

# STATES OF JERSEY



## DRAFT FIRE AND RESCUE SERVICE (JERSEY) LAW 201-

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Lodged au Greffe on 6th June 2011  
by the Minister for Home Affairs

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STATES GREFFE





Jersey

## **DRAFT FIRE AND RESCUE SERVICE (JERSEY) LAW 201-**

### **European Convention on Human Rights**

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Chief Minister, for and on behalf of the Minister for Home Affairs, has made the following statement –

In the view of the Chief Minister, for and on behalf of the Minister for Home Affairs, the provisions of the Draft Fire and Rescue Service (Jersey) Law 201- are compatible with the Convention Rights.

(Signed) **Senator T.A. Le Sueur**

## REPORT

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### Overview

This draft Law updates the statutory requirement to provide for the maintenance and functions of the States of Jersey Fire and Rescue Service. It will replace the Fire Service (Jersey) Law 1959, which was introduced at a time when the Service was only expected to focus on fighting fires; since then, the role of the Service has changed significantly.

The new statutory requirements and revisions in the draft Law are already being delivered by the Fire and Rescue Service, who are trained and equipped to deal with a wide range of emergencies, but without any statutory requirement to do so. Existing powers already enable a firefighter to do whatever he or she believes to be necessary to extinguish or prevent a fire. The draft Law expands these powers, supporting the operational activities of a firefighter at road collisions, land and sea rescues and other emergencies.

This new framework of powers and duties will equip Jersey's Fire and Rescue Service to meet future challenges. It enables the Minister to decide, in consultation with the community, how and where to deploy the Service's resources. The draft Law therefore provides a stronger basis for the Service's ability to respond to the range of risks. It also imposes on the Minister for Home Affairs a range of statutory duties to promote fire safety, and to prepare for fighting fires and protecting people and property from fires; rescuing people from road traffic collisions; dealing with inshore sea rescues, cliff rescues and firefighting at sea; and dealing with other specific emergencies, such as flooding or terrorist attack, which may be specified by Order and can be amended in line with how the role of the Service may change in the future.

### Background

The Fire Service (Jersey) Law 1959 was enacted to make provision for the establishment of a fire service for duty throughout the Island, for better protection of property against damage by fire and for other ancillary matters. The 1959 Law closely replicated the then current UK legislation, the Fire Services Act 1947. The UK Fire Service Act 1947 was repealed in 2004 and replaced with the Fire and Rescue Services Act 2004. The main purpose of that piece of legislation was to deliver a modernised Fire and Rescue Service capable of responding to the demands of the 21st Century and protecting the community.

When the Fire Service (Jersey) Law 1959 was introduced, the States of Jersey Fire Service (as it was then titled) was expected to focus on fighting fires, and the Law was therefore restricted to this function. The demands on the Service, however, have moved on since the 1959 Law provided it with a statutory function relating exclusively to fighting fires. All the other major functions that the Service now fulfils are discretionary, albeit some have been provided for many years. These 'voluntary' duties include a vastly increased educational role in providing public protection through community safety work; and increased rescue activities, which include freeing trapped passengers from vehicles, containing chemical spills, rescuing people in difficulties at sea or high places, aiding people affected by flooding or undergoing search and rescue activities.

The Draft Fire Service (Jersey) Law 201- will repeal the 1959 Law and replace it with legislation that more appropriately reflects the modern role of the Fire and Rescue Service in Jersey. It provides for the maintenance and functions of the States of Jersey Fire and Rescue Service, as previously established by the Fire Service (Jersey) Law 1959. It provides for the appointment of the Chief Fire Officer as the head of the Service and stipulates that the Service is responsible to the Minister for its operations.

The States of Jersey Fire and Rescue Service is modelled on the UK Fire and Rescue Service framework, particularly that of the South West Region. It has a similar managerial and organisational structure, and delivers services of the same type and quality as would be found in the UK. It is involved in a number of initiatives and partnerships, including fire safety initiatives, training, procurement and operational doctrine. The Chief Fire Officer is a member of the Chief Fire Officers' Association South West Region. The Draft Fire and Rescue Service (Jersey) Law 201- is based on the UK Fire and Rescue Services Act 2004. Operating under similar primary legislation will make it easier for the Service to continue to participate fully in these, and further shared activities, and it is essential for mutual aid protocols. It is logical, therefore, that fire service legislation in Jersey continues to be based on UK legislation.

In line with the UK Fire & Rescue Services Act 2004, the draft Law recognises the expanded rescue role of the Fire & Rescue Service in Jersey beyond its traditional fire-fighting role by placing a statutory duty on the Home Affairs Minister to make provision for rescuing people in the event of a road traffic collision and rescuing people from dangerous places such as cliffs.

The draft Law also provides the Minister with authority to make provision for other emergencies, such as inshore sea rescue or mass decontamination following a terrorist/hazardous materials incident; and humanitarian services such as animal rescues or serious flooding. This is particularly important because the public in Jersey already expects the Fire and Rescue Service to be able to deal with these types of incidents, as demonstrated when the centre of St. Helier became flooded in 2010.

The draft Law authorises the Chief Fire Officer to act to deal with any situation that may be harmful to persons, property or to the environment. It enables him or her to do so outside Jersey, whether on land or sea. In particular, he or she may do so in support of another fire and rescue service with which the Minister has agreed a reinforcement scheme under Article 14 of the draft Law, which provides legal authority to deal with incidents such as a fire onboard a ferry.

The draft Law places a greater emphasis on the prevention of fire by creating a new duty promoting fire safety in Jersey. This is to include general information, publicity and encouragement in respect of steps to prevent harm caused by fire; general community and domestic advice about fires; and the provision of technical fire safety advice for trade, commercial, professional and public purposes. This will underpin the shift toward a more prevention-based approach, thereby helping to save more lives by reducing the number of fires occurring in the first place.

