

# A BILL

## FOR

AN ACT TO REPEAL THE FIRE SERVICE ACT NO.11 OF 1963 AND TO PROVIDE FOR THE ESTABLISHMENT OF THE FIRE AND RESCUE SERVICE IN THE FEDERATION AND PROVIDE AMONGST OTHER THINGS FOR THE ORGANISATION, DISCIPLINE, POWERS AND DUTIES OF THE FEDERAL FIRE AND RESCUE SERVICE AND FOR RELATED MATTERS

*Sponsored by Hon. Dachung Musa Bagos*

[ ] Commencement

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

1 PART I - ESTABLISHMENT OF THE FIRE SERVICE

2 1. There shall be established in the Federation a Fire and Rescue  
3 Service to be hereinafter known as the as the "Fire Service".

Establishment of  
the Fire Service

4 2. The general duties of the Fire Service shall include to:

General Duties  
of the Fire Service

5 (a) Provide safety standards for the regulation of fire fighting and  
6 management of rescue operations;

7 (b) To extinguish, control and prevent fire out breaks as well as  
8 saving and protection of life and property and for such other humanitarian  
9 and other works as may be required of them under the authority of the  
10 minister;

11 (c) Prescribe and monitor standards for the promotion of fire  
12 education, fire prevention, safety, mitigation and fire investigation;

13 (d) Establish a National Fire Academy to meet the training  
14 requirements of fire fighters and rescuers;

15 (e) Co-ordinate all national emergencies and rescue operations in  
16 the fire sector;

17 (f) Prevent and control fire outbreak;

18 (g) Ensure adequate fire prevention and protection in all buildings;

1 (h) Ensure adequate management of Hazardous materials nation-  
2 wide;

3 (i) Prescribe general guidelines for the Ministries, Departments and  
4 Agencies, State, Local Government Council and Private Fire Services to  
5 operate in Nigeria;

6 (j) Issue fire safety permit, Certificate and licence for public building  
7 designs and plans, and other structures and enforce compliance with the  
8 requirement for insurance of Public buildings as provided in the insurance Act  
9 and carry out inspection to ensure compliance;

10 (k) Enforce the National Fire Safety Code at the Federal level and  
11 ensure compliance by the States and Local Governments;

12 (l) Do all things which by this Act or any other enactment are required  
13 or permitted to be done by the Fire Service; and

14 (m) Do such activities and all things it considers necessary or  
15 incidental to its functions under this Act and carry out such other activities as  
16 are necessary and expedient for the full discharge of any of its functions under  
17 or pursuant to this Act.

18 PART II - PRINCIPAL OFFICERS, OTHER STAFF, CONSTITUENT BODIES

19 AND AUTHORITIES OF THE FIRE SERVICE

20 **3.** The Principal Officers of the Fire Service shall consist of:

21 -(1) The Controller General; and

22 (2) such number of:

23 (a) Deputy Controller Generals and Assistant Controller Generals,  
24 and Zonal Commanders as the Board may consider necessary; and

25 (b) such other Fire & Rescue Marshals of such ranks as may from time  
26 to time be employed to perform the functions of the Fire Service.

Responsibility  
of the Controller  
General

27 **4.** The Fire Service shall be under the command of the Controller  
28 General, who subject to the general orders and directions of the Minister shall  
29 be responsible to the Minister for the efficient administration and government  
30 of the Fire Service.

1                   **5.-(1)** The Fire Service shall be headed by a Controller General      Appointment of  
2                   who shall be appointed by the President, Commander in-Chief of the Armed      the Controller  
3                   Forces, on the recommendation of the Honourable Minister to carry out the      General  
4                   functions and duties assigned to him under this Act subject to compulsory  
5                   retirement of 35 years of service or 60 years of age.

6                   (2) The President may, at any time, remove the Controller General  
7                   from office if in his opinion it is in the interest of the Fire Service or of the  
8                   Nation for him to be removed from office.

9                   (3) The Controller General shall:

10                  (a) be the chief executive and accounting officer of the Fire  
11                  Service;

12                  (b) possess experience as specified in the scheme of service;

13                  (c) possess a minimum of twenty years (20) post  
14                  graduation/cognate experience, such experience not being less than that  
15                  required for the post of the Controller General of similar paramilitary  
16                  organisations or its equivalent in any other part of the world;

17                  (d) be responsible for the day-to-day administration of the Fire  
18                  Service.

