

# AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

FIRE SAFETY ACT 2014

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SCHEDULE 1  
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WHEREAS it is expedient in the interest of public safety to create a régime enhancing the Bermuda Fire and Rescue Service's powers to promote fire safety and protection in premises in Bermuda at every stage of development, from the design stage through construction and use to demolition of premises;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

PART 1  
PRELIMINARY

Citation

- 1 This Act may be cited as the Fire Safety Act 2014.

Interpretation

- 2 In this Act, unless the context otherwise requires—
  - “Bermuda Fire and Rescue Service” means the Bermuda Fire and Rescue Service continued under section 4 of the Bermuda Fire and Rescue Service Act 1982;
  - “building” includes any structure or erection of whatever kind or nature, whether permanent or temporary, or any part of a building or a structure or an erection;
  - “building operation” has the meaning given in section 2(1) of the Building Act 1988;
  - “Chief Fire Officer” means the person who holds the public office of Chief Fire Officer pursuant to the Bermuda Fire and Rescue Service Act 1982 and includes a person appointed to act in such office;
  - “Commencement Date” has the meaning given in section 58;

“commercial premises” means premises used wholly or partly for the purposes of a trade or business;

“Court” means Magistrates’ Court;

“dangerous commodity” includes petroleum, rock oil, Rangoon oil, Burmah oil, benzine, petrol, naphtha, gasoline and any oil made from petroleum, coal, schist, shale, peat, or any bituminous substance, and every product of petroleum and of the above-mentioned substances, and also includes gunpowder, nitroglycerine, cordite and all other explosives;

“design” includes the preparation of plans, particulars, drawings, specifications, calculations and other expressions of purpose according to which construction, extension, alteration, repair or renewal concerned is to be executed, and “designed” shall be construed accordingly;

“fire alarm and detection equipment” includes a fire alarm control panel, bell, horn or other visual or audible device, annunciator panel, pull station or switch, voice control system, telephone or fire alarm box used in connection with a fire alarm, heat or smoke detector, smoke alarm, associated wiring installation and other equipment connected to or associated with a fire alarm or fire detection device or equipment and a component associated with the operation of any of these systems or devices;

“fire certificate” means a certificate issued under section 13;

“fire officer” means an officer of the Bermuda Fire and Rescue Service;

“fire inspector” has the meaning given in section 28;

“fire precautions” has the meaning given in section 38(3);

“fire protection equipment” includes a portable or wheeled type fire extinguisher, fixed fire extinguishing system, including carbon dioxide, sprinkler, water spray, foam, wetting agent, dry chemical, interior or exterior fire hose stations, fire department connections, fire hydrants, fire apparatus, fire pumps and accessories and other equipment or components associated with fire protection or suppression equipment used or intended to be used in the operation of any of these systems, or devices for the protection from or suppression of fire;

“fire safety information” means information relating to the design and construction of premises or extension, and the services, fittings and equipment provided in or in connection with the building or extension which will assist the person responsible for premises to operate and maintain the premises or extension with reasonable safety;

“Fire Services Board” means the Bermuda Fire and Rescue Services Advisory Board established under section 9 of the Bermuda Fire and Rescue Service Act 1982 and, in relation to any function lawfully delegated by them to any other person or body, includes a committee of the Board;

“licensing authority” has the meaning assigned to it by section 48(1)(a);

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“licensing” has the meaning given by section 48(1)(b);

“Minister” means the Minister responsible for Fire Services;

“NFPA” means the National Fire Protection Association;

“NFPA Codes” has the meaning given in section 7;

“personal protective equipment” means all equipment which is intended to be worn or held by a person in or on premises and which protects that person against one or more risks to his safety, and any addition or accessory designed to meet that objective;

“person responsible for premises” means—

- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control;
- (b) in relation to premises not being a workplace under the control of an employer—
  - (i) the person who has control of the premises (as occupier or otherwise); or
  - (ii) the owner, where no other person has control of the premises (as occupier or otherwise);

“premises” means—

- (a) any building or part of a building which does not fall within the provisions of the Bermuda Residential Building Code, and is put to at least one of the classes of use described in Schedule 1, the land on which it stands and any adjoining land held therewith;
- (b) any undeveloped land which is put to at least one of the classes of use described in Schedule 1;

“prescribed” means—

- (a) prescribed by Regulations; or
- (b) in relation to fees, such fees as may be prescribed by regulations under the Government Fees Act 1965;

“private dwelling” means a residential dwelling not exceeding 5000 square feet in area on any floor level and not exceeding two storeys or 24 feet in height;

“prohibition notice” means a notice given under section 33;

“Regulations” means regulations made under this Act;

“structure” includes a building, plant, machinery, equipment, storage tank, storage place or fixture of any kind and a part of any of them erected or placed on, in, over or under land or water;

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“victualling establishment” has the meaning given in regulation 2(1) of the Public Health (Food) Regulations 1950, and includes any open-air area or al fresco dining area used in connection with that establishment;

“workplace” means any premises or parts of premises, not being a private dwelling, used for the purposes of an employer’s undertaking and which are made available to an employee of the employer as a place of work and includes—

- (a) any place within the premises to which such employee has access while at work; and
- (b) any room, lobby, corridor, staircase, road (other than a public road), or other place—
  - (i) used as a means of access to or egress from that place of work; or
  - (ii) where facilities are provided for use in connection with that place of work,

other than a public road;

“works” includes any building operation or act in connection with the design, construction, extension, alteration, repair, renewal or demolition of premises.

### Application of Act

3 This Act applies in relation to all premises except—

- (a) any premises that are used or occupied exclusively as a single private dwelling;
- (b) any multiple unit dwelling premises each unit of which is occupied exclusively as a single private dwelling including any garden, yard, garage or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling.

### Inconsistency or conflict

4 In the event of any conflict between a provision in this Act or the Regulations and a provision relating to fire safety and protection in any other law, the provision in this Act or Regulations relating to fire safety and protection shall prevail.

### Binding on the Crown

5 This Act binds the Crown.

PART 2

BERMUDA FIRE AND RESCUE SERVICE TO PROMOTE AND ENFORCE FIRE SAFETY AND PROTECTION; FIRE SAFETY CODES FOR BERMUDA

Bermuda Fire and Rescue Service responsible for fire safety and protection

6 (1) The Bermuda Fire and Rescue Service shall have overall authority and responsibility with respect to fire safety and protection, and the promotion thereof, in premises in Bermuda at every stage of development of premises, from the design stage through construction to alteration, repair, use, occupancy or demolition of premises.

(2) For the purposes of subsection (1), the Bermuda Fire and Rescue Service shall have the duties and functions conferred on it by this Act and the Regulations and any other law relating to fire safety and protection in premises.

Adoption of NFPA Codes

7 (1) The provisions of the National Fire Protection Association standards and codes of practice as amended from time to time (hereinafter referred to as the "NFPA Codes") shall have the force of law in Bermuda and shall be construed with the necessary modifications to bring them into conformity with this Act and Regulations.

(2) A copy of the NFPA Codes shall be kept in the office of the Bermuda Fire and Rescue Service, or at some other convenient location, and made available for inspection by members of the public during regular office hours, without charge.

(3) Section 6 of the Statutory Instruments Act 1977 shall not apply with respect to NFPA codes adopted under the provisions of this section.

Minister may issue supplemental fire safety codes

8 (1) The Minister may issue supplementary fire safety codes that are essential to take account of the operational requirements of the Bermuda Fire and Rescue Services and which relate to matters which are not specifically provided for by the NFPA Codes.