The Fire Service (Jersey) Law 1959 includes the power to employ Fire Service personnel and equipment for purposes other than firefighting and to make a charge for its use, known as a special service. The draft Law also enables the Minister, by Order, to set charges for action taken by the Fire and Rescue Service. It does, however, place conditions on what the Service can charge for and how a charge is levied. A charge cannot be made for any of the following –

- (a) the promotion of fire safety (except technical fire safety advice for trade, commercial, professional or public purposes, if given otherwise than under the Fire Precautions (Jersey) Law 1977);
- (b) extinguishing fires or protecting life or property in Jersey, road accidents or rescues under Article 9 of the draft Law;
- (c) providing emergency medical aid; or
- (d) action taken in Jersey under Article 13 of the draft Law, i.e. acts taken to deal with any situation that may be harmful to persons or property, or to the environment.

The Fire Service (Jersey) Law 1959 enables a firefighter who believes that a fire has broken out or is about to break out, to do whatever he or she believes to be necessary to extinguish or prevent it and to protect life and property. The draft Law also includes this and expands the powers of firefighters beyond this to support their operational activities in respect of road accidents, land and sea rescues and other emergencies.

The Fire Service (Jersey) Law 1959 provides a power to obtain information for firefighting purposes by inspection or otherwise. The draft Law extends this power to enter a premise to conduct an investigation into what caused the fire or why it progressed as it did. This also includes supplementary powers, for example the ability to be accompanied by assistants and equipment, to require persons on the premises to provide facilities and assistance, to inspect and copy records, and to conduct tests and take samples.

The draft Law provides for the criminal liability of officers of bodies corporate and limited liability partnerships that commit offences under any Articles of the Law.

A consultation on the draft Law was undertaken in June 2010, with subsequent minor amendments being made to the draft Law.

Below is the full list of the organisations consulted –

- Airport Rescue and Fire Service
- Chief Minister's Department
- Comité des Connétables
- Comité des Chefs de Police
- Emergency Planning Officer – Chief Minister's Department
- Explosives Ordnance Disposal Officer
- Explosives Licensing Officer
- Health and Safety Department
- Jersey Harbours
- Jersey Water
- Planning and Environment Department
- Jersey Property Holdings

- Scrutiny Office
- States of Jersey Police
- States of Jersey Ambulance Service
- The Association of Jersey Architects
- Transport and Technical Services Department.

A Scrutiny Hearing on the draft Law took place in September 2010. It highlighted that the new requirements and revisions in the draft Law are already being delivered by the Fire and Rescue Service personnel, who are trained and equipped to deal with a wide range of emergencies, but without any statutory requirement to do so. The draft Law will clarify and codify the role of the Fire and Rescue Service and ensure it has the appropriate statutory footing to deliver its services.

### **Financial and manpower implications**

There are no additional financial or manpower implications for the States arising from the adoption of this draft Law. Implementing the draft Law in a CSR environment will have no adverse affect. It will reinforce the service expected by the public, without the need to increase manpower requirements or finance.

Current and future Fire and Rescue Service CSR proposals will provide efficiencies and savings without loss of front-line services. The main change will enable the Minister, by Order, to charge for technical fire safety advice given commercially or to repeated attendance at malfunctioning fire alarm premises. Charges cannot be imposed unless the person concerned is told before the action is taken, and the Minister may in writing, and setting out his reasons, waive a charge.

The draft Law recognises the wider role the Service now plays and provides it with the flexibility to adapt to future manpower changes.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 3rd June 2011 the Chief Minister, for and on behalf of the Minister for Home Affairs, made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Chief Minister, for and on behalf of the Minister for Home Affairs, the provisions of the Draft Fire and Rescue Service (Jersey) Law 201- are compatible with the Convention Rights.

## Explanatory Note

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This draft Law would replace the Fire Service (Jersey) Law 1959.

It continues to provide for the maintenance and functions of the States of Jersey Fire and Rescue Service, established by the earlier Law, under the administrative control of the Minister for Home Affairs.

In doing so, it revises existing provisions in the 1959 Law, and introduces new provisions based on the Fire and Rescue Services Act 2004 (c.21) of the United Kingdom.

A feature of that Act is that it sets out “core” functions that United Kingdom fire and rescue authorities must perform – for example the extinguishing of fires and protection of life and property in the event of fire, and rescuing people involved in road accidents – and other functions that are matters of discretion. The draft Law adopts the same approach. Discretionary functions, in Jersey, will include such things as helping people to gain access to buildings and places, and the rescue of animals.

The draft Law is arranged in the following way –

### *Part 1 – Introductory Provisions*

*Article 1* defines words used in the draft Law.

*Article 2* says that the Minister for Home Affairs is responsible for the administration of the Law.

### *Part 2 – The States of Jersey Fire and Rescue Service*

*Article 3* provides that the Fire and Rescue Service shall continue to be constituted by the Chief Fire Officer and the other States employees who are for the time being employed for the purposes of the Service.

It says that the Service is responsible to the Minister for carrying out the matters for which the Minister has a statutory duty or discretion to make provision. It also says that it is responsible to the Minister for the performance of any other statutory functions of the Service or its members.

*Article 4* says that the Chief Fire Officer is the head of the Service, and is responsible to the Minister for its operations.

*Article 5* provides for the appointment of an acting Chief Fire Officer.

### *Part 3 – Fire and Rescue Functions*

This Part deals with the functions of the Minister and the Service in respect of fires and rescues.

Articles 6 to 9 impose mandatory obligations.

Under *Article 6*, the Minister must provide for the promotion of fire safety in Jersey.

This is to include general information, publicity and encouragement in respect of steps to prevent harm caused by fire, general community and domestic advice about fires, and the provision of technical fire safety advice for trade, commercial, professional



and public purposes. “Technical fire safety advice” includes, in particular, advice for the purposes of the Fire Precautions (Jersey) Law 1977.

Under *Article 7*, the Minister must make provision for the maintenance of Jersey’s firefighting capability in respect of fires occurring above low water mark.

Under *Article 8*, the Minister must provide rescue and protection services in respect of road accidents.

Under *Article 9*, he or she must provide for the rescue of people from dangerous places, if the rescue begins ashore.

Articles 10 and 11 relate to matters for which the Minister may also make provision.

Under *Article 10*, the Minister may as a matter of discretion make provision for emergencies other than the ones he or she must provide for under any of Articles 7, 8 and 9.

Under *Article 11*, he or she may provide for humanitarian services – the rescue or assistance of persons otherwise than in emergencies, and the rescue of animals.