19                  **6.** The Controller General shall be responsible for ensuring:

20                  (a) the day to day administration of the Fire Service;

21                  (b) the appointment of Officers to carry out the functions of the  
22                  Fire Service;;

23                  (c) he establishes programmes for the prevention, reduction and  
24                  elimination of all kinds of fire hazards and the provision of an effective  
25                  programme for public enlightenment, awareness and education on fire  
26                  safety and prevention throughout the Federation;

27                  (d) measures are taken to enable the Fire Service perform its  
28                  functions under this Act;

29                  (e) discipline is maintained within the rank and file of the Fire  
30                  Service.

|  |    |  |
|--|----|--|
|  | 1  | (f) he advises the Minister on all issues pertaining to the Fire Sector          |
|  | 2  | and render any other services as may be required by the Minister.                |
| Appointment of Deputy Controller General       | 3  | <b>7.</b> There shall be appointed for the Fire Service such number of           |
|  | 4  | Deputy Controller Generals as may be recommended from time to time by the        |
|  | 5  | Board.   |
|  | 6  | (1) The most senior Deputy Controller General shall be:                          |
|  | 7  | (a) the second in command of the Fire Service and shall, in the                  |
|  | 8  | absence of the Controller General, exercise any power conferred or perform       |
|  | 9  | any duty imposed on the Controller General; and                                  |
|  | 10 | (b) a person with the requisite qualifications and cognate experience            |
|  | 11 | for the post as specified in the scheme of service.                              |
|  | 12 | (2) The Deputy Controller General shall hold office on such terms and            |
|  | 13 | conditions as are specified in his letter of appointment.                        |
| Appointment of other Staff of the Fire Service | 14 | <b>8.</b> (1) The Board shall employ for the Fire Service such number of         |
|  | 15 | personnel as may, in the opinion of the Board be expedient or delegate such      |
|  | 16 | function as deemed fit for the proper and efficient performance of the functions |
|  | 17 | of the Fire Service.   |
|  | 18 | (2) The terms and conditions of Service of personnel of the Fire                 |
|  | 19 | Service shall be as contained in their letter of appointment.                    |
| Zones and Zonal Commands of the Fire Service   | 20 | <b>9.</b> (1) The Board shall-   |
|  | 21 | (a) divide Nigeria into such number of Zones as it may , from time to            |
|  | 22 | time determine for the effective organization of the Fire Service; and           |
|  | 23 | (b) establish, in each zone a zonal command.                                     |
|  | 24 | (2) the Zonal Command Shall, subject to the direction and overall                |
|  | 25 | command of the Fire service , be responsible for coordinating the activities of  |
|  | 26 | the Fire Service in the zone.  |
|  | 27 | (3) The Zonal command shall be headed by a Zonal Fire & Rescue                   |
|  | 28 | Marshal who shall be appointed by the Controller General of the Fire Service     |
| State Command                                  | 29 | <b>10.</b> (1) The Fire Service shall have a state command in each state of      |
|  | 30 | the federation and the Federal Capital Territory, Abuja.                         |

1 (2) The state Command shall, subject to the direction and overall  
2 command of the Fire Service and the Zonal Command, be responsible for  
3 carrying out the functions of the Fire Service the state and Federal Capital  
4 Territory ,Abuja.

5 (3) The State Command shall be headed by a State Fire & Rescue  
6 Marshal who shall be appointed by the Controller General of the Fire  
7 Service.

8 (4) The State Fire & Rescue Marshal Shall promote public health,  
9 provide safety as well as reduce all kind of hazards to life and property  
10 within the state command.

11 11. -(1) to ensure that the officers of the Fire Service Carry out  
12 inspection of premises, and shall every six (6) months carry out fire  
13 integrity test for all fire safety installations within any private and public  
14 buildings, structures and/or premises;

Duties of a  
State Fire & Rescue  
Marshal shall be

15 (2) to enforce compliance with the mandatory fire insurance of  
16 public and private buildings and structures that are four (4) floors and  
17 above, and to ensure full compliance with the National Fire Safety Code;

18 (3) to Seal up any unsafe premises and/or any premises that fails to  
19 comply with the required fire integrity test and insurance policy on private  
20 and public buildings and shall ensure that such premises remain sealed until  
21 full compliance with all the mandatory requirements are met by such  
22 defaulter;

23 (4) Conducting or participating in investigation of causes, origin  
24 and circumstances of fires including cases of possible arson and other  
25 related hazards;

26 (5) Prescribing a uniform system of reporting fires, their causes  
27 and effects;

28 (6) Impounding necessary evidence in conjunction with  
29 investigations of causes, origins and circumstances of fires, in the event that

1 such evidence might be lost, destroyed or otherwise altered if not so  
2 impounded.

3 (7) the utilization, promotion and expansion of research equipment  
4 surveys and studies by private and public institutions, and organizations  
5 concerning causes ,effects, extent , prevention, reduction and elimination of  
6 fire hazards in all forms and such other matters related to fire safety and  
7 prevention as he may from time to time determine to be necessary and useful;

8 (8) the Conduct of public investigation into the origin, causes,  
9 circumstances and extent of any fire incident or hazard; and the violation of any  
10 section of this Act , National Fire Safety Code or any other enactment for the  
11 time being in force; and

12 (9) He shall issue a Fire Certificate in any construction site before an  
13 Architect's Completion Certificate may be issued for the completion of any  
14 building Structure which is above four (4) floors.