(2) In preparing and issuing any fire safety codes under this section, the Minister shall act on the advice of the Chief Fire Officer who shall consult as he considers appropriate—

- (a) officers of the Department of Planning, the Department of Works and Engineering and the Department of Health; and
- (b) persons representing the architectural, construction, engineering and surveying professions in Bermuda.

(3) Subject to subsection (4), the Minister shall inform the public by means of a notice published in the Gazette at least three months in advance of the date on which a fire safety code comes into effect, and shall state in the notice whether the code replaces or amends any previous fire safety code.

(4) The Minister may waive or reduce the period of three months mentioned in subsection (3) as he thinks fit where a code amends a previous code, to correct a mistake, or in any circumstances where it is reasonably required in the interest of public safety.

(5) Notwithstanding that a fire safety code has replaced or amended a previous fire safety code (“the old Code”) with effect from a specified date, the old Code shall continue to apply, or shall continue to apply without the amendments (as the case may be) to any works in respect of which the application for a fire certificate was received by the Chief Fire Officer before that date (whether or not a fire certificate has been issued or works have commenced).

(6) A copy of fire safety codes issued from time to time under this section shall be made available for inspection free of charge at the office of the Bermuda Fire and Rescue Service during normal working hours and may also be made available on a website hosted by that department.

(7) Section 6 of the Statutory Instruments Act 1977 shall not apply with respect to codes issued under this section.

### PART 3

#### FIRE CERTIFICATE

Fire certificate required in connection with certain use of premises

9 (1) A fire certificate shall be required in relation to any premises which are, or are intended to be, put to any class of use set out in Schedule 1.

(2) Where a fire certificate is required under this Act, no person shall use the premises or perform any works with respect to the premises, as the case may be, unless either—

- (a) there is a valid fire certificate authorising such use; or
- (b) an application for a fire certificate or its renewal has been made to the Chief Fire Officer under section 10 or 16 and either—
  - (i) any plans that are required by law for the design or construction or alteration of the premises, have been certified with respect to fire safety requirements by the Chief Fire Officer pursuant to section 12;
  - (ii) fire safety requirements and a plan for their implementation have been concluded by the Chief Fire Officer or a Fire Inspector under Part 4; or
  - (iii) the applicant has complied with the provisions of section 19 where he proposes to make any changes to his premises that are referred to in that section.

(3) The person responsible for premises commits an offence if the premises are put to a class of use set out in Schedule 1 at a time when no fire certificate covering the use is in force with respect to the premises.



(4) A person does not commit an offence under subsection (3) by reason only of the premises being put to a designated use set out in Schedule 1, provided an application for a fire certificate covering the premises and that use has been duly made and before the certificate has been granted or refused.

(5) The Minister may by order subject to the negative resolution procedure amend Schedule 1.

#### Application for fire certificate

10 (1) An application for a fire certificate with respect to any premises shall be made by the person responsible for premises to the Chief Fire Officer in the prescribed form and shall—

- (a) specify the particular use or uses of the premises which it is desired to have covered by the fire certificate;
- (b) specify the stage of the works (if any) in respect of which an application for a fire certificate is made;
- (c) give such fire safety information as may be prescribed about the premises and any prescribed matter connected with them;
- (d) if the premises consists of part of a building, in so far as it is available to the applicant, give such information as may be prescribed about the rest of the building and any prescribed matter connected with it; and
- (e) be accompanied by the prescribed fee.

(2) On receipt of an application for a fire certificate, the Chief Fire Officer may require the applicant within such time as may be specified—

- (a) to furnish him with such plans relating to the premises as he may specify; and
- (b) if the premises consists of part of a building, to furnish him, in so far as it is possible for the applicant to do so, with such plans of such other part or parts of the building as he may specify.

(3) Where the Chief Fire Officer, having considered an application for a fire certificate is disposed to granting such certificate subject to any modification of the plans, calculations, specifications or particulars to which the application relates, he may require the applicant to submit to him revised plans, specifications or other particulars providing for such modification.

#### Determination of applications

11 (1) Where an application for a fire certificate with respect to any premises has been made and all such plans and documentation relating thereto as may be required to be furnished in connection with it have been duly furnished, to the Chief Fire Officer under section 10, the Chief Fire Officer may, subject to the provisions of this Act—

- (a) grant a fire certificate, with or without conditions; or

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(b) refuse to grant the fire certificate.

(2) In the exercise of his discretion under this section, the Chief Fire Officer shall take into account any representations relating to the application which are received by him.

### Certification of plans

12 (1) Where an application for a fire certificate with respect to any premises has been made and all such plans and documentation relating thereto as are required to be furnished in connection with it have been duly furnished, the Chief Fire Officer shall cause to be carried out an inspection of the plans and related documentation for the premises.

(2) Where on an inspection of the plans with respect to any premises the Chief Fire Officer is satisfied as regards any use of the premises specified in the application that—

- (a) the means of escape from the premises;
- (b) the measures for securing that the means of escape can be safely and effectively used at all material times;
- (c) the means for fighting fire in or on the premises by persons in or on the premises; and
- (d) the means for detecting fire and giving persons in the premises warning,

are such as may be reasonably required in the circumstances in connection with the use of the premises, the Chief Fire Officer shall stamp the plans certifying that the fire safety design with respect to the premises, if constructed or maintained as the case may be in accordance with the plans, documents and information submitted, would comply with the minimum standards, codes and requirements for fire safety and protection under this Act and the Regulations.

(3) No person shall perform any works with respect to premises requiring a fire certificate unless the fire safety design of the plans or other such documents relating to the proposed works have been certified by the Chief Fire Officer under subsection (2) before such works are commenced.

### Issue of fire certificate

13 (1) The Chief Fire Officer shall issue a fire certificate where on completion of any works on premises or on the implementation of a plan concluded pursuant to section 21, he is satisfied as regards any use of the premises that the means specified in section 12(2) (a) to (d) are such as may be reasonably required in the circumstances in connection with the use of the premises.

(2) A fire certificate shall only be construed as certifying that, with respect to fire safety, the premises if constructed or maintained, as the case may be, in accordance with the plan, documents or information submitted, would comply with the relevant provisions of the NFPA Codes and this Act.

(3) Where a fire certificate is issued subject to conditions, the Chief Fire Officer shall, if requested to do so, inform the applicant of the reasons.

Contents of fire certificate

- 14 (1) Every fire certificate issued shall be in the prescribed form and specify—
- (a) the name of the premises and the name of any business operated on the premises;
  - (b) the name of the person responsible for premises;
  - (c) the street address of the premises and the mailing address if it is different;
  - (d) the particular use or uses of the premises which the fire certificate covers;
  - (e) any conditions; and
  - (f) the date when the fire certificate expires.

(2) A fire certificate issued with respect to any premises may impose such conditions as the Chief Fire Officer considers appropriate in the circumstances including conditions—

- (a) relating to the use or uses of the premises;
- (b) for securing that the means of escape in the event of fire with which the relevant premises is provided is adequate and that it is properly maintained and kept free from obstruction;
- (c) as to the type, number and location of fire alarm and detection equipment, fire protection equipment and fire safety information for securing the safety of persons in or on the premises in the event of fire;
- (d) where the premises are a workplace, for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in the event of fire, and that records are kept of instruction or training given for that purpose;
- (e) for limiting the number of persons who may be in or on the premises at any one time; and
- (f) as to other precautions to be observed in the relevant premises in relation to the risk, in the event of fire, to the safety of persons in the premises,

and may, where appropriate, do so by means of or by reference to a plan.