*Article 12* requires the Minister, when making provision under Articles 7 to 11, to make adequate arrangements for staffing, premises and equipment, for training and for responses to alerts.

The Minister must also make efficient arrangements for cooperation with the Airport Rescue and Firefighting Service.

*Article 13* authorizes the Chief Fire Officer to act to deal with any situation that may be harmful to persons or property, or to the environment. It enables him to do so outside Jersey, whether on land or sea. In particular, he or she may do so in support of another fire and rescue service with which the Minister has agreed a reinforcement scheme under Article 14.

*Article 14* enables the Minister to enter into reinforcement schemes with fire and rescue services in other Channel Islands, the United Kingdom or the Isle of Man. A reinforcement scheme is one to enable the participating authorities to support each other in situations that require outside assistance. It may apportion between them the costs of providing firefighters and other support.

*Article 15* enables the Minister, by Order, to set charges for certain actions taken by the Fire and Rescue Service and to specify the persons who may be charged. It then empowers the Chief Fire Officer to impose such a charge if he or she thinks fit – i.e. in the Chief Fire Officer’s discretion.

The services for which charges can be imposed are –

- (a) the provision of technical fire safety advice, and technical assistance in connection with such advice;
- (b) humanitarian services, such as rescuing persons and giving them medical aid otherwise than in an emergency, helping persons to gain access to places, and rescuing animals;
- (c) things done or provided under Article 13; and
- (d) responding to a malfunctioning automatic fire alarm, when there is not an emergency.

The Chief Fire Officer cannot impose a charge unless the person concerned is told what the charge will be before the action is taken.

The Minister may in writing, setting out his or her reasons, waive a charge in any particular case.

*Article 16* gives the senior firefighter present at a fire the sole charge and control of all operations to extinguish the fire.

*Article 17* is concerned with emergency powers.

It enables a firefighter who believes that a fire has broken out, or is about to break out, to do whatever he or she believes to be necessary to extinguish or prevent it, and to protect life and property. There must be reasonable grounds for belief.

This power is also given to any member of the Airport Rescue and Firefighting Service acting by arrangement with the Fire and Rescue Service, and to police officers.

The Article also gives the same powers, but to firefighters only, in respect of road accidents, rescues from dangerous places and other emergencies.

The powers given under Article 17 include in particular the right to enter premises, using force if necessary; to move or break into a vehicle or vessel, to close a road, to regulate traffic and to restrict access to any place.

*Article 18* relates to powers to obtain information and conduct investigations.

It enables firefighters to enter premises for the purposes of the Law.

Twenty-four hours' notice of entry must be given. If the occupier of the premises requires it, the firefighter must show his or her authority to enter. This Article does not give a right to use force.

*Article 19* enables a firefighter to apply to the Bailiff or a Jurat for a warrant to enter premises for the purposes of Article 18, by force or without giving 24 hours' notice.

*Article 20* gives supplementary powers to a firefighter who has entered premises under Article 18. For example, the firefighter may be accompanied by assistants and equipment, require persons on the premises to provide facilities and assistance, inspect and copy records, conduct tests and take samples, according to the purpose of entry.

#### *Part 4 – Water Supply*

*Article 21* requires the Minister to take all reasonable measures to ensure that an adequate supply of water will be available for use in case of fire. For that purpose, he or she may enter into agreements with the Jersey New Waterworks Company Limited.

The Waterworks Company itself has a statutory obligation under Article 21 to allow any person, without charge, to use water from a hydrant to extinguish a fire.

The Minister may also make agreements with persons other than the Waterworks Company for the provision of water in case of fire, and take other measures to ensure the supply of water.

Article 21 protects the Waterworks Company from liability for claims arising from the interruption of supply, if caused by its complying with a request by a senior firefighter to provide a greater supply and pressure of water to extinguish a fire.

*Article 22* enables the Chief Fire Officer to make arrangements with the Waterworks Company for the provision, maintenance and marking of fire hydrants.

*Article 23* requires the Waterworks Company, or a contractor working on its behalf, to give the Chief Fire Officer 30 days' notice of work affecting the supply of water and 3 days' notice of work affecting fire hydrants. If it is not practicable for notice to be given within those times (for instance, because the works are required urgently), it must in any case be given as soon as practicable.

#### *Part 5 – Offences*

Under *Article 24*, it is an offence for the Water Company or a contractor to contravene Article 21 or (as the case may be) Article 23.

Under *Article 25*, it is an offence for a person who in the course of duty obtains information about a manufacturing process or a trade secret to disclose it to another person, except in the course of duty.

*Article 26* provides for the offence of obstruction.

*Under Article 27* makes it an offence to fail to comply with a prohibition or requirement imposed on a person by a firefighter under either of Articles 17 and 20.

*Article 28* provides for offences relating to fire hydrants and signs.

*Article 29* provides for offences in respect of false alarms.

*Article 30* provides for offences concerning fires that are not accidental.

In particular, the offence of maliciously setting fire to someone else's property is punishable by 10 years' imprisonment and an unlimited fine.

*Article 31* provides for the criminal liability of officers of bodies corporate and limited liability partnerships that commit offences under any of Articles 24, 27 and 28.

#### *Part 6 – Other Provisions*

*Article 32* is a transitional provision, continuing the employment of the Chief Fire Officer and the other members of the Fire and Rescue Service.

The effect of *Article 33* is to repeal the Fire Service (Jersey) Law 1959 and its amendments.

*Article 34* amends other enactments to update references to the Fire and Rescue Service and to the Airport Rescue and Firefighting Service.

*Article 35* gives the name by which the draft Law may be cited, and provides for it to come into force on a day or days appointed by the States.

References in the draft Law to a level 4 fine are to that level in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993. Currently, this is –

| <b>Level on the scale</b> | <b>Maximum fine</b> |
|---------------------------|---------------------|
| 1                         | £50                 |
| 2                         | £500                |
| 3                         | £2,000              |
| 4                         | £5,000              |





Jersey

## DRAFT FIRE AND RESCUE SERVICE (JERSEY) LAW 201-

### Arrangement

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Jersey

## **DRAFT FIRE AND RESCUE SERVICE (JERSEY) LAW 201-**

**A LAW** to replace the Fire Service (Jersey) Law 1959, to continue to provide for the States of Jersey Fire and Rescue Service; to provide for the better protection of life, property and the environment against fire and emergencies arising from other causes, and for related matters.