Power of  
Controller  
General to  
delegate

15 **12.** The Controller General may delegate any of his powers or duties  
16 under the Act to any officer of the Fire Service and the delegated powers may  
17 be exercised subject to the matters or class of matters specified in the  
18 instrument of delegation.

The Board

19 **13.** There shall be an administrative board whose functions shall be  
20 as set out in the schedule to this Act.

Directives of  
the President

21 **14.** The president may give directives of a general or specific  
22 character to the Fire Service relating to the performance by the Fire Service of  
23 any or all of its functions under this Act or the policy to be followed by the Fire  
24 Service in the exercise of its functions, the Fire Service shall comply with and  
25 give effect to such directives.

Powers of the  
Minister

26 **15.** The Minister's powers shall include power:

27 (i) to make regulations for the reduction of fire outbreaks and related  
28 emergencies in the country through regular review of the National Fire Safety  
29 Code;

30 (ii) to provide accommodation for the Fire Service and its equipment,

1 including housing and other accommodation for members of the Fire  
2 Service and furniture reasonably required for such accommodation;

3 (iii) to provide efficient arrangements for ensuring that reasonable  
4 steps are taken to prevent or mitigate damage to property resulting from  
5 measures taken in dealing with fires;

6 (iv) to employ the Fire Service, or use any of the equipment  
7 maintained by it, for purposes other than fire-fighting for which it appears to  
8 the Minister to be suitable and, if the Minister deems fit, to make such charge  
9 as he may prescribe for any service rendered in the course of such  
10 employment or use; and

11 (v) to pay persons not being members of the Fire Service  
12 maintained in pursuance of this Act who render services for firefighting  
13 purposes, such rewards as the Fire & Rescue Marshal deems fit.

14 **16.**-(1) There shall be established a body to be known as the  
15 National Council on Fire (in this Act referred to as “the Council”).

Establishment of  
the National  
Council on Fire  
& Rescue

16 (2) The Council shall be composed of:

17 (a) the Minister, who shall be the chairman;

18 (b) the state commissioners of Ministries in charge of Fire  
19 Services;

20 (c) the Director General of the National Emergency Management  
21 Agency;

22 (d) Controller General of the Federal Fire Service.

23 (e) National Insurance Commissioner

24 (f) Legal Adviser, Ministry of Interior who shall be Secretary of the  
25 council.

26 (3) The Controller General shall provide the secretariat for the  
27 Council.

28 **17.** The functions of the Council shall include to:

Functions of the  
Council

29 (a) formulate generally, National Fire Policy and regularly update  
30 the National Fire Safety Code;

1 (b) advise the federal, state or any local Government on matters  
2 affecting fire safety delivery in the country;

3 (c) review on a regular basis the preparedness of the Fire Services in  
4 the country for emergency response;

5 (d) set out scale of charges permitted under this Act for any services  
6 rendered by the Fire Service and /or Levies payable by any person or  
7 organization;

8 (e) To make regulations requiring the owners of multiple dwellings,  
9 Cinemas, Theatres, office buildings and other such ,structures or places to  
10 which public resort from time to time to take such precaution for the safety  
11 against fire hazards of the tenants or occupiers, invitees or other users of such  
12 buildings structures or places as contained in this Act and enshrined in the  
13 National Safety Code; and

14 For this purpose the council may classify such buildings structures and places  
15 into different categories and each such category may be subject to different  
16 safety requirements hereunder; and further for such purposes hereof the  
17 Council may empower the Controller General to limit the number of persons  
18 occupying or using such buildings structures or places at anytime require the  
19 owners or users to install such fire fighting equipments of such standard as the  
20 Council may prescribe and generally to regulate and impose levies and fine on  
21 the users of such buildings, structures or places;

22 (f) make regulation in respect of prohibition or control of the use of in  
23 erection ,alteration, improvement or repair of any building or other structure,  
24 or materials deemed by the council to constitute a fire hazard ;or of the use of  
25 any materials in the erection, alteration, improvement or repair of any building  
26 or other structure which materials ,because of its location or proposed location  
27 or otherwise, the council considers it to constitute hazards to lives and  
28 properties of adjoining buildings structures or places;

29 (g) Prescribing the type of signals, audible or visual to be used on fire  
30 engines or other mobile fire fighting equipments;



1 (h) perform such other functions in the opinion of the Council  
 2 required to ensure optimal performance of the Fire Service & Rescue nation-  
 3 wide.

4 **18.**-(1) There shall be established a Disaster Response Centre in  
 5 each of the Zonal Commands (in this Act referred to as "DRC"). The DRC  
 6 shall be the primary point of response to National Disasters in the respective  
 7 Zonal Commands.

Establishment of  
 the Disaster  
 Response Centres

8 (2) The DRC shall be under the direction and command of the  
 9 Zonal Fire & Rescue Marshal.