(3) Any conditions imposed by virtue of subsection (2) by a fire certificate issued with respect to any premises—

- (a) may be framed either so as to apply to the whole of the premises or so as to apply to one or more parts of it;
- (b) may be framed so as to impose different conditions in relation to different parts of premises; and
- (c) may, where the fire certificate covers more than one use of the premises, be framed so as to impose different conditions in relation to different uses of the premises or of any part of the premises.

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(4) A fire certificate issued with respect to any premises shall be sent to the person responsible for premises to which it relates.

### Duration of fire certificate; display

15 (1) A fire certificate issued by the Chief Fire Officer shall be valid for a period not exceeding five years from the date of its issue and may be renewed.

(2) So long as the fire certificate is in force, the person responsible for premises shall cause—

- (a) a copy of the fire certificate to be kept and displayed in a conspicuous place at the premises; and
- (b) the original fire certificate and any records required to be kept under any conditions contained in the fire certificate are kept safe and available to a Fire Inspector or any occupier of the premises in respect of which the fire certificate has been issued.

### Renewal of fire certificate

16 (1) An application for the renewal of a fire certificate with respect to any premises shall be made by the person responsible for premises to the Chief Fire Officer in the prescribed form and shall accompany the prescribed fee.

(2) Where the Chief Fire Officer is satisfied (either on inspection under Part 5 or otherwise) as to the matters in section 12(2)(a) to (d) and as to compliance with conditions (if any) imposed under section 14(2) with respect to the applicant's premises, the Chief Fire Officer shall renew the fire certificate.

### Transfer of fire certificate

17 (1) A person who holds a fire certificate issued under this Act in relation to his premises shall not assign or transfer his fire certificate without the prior written consent of the Chief Fire Officer.

(2) An agreement relating to any such assignment or transfer, unless it is made subject to that consent is void.

### Refusal of fire certificate

18 (1) Where the Chief Fire Officer is not satisfied that the means mentioned in section 12(2)(a) to (d) are such as may be reasonably required in the circumstances in connection with the use of the premises, the Chief Fire Officer shall by notice in writing served on the applicant—

- (a) inform him of that fact and the steps which would have to be taken in order to satisfy the Chief Fire Officer as regards that use; and
- (b) notify the applicant that he will not certify the plans or issue a fire certificate with respect to the premises, unless those steps are taken within the time specified in the notice.

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(2) If at the end of the time specified under subsection (1) or such further time as may be allowed by the Chief Fire Officer or by determination or order made in proceedings arising out of an appeal under section 46 or 47, a fire certificate covering that use has not been issued, it shall be deemed to have been refused.

### Changes affecting adequacy of fire certificate

19 (1) Where the person responsible for premises in respect of which a fire certificate has been issued under section 13—

- (a) proposes to make a material extension of, or material structural alteration to, the premises;
- (b) proposes to make a material alteration in the internal arrangement of his premises or in the furniture or equipment with which the premises are provided;
- (c) proposes to begin to keep explosive or highly flammable materials of any kind permitted by law to be kept anywhere under, in or on the premises; or
- (d) intends for any reason to leave his premises unoccupied for a period of more than 30 consecutive days,

the person responsible for changes shall, before the carrying out of the proposals is begun and as regards subsection (1)(d) before his premises are vacated, give notice to the Chief Fire Officer in writing of his proposal or intention.

(2) As soon as is practicable after receipt of such a notice from the person responsible for premises or in any circumstances where he becomes aware of any of the matters referred to in subsection (1), the Chief Fire Officer shall carry out an inspection or a survey of the premises under Part 4.

(3) If the Chief Fire Officer considers (either pursuant to an inspection or a survey or otherwise) that, as regards any premises with respect to which a fire certificate is in force it would, in consequence of a change of conditions, be appropriate to amend the certificate for any of the following purposes, that is to say—

- (a) to vary or revoke any condition or requirement which the fire certificate imposes by virtue of section 14(2);
- (b) to add to the conditions or requirements which the fire certificate so imposes; or
- (c) to alter the effect of the fire certificate as to the person or persons responsible for premises covered by the fire certificate,

the Chief Fire Officer may make such amendments in the fire certificate as he thinks fit for that purpose or issue a new fire certificate embodying those amendments.

### Record of fire certificates and certified plans

20 The Chief Fire Officer shall keep a record in writing in such form as he considers appropriate of fire certificates issued or renewed by him, and plans certified by him.

PART 4

SURVEY OF FIRE RISK FOR EXISTING BUILDINGS IN CONNECTION WITH FIRE  
CERTIFICATE

Survey of fire risk

21 (1) This Part applies to premises existing on the Commencement Date (“existing premises”); and “premises” in this Part means existing premises.

(2) The Chief Fire Officer or a Fire Inspector shall carry out a risk survey of premises for the purpose of—

- (a) determining in relation to the use or intended use of the premises the fire safety requirements that would be adequate to protect the safety of persons in or on the premises in the event of fire; and
- (b) concluding a plan for fire safety requirements to be implemented by the person responsible for premises within the time specified by the Chief Fire Officer or Fire Inspector in the plan.

(3) The Chief Fire Officer or a Fire Inspector may carry out a risk survey of premises—

- (a) where he receives a request pursuant to section 22(1);
- (b) before he issues, renews or consents to the transfer of a fire certificate in relation to the premises;
- (c) before he varies or alters any condition imposed on a fire certificate in relation to the premises;
- (d) where he receives plans in connection with any proposed works on the premises;
- (e) where he is satisfied that works are taking place in relation to the premises and he has not certified any plans that are required by law relating to such works;
- (f) where he is satisfied that the premises are occupied and being used for a purpose set out in Schedule 1 and there is no valid fire certificate with respect to the premises; or
- (g) where he is satisfied that the premises have been unoccupied for a period of 30 consecutive days or more and such premises may be a fire risk.

(4) For the purposes of this Part, the Chief Fire Officer or a Fire Inspector shall write to the person responsible for premises advising him of the provisions of this Part and the date and time within 14 days of the date of the notice when it is proposed that such risk survey should be carried out.

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### Arrangements for survey of fire risk

22 (1) Every person responsible for premises shall submit to the Bermuda Fire and Rescue Service a request to have the premises surveyed for fire risk by that department where—

- (a) a fire certificate is required with respect to the premises; or
- (b) renewal or transfer of a fire certificate is required with respect to the premises.

(2) A request shall be submitted in writing in the prescribed form and within the prescribed time to the Bermuda Fire and Rescue Service.

### Power to enter and carry out risk survey

23 (1) Without prejudice to any other provision of law but subject to subsection (2), the Chief Fire Officer or a Fire Inspector may enter upon and survey or inspect any premises for concluding fire safety requirements under this Part.

(2) Before a survey is carried out under the authority of subsection (1), the Chief Fire Officer or a Fire Inspector shall give such notice to the person responsible for premises which he intends to survey, or to some agent or servant of the person responsible for premises, of the intention to carry out the survey as may, in the circumstances of the case and having regard to the objects of the survey, be reasonable.

(3) The Chief Fire Officer or Fire Inspector shall, if so required when visiting any premises in the exercise of powers conferred by this Act, produce to the person responsible for premises some duly authenticated document showing his authority.

(4) The person responsible for premises or, as the case may be, his agent or servant shall be given an opportunity to be present or have some person selected by him to be present at the survey.

