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SCHEDULE

CHAPTER 55
FIRE SERVICE

AN EDICT TO ESTABLISH THE GONGOLA STATE FIRE BRIGADE

[1 April 1984]

PART I-PRELIMINARY

1. This Edict may be cited as the State Fire Service Edict.
2. In this Edict, unless the context otherwise requires:-
 - "building" includes any house, structure, compound or place for dwelling;
 - "Court" means the Magistrate's Court;
 - "fire fighting equipment" includes any fire engine mobile fire fighting equipment, fire extinguisher, fire escape, fire alarm, fire hydrant, fire hydrant cover or any post, pillar, plate or tablet;
 - "Fire Service" means the State Fire Service established by section 3 of this Edict;
 - "Government" means the State Government;
 - "Governor" means the Governor of the State;
 - "land" includes buildings, compounds, walls or fences;
 - "mark" includes any notice, tablet, pillar or post;
 - "member" means a member of the Gongola State Fire Service appointed under section 4 of this Edict;
 - "mobile fire fighting equipment" means any fire fighting equipment, not being a fire engine, so constructed as to be movable from a place so that it can be fixed on a wheel or wheels;
 - "owner" includes any lessee, tenant, licensee or occupier;
 - "Permanent Secretary" means the Permanent Secretary of Information and Social Affairs with the responsibilities of fire service in the State;
 - "prescribed" means prescribed by this Edict and Regulations made thereunder;
 - "State" means the Gongola State of Nigeria.

PART II-ESTABLISHMENT OF GONGOLA STATE FIRE SERVICE

3. There is established a fire fighting body to be known as the State Fire Service, in this Edict referred to as "the Service" which shall be a Division of the Ministry of Information and Social Affairs.

PART III-MEMBERSHIP OF THE SERVICE

4. The Service shall consist of the Chief Fire Officer, in this Edict referred to as "the Officer" and such other members of such ranks as the Civil Service Commission of the State shall appoint.

PART IV-FUNCTIONS OF THE SERVICE

- 5.—(1) The Service shall be under the command of the Officer who shall be responsible to the Permanent Secretary, in this Edict referred to as the "Secretary", for the efficient administration of the Service.
 - (2) Without prejudice to subsection (1) of this section, it shall be the duty of the Service:-
 - (a) to control, prevent and extinguish fire;
 - (b) to save and protect life and property; and
 - (c) to make provision for fire fighting, fire prevention and alleviation of distress and, in particular:-
 - (i) to secure such fire fighting equipment as may be necessary or practicable to meet all normal

requirements;

(ii) to make an efficient arrangement for the training of members and non-members of the Service;

(iii) to make an efficient arrangement for dealing with telephone or other means of calls received by the Service in case of fire or other emergency;

(iv) to make an efficient arrangement for the purposes of fire-fighting and fire prevention with respect to the character of any building;

(v) to make an efficient arrangement for the giving of, when requested, an advice in respect of buildings and other properties in relation to fire prevention or the restriction of the spread of fire and means of escape in case of fire; and

(vi) to render other humanitarian services and works, as the Secretary may require.

6.—(1) For the purposes of section 5 of this Edict, any member authorised in writing by the Officer so to do shall enter any building or property at any time without prior notification to the owner of the building or property.

(2) Any member who is authorised to enter any building or property by virtue of subsection (1) of this section shall inform the owner of the purpose for which the entry is required and if the member is refused an admission thereto by the owner then:-

(a) the Court, on an ex-parte application by the Officer or the member so authorised, shall order the owner of the building or property to allow the member to enter the building or property; and

(b) the Court's order shall continue in force until the purpose for which the entry was required had been fulfilled.

PART V- POWERS OF MEMBERS AND SECRETARY

7.—(1) The most senior member present at the scene of fire shall have the sole control over every operation for extinguishing the fire and such control over such operation shall include:-

(a) the fixing of any fire engine or fire fighting equipment;

(b) the attaching of any hose to any water pipe or the use of any water;

(c) the selection of the part of the building, object or place against which the water or extinguishing medium is to be directed;

(d) giving assistance to any person or animal in distress.

(2) The most senior member present at the scene of fire may, if in his opinion it is desirable so to do:-

(a) close any street to traffic or thoroughfare; or

(b) stop or regulate the traffic; or

(c) remove any person from the street or thoroughfare.