10 **19.** The functions of the DRC shall include to:

Functions of the  
 Disaster Response  
 Centres

11 (a) work in conjunction with the National Emergency  
 12 Management Agency in the respective zonal command in formulating  
 13 strategies for adequate emergency preparedness and rescue operations;

14 (b) assess and ensure adequate training of the fire department  
 15 personnel in the States, Local Governments and Private Fire Service outfits  
 16 in the zones;

17 (c) have the responsibility of coordinating the Fire Services and  
 18 rescues within the zone during a National disaster; and

19 (d) ensure the enforcement of any Fire Safety legislation and the  
 20 National Fire Safety Code;

21 (e) any other function as may be prescribed by the Controller  
 22 General of the Fire Service and which may be of a general or specific  
 23 character relating to the performance by the its functions under this Act or  
 24 the policy to be followed by the Fire Service in the exercise of its functions.

### 25 PART III - FINANCIAL PROVISIONS

26 **20.**-(1) The Funds of the Fire Service shall consist of:

Funding of the  
 Fire Service

27 (a) Such funds as budgetary allocations, trust funds, subventions,  
 28 grants-in-aid and loans as may, from time to time, be made by the Federal  
 29 Government;

30 (b) such sums or property which may from time to time by way of

1 loans or grants and gifts ,accrue to the Fire Service from any government, non-  
2 governmental bodies or individuals; and

3 (c) other monies received by the Fire Service which may in anyway,  
4 become payable to or vested in the Fire Service by way of gifts, grants –in –aid  
5 and testamentary disposition.

6 (2) The Fire Service shall keep proper accounts, in a form which  
7 conforms to accepted commercial standards ,of its receipts, payments , assets,  
8 and liabilities and shall submit the accounts annually , for auditing by a  
9 qualified auditor from the list of auditors supplied by the Auditor-General of  
10 the Federation.

Expenditure of  
the Fire Service

11 **21.** The Fire Service may from time to time, apply its funds to-

12 (a) The General administration of the Fire Service;

13 (b) the payments of salaries, allowances and other emoluments and ,  
14 accruing to the members and staff of the Fire Service;

15 (c) Expenses of the Council of the Fire Service as may be duly  
16 approved by the Council;

17 (d) Acquire maintain any property for the use of the Fire Service; and

18 (e) any other expenses that are necessary for the staff welfare or for  
19 carrying into effect the provisions of this Act.

Fire Service  
Maintenance  
Fund

20 **22.** In accordance with Section 64 of the Insurance Act and  
21 Regulation 2003:

22 (1) 0.25% (or as may be reviewed) of the net premium received by  
23 every direct insurer on policies shall be paid quarterly into a Fire Service  
24 Maintenance Fund to be jointly administered by the National Insurance  
25 Commission and the Fire Service.

26 (2) The fund shall be for the purpose of providing grant facility or  
27 equipment to public Fire Services Nation-wide.

Gifts to the  
Fire Service

28 **23.-(1)** The Fire Service:

29 (a) may accept gifts of land, money, or other property on such terms  
30 and conditions, if any, as may be specified by the person or organization

1 making the gifts; and

2 (b) Shall not accept any gift if the conditions attached by the person  
3 or organization making the gift are inconsistent with it's functions under this  
4 Act.

5 **24.** The Fire Service may, with the consent of the President or in Power to Borrow  
6 accordance with the authority of the Federal Government of Nigeria ,  
7 borrow by way of loan or overdraft from any source moneys required by the  
8 Fire Service to meet its obligations and its functions under this Act, so  
9 however that no such consent or authority shall be required by the Fire  
10 Service where the sum or aggregate of the sums involved at anytime does  
11 not exceed such amount as is for the time being specified in relation to the  
12 Fire Service by the federal Government, and shall be in accordance with the  
13 Financial Regulations.

14 **PART IV - ORGANIZATION AND ADMINISTRATION**

15 **25.** The Fire Service shall have a paramilitary status and shall Paramilitary  
Status of the  
Fire Service  
16 operate the harmonized paramilitary salary structure and other conditions of  
17 service.

18 **26.** A Fire Marshal who- Discipline of  
Fire Officers

19 (a) performs his duties in contravention of the objects of the Fire  
20 Service ;

21 (b) takes part in any subversive activity, including mutiny and  
22 disturbance of public;

23 (c) abets, incites, conceals ,or condones the commission of any  
24 offence;

25 (d) takes part in an illegal assembly of persons with intention to  
26 breach public peace , destroy property or assault any person or group of  
27 persons ;

28 (e) having knowledge that an offence is or any illegal act is about to  
29 be committed , fails to inform his superior officer;

1 (f) takes part in a strike ; and offers violent assault on his superior  
2 office,  
3 commits an offence and is liable on conviction to imprisonment for a term of  
4 not less than one year.

