

FIRE (HAZARD PREVENTION AND SAFEGUARD) BILL, 2018

ARRANGEMENT OF CLAUSES

Clause:

1. Application for building permit
2. Alteration of building plan to incorporate fire safety device
3. Provision of functional fire safety devices in the building
4. Offence
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A BILL

FOR

AN ACT TO MAKE PROVISION FOR THE PREVENTION OF FIRE HAZARDS
AND THE SAFEGUARD OF PERSONS AND PROPERTY FROM FIRE DISASTER
AND FOR RELATED MATTERS

Sponsored by Senator Gershom Bassey

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows::

1 1.-(1) A developer applying for a development permit from the Application for
2 authority to develop any land shall incorporate into the plan of the building a building permit
3 fire safety device.

4 (2) A developer of a new building shall, before or at the time of
5 submitting the building plan to the authority having power to approve the
6 plan under any Act, Law or Bye-Law, submit to the fire officer in the state
7 where the building is to be developed two copies of the plan incorporating
8 the fire safety device.

9 (3) Where the plan incorporating the fire safety device is in respect
10 of:

11 (a) a residential building; or

12 (b) a commercial building; the fire officer, within 3 months of the
13 receipt of the building plan, shall:

14 (i) examine the fire safety device incorporated in the building plan,
15 and

16 (ii) if he is satisfied that the building plan meets the requirements
17 set out in this Bill, issue a certificate to the applicant.

18 (4) If after due examination of the building plan, the fire officer is
19 of the opinion that it does not meet the requirements of this section, he may
20 refuse to issue a certificate to the applicant stating the reason for his refusal.

Alteration of
building plan to
incorporate fire
safety device

1 2.-(1) The alteration of any existing building is unlawful unless:
2 (a) the developer has incorporated in the plan of the building, as
3 altered, a fire safety device;

4 (b) two copies of the building plan, as altered, have been submitted to
5 the fire officer in the state where the building to be altered is situate, for
6 examination and approval by the authority.

7 (2) Where the building plan that meets the requirements set out in
8 Subsection (1) (a) of this section is in respect of a residential or commercial
9 building, the fire officer shall within 3 months of the receipt of the building
10 plan:

11 (a) examine the fire safety device incorporated in the building plan as
12 altered; and

13 (b) issue a certificate to the developer where he is satisfied that the
14 building plan meets the requirements set out under this Bill.

15 (3) If after due examination of the building plan the fire officer is of
16 the opinion that the building plan does not meet the requirements set out in this
17 section, he may refuse to issue a certificate to the applicant stating the reasons
18 for his refusal.

Provision of
functional fire
safety devices
in the building

19 3.-(1) A building shall be equipped with functional fire safety devices
20 for the effective control of any fire outbreak.

21 (2) It is not a defence for a developer under this section to claim that
22 the building was developed before the commencement of this Bill.

23 (3) The fire safety devices include:

24 (a) signpost;

25 (b) fire extinguisher;

26 (c) landing valve;

27 (d) sprinkler; and

28 (e) emergency exist.

Offence

29 4.-(1) Where the provisions of this Bill or the conditions stipulated in
30 certificate issued under this Bill have been contravened by:

1 (a) the developer; or

2 (b) any architect, engineer or surveyor employed by him to carry
3 out building works in relation to any building for which a certificate has
4 been obtained, the person commits an offence, and is liable on conviction to:

5 (i) a fine not exceeding N10,000,

6 (ii) imprisonment for a term not exceeding 6 months, or

7 (iii) both fine and imprisonment.

8 (2) Where the offence has continued, one year from the date of
9 discharge of the penalty, the sentence specified in Section 4 (1), shall be
10 imposed for every year the offence continues until the breach is terminated.

11 (3) A developer or any architect, engineer or surveyor employed by
12 him to carry out building works on any building is not guilty of an offence
13 under this Bill if he proves that at the time the building work was carried out,
14 he did not know and could not reasonably have known that the work was
15 carried out in contravention of any provision of this Bill or the terms of a
16 certificate issued under this Bill.