### Supplemental powers of entry: risk survey

24 (1) If it is shown to the satisfaction of a magistrate on sworn information in writing by the Chief Fire Officer or a Fire Inspector entitled to enter upon premises in pursuance of this Part that the matters in subsection (2) apply, the magistrate may by warrant under his hand authorise that person to enter the premises and survey them for the purposes of this Part.

(2) A magistrate shall not issue a warrant under subsection (1) in respect of any premises unless he is satisfied—

- (a) that entry to the premises in pursuance of subsection (1) was sought after not less than 14 days notice of the intended entry had been served on the person responsible for premises;
- (b) that entry to the premises in pursuance of section 23(1) was sought and was refused by or on behalf of the person responsible for premises; or

- (c) that the premises are vacant and have been unoccupied for more than 30 consecutive days or the person responsible for premises is temporarily absent.

(3) A warrant under subsection (2) continues in force until the purpose for which the entry is required has been satisfied.

(4) A person who, in the exercise of powers conferred upon him by virtue of this section, enters upon any premises which is vacant or from which the person responsible therefor is temporarily absent shall leave the premises as effectually secured against trespassers as he found them.

#### Fire safety requirements

25 (1) Fire safety requirements concluded by the Chief Fire Officer pursuant to section 21 may include any or all of the following—

- (a) the provision and maintenance of exit signs, emergency lighting and notices as to the procedure to be followed in the event of fire;
  - (b) the arrangements to be made for the provision and maintenance of equipment and fittings for fire detection, fire prevention, the extinguishing of fires, giving of warning in the event of fire, and securing that the means of escape can be safely and effectively used at all material times;
  - (c) the installation, maintenance and use of the power, lighting, heating and ventilating systems of the premises;
  - (d) the measures to be taken for securing that persons employed in the premises receive adequate training in fire safety, and what to do in the event of fire, and that records are kept of such instruction or training;
  - (e) the nomination of an appropriate person or persons employed in the premises to have responsibility for fire safety and protection measures in the premises;
  - (f) limiting the number of persons who may be in the premises at any one time; or
  - (g) any other matters that appear to be relevant to the Chief Fire Officer for the purposes of ensuring the safety of persons in or on the premises in the event of fire.
- (2) The Chief Fire Officer, in relation to the premises shall—
- (a) specify the fire safety requirements under NFPA 101 - Life Safety Code that are deemed necessary; and
  - (b) ensure (in accordance with section 26) that if any works on the premises cause the premises to become unsafe or adversely affect the matters set out in section 12(2)(a) to (d) that such matters shall be rectified to the satisfaction of the Chief Fire Officer.



(3) The Chief Fire Officer shall conclude a plan for the implementation of fire safety requirements and shall specify a time period within which the person responsible for premises shall comply with such fire safety requirements specified by him, and where the Chief Fire Officer considers it appropriate, the time period may be extended.

(4) The Chief Fire Officer shall give the person responsible for premises concerned the opportunity to be heard and shall take any such representations into consideration before he concludes fire safety requirements with respect to the premises.

Action pursuant to risk survey

26 The Chief Fire Officer shall not issue or renew, alter or amend or approve the transfer, of a fire certificate with respect to premises unless he is satisfied that the fire safety requirements specified or concluded by him under this Part have been properly implemented by the person responsible for premises.

PART 5  
ENFORCEMENT

Enforcement of Act

27 It shall be the duty of the Bermuda Fire and Rescue Service, the Chief Fire Officer and every Fire Inspector—

- (a) to enforce and ensure compliance with the provisions of this Act and the Regulations; and
- (b) in consultation with the appropriate licensing authority, to enforce the provisions in any law relating to fire safety and protection.

Fire Inspectors

28 (1) The Chief Fire Officer shall appoint in writing fire officers in the Bermuda Fire and Rescue Service as Fire Inspectors for the purposes of enforcing the provisions of this Act, the Regulations and the provisions of any other law relating to fire safety and protection.

(2) Every Fire Inspector shall be provided with a certificate of his appointment as a Fire Inspector signed by the Chief Fire Officer and an identity card issued to him—

- (a) specifying the date of issue;
- (b) bearing his full name and a photograph of him; and
- (c) bearing the signature of the Chief Fire Officer.

(3) A Fire Inspector shall, if requested to do so, produce that identity card for inspection to any person in relation to whose premises the Fire Inspector is about to exercise, is exercising or has exercised a power relating to fire safety and protection conferred by this Act or the Regulations or any other law.

(4) An identity card appearing to have been provided under subsection (2) is, without proof of the signature of the person who signed it or that person's authority to sign it, evidence of the appointment to which the identity card appears to relate.

Powers of Fire Inspectors

29 (1) Subject to this Act, a Fire Inspector may do anything necessary for the purpose of carrying into effect this Act and the Regulations, and any other provision of law relating to fire safety or fire protection into effect.

(2) Without prejudice to the generality of subsection (1), a Fire Inspector may at any reasonable time for the purpose of enforcing the provisions of this Act and the Regulations—

- (a) enter premises, including such premises as are mentioned in subsection (3), and inspect the whole or any part thereof, and anything in the premises;
- (b) make such inquiry as may be necessary;
- (c) require the production of, and inspect, any fire certificate in force in relation to any premises or any copy of any such certificate;
- (d) with respect to equipment on the premises—
  - (i) require any person for the time being in charge therein to produce for inspection fire protection equipment or any fire alarm and detection equipment in the premises;
  - (ii) inspect any such equipment so produced;
  - (iii) conduct examinations or tests of such equipment found in premises, either at the premises, or by removing the equipment from the premises to conduct examinations or tests of it;
- (e) require any person having responsibilities in relation to any such premises (whether or not the person responsible for premises or a person employed to work therein) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the Fire Inspector to exercise any of the powers conferred on him by this subsection.

(3) If a Fire Inspector thinks it necessary for the purposes of his inspection, he may also inspect premises or part of premises that form part of or are adjacent to the premises the subject of his inspection.

(4) For the avoidance of doubt, it is hereby declared that the powers conferred on Fire Inspectors under this Part to enter and inspect premises in relation to fire safety and protection are in addition to powers conferred on the Chief Fire Officer, the Bermuda Fire and Rescue Service and fire officers under any other law.

Powers of entry and inspection

30 (1) Without prejudice to any other provision of law but subject to subsection (2), the Chief Fire Officer or a Fire Inspector may at any reasonable time enter upon and inspect any premises for the purpose of enforcing and ensuring compliance with the provisions of this Act and the Regulations.

(2) Before an inspection is carried out under the authority of subsection (1), the Fire Inspector shall give such notice to the person responsible for premises which the Fire Inspector intends to inspect, or to some agent or servant of the person responsible for premises of the intention to carry out the survey or inspection as may, in the circumstances of the case and having regard to the objects of the inspection, be reasonable.

(3) The person responsible for premises or, as the case may be, his agent or servant shall be given an opportunity to be present or have some person selected by him to be present at the inspection.

Supplemental powers of entry: enforcement

31 (1) If it is shown to the satisfaction of a magistrate on sworn information in writing by the Chief Fire Officer or a Fire Inspector entitled to enter upon premises in pursuance of enforcement under this Part—

- (a) that entry to the premises has been refused to that person;
- (b) that entry has not been refused, but such a refusal is apprehended;
- (c) that the premises are unoccupied or the occupier is temporarily absent and the case is one of urgency; or
- (d) that there are reasonable grounds for his entry upon the premises for the purpose for which entry is required,

then, subject to subsection (3), the magistrate may by warrant under his hand authorise that person to enter and inspect the premises together with a police officer above the rank of sergeant, if need be by force in case of urgency.