Oath by the  
employees  
Cap. 01 LFN,  
2004

5 27. On the appointment or re-appointment of any person as an  
6 employee of the Fire Service, the provisions of the Oaths Act shall apply.

Pensions and  
Allowances  
Cap. P4 LFN  
2004

7 28.-(1) Service in the Fire Service shall be approved service for the  
8 purposes of the Pensions Reform Act and the personnel of the Fire Service shall  
9 be entitled to pensions, gratuities and other retirement benefits.

10 (2) Nothing in subsection (1) of this section shall prevent the  
11 appointment of a person to any office on terms which preclude the grant of  
12 pension in respect of that office.

13 PART V - OFFENCES AND PENALTIES

Offences

14 29. It is an offence under this Act for any person to:

15 (a) knowingly, use or attempt to pass off any forged or false  
16 certificate, character, letter or other document for the purpose of obtaining  
17 admission into the Fire Service or knowingly make a false statement, whether  
18 orally or in writing while applying for recruitment into the Fire Service;

19 (b) wilfully obstruct, interfere with, assault or resist any personnel of  
20 the Fire Service or consultant appointed for the purposes of the Fire Service, in  
21 the performance of his lawful duties;

22 (c) aid, abet, invite or induce any other person, to wilfully obstruct,  
23 interfere with, assault, or resist any personnel of the Fire Service or consultant  
24 appointed for the purposes of the Fire Service in the lawful performance of his  
25 duties;

26 (d) wilfully obstruct or delay the passage of any mobile fire and  
27 rescue equipment of the Fire Service proceeding to the scene of an emergency;

28 (e) damage or remove any equipment maintained by the Fire Service;

29 (f) if required by the Fire Service without reasonable excuse, fail to:

30 (i) render assistance or release any available equipment, facility or

1 person required for a search and rescue operation or other disaster  
2 curtailment activities,

3 (ii) comply with the directive of the Fire Service; or

4 (g) fail to comply with any of the provisions of this act for which no  
5 penalty is prescribed or any regulation or order made under this act;

6 (h) fail to comply with any provision of the National Fire Safety  
7 Code;

8 (i) pretend, in any way, to be the personnel of the Fire Service or to  
9 possess authority from or on behalf of the Fire Service; or

10 (j) put on or assume, either in whole or in part, the dress, name,  
11 designation or description of any personnel of the Fire Service.

12 (k) fail to provide information, statistics or returns in respect of fire  
13 safety.

14 **30.** Any person who contravenes any of the provisions of Section Penalties  
15 29 of this Act shall be liable on conviction in the case of the provisions of:

16 (a) subsection (a) to a fine not less than N500,000.00 or to  
17 imprisonment for a term not exceeding three months or both;

18 (b) subsection (b), (c), (d) or (e) to a fine not less than N400,000.00  
19 or to imprisonment for a term not exceeding one month or both;

20 (c) subsection (f) to a fine not less than N400,000.00 or to  
21 imprisonment for a term not exceeding one month or both;

22 (d) subsection (g) to a fine not less than N400,000.00 or to  
23 imprisonment for a term not exceeding three months or both;

24 (e) subsection (b) to a fine not less than N500,000.00 or to  
25 imprisonment for a term not exceeding three months or both. The premises  
26 shall also be sealed until necessary amendment is carried out.

27 (f) subsection (i) to a fine not less than N500,000.00 or to  
28 imprisonment for a term not exceeding three months or both;

29 (g) subsection (j) to a fine not less than N500,000.00 or to  
30 imprisonment for a term not exceeding three months or both; and

|  |    |   |
|--|----|---|
|  | 1  | (h) subsection (k) to a fine not less than N400,000.00 or to                      |
|  | 2  | imprisonment for a term not exceeding three months or both.                       |
| Jurisdiction   | 3  | <b>31.</b> Jurisdiction over matters arising from this Act shall be as            |
|  | 4  | conferred by law in matters relating to paramilitary establishments, parastatals  |
|  | 5  | and other similar government Agencies.  |
|  | 6  | PART VI - MISCELLANEOUS   |
| National<br>Emergency and<br>Relief of Distress<br>in States | 7  | <b>32.</b> -(1) Where a national emergency occurs anywhere within the             |
|  | 8  | Federation and the Governor of the State in which the emergency has arisen so     |
|  | 9  | request from the President, the Fire Service shall liaise with the National       |
|  | 10 | Emergency Management Agency to:   |
|  | 11 | (a) co-ordinate the fire services response to the fire emergency.                 |
|  | 12 | (b) facilitate the effective use of available logistics within that geo-          |
|  | 13 | political zone: and   |
|  | 14 | (c) do any other thing necessary for the mitigation or control of                 |
|  | 15 | disaster.   |
| Commencement   | 16 | (2) For the purposes of this section, “national emergency” includes               |
|  | 17 | any flood, fire, hurricane, earthquake, storm or other catastrophe or disaster in |
|  | 18 | any part of the Federation which in the view of the Governor for the state is, or |
|  | 19 | threatens to be, of sufficient magnitude and severity to warrant assistance by    |
|  | 20 | the Fire Service.   |
| Requisition &<br>Compensation                                | 21 | <b>33.</b> -(1) Where ever and whenever the Fire Service is present at the        |
|  | 22 | scene of any emergency, it may demand by requisition from any person or           |
|  | 23 | organization, any available equipment, facility or personnel which may assist     |
|  | 24 | in the speedy search and rescue operation and any other form of disaster          |
|  | 25 | curtailment operation.  |
|  | 26 | (2) The Fire Service shall provide compensation for any loss or                   |
|  | 27 | damage arising from the use of the equipment, facility or personnel utilized      |
|  | 28 | under this section.   |
| Power of the<br>Incident Command<br>Officer                  | 29 | <b>34.</b> -(1) The incident Command Officer of the Fire Service present at       |
|  | 30 | the scene of a national emergency or disaster shall have sole charge and control  |