*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

### **PART 1**

#### **INTRODUCTORY PROVISIONS**

##### **1 Interpretation**

In this Law, unless the context otherwise requires –

“Airport Rescue and Firefighting Service” means the fire and rescue service maintained at St. Peter’s Airport by the States of Jersey;

“Chief Fire Officer” means the Chief Fire Officer of the States of Jersey Fire and Rescue Service;

“emergency” means –

- (a) an event or situation that causes or is likely to cause a person to die, to be seriously injured or to become seriously ill;
- (b) an event or situation that causes or is likely to cause serious damage to property; or

- (c) an event or situation that causes or is likely to cause serious harm to the environment;

“environment” includes the marine environment;

“firefighter” means –

- (a) the Chief Fire Officer; or
- (b) a States’ employee within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005<sup>1</sup> who is employed in the Fire and Rescue Service as a firefighter;

“functions” includes powers and duties;

“harm to the environment” includes harm to the life or health of plants or animals;

“highway” includes a road, as defined in Article 1(1) of the Road Traffic (Jersey) Law 1956<sup>2</sup>;

“humanitarian services” includes –

- (a) the rescue of persons;
- (b) assistance to persons to gain access to places; and
- (c) the provision of medical aid to persons,

otherwise than in cases of emergency, and also includes the rescue of animals;

“low water mark” means the mean low water mark (*chart datum*);

“Minister” means the Minister for Home Affairs;

“provision” means provision that is effective, efficient and economical;

“States of Jersey Fire and Rescue Service” and “Fire and Rescue Service” mean the States of Jersey Fire and Rescue Service to which Article 3 refers;

“technical fire safety advice” means specific technical advice about –

- (a) the prevention of fires and the restriction of their spread in buildings and other property;
- (b) means of escape from buildings and other property in case of fire; or
- (c) compliance with the Fire Precautions (Jersey) Law 1977<sup>3</sup>,

and also means the provision of technical assistance in connection with that advice;

“Waterworks Company” means the Jersey New Waterworks Company Limited.

## 2 Administration of Law

The Minister for Home Affairs shall be responsible for the administration of this Law.



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**PART 2****THE STATES OF JERSEY FIRE AND RESCUE SERVICE****3 Constitution of the Fire and Rescue Service**

- (1) There shall continue to be a service called the States of Jersey Fire and Rescue Service.
- (2) The Fire and Rescue Service is the same service as that established by Article 2 of the Fire Service (Jersey) Law 1959<sup>4</sup>.
- (3) From the commencement of this Law, the Fire and Rescue Service shall be constituted by –
  - (a) the person who is for the time being employed under the Employment of States of Jersey Employees (Jersey) Law 2005 as the Chief Fire Officer of the Service; and
  - (b) those States' employees within the meaning of the Employment of States of Jersey Employees (Jersey) Law 2005 who are for the time being employed for the purposes of the Service.
- (4) The Fire and Rescue Service is responsible to the Minister –
  - (a) for the carrying out of those matters that the Minister must or may make provision for or undertake under this Law, the Fire Precautions (Jersey) Law 1977 or any other enactment; and
  - (b) for the carrying out of such other functions as the Service or a member of the Service has under any enactment to which subparagraph (a) refers.

**4 Chief Fire Officer**

The Chief Fire Officer shall be the head of the Fire and Rescue Service, and is responsible to the Minister for its effective, efficient and economical operation.

**5 Acting Chief Fire Officer**

- (1) The Minister shall appoint an officer of the Fire and Rescue Service to act as the Chief Fire Officer during –
  - (a) the temporary absence or incapacity of the Chief Fire Officer; or
  - (b) a vacancy in the office of Chief Fire Officer.
- (2) An officer appointed under paragraph (1) has, while so acting, the functions of the Chief Fire Officer under this Law and any other enactments.

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## PART 3

### FIRE AND RESCUE FUNCTIONS

#### 6 Promotion of fire safety

- (1) The Minister shall make provision for the purposes of promoting fire safety in Jersey.
- (2) In making provision under paragraph (1), the Minister shall in particular, to the extent that he or she considers it reasonable to do so, make arrangements for –
  - (a) the provision of general information and publicity, and encouragement, in respect of the steps to be taken to prevent fires and death or injury, or damage to property, by fire;
  - (b) the giving of general advice for community and domestic purposes, on request, about the prevention of fires and the restriction of their spread in buildings and other property;
  - (c) the giving of general advice for community and domestic purposes, on request, about means of escape from buildings and other property in case of fire; and
  - (d) the provision of technical fire safety advice for any commercial, trade, professional or public purpose.

#### 7 Maintenance of firefighting capability

- (1) The Minister shall make provision for the purposes of –
  - (a) extinguishing fires; and
  - (b) protecting life and property in the event of fire.
- (2) The Minister's duty under paragraph (1) is to do so in respect of fire occurring in Jersey above the low water mark.

#### 8 Road traffic accidents

The Minister shall make provision for the purposes of –

- (a) rescuing people in the event of road traffic accidents in Jersey; and
- (b) protecting people from serious harm, to the extent that he or she considers it reasonable to do so, in the event of road traffic accidents in Jersey.

#### 9 Rescues from dangerous places

- (1) The Minister shall make provision for the purposes of rescuing people from dangerous places.
- (2) The Minister's duty under paragraph (1) is to do so in respect of rescues beginning above the low water mark in Jersey.

**10 Other emergencies**

The Minister may make provision in respect of emergencies (other than those arising in circumstances to which Articles 7 to 9 already refer) that are of any kind specified in an Order made by the Minister.

**11 Humanitarian services**

The Minister may make provision in respect of humanitarian services (other than those arising in circumstances to which Articles 7 to 10 already refer) of any kind specified in an Order made by the Minister.

