

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

Act 20 of 1902.
Act 3 of 1959.
S.I.95 of 1975.
S.I.72 of 1976.
Act 23 of 1976.

CHAPTER 81

FIRE (PROTECTION) ACT

[2nd October, 1902]

ARRANGEMENT OF SECTIONS

Sections

1. Short title.
2. Definition.
3. Police to render assistance.
4. Superintendent to assume direction of all measures.
5. Onlookers may be called upon to assist.
6. Disposal of property saved.
7. Destruction of houses; when such may be ordered.
8. Destruction of houses, etc., to prevent spread of fire.
9. Report of such destruction to be furnished to the President.
10. Procedure in case of dispute as to the amount of compensation.
11. Power of Judge.
12. Assessment of compensation.
13. Cost of proceedings before Judge.
14. Barring of remedies.
15. Penalty for destroying buildings without authorisation.
16. Regulations.

1. This Act may be cited as the Fire (Protection) Act.

2. In this Act the term "Superintendent" means, an officer of the fire brigade, and, when such officer is not present a Justice of the Peace present at the scene of the fire, or,

if there be no Justice of the Peace so present, then the senior officer or sub-officer of police or constable present at the scene of the fire.

3. Immediately upon the breaking out of a fire in any district all available members of the police force, upon alarm thereof, shall immediately repair to the place where the said fire shall happen, and shall aid and assist in extinguishing such fire and shall give either utmost assistance to help the inhabitants to remove their goods.

4. It shall be the duty of the Superintendent, whenever a fire shall occur, to assume the absolute direction and control of the measures necessary for extinguishing such fire; and any person who shall during the raging of any fire resist or interfere with any orders given by such Superintendent shall be liable on summary conviction to a penalty not exceeding fifty rupees, or to imprisonment for any period not exceeding one month.

5. It shall be lawful, for any officer of fire brigade, and, for a Justice of the Peace, or, as the case may be, any officer or sub-officer of police or constable present, to call upon any onlooker or idler at a fire to afford his assistance in extinguishing such fire in any way that the services of such person can be made available; and any person refusing, when so called upon as aforesaid, to aid and assist in extinguishing such fire, shall be liable on summary conviction to a penalty not exceeding eighty rupees, or to imprisonment for any period not exceeding four days.

6. The Superintendent on each occasion of fire shall assign certain known, open, and secure places, conveniently adjacent to the building or buildings on fire or which shall be in danger of catching fire, wherein shall be deposited goods and property for safe custody, and shall make the same publicly known, and all goods and property endangered by the fire, to whomsoever belonging or from whatever house removed, shall be immediately taken to the assigned place of deposit; and any person who shall be detected in removing any goods or property to any place other than the assigned places may be at once arrested by any constable, and if unable to give a clear and satisfactory account of the manner of his becoming possessed of the said goods, shall be deemed guilty of a larceny and liable to imprisonment not exceeding two years.

7. It shall be lawful for the Superintendent to order the destruction of any house or building or any part thereof which is on fire or which in the opinion of the Superintendent cannot be saved from fire, and such order shall be communicated as soon as is reasonably possible to the owner of such house or building, or, in the absence of such owner, to the person (if any) in charge thereof, and no claim shall be made and no action or other proceeding shall be brought either against any Superintendent in respect of his acting as aforesaid, or against any other person for anything done by them in pursuance of such order as aforesaid.

8 (1) If it appears that the destruction of any house, building, or other property, including in the term any tree or plantation, which is not itself on fire but is in imminent danger of taking fire, is necessary for preventing the further spreading of such fire, it

shall be lawful for the Superintendent present at such fire, to order the destruction of such house, building, or property as aforesaid, or of any part thereof.

(2) Previous to such order being made verbal notice shall be given to the owner, or, in his absence, to the person in charge (if any) of the house, building, or property about to be destroyed, and such notice shall indicate what house, building, or property is to be destroyed and when the order for destruction will be given, and the Superintendent allow as much time as may be practicable to elapse between such notice and the actual order for destruction as aforesaid, and shall do all in their power to diminish, by removal of goods or otherwise, the damage about to be done by such destruction as aforesaid.

9. If any property is destroyed in the manner provided in section 8 the Superintendent shall forward without delay to the President a report of the circumstances under which the house, building, or property was destroyed describing with all possible detail the damage done by such destruction, and such report shall conclude by naming the sum, if any, which the owner demands, as and for full compensation for the loss done; and it shall be lawful for the President, if he shall see fit, to order the payment of such sum or any lesser sum to the owner or owners of the property destroyed upon the terms that they accept the same in full satisfaction of all damage or injury done to him or them by such destruction as aforesaid.

10. If the owner or owners are unwilling to accept the sum ordered by the President under section 9 in full satisfaction of all damage or injury done to him or them the amount of compensation to be paid as representing the value of the house, building, or property destroyed, but less the amount which any owner or owners may be entitled to obtain from or under any policy of insurance, shall be fixed by a Judge in chambers, whose decision shall be final.

11. The Judge shall, after hearing the parties and their witnesses, if any, have all such powers as may be necessary to determine the amount which is to be paid by way of compensation as aforesaid.

12. In assessing the amount of compensation the Judge shall take into consideration the risk which the house, building, or property destroyed as aforesaid ran of being burnt or damaged by fire or by the heat thereof or by the water necessarily used or to be used in extinguishing or trying to extinguish the fire in or upon any house, building, or property which was actually on fire at the time when the order for destruction was given as aforesaid. And the Judge may decline to award any compensation to the owner of property destroyed if he be of opinion that the property destroyed would have been burnt by fire if no order for destruction as aforesaid had been given, and the Judge after considering the risk as aforesaid may deduct such sum as may under the circumstances seem just from the amount which he would otherwise assess as being the amount of the compensation due to such owner or owners as aforesaid.

13. The Government and the owner or owners shall pay their own costs of and incidental to the proceedings before the Judge.

14. Save as aforesaid, no person shall have any claim, right, or remedy either in the Supreme Court or elsewhere in respect of anything done in pursuance of this Act.

15. Any person who shall order and direct the destruction of any house, building, or other property, or who shall wilfully destroy, or assist in destroying the same, without the order or sanction of the Superintendent, shall be liable on summary conviction to imprisonment for any period not exceeding six months.

16 (1) It shall be lawful for the President to make regulations for the discipline, equipment, and guidance of those upon whom duties are by this Act imposed.

(2) Such regulations may provide for the imposition of a fine not exceeding fifty rupees for any breach or contravention thereof.

NO SUBSIDIARY LEGISLATION