1 of all operation by the Fire Service and any Fire authority or fire authorities.

2 (2) The Incident Command Officer in relation to a national  
3 emergency means the most senior officer of the Fire Service at the Scene of  
4 the emergency.

5 35.-(1) A fire officer on duty shall have power at any reasonable Right of a fire  
6 officer  
6 time to enter upon any land or property which he has reason to enter, to  
7 perform upon the land any function imposed or exercise any power  
8 conferred on him by or under this Act, and may also:

9 (i) seal up any premises deemed unsafe for life as may be  
10 prescribed by the National Fire Safety Code;

11 (ii) damage, destroy or pull down any property as he may deem  
12 necessary to extinguish or limit the spread of any fire;

13 (iii) enter such building and do such acts as he may deem necessary  
14 for extinguishing any such fire or for protecting such building or property  
15 adjacent thereto from fire or from acts done for firefighting purposes.

16 (2) where a fireman in the discharge of his duty do such acts as  
17 provided in subsection (1) (i), (ii) & (iii) of this section, the said act may be  
18 reasonably compensated considering the extent of the damage to be  
19 determine by an agreement between the parties, or in the absence of such  
20 agreement an amount to be determined by arbitration in accordance with the  
21 provisions of the Arbitration Act.

22 36. The Fire service shall ensure, whenever the circumstance Personal  
23 Protective Gear  
23 requires, that:

24 (i) a fire officer of the Fire Service, or in the event of a national  
25 disaster, a fire officer of a fire authority or a volunteer fire fighter under its  
26 coordination or engaged by it for the mitigation or control of the disaster, is  
27 covered from head to toe with fire resistant and other personal protective  
28 gear.

29 37.-(1) No charge shall be made for any service rendered by the Charges for the  
30 Fire Service during an emergency. Services of the  
Fire Service

|   |    |   |
|---|----|---|
|   | 1  | (2) Charges may be made for services other than services rendered               |
|   | 2  | during an emergency, at rates to be prescribed by the Minister and/or National  |
|   | 3  | Council on Fire & Rescue.   |
|   | 4  | (3) Any such prescribed charges may be sued for and recovered with              |
|   | 5  | full costs of action from the person charged as a debt to the Federal           |
|   | 6  | Government.   |
| Hazard Allowance  | 7  | <b>38.</b> There shall be paid to a Fire & Rescue Marshal a hazard allowance    |
|   | 8  | which shall be:   |
|   | 9  | (a) a certain percentage of his annual salary; and                              |
|   | 10 | (b) determined by the Salaries and Wages Commission.                            |
| Life Insurance Policy   | 11 | <b>39.</b> The Fire service shall adopt in favour of every Fire & Rescue        |
|   | 12 | Marshal an Accident and Life insurance policy.                                  |
| Personnel of the Fire Service not to be used for suppressing Civil Disturbances | 13 | <b>40.</b> The personnel of the Fire Service shall not be employed for the      |
|   | 14 | purpose of prevention, control or suppression of civil commotion, riot or other |
|   | 15 | civil disturbance save when expressly so authorized by the President.           |
| Disclosure of Information   | 16 | <b>41.</b> The personnel of the Fire Service shall not:                         |
|   | 17 | (a) disclose any information obtained in the course of his duties to any        |
|   | 18 | unauthorized person; or   |
|   | 19 | (b) use any such information to his own advantage whether or not for            |
|   | 20 | financial gain.   |
| Public Emergency Civil Service  | 21 | <b>42.</b> -(1) The National Emergency Management Agency, the Fire              |
|   | 22 | Service and the Nigerian Communication Commission (in this Act referred to      |
|   | 23 | as "the commission") shall liaise with each other to establish a functional and |
|   | 24 | effective public emergency call service for the immediate report of and         |
|   | 25 | response to an outbreak of fire or other emergencies.                           |
|   | 26 | (2) Network Operators (in this Act referred to as "the operators") shall        |
|   | 27 | provide toll-free lines in order to ensure a more effective emergency call      |
|   | 28 | service delivery, for use throughout the Federation.                            |
| Training of National Youth Corps members  | 29 | <b>43.</b> The Controller General of the Fire Service and the Director-         |
|   | 30 | General of the National Youth Service Corps (NYSC) shall liaise with each       |