**12 Delivery of services**

In making provision under Articles 6 to 11, the Minister shall in particular –

- (a) secure the provision of the personnel, services, buildings and equipment necessary for the Fire and Rescue Service to meet all normal requirements;
- (b) secure the provision of training for personnel of the Service;
- (c) make arrangements to enable the Service to deal with calls for help and for summoning personnel;
- (d) make arrangements for securing the cooperation of the Airport Rescue and Firefighting Service when required to ensure the performance of the Minister's functions under this Law;
- (e) make arrangements to enable information needed for the purposes mentioned in Articles 6 to 11 to be obtained; and
- (f) make arrangements for ensuring that reasonable steps are taken so as to prevent or limit damage to property resulting from action taken for the purposes mentioned in Articles 7 to 11.

**13 Other events and situations**

- (1) The Chief Fire Officer may take any action that he or she considers appropriate in response to –
  - (a) an event or a situation that causes or is likely to cause a person to die, to be injured or to become ill;
  - (b) an event or situation that causes or is likely to cause damage to property; or
  - (c) an event or a situation that causes or is likely to cause harm to the environment.
- (2) An action taken under paragraph (1) includes –
  - (a) any action for the purpose of enabling action to be taken in response to an event or situation of the kind mentioned in paragraph (1); and
  - (b) an action to secure the provision of equipment.
- (3) An action –

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- (a) may be taken under paragraph (1) for a purpose even though that purpose is not mentioned in any of Articles 7 to 11;
  - (b) in an area of the sea; or
  - (c) outside Jersey, in support of a reinforcement scheme made by the Minister under Article 14, or otherwise in support of another fire service or fire and rescue service that is outside Jersey.

#### **14 Reinforcement schemes**

- (1) The Minister may enter into a reinforcement scheme with an authority (by whatever name it is called) that performs in another place or area in the British Islands any functions that are equivalent to or of the same kind as those of the Minister or the States of Jersey Fire and Rescue Service under this Law.
- (2) A reinforcement scheme is a scheme for ensuring that assistance may be provided between the Minister and an overseas fire authority, so as to enable the Minister and the Fire and Rescue Service, and the other fire authority and its service, to perform their functions.
- (3) A reinforcement scheme may make provision for apportioning between the Minister and an overseas fire authority any expenses incurred in taking measures to secure the operation of the scheme.
- (4) A reinforcement scheme may include provision for an overseas fire authority, at the request of the Minister, to place members of the overseas fire authority's service at the Minister's disposal for the purpose of enabling the States of Jersey Fire and Rescue Service to meet any special demand on its resources.
- (5) A member of the fire and rescue service of an overseas fire authority serving a period of duty in Jersey under a reinforcement scheme made under paragraph (1) shall, during that period –
  - (a) be subject to the authority and under the control of the Chief Fire Officer; and
  - (b) if the member performs the functions of a firefighter in the service of the overseas fire authority, carry out the duties and have the powers of a firefighter under this Law.
- (6) Any reference in this Law or any other enactment to a firefighter or other member of the States of Jersey Fire and Rescue Service shall include a reference to a firefighter or other member of the service of an overseas fire authority serving a period of duty in Jersey under a reinforcement scheme made under paragraph (1).
- (7) In this Article –
  - (a) “overseas fire authority” means an authority to which paragraph (1) refers; and
  - (b) a reference to the service of an overseas fire authority means the fire service, or the fire and rescue service, (by whatever name it is called) that is provided by that authority for its place or area.

**15 Ability to charge**

- (1) The Minister may by Order specify actions taken under this Law, or under any other enactment, for which the Chief Fire Officer may (if the latter thinks fit) charge a person.
- (2) An Order under paragraph (1) may be made for, but only for, actions of the following kinds taken by or on behalf of the Fire and Rescue Service –
  - (a) the provision of technical fire safety advice;
  - (b) anything done or provided under Article 11;
  - (c) anything done or provided under Article 13; or
  - (d) responding to an automatic fire alarm, where it operates because of a malfunction and there is not an emergency at the place concerned.
- (3) An Order under paragraph (1) may –
  - (a) specify the classes of person in relation to whom charges may be made;
  - (b) prescribe the amounts or rates of charges; and
  - (c) specify exemptions from charges.
- (4) An Order under paragraph (1) may authorize a charge to be imposed on or recovered from –
  - (a) a person causing the incident that gives rise to the action taken;
  - (b) in the case of a person under full age in respect of whom the action is taken, the person's parent or guardian; or
  - (c) in the case of a person under disability in respect of whom the action is taken, a person having the care of the person under disability,but this paragraph does not limit either of paragraphs (1) and (3).
- (5) The Chief Fire Officer may not impose a charge on a person in relation to the taking of an action unless the person has been informed, before the taking of the action, of the charge that may be imposed on him or her if the action is taken.
- (6) A charge that is imposed by the Chief Fire Officer under this Article shall be recoverable in any court of competent jurisdiction as a civil debt due and payable to the States.
- (7) The Minister may in any particular case, by a statement in writing that sets out his or her reasons for doing so, waive the payment by a person of a charge.

**16 Person in charge at fire**

- (1) At a fire, the senior firefighter present shall have the sole charge and control of all operations for the extinguishing of the fire.
- (2) The operations mentioned in paragraph (1) include, but are not limited to –

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- (a) the fixing of the positions of fire engines and apparatus;
  - (b) the attaching of hoses to any water pipes or the use of any water supply; and
  - (c) the selection of the parts of the premises, object or place where the fire is, or of adjoining premises, objects or places, against which the water is to be directed.
- (3) Where the senior firefighter present at the fire is a member of the Fire and Rescue Service, he or she –
- (a) may delegate the sole charge and control of operations to any other firefighter who is present; and
  - (b) may at any time revoke the delegation.
- (4) In this Article, the expression “senior firefighter present”, in relation to any fire –
- (a) if sub-paragraph (b) does not apply, means the senior firefighter of the Fire and Rescue Service present at the fire, or the firefighter to whom he or she has for the time being under paragraph (3) delegated charge and control of operations; or
  - (b) if any arrangements for cooperation with the Airport Rescue and Firefighting Service provide that any other person shall have charge of the operations, means that other person.