(3) For the purpose of ensuring or expediting the free passage of any fire engine or fire-fighting equipment or mobile fire fighting equipment proceeding to the scene of fire any member may, if in his opinion it is desirable so to do:-

- (a) stop or regulate the traffic in any street or thoroughfare; and
- (b) remove any person or motor vehicle from the street or thoroughfare.

(4) Any person or a person in charge of a motor vehicle using any street or thoroughfare shall give way to any fire engine or mobile fire-fighting equipment proceeding to a scene of fire and operating the prescribed signal (audible or visual).

8.—(1) The Secretary shall have power:-

- (a) to provide and maintain any fire alarm in such position in any street or public place as he may consider proper;
- (b) to affix any fire alarm to any wall or fence adjoining any street or public place;
- (c) to make an efficient arrangement to ensure that reasonable steps are taken to prevent or mitigate any damage to property resulting from measures taken by any member in dealing with fire;
- (d) to use any equipment, other than fire-fighting equipment, maintained by the Service for emergency purposes; and
- (e) to use any equipment maintained by the Service for non-emergency purposes.

PART VI- RIGHTS OF MEMBERS

9.—(1) Any member who is on duty may, without the consent of the owner of any building or property:-

- (a) enter and, if necessary, break into such building in which fire:-
 - (i) has broken out; or
 - (ii) is reasonably believed to have broken out;
- (b) enter and, if necessary, break into such building:-
 - (i) to protect the building from fire;
 - (ii) to protect fire spreading to any adjacent building or property;
- (c) enter and having entered such building, do such acts therein as he may consider necessary for:-
 - (i) extinguishing fire; or
 - (ii) protecting any property adjacent thereto;
- (d) enter and having entered such building do such acts therein as he may consider necessary with a view to protecting, rescuing or assisting a person or animal therein;
- (e) pull down such building or destroy or remove any property in such building as he may consider necessary for the purpose of:-
 - (i) preventing the spread of fire; or
 - (ii) limiting the spread of fire;
- (f) take water from any source for the purpose of:-
 - (i) extinguishing fire; or

(ii) limiting the spread of fire.

(2) For the purpose of subsection (1) of this section no payment or payment of compensation shall be effected by the Service to the owner of any building destroyed or any water used by any member while acting in the execution of his duties under this section.

PART VII- GENERAL PROVISIONS

10. The Secretary shall:-

(a) ensure that there:-

(i) is an adequate supply of water for use with respect to fire-fighting;

(ii) is supply of additional water from time to time as may be necessary, and shall negotiate the terms of payment in respect thereof;

(b) provide:-

(i) fire hydrants or sources of supply of water at any point to be indicated by the Officer; and

(ii) distinguishing marks denoting the location of each fire hydrant and sources of supply of water,

and give directions with respect to the placing or creation of distinguishing marks in any street or public place the expenses of which shall be borne by the Service;

(c) provide uniformity in fire hydrants or sources of supply of water in the distinguishing marks denoting the location of such fire hydrants or sources of supply water and the position where such distinguishing marks shall be placed;

(d) make provision for the regulation of the pressure of supply of water from the fire hydrant, or sources of supply for water and auxiliary pumping plant and equipment, as may be necessary, the expenses of which shall be borne by the Service; and

(e) make, with prior notice to the Service, provision for any proposed installation of new main supply of water to, or the carrying out of major alterations in, any existing main pipe.

11. The Officer may:-

(a) at any time limit the number of persons occupying or using any building;

(b) require the owner of any building to install fire-fighting equipment as the Secretary may approve;

(c) regulate the use of any building to ensure that any occupier or user thereof shall have access to any exit route from the building in case of fire;

(d) prescribe the type of signal (whether audible or visual) to be used in any canteen or recreation room.

12. Any fire alarm or mark indicating the location of any fire hydrant or source of supply of water as prescribed by this Edict, shall be fixed or placed on any land or property without payment of any compensation to the owner of such land or property.

13. Any injury sustained by any person, or damage of property caused by any member while acting in the execution of his duties under this Edict, shall be deemed to be an injury or damage caused by fire.

14.—(1) No charge shall be made in respect of any service rendered by the Service in extinguishing fires and rescue operations undertaken by the Service.

(2) The rate of charge with respect to a non-emergency service, other than the putting out of fire, rendered by the Service shall be prescribed by the Secretary.