1 other to co-ordinate the activities of the fire authority and National Youth  
2 Service Corps (NYSC) program in any locality, in order to ensure that  
3 members of the National Youth Service Corps in the locality are:

- 4 (a) trained in fire prevention and control; and  
5 (b) involved in fire safety enlightenment campaigns at the grass-  
6 root level.

7 **44.** A person not an employee of the Fire Service may with the  
8 approval of the Controller General and on such terms as to non-payment or  
9 other-wise as may be prescribed, be admitted to all or part of such training as  
10 provided under this Act for the training of personnel of the Fire Service or  
11 Fire Authorities.

Fire Training  
facilities available  
to non-employees

12 **45.** The Controller General shall liaise with the relevant  
13 stakeholders in the educational sector in order to include fire prevention and  
14 control in the academic curriculum of the primary, secondary and tertiary  
15 institutions.

16 **46.** Nothing in this Act shall be construed to exempt the personnel  
17 of the Fire Service from being proceeded against by the ordinary course of  
18 law when accused of any offence punishable under any other Act or Law.

Ordinary Course  
of Law not to be  
interfered with

19 **47.-(1)** Subject to this Act the provisions of the Public Officers  
20 Protection Act Cap. P41 LPN 2004 shall apply in relation to any suit  
21 instituted against any personnel of the Fire Service.

Legal Proceedings

22 (2) Notwithstanding anything to the contrary contained in any  
23 other law or enactment, no suit shall lie against the Fire Service or personnel  
24 of the Fire Service for any act, neglect or default done in the pursuance or  
25 execution of the provisions of this Act or any public duty or authority or in  
26 respect of any alleged neglect or default in the execution of the provisions of  
27 this Act or such Law or Enactment, duty or authority, or be instituted in any  
28 court unless:

- 29 (a) it is commenced within three months next after the act, neglect  
30 or default complained of; or

1 (b) in the case of a continuation of damage or injury, within six  
2 months next after the ceasing thereof.

3 (3) No suit shall be commenced against the Fire Service or a  
4 personnel of the Fire Service in his official capacity before the expiration of the  
5 period of one month after a written notice of the intention to commence the suit  
6 shall have been served upon the Fire Service by the intending plaintiff or his  
7 agent.

8 (4) The notice referred to in subsection (3) of this section shall clearly  
9 and explicitly state the cause of action, the particulars of the claim, the name  
10 and place of abode of the intending plaintiff and the relief which he claims.

Service of  
Documents

11 **48.** A notice, summons or other document required or authorized to  
12 be served upon the Fire Service under the provisions of the Act or any other law  
13 or enactment may be served by delivering it to the Minister or by sending it by  
14 registered post and addresses to the Minister or Controller General.

Restriction on  
execution against  
property of the  
Fire Service

15 **49.**-(1) In any action or suit against the Fire Service, no execution or  
16 attachment of process in the nature thereof shall be issued against the property  
17 of the Fire Service;

18 (2) Any sum of money which may by the judgment of any court be  
19 awarded against the Fire Service shall, subject to any direction given by the  
20 court where notice of appeal of the said judgment has been given, be paid from  
21 the general reserve of the Fire Service.

Indemnity of  
Fire Personnel

22 **50.** The personnel of the Fire Service shall be indemnified out of the  
23 assets of the Fire Service against any proceeding, whether civil or criminal, in  
24 which judgment has been given against him, or in which he is acquitted, if any  
25 proceeding is brought against him in his capacity as an employee of the Fire  
26 Service.

Fire Fighting and  
Fire Prevention  
deemed public  
purposes

27 **51.** For the purposes of the Land Use Act, fire fighting and prevention  
28 shall be deemed as “public purpose”.

Fire Safety Weeks

29 **52.** A week in the year shall be declared as “Fire Safety Week” and it

1 shall be observed by every fire authority under the co-ordination of the Fire  
2 Service.

3 **53.**-(1) The President may subject to such requirements as he may  
4 deems fit institute the awards of decorations, medals and certificates to any  
5 member of the fire service including the Controller General for exceptional  
6 performance in the discharge of his duty.

Decorations,  
Medals and  
Certificates

7 (2) Such powers as stated in subsection (1) of this section shall be  
8 exercised based on the recommendation of the Board.

9 **54.**-(1) The body known as the Fire Service (in this section referred  
10 to as the “Dissolved Fire Service”) existing before the commencement of  
11 this Act is dissolved.