#### **17 Power of firefighters in an emergency or similar situation**

- (1) A firefighter, any member of the Airport Rescue and Firefighting Service who is acting in pursuance of any arrangements made under this Law, or a police officer may, if he or she reasonably believes a fire to have broken out, or to be about to break out, do anything he or she reasonably believes to be necessary for the purpose of –
- (a) extinguishing or preventing the fire or protecting life or property; or
  - (b) preventing or limiting damage to property resulting from action taken for the purposes mentioned in sub-paragraph (a).
- (2) A firefighter may do any of the following things –
- (a) if he or she reasonably believes a road traffic accident to have occurred, do anything he or she reasonably believes to be necessary for the purpose of rescuing people or protecting them from serious harm;
  - (b) if he or she reasonably believes that a person in a dangerous place needs to be rescued, do anything the firefighter reasonably believes to be necessary for the purpose of rescuing the person or protecting the person from serious harm;
  - (c) if he or she reasonably believes that an emergency to which an Order under Article 10 relates has occurred, do anything he or she reasonably believes to be necessary for the purpose of discharging the functions of the Minister in respect of that emergency, as specified in the Order;

- (d) if he or she reasonably believes that an event or situation of a kind referred to in Article 13 has arisen, do anything he or she reasonably believes to be necessary for the purpose of discharging the functions of the Chief Fire Officer in respect of that event or situation; and
  - (e) do anything he or she reasonably believes to be necessary for the purpose of preventing or limiting damage to property resulting from action taken as mentioned in sub-paragraphs (a) to (d).
- (3) Without limiting the generality of paragraphs (1) and (2), the things that a person may do under either of those paragraphs include –
- (a) entering any premises or place, by force if necessary, without the consent of the owner or occupier of the premises or place;
  - (b) moving or breaking into a vehicle or vessel without the consent of the owner;
  - (c) closing a highway;
  - (d) stopping and otherwise regulating traffic;
  - (e) for the purposes of closing a highway, or stopping and otherwise regulating traffic, prohibiting persons from doing things or requiring them to do things;
  - (f) prohibiting persons from entering any premises or place; and
  - (g) requiring persons to leave any premises or place.
- (4) Paragraph (1) does not authorize a person to do any act or make any omission in contravention of Article 17(1) of the Water Pollution (Jersey) Law 2000<sup>5</sup>, except in circumstances that constitute under either of paragraphs (4) and (6) of Article 18 of that Law a defence to an offence under Article 17(1) of that Law.

## **18 Powers of firefighter to obtain information and conduct investigations**

- (1) A firefighter may, at any reasonable time, enter premises –
  - (a) for the purpose of obtaining information needed for the discharge of the functions to which any of Articles 7 to 11 refers; or
  - (b) if there has been a fire in the premises, for the purpose of investigating what caused the fire or why it progressed as it did.
- (2) A firefighter may not, under paragraph (1) –
  - (a) enter premises by force; or
  - (b) demand admission as of right to premises occupied as a private dwelling, unless at least 24 hours' notice in writing has first been given to the occupier of the dwelling.
- (3) A notice may be given under paragraph (2) to an occupier –
  - (a) by delivering it to the occupier; or
  - (b) by leaving it for the occupier at the dwelling.
- (4) A firefighter may not for the purpose mentioned in paragraph (1)(b) enter as of right premises in which there has been a fire, if –

- (a) the premises are unoccupied;
  - (b) the premises were occupied as a private dwelling immediately before the fire; and
  - (c) the person who was then the occupier is not deceased,
- unless 24 hours' notice in writing has first been given to the person.
- (5) A notice may be given under paragraph (4) to a person who was an occupier –
- (a) by delivering it to the person;
  - (b) by leaving it for the person at any address that the person has given for the purposes of a notice under that paragraph; or
  - (c) if no such address has been given, by leaving it at the last known address of the person.
- (6) A firefighter exercising a power of entry under paragraph (1) shall, if requested to do so by an occupier of the premises, produce evidence of his or her identity as a firefighter –
- (a) before entering the premises; or
  - (b) at any time before leaving the premises.

#### **19 Warrant for entry of premises**

- (1) A firefighter may apply to the Bailiff or a Jurat for a warrant under this Article if he or she considers it necessary to enter premises for a purpose mentioned in Article 18 but he or she is unable to do so, or considers that he or she is likely to be unable to do so, otherwise than by force.
- (2) If, on an application under paragraph (1), the Bailiff or Jurat is satisfied by information on oath –
- (a) that it is necessary for the firefighter to enter the premises for the purpose to which the application relates; and
  - (b) that the firefighter is unable to do so, or is likely to be unable to do so, otherwise than by force,
- the Bailiff or Jurat may issue a warrant authorizing the firefighter to enter the premises by force at any reasonable time.
- (3) A firefighter may apply to the Bailiff or a Jurat for a warrant under this Article if he or she considers it necessary to enter a dwelling for a purpose mentioned in Article 18(1) without giving notice as required by paragraph (2) or paragraph (4) of that Article.
- (4) If, on an application under paragraph (3), the Bailiff or Jurat is satisfied by information on oath that it is necessary for the firefighter to enter the dwelling for the purpose to which the application relates without giving notice as required by paragraph (2) or paragraph (4) of Article 18, the Bailiff or Jurat may issue a warrant authorizing the firefighter to enter the premises under that Article at any time, by force if necessary.
- (5) A firefighter exercising a power of entry under a warrant issued under this Article shall, if so required, produce evidence of his or her identity as a firefighter, and the warrant –



- (a) before entering the premises; or
- (b) at any time before leaving the premises.