(3) Any prescribed charge may be sued for and recovered in the Court as debt due to the Government by the Officer in his official capacity on behalf of the Service with full costs of action recovered from the person charged therewith.

15.—(1) Subject to the provisions of any Law in force for the time being:-

(a) before any person occupies or uses as a business any premises which were not so occupied or used by him at the commencement of this Edict, such person:-

(i) shall provide such premises with first aid fire appliances on the recommendation of, and subject to the approval of the Secretary of the Officer;

(ii) shall pay a fee, as prescribed by the Secretary, in respect of such recommendation; and

(iii) shall be issued with a Fire Officers Safety Certificate.

(2) Subject to the provisions of any Law in force for the time being:-

(a) every person who at the commencement of this Edict occupies or uses as a business, any premises:-

(i) shall within one month of such commencement provide such premises with first aid fire appliances on the recommendation of, and subject to the approval of the Secretary, by the Officer; and

(ii) shall pay a fee, as prescribed by the Secretary, in respect of such recommendations; and

(iii) shall be issued with a Fire Officers Safety Certificate.

(3) Subject to the provisions of any Law in force for the time being the members:-

(a) shall carry out, once in every quarter of any year, a fire prevention inspection survey of premises of every prescribed body and recommend, subject to the approval of the Secretary, such appropriate first aid fire appliances suitable for installation in such premises to ensure safety in respect of the use of such premises; and

(b) shall charge such body the prescribed rate in respect of the recommendation made by them; and

(c) shall issue such body with a Fire Officers Safety Certificate.

(4) Where two or more fire prevention inspection surveys of every prescribed body are carried out in any year under subsection (3) of this section, no charge shall be made for such second or

any other subsequent surveys in respect of such premises carried out in that year.

(5) In this section:-

"prescribed body" means a body specified in the first column of the Schedule to this Edict;

"prescribed rate" means a rate specified in the second column of the Schedule to this Edict.

16. Any fire-fighting or fire prevention shall be deemed to be a public service.

17.—(1) Any person who is not a member may, with prior approval of the Secretary, be admitted to fire-fighting training or fire prevention training or part thereof on such terms and conditions as the Secretary may prescribe.

(2) Any person who is admitted to the fire-fighting training or fire prevention training or part thereof, shall pay a fee as prescribed by the Secretary.

18. No person:-

(a) shall wilfully obstruct or resist or interfere with or assault any member acting in the execution of his duties under this Edict;

(b) shall wilfully obstruct or delay the passage of any fire engine or mobile fire-fighting equipment proceeding to a scene of fire;

(c) shall wilfully give or cause to be given any false alarm to the service or to any member;

(d) shall wilfully interfere with, damage or remove, any fire-fighting equipment maintained by the Service;

(e) other than a member shall wear the dress or any part of such dress or assume the name, designation or description of any member;

(f) shall falsely obtain authority from, or on behalf of, the Service for the purpose of gaining access to any building;

(g) shall wilfully and knowingly use or attempt to use any false or forged certificate or other document or make any false statement either orally or in writing for the purpose of gaining admission to:-

(i) the Service; or

(ii) the fire-fighting training or fire prevention training or any part thereof;

(h) shall prohibit or control or limit:-

(i) the use of any building for any particular purpose; or

(ii) the use of any specified number of persons at any particular time; or

(iii) the installation or maintenance of any fire-fighting equipment or fire alarm in any building;

or

(iv) the alterations in, or repair on, any building; or

(v) the use of any specified materials for the erection or alteration or repair of any building.

19. —(1) Any person who:-

(a) wilfully obstructs or resists or interferes with or assaults any member acting in the execution of his duties under section 18(a) of this Edict; or

(b) wilfully obstructs or delays the passage of any fire engine or mobile fire-fighting equipment

proceeding to a scene of fire under section 18(b) of this Edict;
commits an offence and on summary conviction is liable to a fine not exceeding four hundred naira or to a term of imprisonment not exceeding two months or to both.

(2) Any person who;-

(a) wilfully gives or causes to be given any false alarm to the Service or any member under section 18(c) of this Edict; or

(b) wilfully and knowingly uses or attempts to use false or forged certificate or other document or make any false statement either orally or in writing for the purpose of gaining admission to the Service under section 18(g)(i) or the fire-fighting training or fire prevention training or any part thereof under section 18(g)(ii) of this Edict;

commits an offence and on summary conviction is liable to a fine not exceeding five hundred naira or to a term of imprisonment not exceeding four months or to both; and if that person has been admitted to the Service under section 18(g)(i) of this Edict or such training or any part thereof under section 18(g)(ii) of this Edict he shall further be liable to dismissal.