Dissolution of  
the existing Fire  
Service and  
Repeal Act

12 (2) Accordingly, there shall be vested in the Fire Service  
13 immediately at the commencement of this Act and without further  
14 assurance all assets, funds , resources and other movable and immovable  
15 property which immediately before the commencement of this Act were in  
16 the dissolved Fire Service;

17 (3) As from the commencement of this Act-

18 (a) all rights , interests, obligations and liabilities of the dissolved  
19 Fire Service existing immediately before the commencement of this Act  
20 under any contract or instrument or at law or in equity, shall by virtue of this  
21 Act be assigned to and vested in the Fire Service;

22 (b) any contract or instrument as mentioned in paragraph (a) of  
23 this subsection shall be of the same force and effect against or in favour of  
24 the Fire Service and shall be enforceable as fully and effectively as if ,  
25 instead of the Dissolved Fire Service , the Fire Service had been named  
26 therein or had been a party thereto; and

27 (c) the Fire Service shall be subject to all obligations and liabilities  
28 to which the Dissolved Fire Service was subject immediately before the  
29 commencement of Act, and all other persons shall, as from the  
30 commencement of this Act have same rights, power and remedies against

1 the Fire Service as they had against the Dissolved Fire Service immediately  
2 before the commencement of this Act.

3 (4) A proceeding or cause of action pending or existing immediately  
4 before the commencement of this Act by or against the Dissolved Fire Service  
5 in respect of any right , interest , obligation or liability of the Dissolved Fire  
6 Service may be commenced , continued or enforced by or against the Fire  
7 Service as if this Act has not been made.

8 (5) Notwithstanding the provision of this Act , but subject to such  
9 directions as may be issued by the Fire Service , a person who immediately  
10 before the commencement of this Act was a volunteer or regular member of or  
11 held office in the Dissolved Fire Service shall be deemed to have transferred to  
12 the Fire Service on the terms and conditions not less favorable than those  
13 obtained immediately before the commencement of this Act, and service in the  
14 Dissolved Fire Service shall be deemed to be in service of the Fire Service for  
15 the purposes of Pension.

16 (6) All regular officers of the Fire Service before Dissolution shall  
17 retain their ranks and position immediately after this Act takes effect.

18 (7) The Fire Service Act Cap 11, 1963 is hereby repealed.

19 (8) The repeal of the enactment referred to in Sub-section (1) of this  
20 section shall not affect anything done or purported to have been done under the  
21 repealed enactment.

Interpretation

22 **55.** In this Act:

23 (a) “chairman” means the chairman of the Fire Board appointed under  
24 section (10) of the Act;

25 (b) “controller General” means the Chief Executive and Accounting  
26 officer of the Fire Service appointed under Section (5) of this Act;

27 (c) “fire Service” means the Federal Fire & Rescue Service;

28 (d) “the Board” means the Civil Defence, Fire Service, Immigration  
29 and Prison Board;

30 (e) “fire and Rescue equipment” means a fire engine or appliance,

1 portable equipment and protective equipment necessary for fire fighting,  
2 rescue and other humanitarian services;

3 (f) “fire authority” means any State or local authority or other body  
4 responsible under any law for the provision of fire-fighting or fire protection  
5 services in any State or part of a State;

6 (g) “fire-fighting unit” means fire-fighting personnel and mobile  
7 fire-fighting equipment maintained as such by any person other than a fire  
8 authority for use in the fighting and prevention of fires on such person's  
9 property;

10 (h) “fire-fighting equipment” includes fire extinguishers, fire  
11 escapes, emergency exits and other such means of fire-fighting, fire-  
12 prevention and escape, as may be prescribed;

13 (i) “fireman” means any member of the Fire Service of or below the  
14 rank of sub-officer;

15 (j) “minister” means the Minister responsible for fire matters;

16 (k) “operator” means organizations engaged in providing global  
17 systems for mobile or fixed wireless communication service;

18 (l) “prescribed” means prescribed by this Act or by regulations  
19 made under this Act;

20 (m) “president” means the president of the Federal Republic of  
21 Nigeria.

22 **56.** This Bill may be cited as the Fire and Rescue Service Bill, Short Title  
23 2019

1 SCHEDULE

2 (Section 10)

3 *The Board*

4 (i) The administrative board for Fire Service shall be the Civil  
5 Defence, Fire, Immigration and Prison Board (in this Act referred to as the  
6 "Board").

7 *Functions of the Board*

8 (ii) The Board shall:

9 (a) be responsible for the appointment, promotion and discipline of  
10 members of the Fire Service; and

11 (b) do such other lawful things which in its opinion are necessary to  
12 ensure the efficient performance of the functions of the Fire Service.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Fire Service Act No.11 of 1963 and to provide for the establishment of the Fire and Rescue Service in the Federation and provide amongst other things for the organisation, discipline, powers and duties of the Federal Fire and Rescue Service.