(2) A warrant issued under subsection (1) continues in force until the purpose for which the entry is required has been satisfied.

(3) In this section any reference to urgency is a reference to a case where a person requiring entry to any premises has reasonable cause to believe that circumstances exist which are likely to endanger life or safety in case of a fire and that immediate entry to the premises is necessary to verify the existence of those circumstances, or to ascertain their cause, or to effect a remedy.

(4) A person who wilfully obstructs another person acting in the exercise of any powers conferred on the other person by virtue of this Part commits an offence against this Act.

Enforcement notice

32 (1) Where pursuant to an inspection under this Part or otherwise, a Fire Inspector is of the opinion that there has been a contravention of, or failure to comply with, the

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provisions of this Act or the Regulations or any provision of law relating to fire safety and protection he may serve on the person responsible for premises a notice in writing (an "enforcement notice").

- (2) An enforcement notice served on such person shall—
  - (a) state that the Fire Inspector is of the opinion referred to in subsection (1);
  - (b) specify the failure or contravention, and the relevant provision;
  - (c) require the owner or occupier or any manager to produce for inspection or copying, in whole or in part, any record or other document that the Fire Inspector believes on reasonable grounds contains information relevant to the administration of this Act or the Regulations;
  - (d) state what steps are necessary to remedy the contravention or failure and comply with the provision in question;
  - (e) require the owner or occupier within such reasonable time as may be specified, or such further time as the Fire Inspector may allow, to take steps as are specified in the enforcement notice to remedy the failure or contravention and ensure such compliance.

(3) An enforcement notice may include directions as to the measures which the Fire Inspector considers are necessary to remedy the contravention or failure referred to in subsection (2)(b), and any measures may be framed so as to afford the person on whom the enforcement notice is served a choice between different ways of remedying the contravention or failure.

(4) Before serving an enforcement notice which would oblige a person to make an alteration to premises, the Fire Inspector shall, if it is reasonably practicable to do so, consult as appropriate the relevant licensing authority and any other person whose consent to the alteration would be required by or under any enactment.

(5) Without prejudice to the powers to cancel or modify an enforcement notice under section 46 or 47, no failure on the part of the Fire Inspector to consult under subsection (4) makes an enforcement notice void.

- (6) Where an enforcement notice has been served under this section—
  - (a) the Fire Inspector may withdraw the notice at any time before the end of the period specified in the notice; and
  - (b) if an appeal against the notice is not pending, the Fire Inspector may extend or further extend the period specified in the notice.

### Prohibition notice

33 (1) If the Chief Fire Officer or a Fire Inspector is satisfied whether pursuant to an inspection under this Part or otherwise—

- (a) that a contravention of any provision of this Act or the Regulations or the provisions of any law relating to fire safety and protection measures in premises is being committed of such a nature that use of the premises

involves or will involve a risk so serious to the safety of persons in or on the premises in the event of fire if such contravention is not remedied promptly; or

- (b) that there are reasonable grounds for believing that premises are potentially dangerous premises,

and that, until steps have been taken to reduce the risk to a reasonable level, the use of the premises ought to be prohibited or restricted, then he may issue to the person responsible for premises a notice in accordance with this section.

(2) In addition to the methods of service of notices in section 51, a prohibition notice may be served by handing it to an apparently responsible person on the premises or by affixing it in a conspicuous location on the premises.

(3) The matters relevant to the determination by the Chief Fire Officer or Fire Inspector for the purposes of subsection (1)(a) of the risk to the safety of persons (defined in section 34(2)) on the premises include anything affecting their escape from the premises in the event of fire.

(4) A prohibition notice shall—

- (a) state that the Chief Fire Officer or a Fire Inspector is of an opinion referred to in subsection (1);
- (b) specify the matters which in his opinion give or, as the case may be, will give rise to that risk or belief; and
- (c) direct that the use of the premises to which the prohibition notice relates is prohibited or restricted to such extent as may be specified in the notice until the specified matters have been remedied.

(5) A prohibition notice may include directions as to the measures which will have to be taken to remedy the matters specified in the notice and any such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the matters.

(6) A prohibition or restriction contained in a prohibition notice pursuant to subsection (4)(c)—

- (a) takes effect immediately at the time it is served if the Chief Fire Officer or a Fire Inspector is of the opinion, and so states in the prohibition notice, that the risk of serious personal injury is or, as the case may be, will be imminent; and
- (b) in any other case takes effect at the end of the period specified in the prohibition notice.

(7) Before serving a prohibition notice which would oblige a person to make an alteration to premises, the Fire Inspector shall, if it is reasonably practicable to do so, consult as appropriate the relevant licensing authority and any other person whose consent to the alteration would be required by or under any enactment.

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(8) For the purposes of this section, the Chief Fire Officer or Fire Inspector may call to his assistance such police officers as he may think necessary due to the nature of the risk and in the interest of safety of persons in or about the premises in the event of fire.

Definition of “potentially dangerous premises” and “apparently responsible person”

34 (1) In section 33, "potentially dangerous premises" means any premises which would, in the event of fire occurring therein, constitute a serious danger to life for any of the following reasons—

- (a) the fact that large numbers of persons habitually resort thereto or are accommodated therein;
- (b) the absence of any, or any adequate, appliances or fittings—
  - (i) for extinguishing fires occurring in the building;
  - (ii) for enabling the occupants to escape on the occurrence of fire;
  - (iii) for the automatic detection of an outbreak of fire;
  - (iv) for giving warning to persons in the event of fire;
  - (v) for securing that the means of escape can be safely and effectively used at all times; or
  - (vi) for emergency lighting;
- (c) the flammable nature of the materials with which the building is made;
- (d) the flammable nature of the furniture, furnishings and fittings in the building;
- (e) the absence of adequate means of escape from the premises;
- (f) the absence of any, or any adequate, notices as to the procedure which should be followed in the event of fire;
- (g) the flammable, explosive or potentially explosive nature of anything used, stored or deposited within the building;
- (h) the fact that fire therein would be likely to spread rapidly within the building or to other premises;
- (i) the fact that any power supply or lighting system with which the building is provided is defective, inadequate or inadequately maintained;
- (j) the fact that any heating or ventilating system with which the building is provided is defective or inadequately maintained or presents a fire hazard; or
- (k) any similar reason.

(2) For the purposes of section 33(2), “apparently responsible person” shall include the person responsible for premises, a manager, a trustee, an architect, an agent, a contractor, a project manager or any other person appearing to the Chief Fire Officer or a

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Fire Inspector to be in charge of, or have responsibilities in connection with, the use or occupation of the premises or works being carried out on the premises.

### Supplementary powers of enforcement

35 (1) A magistrate may by order prohibit or restrict, to the extent appropriate in the circumstances of the case, the use of premises until such steps have been taken as, in the opinion of the Court, are necessary to reduce the risk to a reasonable level, if he is satisfied on information on oath laid by a Fire Inspector that there are reasonable grounds for suspecting—

- (a) that there has been a contravention of any provision of this Act or the Regulations or of any provision of law relating to fire safety and protection and that the risk to persons in the event of fire is so serious that, until steps have been taken to reduce the risk to a reasonable level, the use of the premises ought to be prohibited or restricted;
- (b) that the owner or occupier has failed to comply with an enforcement notice or a prohibition notice served on him under section 32 or 33 respectively;
- (c) that if an enforcement notice were served on the owner or occupier under section 32 or a prohibition notice under section 33, it would not be complied with;
- (d) the completeness of any information provided or documents produced by the person responsible for premises in response to such a notice; or
- (e) that the premises are for the time being unoccupied and have been unoccupied for a period of more than 30 consecutive days and there is reason to believe that the premises may be a fire risk.