(3) Any person:-

(a) or any person in charge of a motor vehicle using any street or thoroughfare who fails or refuses to give way to any fire engine or mobile fire-fighting equipment proceedings to a scene of fire and operating the prescribed signal (audible or visual) under section 7(4) of this Edict; or

(b) who wilfully interferes with, or damages or removes, any fire-fighting equipment maintained by the Service under section 18(d) of this Edict; or

(c) other than a member who wears the dress or any part of such dress or assumes the name, designation or description of any member under section 18 (e) of this Edict; or

(d) who falsely obtained authority from, or on behalf of, the Service for the purpose of gaining access to any building under section 18(f) of this Edict,

commits an offence and on summary conviction is liable to a fine not exceeding two hundred naira or to a term of imprisonment not exceeding two months or to both.

(4) Any person who prohibits or controls or limits:-

(a) the use of any building for any particular purpose under section 18(h)(i) of this Edict; or

(b) the use of any specified number of persons at any particular time under section 18(h)(ii) of this Edict; or

(c) the installation or maintenance of any fire-fighting equipment or fire alarm in any building under section 18(h)(iii) of this Edict,

commits an offence and on summary conviction is liable to a fine not exceeding four hundred naira or to a term of imprisonment not exceeding two months or to both.

(5) Any person who prohibits or controls or limits:-

(a) the alterations in, or repairs on, any building under section 18(h)(iv) of this Edict; or

(b) the use of any specified materials for the erection or alteration or repairs of any building under section 18(h)(v) of this Edict,

commits an offence and on summary conviction is liable to a fine not exceeding two thousand naira or to a term of imprisonment not exceeding two years or to both; and the Court shall further order that person to demolish the building and order as to how the specified materials shall be disposed of.

(6) Any person who contravenes any provision of this Edict in respect of which an offence has not been prescribed commits an offence and on summary conviction is liable to a fine not exceeding five hundred naira or to a term of imprisonment not exceeding four months or to both.

20. The provisions of the Penal Code Law relating to abetment of an offence and to conspiracy to commit an offence shall apply mutatis mutandis to every offence under this Edict as they apply to offences under that Penal Code Law.

21.—(1) Where an offence is committed under this Edict by a body of persons then:-

- (a) in the case of a body corporate every Director or Secretary or similar Officer; and
- (b) in the case of a partnership every partner, commits an offence.

(2) No person commits an offence by virtue of subsection (1) of this Edict if he proves to the satisfaction of the Court:-

- (a) that the offence was committed without his knowledge or consent; and
- (b) that he exercised all due care and diligence to prevent the commission of the offence having regard to all the circumstances.

22. Any Law, other than the operative parts of the Constitution, which is inconsistent with this Edict and in force immediately before the commencement of this Edict, shall be construed with such modifications as may be necessary with a view to bringing it into line with the general intention of this Edict.

23.—(1) The Secretary may, with the approval of the Governor, make Regulations for giving effect to the provisions of this Edict.

(2) Without prejudice to the generality of subsection (1) of this section, Regulations made may:-

- (a) vary the fines imposed;
- (b) amend any provision of the Edict in the interest of the public.

SCHEDULE	
Column I	Column II
Prescribed bodies	Rates per annum
	N k
1. A Hotel of international standard	1,000:00
2. A Hotel with lodging facilities	300:00
3. A local Hotel (off and on) but without lodging facilities	100:00
4. A Bar Parlour or liquor store	50:00
5. A Factory with staff strength exceeding 10 but not exceeding 50	100:00
6. A Factory with staff strength exceeding 50 but not exceeding 100	150:00
7. A Factory with staff strength exceeding 100 but not exceeding 300	250:00
8. A Factory with staff strength exceeding 300 but not exceeding 500	350:00
9. A Factory with staff strength exceeding 500 but not exceeding 1,000	450:00
10. A Cinema House	1,000:00
11. A Petrol Filling Station (including road-side Petrol Station)	500:00
12. A Supermarket or Commercial premises or Workshop	100:00

13. Any other Workshop	50:00
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CHAPTER 56 FORESTRY ARRANGEMENT OF SECTIONS

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