17 5.-(1) If, after the issue of a certificate, the applicant seeks to make
18 a structural alteration to a building he shall:

Structural
alteration

19 (a) apply in writing to the fire officer informing him of the
20 proposed alteration; and

21 (b) subject to Section 2 of this Bill, attach to the application the plan
22 of the building as altered.

23 (2) The fire officer within 1 month of the receipt of the documents
24 as stated in Subsection (1):

25 (a) shall examine the fire safety device incorporated in the altered
26 building plan;

27 (b) shall, if he is satisfied that the altered building plan meets the
28 requirements set under this Bill, issue a certificate as altered to the applicant;
29 and

30 (c) if after examining the building plan as altered, he is of the

1 opinion that it does not meet the requirements of this Bill, may refuse to issue
2 the certificate to the applicant stating the reasons for his refusal.

Application for
certificate

3 6. An application for a certificate under this Bill may be made by the
4 developer or any other person authorized by him in writing.

Fees

5 7. All fees payable for a certificate under this Bill shall be paid to the
6 fire service office in the state where the land to be developed or the existing
7 building is situate.

Inspection t

8 8.-(1) After the issuance of a certificate, the fire officer may authorise
9 in writing any of his officers to enter and inspect any building and any
10 certificate issued under this Bill, for the purpose of ascertaining whether the
11 provisions of this Bill or the terms of the certificate issued under it, have been
12 complied with.

13 (2) (a) The monitoring unit of the development authority while
14 conducting routine inspection of buildings within the area shall, in addition to
15 their powers, have the power to request, for sighting and examination, a
16 certificate from:

17 (i) the developer; or

18 (ii) any architect, engineer or contractor retained by him.

19 (b) Where a developer fails to produce for sighting and examination
20 the certificate as requested, the development authority in the area shall serve
21 him with a written notice directing that the work shall stop.

22 (3) Before entering into any building, an authorized officer shall
23 produce a written letter of authority duly signed by the fire officer in the
24 locality where the building is situate.

25 (4) A person who willfully interferes or obstructs an authorized
26 officer from exercising the power of entry under this section commits an
27 offence, and is liable on conviction to:

28 (a) a fine not exceeding N10,000;

29 (b) imprisonment for a term not exceeding 6 months; or

30 (c) both fine and imprisonment.

1 (5) A person who, in a purported compliance with the provision of
2 this Bill, produces or makes use of a document which he knows to be false in
3 a material particular, commits an offence and is liable on conviction to:

4 (a) a fine not exceeding N10,000;

5 (b) imprisonment for a term not exceeding 6 months; or

6 (c) both fine and imprisonment.

7 9. The fire officer shall keep a register of all certificates issued to Register
8 applicants under this Bill.

9 10. The Minister shall, immediately after the commencement of Regulations
10 this Bill, issue guidelines as to:

11 (a) the fees payable for a certificate; and

12 (b) any other matter pertaining to the issuance of certificates under
13 this Bill.

14 11. In this Bill:

Interpretation

15 "applicant" means a developer of any building, or any person whom he may
16 authorize in writing;

17 "Certificate" means a fire safety compliance certificate;

18 "commercial building" means a building where commercial activities are
19 carried out;

20 "Developer" includes the owner of an existing building;

21 "existing building" means any building of which the roofing has been
22 completed before the commencement of this Bill;

23 "Fire Officer" means the Chief Executive of the Nigerian Fire Service or a
24 State Fire Service;

25 "Minister, means the Minister charged with the responsibility for works;

26 "new building" means any building of which at the commencement of this
27 Bill:

28 (a) the development authority is yet to approve its building plan; or

29 (b) the actual erection above its footing or supporting concrete has
30 not begun;

1 "owner" means:

2 (a) any person in whose name the certificate of occupancy of a
3 building is issued; or

4 (b) any person who receives the rent due on the building.

Citation

5 **12.** This Bill may be cited as the Fire (Hazard Prevention and
6 Safeguard) Bill, 2018.

EXPLANATORY MEMORANDUM

This Bill seeks to ensure the mandatory inclusion of functional fire safety gadgets into building plan by the developer before approval and issuance of certificate.