(2) In this section, "contravention of any provision" shall be deemed to include a failure to observe the provisions of any law with respect to fire safety or protection.

(3) A magistrate may issue a warrant under this section authorising any police officer not below the rank of inspector, together with any Fire Inspector named in the warrant —

- (a) to enter any premises which are specified in the warrant for the purpose of inspecting the premises in relation to compliance with fire safety standards or codes; and
- (b) to exercise any of the powers conferred by this Act or the Regulations.

### Assistance to Fire Inspectors

36 The owner or occupier or the person in charge of premises entered by the Chief Fire Officer, a Fire Inspector or police officer under the provisions of this Part and any person found in the premises shall—

- (a) give him all reasonable assistance in his power to enable him to perform his duties and functions under this Act and the Regulations or any enactment; and

- (b) provide him with any information relevant to the enforcement of this Act that he may reasonably require.

Protection from liability

37 No proceedings, civil or criminal, shall lie against the Minister, the Chief Fire Officer, a Fire Inspector or other fire officer or any member of the Bermuda Fire and Rescue Service or any member of the Fire Services Board in respect of anything done or omitted to be done or reported or said in the performance or intended performance of their functions under this Act or the Regulations unless it is shown that the person or persons acted in bad faith.

PART 6

FIRE SAFETY DUTIES

Duty to take fire precautions

38 (1) The person responsible for premises shall take all reasonable fire precautions and measures in accordance with this Act and Regulations and any other law relating to the prevention, explosion or spread of fire or smoke in the premises, and to ensure that exits and fire detection and alarm and fire protection equipment for the protection of the premises and its occupants from fire, are maintained in efficient condition and readily available for use in the event of fire.

(2) In every premises the emergency telephone number of the Bermuda Fire and Rescue Service shall be constantly and conspicuously displayed in a prominent place on the premises.

(3) In this Act, “fire precautions” in relation to premises means—

- (a) measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;
- (b) measures in relation to the means of escape from the premises;
- (c) measures for securing that, at all material times, the means of escape can be safely and effectively used;
- (d) measures in relation to the means for fighting fires on the premises;
- (e) measures in relation to the means for detecting fire on the premises and giving warning in the event of fire on the premises; and
- (f) where premises consist of a workplace, measures in relation to the arrangements for action to be taken in the event of fire on the premises, including—
  - (i) measures relating to the instruction and training of employees; and
  - (ii) measures to mitigate the effects of fire.



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### Duty to report fire and fire alarm

39 (1) Every person responsible for premises who becomes aware of a fire at his premises shall report it, to the Bermuda Fire and Rescue Service by telephone as soon as he becomes aware of the fire.

(2) Every person who provides services that include fire alarm monitoring services in relation to any premises and who becomes aware that a fire alarm has sounded in any such premises being monitored by him or by his business shall give notice by telephone of the fire alarm to the Bermuda Fire and Rescue Service, as soon as he becomes aware of it.

(3) The notice required under subsection (1) or (2) shall include—

- (a) the date, time and location of the fire and a description of the nature of the fire, or the date, time and location of the the fire alarm; and
- (b) as far as can be ascertained at the time, the cause of the fire or of the fire alarm.

### Fire safety record to be kept

40 (1) Every person responsible for premises shall keep or cause to be kept and maintained a fire safety record in respect of the premises in such form as may be approved by the Chief Fire Officer, in which shall be entered a record of—

- (a) inspection of the premises and its fire protection equipment;
- (b) tests of the fire alarm and detection system of the premises;
- (c) fire drills and fire training sessions;
- (d) every fire-related incidence at the premises;
- (e) permits for construction, modification or demolition in relation to the premises;
- (f) any notices given under this Act; and
- (g) any other information that may be prescribed.

(2) The fire safety record kept pursuant to subsection (1) shall be produced for inspection upon request by the Chief Fire Officer or a Fire Inspector.

### Elimination or reduction of risks from dangerous commodities

41 (1) Where a dangerous commodity is permitted under any enactment to be present in or on any premises, the person responsible for premises shall ensure that risk in the event of fire to persons related to the presence of the commodity is either eliminated so far as is reasonably practicable or reduced in accordance with Regulations.

(2) Where it is not reasonably practicable to eliminate risk pursuant to subsection (1), the person responsible for premises shall, so far as is reasonably practicable, apply measures in accordance with Regulations consistent with and appropriate to the nature of the activity or operation, to control the risk and mitigate the detrimental effects of fire.

(3) The person responsible for premises shall—

- (a) arrange for the safe handling, storage and transport of dangerous commodities and waste containing dangerous commodities; and
- (b) ensure that any conditions necessary pursuant to this Act for ensuring the elimination or reduction of risk are maintained.

PART 7  
OFFENCES AND APPEALS

Offences: penalties

42 (1) A person who—

- (a) contravenes section 9(3);
- (b) fails to give notice as required by section 19(1);
- (c) fails to comply with an enforcement notice served under section 32;
- (d) fails to comply with a prohibition notice served under section 33;
- (e) fails to comply with section 36 (assistance to Fire Inspectors);
- (f) fails to take fire precautions in accordance with the provisions of section 38;
- (g) fails to report a fire or fire alarm as required by section 39;
- (h) with respect to section 40—
  - (i) fails to keep a record; or
  - (ii) makes a false or fraudulent entry in the record or who erases or alters an entry in the record, except for the purpose of correcting an error,

commits an offence against this Act.

(2) A person commits an offence against this Act if he commits any of the acts referred to in the following paragraphs—

- (a) for the purpose of procuring the issue of a fire certificate, makes any statement or gives any information which he knows to be false in a material particular or recklessly makes any statement or gives any information which is false; or
- (b) in purported compliance with any obligation to give information to which he is subject under or by virtue of this Act or the Regulations, gives any information which he knows to be false in a material particular or recklessly gives any information which is false;
- (c) without reasonable excuse fails to produce any documents which it is his duty to produce under this Act or the Regulations;

- (d) without reasonable excuse fails to attend before a Fire Inspector when required to do so;
  - (e) without reasonable excuse fails to answer any question relevant to fire safety on his premises that is put to him by the Chief Fire Officer or a Fire Inspector with respect to premises which are under inspection for fire safety; or
  - (f) wilfully obstructs the Chief Fire Office or a Fire Inspector in the exercise of the powers conferred by this Act.
- (3) Where a person commits an offence against this Act he is liable on summary conviction—
- (a) to a fine not exceeding \$2,880 in respect of the offence;
  - (b) in the case of a second or subsequent conviction, to a fine not exceeding \$7,000.

Offences by body corporate

43 (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate commits an offence against this Act.

(2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Proceedings for offences

44 Proceedings with respect to an offence against this Act shall not be instituted without the written consent of the Director of Public Prosecutions, and shall be prosecuted before a court of summary jurisdiction.

Defence

45 Except for a failure to comply with section 38(1) or 39(2), in any proceedings for an offence under this Act or Regulations, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Appeal to Fire Services Board

- 46 (1) A person who is aggrieved—
- (a) by any step which would have to be taken as a condition of the certification of plans with respect to his premises or the issue of a fire certificate with respect to his premises, or by the period allowed for the taking of any steps mentioned in a fire certificate;

- (b) by the refusal of the Chief Fire Officer to issue a fire certificate with respect to his premises;
- (c) by any conditions imposed under section 14(2);
- (d) subject to subsection (2), by a condition or requirement in an enforcement notice or a prohibition notice,

may, within 21 days from the relevant date, appeal to the Fire Service Board by notice in writing under this section.

