

FIRE BRIGADE SERVICES ACT 99 OF 1987

REGULATIONS AS TO THE FUNCTIONS OF A CATEGORY OF AUTHORISED PERSONS

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Under section 15 (1), read with section 13, of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, after consultation with the Fire Brigade Board, hereby make the regulations contained in the Schedule hereto.

J. C. HEUNIS,

Minister of Constitutional Development and Planning.

Signed at Kempton Park on 30 June 1989.

SCHEDULE

1. Definitions
2. Prescribed function of authorised persons
3. Powers of an authorised person
4. Identification
5. Notification of findings and recommendation and submission of representations
6. Offences

ANNEXURE

1. Definitions

In these regulations “**the Act**” means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), and any expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, and, unless the context otherwise indicates -

“authorised person” means any person belonging to a category of persons declared under section 13 of the Act;

“premises” includes land, any building or structure, and any vehicle, conveyance, ship, boat or aircraft.

2. Prescribed function of authorised persons

One or more of the following prescribed functions may be conferred upon a category of authorised persons:

- (a) undertake investigations in order to advise the Administrator and the Board whether a service which has been established and is being maintained by a local authority under section 3 (1) of the Act, has been established and is being maintained in accordance with the prescribed requirements;
- (b) undertake investigations in order to advise the Administrator and the Board as to when a local authority should be directed in terms of section 3 (2) of the Act to maintain or to establish and maintain a service in accordance with the prescribed requirements;
- (c) undertake investigations in order to advise the Minister and the Board whether a service which applies under section 4 (1) of the Act to be recognised as a designated service, complies with the prescribed requirements;
- (d) undertake investigations in order to advise the Minister and the Board as to the conditions subject to which a service which applies under section 4 (1) of the Act to be recognised as a designated service, may be recognised as such; .
- (e) undertake investigations in order to advise the Minister and the Board where circumstances exist that require that there should be a service, which does not fall under control of a local authority, which complies with the prescribed requirements so that action under section 4 (3) of the Act may be considered;

- (f) undertake investigations in order to advise the Minister and the Board whether recognition granted under section 4 (2) of the Act should be withdrawn under section 4 (5) of the Act;
- (g) undertake investigations in order to advise the Administrator and the Board whether the chief fire officer of the service of a local authority possesses the prescribed qualifications and experience as contemplated in section 5 of the Act;
- (h) undertake investigations in order to advise the Minister and the Board whether a chief fire officer of a designated service possesses the prescribed qualifications and experience as contemplated in section 5 of the Act;
- (i) undertake investigations in order to advise the Administrator and the Board whether the members of the service of a local authority, possess the prescribed qualifications and experience as contemplated in section 6 of the Act;
- (j) undertake investigations in order to advise the Minister and the Board whether the members of a designated service possess the prescribed qualifications and experience as contemplated in section 6 of the Act;
- (k) undertake investigations in order to advise the Administrator and the Board whether the members of the service of a local authority who do not possess the prescribed qualifications and experience, have been appointed in accordance with the general conditions contemplated in the proviso to section 6 (1) of the Act;
- (1) undertake investigations in order to advise the Minister and the Board whether the members of a designated service who do not possess the prescribed qualifications and experience, have been appointed in accordance with the general conditions contemplated in the proviso to section 6 (1) of the Act;
- (m) undertake investigations in order to advise the Minister and the Board whether an institution which applies to be declared as a training institution under section 7 of the Act, may be declared as such;
- (n) undertake investigations in order to advise the Administrator and the Board as to the compliance with the conditions for the payment of grants-in-aid as contemplated in section 11 of the Act;

- (o) undertake investigations in order to advise the Administrator and the Board whether the service of a controlling authority, which has concluded or wishes to conclude an agreement under section 12 of the Act whereby it is undertaken to employ the service of that controlling authority outside its area of jurisdiction, complies with the prescribed requirements;
- (p) undertake investigations in order to advise the Administrator and the Board whether a local authority which has been directed to maintain or to establish and maintain a service in accordance with the prescribed requirements under section 3 (2) of the Act, or to comply with a requirement, standard or direction under section 17 (1) of the Act, has heeded the direction;
- (q) undertake investigations in order to advise the Minister and the Board whether a person who has been directed to maintain or to establish and maintain a service in accordance with the prescribed requirements under section 4 (3) of the Act or to comply with a requirement, standard or direction under section 17 (1) of the Act, has heeded the direction.

3. Powers of an authorised person

An authorised person may -

- (a) perform those functions referred to in regulation 2 conferred upon him; and
- (b) in order to enable him to perform the functions and insofar as it is not contrary to any law -
 - (i) at any reasonable time enter any premises; and
 - (ii) gather evidence (whether it be orally, in writing, documentary or otherwise).

4. Identification

An authorised person shall exercise a power which has been conferred upon him by these regulations only if at the time of the exercise thereof he is in possession of a certificate of

appointment, substantially in the form of the Annexure hereto, issued to him by the Administrator, which certificate shall be produced on request.

5. Notification of findings and recommendation and submission of representations

- (1) An authorised person shall notify the controlling authority, person or institution concerned in writing of the findings and recommendations arising from the performance of the functions referred to in regulations 2 together with an estimate of the expenditure involved.
- (2) A controlling authority, person or institution contemplated in subregulation (1) who feels aggrieved by such findings and recommendations may, within 30 days of such notification, submit representations thereanent to the Minister, Administrator. or the Board, as the case may be, who shall consider the findings, recommendations and the representations concerned.

6. Offences

- (1) Any person who intentionally resists, hinders or impedes an authorised person in the performance of the prescribed functions referred to in regulation 2 above, shall be guilty of an offence, and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding 12 months.
- (2) Any authorised person who without authority makes known or reveals information he has obtained or has had access to in the course of the performance of his prescribed functions referred to in regulation 2 above, shall be guilty of an offence and upon conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding 12 months.

ANNEXURE