## **20 Supplementary powers of firefighter**

- (1) If a firefighter exercises a power of entry under Article 18 for the purpose mentioned in paragraph (1)(a) of that Article, he or she may –
  - (a) take with him or her any other persons, and any equipment, that he or she considers necessary; and
  - (b) require any person present on the premises to provide the firefighter with any facilities, information, documents or records, or other assistance that he or she may reasonably request.
- (2) If a firefighter exercises a power of entry under Article 18 for the purpose mentioned in paragraph (1)(b) of that Article, he or she may –
  - (a) take with him or her any other persons, and any equipment, that he or she considers necessary;
  - (b) inspect and copy any documents or records on the premises or remove them from the premises;
  - (c) carry out any inspections, measurements and tests in relation to the premises, or to an article or substance found on the premises, that he or she considers necessary;
  - (d) take samples of an article or substance found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation;
  - (e) dismantle an article found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation;
  - (f) take possession of an article or substance found on the premises and detain it for as long as is necessary for any purpose to which paragraph (3) refers; and
  - (g) require a person present on the premises to provide the firefighter with any facilities, information, documents or records, or other assistance, that he or she may reasonably request.
- (3) The purposes to which this paragraph refers are –
  - (a) to examine the article or substance and do anything he or she may do under the power to which either of sub-paragraphs (c) and (e) of paragraph (2) refers;
  - (b) to ensure that it is not tampered with before his or her examination of it is completed; and
  - (c) to ensure that it is available for use as evidence in proceedings for an offence relevant to the investigation.
- (4) If a firefighter exercises the power to which paragraph (2)(d) refers, he or she shall –
  - (a) leave a notice at the premises (either with a responsible person or, if that is impracticable, fixed in a prominent position at the

- premises) giving particulars of the article or substance and stating that he or she has taken a sample of it; and
- (b) if it is practicable to do so, give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.
- (5) If a firefighter exercises the power to which paragraph (2)(f) refers, he or she shall leave a notice at the premises (either with a responsible person or, if that is impracticable, fixed in a prominent position at the premises) giving particulars of the article or substance and stating that he or she has taken possession of it.
- (6) If, in the exercise of any power under Article 18, a firefighter enters premises –
- (a) that are unoccupied; or
  - (b) from which the occupier is temporarily absent,
- the firefighter shall, on his or her departure, leave the premises as effectively secured against unauthorized entry as he or she found them.

## **PART 4**

### **WATER SUPPLY**

#### **21 Supply of water for firefighting**

- (1) The Minister shall take all reasonable measures for ensuring the provision of an adequate supply of water for use in case of fire.
- (2) For the purposes of this Article, the Minister may enter into an agreement with the Waterworks Company for the taking by the Company, on the terms as to payment or otherwise that may be specified in the agreement, of the measures specified in the agreement for securing that an adequate supply of water shall be available in case of fire.
- (3) For the purposes of extinguishing fires, the Waterworks Company shall permit any person to take, without payment, water from any hydrant under its control.
- (4) The Minister shall have power –
  - (a) to secure, by agreement with a person other than the Waterworks Company who has control of water, the use of the water in case of fire;
  - (b) to improve access to any water; and
  - (c) to lay and maintain pipes and to carry out other works in connection with the use, in case of fire, of water of which a person other than the Waterworks Company has control.
- (5) The Fire and Rescue Service may also use for firefighting purposes any other convenient and suitable supply of water, but the Minister shall be liable to pay reasonable compensation for it.

- (6) The Waterworks Company shall not be liable for any claim by reason of the interruption of the supply of water that arises only by compliance of the Company with a request by the senior firefighter present (within the meaning of Article 16), to provide a greater supply and pressure of water for extinguishing a fire.

## **22 Provision of fire hydrants**

- (1) The Chief Fire Officer may make arrangements with the Waterworks Company –
  - (a) for fire hydrants of a pattern approved by the Chief Fire Officer to be fixed on its mains (other than trunk mains); and
  - (b) for such hydrants to be kept in good order and to be renewed when required.
- (2) The Chief Fire Officer shall cause the situation of every fire hydrant provided by the Waterworks Company to be plainly indicated by a notice or distinguishing mark.
- (3) The notice or distinguishing mark may be placed on a street, or on any wall or fence adjoining a street or public place.
- (4) If a fire hydrant is damaged as the result of any use made of it with the authority of the Waterworks Company (not being any use for firefighting purposes or for any other purposes of the Fire and Rescue Service), the Minister shall not be liable for the cost of repairing or replacing the hydrant incurred as the result of the damage.

## **23 Notice of works affecting water supply and fire hydrants**

- (1) If the Waterworks Company, or a person providing services to the Waterworks Company under a contract for services, proposes to carry out works for the purpose of supplying water to any part of Jersey, the Waterworks Company or person (as the case may be) shall give at least 30 days' notice in writing to the Chief Fire Officer.
- (2) If the Waterworks Company, or a person providing services to the Waterworks Company under a contract for services, proposes to carry out works affecting a fire hydrant, the Waterworks Company or person (as the case may be) shall give at least 3 days' notice in writing to the Chief Fire Officer.
- (3) If it is not practicable for the Waterworks Company or a person to give notice as required by paragraph (1) or paragraph (2), the Waterworks Company or person shall be taken to have complied with the requirement if the notice is given as soon as practicable.

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## **PART 5**

### **OFFENCES**

#### **24 Default in respect of water supply**

- (1) If the Waterworks Company contravenes Article 21(3), it shall be guilty of an offence and liable to a fine of level 4 on the standard scale.
- (2) If the Waterworks Company or any other person, without reasonable excuse, contravenes either of paragraphs (1) and (2) of Article 23, the Company or the person (as the case may be) shall be guilty of an offence and liable to a fine of level 4 on the standard scale.
- (3) The Waterworks Company does not commit an offence by contravening Article 21(3) if it is prevented from complying with that paragraph by reason of –
  - (a) frost, drought, unavoidable accident or other unavoidable cause; or
  - (b) the execution of necessary works.

#### **25 Unauthorized disclosure of information**

- (1) A person who, in the course of performing a function under this Law, obtains any information relating to a manufacturing process or trade secret shall not intentionally disclose that information, otherwise than in the performance of his or her duty, to any other person.
- (2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to 3 months' imprisonment and a fine of level 3 on the standard scale.

#### **26 Obstructing persons exercising powers under this Law**

A person who, without reasonable excuse, intentionally obstructs or interferes with a firefighter, a police officer, or an officer of the Airport Rescue and Firefighting Service, who is taking action authorized by any of Articles 17, 18 and 20 or by a warrant issued under Article 19 shall be guilty of an offence and liable to 3 months' imprisonment and a fine of level 3 on the standard scale.