(2) A person on whom an enforcement notice or a prohibition notice is served may appeal to the Fire Services Board on any one or more of the following grounds—

- (a) that he is not the person responsible for premises;
- (b) that the premises do not present a serious fire risk;
- (c) that compliance would involve an unreasonable expense or unreasonable interference with the use of the premises; or
- (d) that the notice specifies an unreasonably short time for complying with any of its conditions or directions.

(3) On an appeal under this section, the Fire Service Board may either cancel or affirm the decision of the Chief Fire Officer or Fire Inspector, and, if it affirms it, may do so either in its original form or with such modifications as the Board may in the circumstances think fit.

(4) The Fire Services Board may, by notice in writing to both parties, require the provision of such further information or documents within the period so specified as the Board may require for the purpose of making a determination.

(5) Before determining an appeal under this section, the Fire Services Board shall, if the appellant so desires, afford him an opportunity of appearing before, and being heard by, a person appointed by the Fire Services Board from among its members for the purpose.

(6) Where an appeal is brought under this section against an enforcement or prohibition notice, the bringing of the appeal shall not have the effect of suspending the operation of the notice, unless, on the application of the appellant, the Fire Services Board so directs (and then only from the giving of the direction).

(7) In this section the “relevant date” means—

- (a) in relation to a person aggrieved by any such refusal or requirement, or condition as is mentioned in subsection (1) above, the date on which he was first served by the Chief Fire Officer or a Fire Inspector with notice of the refusal, requirement, condition or matter in question;
- (b) in relation to a person aggrieved by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises, the date on which the inclusion or omission was first made known to him,

and for the purposes of subsection (1) a person who is served with a fire certificate or a copy of a fire certificate shall be taken to have had what the certificate or that part of it does and does not contain made known to him at the time of the service on him of the certificate or copy thereof.

#### Appeal to Court

47 (1) Any party to proceedings before the Fire Services Board who is aggrieved by the decision or determination or direction of the Fire Services Board in the matter may appeal to the Court on a point of law within 21 days or such longer period as the Court may allow after receipt of notification of such decision or direction.

(2) On any appeal under this section the Court may make such order, including an order for costs, as it thinks fit.

(3) Where an appeal is brought under this section against an enforcement or prohibition notice, the bringing of the appeal shall not have the effect of suspending the operation of the notice, unless, on the application of the appellant, the Court so directs (and then only from the giving of the direction).

### PART 8

#### CO-OPERATION IN THE INTEREST OF FIRE SAFETY, GENERAL AND MISCELLANEOUS

Duty of licensing authority to consult Bermuda Fire and Rescue Service regarding fire safety matters

48 (1) In this section and sections 27(b), 32(4), 33(7) and 57(3)—

- (a) “licensing authority” means the relevant authority responsible for licensing under any law relating to premises or their use;
- (b) “licensing” includes granting or issuing permission, a permit, licence, certificate, requisition or an approval of whatever kind relating to premises or their use under any law or pursuant to any policy under any law, and “licence” is to be construed accordingly;
- (c) references to the issue of a licence include references to its renewal, transfer, variation, revocation or suspension as the case may be, and exemption from the issue thereof.

(2) Where the person responsible for premises or the owner of the premises—

- (a) proposes to erect a building, or to make any extension of or structural alteration to the premises; and
- (b) in connection with the proposals, plans are, in accordance with an enactment relating to premises or their use, deposited with the Department of Planning or other licensing authority,

the Department of Planning or other licensing authority, as the case may be, shall consult the Chief Fire Officer with respect to fire safety matters before passing those plans.

(3) Where a licence is required under any law in relation to premises, the relevant licensing authority empowered to grant, issue, renew or transfer such licence shall not make a final determination with respect to an application for such licence or its renewal or transfer unless it has first consulted the Chief Fire Officer regarding any fire safety matters.

#### Amendments to regulations and instruments about fire safety

49 (1) The Minister may by Regulations repeal or amend any provision relating to fire safety and protection—

- (a) in any law that is passed before this Act; or
- (b) in any other instrument made under an Act before the passing of this Act,

where it appears to him that that provision is inconsistent with, or requires amendment consequentially upon, or has become unnecessary in consequence of, the provisions of this Act or the Regulations.

(2) Regulations made under subsection (1) shall be subject to the negative resolution procedure.

#### Regulations

50 (1) The Minister may make Regulations providing for the safety of persons in or about premises in the event of fire and generally for fire safety standards and the maintenance thereof.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations providing for all or any of the following purposes—

- (a) prescribing the form and content and manner of applications for a fire certificate or renewal or transfer thereof;
- (b) the provision of adequate precautions and measures to be taken in the event of fire;
- (c) prescribing fire safety information that must be provided under this Act;
- (d) the provision, maintenance and regulation of adequate means of access and escape and associated safeguards for the protection of life in the event of fire;
- (e) imposing requirements with respect to any matter affecting the conditions under which premises are used;
- (f) the type and nature of fire alarm and detection equipment, fire doors, fire barriers and fire protection equipment and other devices or measures for controlling or fighting fires;
- (g) requirements as to the protection of animals in the event of fire;

- (h) the removal and rectification of fire hazards, the control of any rubbish or trash of a combustible nature which may constitute a danger of fire on premises;
- (i) information to be recorded in a fire safety record pursuant to section 40;
- (j) training relating to fire safety and protection that is suitable for persons responsible for premises in the event of fire;
- (k) conduct of risk surveys;
- (l) the entry and inspection of premises to secure compliance with this Act;
- (m) specifying the precautions to be used in landing, storing, handling and transporting any dangerous commodity;
- (n) any matter or measure which may from time to time be considered expedient for fire safety and protection;
- (o) such other matters as may be necessary or expedient for rendering the Bermuda Fire and Rescue Service efficient in the discharge of its duties under this Act, the Regulations or any other law.

(3) Regulations may include provisions relating to different types of premises or different use of premises, as the case may be.

(4) Regulations made under this section may provide for offences, and penalties imposed under such Regulations shall not exceed.

(5) Regulations made under this section shall be subject to the negative resolution procedure.

#### Service of notices

51 (1) Notices or documents that are required to be served or delivered under this Act may be served or delivered—

- (a) personally;
- (b) by registered mail to the owner or occupier's usual or last-known address, premises or his residence;
- (c) by leaving the notice or document at the owner or occupier's usual or last-known address, premises or his residence;
- (d) in accordance with subsection (2) or (3); or
- (e) by any other method that provides proof of delivery or service.

(2) In the case of a body corporate, a notice or document may be served by delivering it to the secretary at the registered or principal office of the body corporate or by sending it in a registered letter addressed to the body corporate's secretary at that office.

(3) If a notice or document is delivered by means of an information processing system within the meaning given by section 2 of the Electronic Transactions Act 1999, the transmission has the effect of delivery of the notice to the owner or occupier to whom it is

to be given only if he has indicated to the Bermuda Fire and Rescue Service his willingness to receive a notice so transmitted.

- (4) An indication under subsection (3) to the Bermuda Fire and Rescue Service—
  - (a) shall be given to the Bermuda Fire and Rescue Service in any manner it requires;
  - (b) may be a general indication or one that is limited to notices of a particular description;
  - (c) shall state the address to be used and must be accompanied by any other information which the Bermuda Fire and Rescue Service requires for the making of the transmission.

