Any member of the Service may, in order to deal with an outbreak of fire, enter any land or premises—

(a) to secure the use of water under the control of any person;

(b) to improve the access to any such water; and

(c) to lay and maintain pipes and to carry out other works in connection with the use of such water.

(3) The Service shall, when practicable, give notice to the occupier of any land or premises upon which it is intended to enter in exercise of any of the powers conferred by this section.

Supply and use of water.

8. (1) The Service shall take all reasonable measures for ensuring the provision of an adequate supply of water and for securing that it will be available for use in case of fire.

(2) Members of the Service may use any convenient and suitable supply of water for the purpose of dealing with any outbreak of fire.

Obstructing member of Service.

9. Any person who wilfully obstructs or interferes with any member of the Service who is engaged in dealing with any outbreak or suspected outbreak of fire shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

Control of traffic.

10. At any fire the most senior in rank of the members of the Service present may close to traffic any street or may stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to do so for the purpose of dealing with the fire.

PART III—ENQUIRIES AND INVESTIGATION

Enquiries by District Magistrate.

11. (1) An appointed officer shall if he considers it expedient apply to a District Magistrate for an enquiry to be held into the origin of any fire which has caused injury to person or property.

(2) A District Magistrate shall, on the application of an appointed officer, hold an enquiry into the origin of the fire the subject of the application.

(3) A District Magistrate shall, when holding an enquiry under this Part, have all the functions of a District Magistrate under any enactment for the time being in force.

Attendance of interested parties.

12. (1) The Attorney-General or the Commissioner of Police or any person appointed by them respectively may severally attend at any enquiry held under this Part and examine or cross-examine any witness and may require that any witness shall be examined.

(2) Any person or the agent of any person who may be interested in any loss arising out of the fire the subject of an enquiry and any person whose conduct in the opinion of the District Magistrate is or is likely to be called in question or who in the opinion of the District Magistrate may be affected by the result of the enquiry may by leave of the District Magistrate attend at the enquiry and examine or cross-examine any witness or require that any witness shall be examined.

13. (1) The District Magistrate shall, after the conclusion of an enquiry, record his findings. **Findings.**

(2) Every person allowed to attend an enquiry under section 12 shall be entitled to obtain a copy of the findings recorded under subsection (1) of this section and shall pay therefor a fee at the rate fixed under the appropriate enactment for the time being in force regulating procedure in District Courts.

(3) The District Magistrate may, as a result of his findings, award such compensation as he considers adequate to any person deserving thereof and he may order that such compensation be paid by such person as may be mentioned in the order.

14. Any person aggrieved by any order made by a District Magistrate under this Part may appeal to a Circuit Court against such order and the decision of the Circuit Court Judge thereon shall be final. **Appeal to Circuit Court.**

PART IV—MISCELLANEOUS

15. Any person who knowingly gives or causes to be given a false alarm of fire shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment. **False alarms.**

16. On the coming into force of this Act the fire services specified in Part I of the Schedule to this Act shall, until dissolved under subsection (2) of section 1, continue to function in such manner as the Minister may direct. **Transitional provisions.**

17. Nothing in this Act contained shall prejudice—

(a) any provisions of the Criminal Code, 1960 (Act 29) or any other enactment relating to damage to property or to offences against person or property; or

(b) any functions of members of the Police Service in relation to fires. **Effect on other enactments and functions of Police.**

18. (1) The Minister may by legislative instrument make any regulations in respect of matters which are required to be prescribed and for giving effect to any of the provisions of this Act. **Regulations.**

L.1.461/65

(2) Without prejudice to the generality of the preceding subsection and subject to the provisions of this Act, the Civil Service Act, 1960 (C.A. 5) and any statutory instrument made under the said Civil Service Act, regulations made under this section may relate to—

- (a) ranks and pay of members of the Service;
- (b) hours of duty, leave and conditions of service;
- (c) discipline;
- (d) training and equipment;
- (e) pensions, gratuities, compensations and ex-gratia payments.

**Interpreta-
tion.**

19. In this Act unless the context otherwise requires—

- “ agent ” includes counsel or solicitor;
- “ appointed officer ” means a member of the Service appointed by the Chief Fire Officer with the approval of the Minister to be responsible for applications to a District Magistrate under Part III of this Act;
- “ enquiry ” means an enquiry held by a District Magistrate under Part III of this Act;
- “ member of the Service ” means any person employed in or serving with the Service;
- “ Minister ” means the Minister responsible for the Interior;
- “ prescribed ” means prescribed under regulations made under section 18 of this Act;
- “ Service ” means the National Fire Service established in accordance with the provisions of this Act.

**Repeals
and savings.**

20. (1) The Fire and Occurrences Enquiry Ordinance (Cap. 250) is hereby repealed.

(2) Paragraph 23 of Part I and paragraph 51 of Part II of the First Schedule to the Local Government Act, 1961 (Act 54) are hereby repealed.

(3) On the coming into operation of this Act any provisions of any enactment relating to fire services (other than provisions relating to the fire services specified in Part II of the Schedule to this Act) shall cease to have effect.

(4) Notwithstanding the repeals effected by this section—

- (a) any enquiries being held or any fire services established (as the case may be) under the repealed enactments shall not be invalidated by reason only of the repeal of the said enactments; and

- (b) any statutory instrument made under any enactment so repealed, in force immediately before the commencement of this Act, and not inconsistent with the provisions of this Act, shall, until such instrument is altered, revoked or otherwise modified under this Act, continue in force as if such instrument had been made under this Act.

SCHEDULE

PART I

(Repealed by L.I. 350)

PART II

Ghana Army Fire Service

Ghana Air Force Fire Service