#### **27 Failing to obey prohibition or requirement**

A person who, without reasonable excuse, fails to comply with –

- (a) a prohibition imposed under Article 17(3); or
- (b) a requirement made under Article 17(3) or under either of paragraphs (1) and (2) of Article 20,

shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

#### **28 Misuse of fire hydrants and signs**

- (1) Any person who uses a fire hydrant otherwise than for –

- (a) firefighting purposes;
- (b) any other purposes of the Fire and Rescue Service or the Airport Rescue and Firefighting Service; or
- (c) any purpose authorized by the Waterworks Company,

or who damages or obstructs any fire hydrant otherwise than in consequence of its use for any such purpose, shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

- (2) Any person who damages, or without lawful authority removes, any notice or distinguishing mark placed in accordance with Article 22(2), shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

## **29 False alarms**

Any person who knowingly gives or causes to be given a false alarm of fire to the Fire and Rescue Service or the Airport Rescue and Firefighting Service or any officer of either of them, shall be guilty of an offence and liable to imprisonment for a term of 3 months and to a fine of level 3 on the standard scale.

## **30 Fires that are not accidental**

- (1) A person who, being the owner of any material to which this Article applies, sets fire to it and, by reason of the spread of the fire, causes damage to the property of another person, shall be guilty of an offence and liable to a fine of level 4 on the standard scale.
- (2) It is a defence to a charge of an offence under paragraph (1) if the defendant proves that he or she took all reasonable precautions to prevent the fire from spreading.
- (3) Any person who maliciously sets fire to any material to which this Article applies that is the property of another person shall be guilty of an offence and liable to imprisonment for a term of 10 years and to a fine.
- (4) The materials to which this Article applies are any crops (whether standing or cut down) bracken, gorse, grass, heather, leaves, woodland, stack of cultivated produce, building, machinery, goods, aircraft, vehicle or vessel.

## **31 Criminal liability of directors and similar officers**

- (1) This Article applies if an offence under any of Articles 24, 27 and 28 committed by a body corporate or by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of –
  - (a) a person who is a director, manager, secretary or other similar officer of the body corporate, or a partner of the partnership; or
  - (b) a person purporting to act in any such capacity.
- (2) The person –

- (a) shall also be guilty of the offence; and
  - (b) shall be liable in the same manner as the body corporate or the partnership to the penalty provided for the offence.
- (3) If the affairs of a body corporate are managed by its members, this Article applies in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

## **PART 6**

### **OTHER PROVISIONS**

#### **32 Transitional provisions**

From the commencement of Article 3 of this Law, and subject to the provisions of this Law –

- (a) the person who immediately before the commencement of that Article was employed under the Employment of States of Jersey Employees (Jersey) Law 2005 as the Chief Fire Officer of the Fire and Rescue Service shall continue to be the Chief Fire Officer of the Service, on the same terms and conditions as he or she was then employed;
- (b) any person who immediately before the commencement of that Article was employed under the Employment of States of Jersey Employees (Jersey) Law 2005 as a fire service officer of the Service shall continue to be a member of the Service, on the same terms and conditions as he or she was then employed; and
- (c) if a fire service officer to whom paragraph (b) of this Article refers was so employed as a firefighter, he or she shall be taken to be employed under this Law as a firefighter.

#### **33 Repeal**

The Fire Service (Jersey) Law 1959<sup>6</sup> shall be repealed.

#### **34 Amendments to other enactments**

- (1) The enactments specified in the Schedule shall be amended in the manner specified in the Schedule.
- (2) In every other enactment, unless the context otherwise requires –
  - (a) every reference to the States of Jersey Fire Service shall be construed as a reference to the States of Jersey Fire and Rescue Service; and
  - (b) every reference to the States of Jersey Airport Fire Service shall be construed as a reference to the States of Jersey Airport Rescue and Fire Service.

**35 Citation and commencement**

- (1) This Law may be cited as the Fire and Rescue Service (Jersey) Law 201-.
- (2) This Law shall come into force on such day or days as the States may by Act appoint and different days may be appointed for different provisions.

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**SCHEDULE**

(Article 34)

**AMENDED ENACTMENTS****1 Licensing (Jersey) Law 1974**

In the Licensing (Jersey) Law 1974<sup>7</sup>, in Articles 75(3) and 83, for the words “States of Jersey Fire Service” there shall be substituted the words “States of Jersey Fire and Rescue Service”.

**2 Civil Defence (Jersey) Law 1952**

In the Civil Defence (Jersey) Law 1952<sup>8</sup>, in Article 1, in the definition “fire services”, for the words “Airport Fire Brigade” there shall be substituted the words “Airport Rescue and Firefighting Service”.

**3 Explosives (Jersey) Law 1970**

In the Explosives (Jersey) Law 1970<sup>9</sup>, in Article 8(3), for the words “Fire Service” there shall be substituted the words “States of Jersey Fire and Rescue Service”.

**4 Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967**

In the Public Employees (Contributory Retirement Scheme) (Jersey) Regulations 1967<sup>10</sup>, in Article 20(1), for the words “Airport Fire Service” there shall be substituted the words “Airport Rescue and Firefighting Service”.

**5 Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989**

In the Public Employees (Contributory Retirement Scheme) (New Members) (Jersey) Regulations 1989<sup>11</sup>, in Article 1, in the definition “category A member”, for the words “Airport Fire Service” there shall be substituted the words “Airport Rescue and Firefighting Service”.

**6 Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989**

In the Public Employees (Contributory Retirement Scheme) (Existing Members) (Jersey) Regulations 1989<sup>12</sup>, in Article 1, in the definition “category A member”, for the words “Fire Service” and “Airport Fire Service” there shall be substituted the words “Fire and Rescue Service” and “Airport Rescue and Firefighting Service” respectively.



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- <sup>1</sup> *chapter 16.325*
  - <sup>2</sup> *chapter 25.550*
  - <sup>3</sup> *chapter 23.150*
  - <sup>4</sup> *chapter 23.175*
  - <sup>5</sup> *chapter 27.800*
  - <sup>6</sup> *L.1/1959 (chapter 23.175)*
  - <sup>7</sup> *chapter 11.450*
  - <sup>8</sup> *chapter 23.075*
  - <sup>9</sup> *chapter 23.125*
  - <sup>10</sup> *chapter 16.650.48*
  - <sup>11</sup> *chapter 16.650.60*
  - <sup>12</sup> *chapter 16.650.12*