(5) If the making of the transmission has been recorded in the computer system of the Bermuda Fire and Rescue Service it shall be presumed, unless the contrary is proved, that the transmission—

- (a) was made to the person recorded in that system as receiving it;
- (b) was made at the time recorded in that system at the time of delivery;
- (c) contained the information recorded on that system in respect of it.

(6) In the case of a notice, order or document which is to be given or served on the person responsible for any premises, if—

- (a) it is not practicable after reasonable enquiry to ascertain the name and address of a person to or on whom it should be given or served;
- (b) if the premises are unoccupied, it may be served by addressing it to the person concerned by the description of “owner” or “occupier” of the premises (naming them) to which it relates and delivering it to some person on the premises or;
- (c) if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

(7) For the avoidance of doubt, notices that are delivered under this Act are not statutory instruments for the purposes of the Statutory Instruments Act 1977.

PART 9  
AMENDMENTS

Amendment of Development and Planning Act 1974

52 Section 3 of the Development and Planning Act 1974 is amended by inserting the following subsection after subsection (3)—

“(3A) The Chief Fire Officer shall be a member ex officio of the Board.”



## FIRE SAFETY ACT 2014

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### Amendment of Bermuda Fire and Rescue Service Act 1982

53 Section 9 of the Bermuda Fire and Rescue Service Act 1982 is amended—

- (a) in the heading, by deleting the word “Advisory”;
- (b) in subsection (1)—
  - (i) in paragraph (a), by deleting “two” and substituting “one”;
  - (ii) by deleting paragraph (c) and substituting the following—
    - “(c) five shall be appointed by the Minister acting in his discretion and of those five—
      - (i) one shall be an architect who is registered under the Architects Registration Act 1969;
      - (ii) one shall be an engineer who is registered under the Professional Engineers Registration Act 1972;
      - (iii) one shall be an interior designer;”
- (c) by deleting subsection (5) and substituting the following subsection—
  - “(5) The Board—
    - (a) shall give advice to the Minister in relation to fire safety and protection measures generally and as occasion requires with respect to the duties of the Department under this Act;
    - (b) shall have such other duties, functions and responsibility as may be imposed upon it by or under the Fire Safety Act 2014 and Regulations made under that Act.”

### Amendment of Government Fees Regulations 1976

54 The Schedule to the Government Fees Regulations 1976 is amended by inserting after Head 29 the following—

Head 29AA	
Fire Safety Act 2014	
(1) Applying for a fire certificate under section 10 of the Fire Safety Act 2014	
Class A Building less than 1000 square feet	\$250
Class B Building more than 1000 but less than 10,000 square feet	\$600
Class C Building more than 10,000 square feet	\$900
(2) Issuing a fire certificate under section 13	\$175

FIRE SAFETY ACT 2014

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Head 29AA

Fire Safety Act 2014

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|--|-------|
| (3) Renewing a fire certificate under section 16 | \$150 |
| (4) Transfer of a certificate under section 17   | \$100 |

Consequential amendments

55 The statutory provisions set out in Column 1 of Schedule 2 are amended as set out in Column 2 thereof.

PART 10

FINAL PROVISIONS

Savings

56 Except as otherwise provided in this Act, nothing in this Act shall be construed as limiting or affecting any right of appeal, objection or other remedy or privilege given to any person by any other law in force on the Commencement Date.

Transitional

57 (1) Where, immediately before the Commencement Date, there is in force a fire certificate issued or deemed to be issued by the Chief Fire Officer under regulation 4(1) of the Day Care Centre Regulations 1999 or pursuant to the provisions of any other enactment with respect to premises (a "prior certificate"), the prior certificate shall continue in force and be deemed—

- (a) to be a fire certificate issued under section 13 of this Act with respect to the premises in relation to which it was issued;
  - (b) to cover the use to which those premises were being put immediately before a fire certificate becomes required by or under this Act; and
  - (c) to expire on the date set out in the prior certificate.
- (2) Without prejudice to the generality of the foregoing, the prior certificate—
- (a) may be amended, replaced or revoked in accordance with the provisions of this Act; and
  - (b) may be treated as imposing in relation to the premises the like conditions or requirements as were previously imposed in relation to fire safety at the premises.

(3) Where immediately before the Commencement Date the person responsible for premises was in possession of a valid licence issued by a licensing authority in respect of his premises but there was no valid fire certificate in force relating to his premises, then he may continue to use the premises without a fire certificate being issued under this Act—

## FIRE SAFETY ACT 2014

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- (a) during the period of two months beginning with the Commencement Date;  
and
- (b) if within that period—
  - (i) application is made for a fire certificate under section 10; and
  - (ii) a request is submitted for a survey of his premises under section 22,until that application is finally disposed of or withdrawn, or fire safety requirements have been concluded under section 25 with respect to the premises.

### Commencement

58 (1) This Act comes into operation on a day to be appointed by the Minister by notice published in the Gazette (the “Commencement Date”).

- (2) The Minister may appoint different days for different provisions of the Act.

SCHEDULE 1

(Section 9(1))

PREMISES FOR WHICH FIRE CERTIFICATE IS REQUIRED

A fire certificate is required with respect to any premises which are, or part of premises which is, used—

- (a) for any purpose involving the provision of sleeping accommodations primarily used by persons on a transient or permanent basis for lodging or boarding with or without meals and with or without cooking facilities;
- (b) as, or as part of, an institution or home providing medical or other treatment or care;
- (c) as a correctional or detention facility;
- (d) as a workplace or as commercial premises;
- (e) for purposes of entertainment or recreation or for purposes of any club, society or association or similar purposes;
- (f) as a church or other place of worship;
- (g) for purposes of a victualling establishment;
- (h) for purposes of education, teaching, training or research;
- (i) for purposes of storage of goods, merchandise, products or vehicles;
- (j) for the purpose of sheltering of animals;
- (k) for any purpose involving access to premises by members of the public, whether on payment or otherwise;
- (l) for any other purpose that may be designated by the Minister by order under section 9.

SCHEDULE 2

(section 54)

CONSEQUENTIAL AMENDMENTS

PART A

STATUTES

Column 1 Legislation	Column 2 Amendment
1. Bermuda Fire and Rescue Service Act 1982	Section 17(1) of the Bermuda Fire and Rescue Service Act 1982 is amended by repealing paragraphs (a), (b), (c), (d), (f), (g), (i) and (na).
2. Bermuda National Parks Act 1986	Section 25 of the Bermuda National Parks Act 1986 is amended by deleting the semicolon and substituting a full stop at the end of paragraph (q) of subsection (1), and inserting the following subsection after subsection (1)— “(1A) The Minister shall consult the Chief Fire Officer before he exercises his power under subsection (1)(n) to make Regulations controlling the use of fire in a protected area.”.
3. Building Act 1988	Section 22 of the Building Act 1988 is amended by inserting the following subsection after subsection (1)— “(1A) Where owing to the occurrence of fire the Minister decides to cause the building or part of the building to be demolished he shall first consult the Chief Fire Officer regarding fire safety matters.”.
4. Building Act 1988	Section 23A(3) of the Building Act 1988 is amended— (a) in paragraph (a), by deleting the word “and” where it appears after the semicolon; and (b) by inserting after paragraph (a), the following paragraph— “(aa) the Chief Fire Officer regarding fire safety matters; and”.
5. Building Authority Act 1962	Section 2 of the Building Authority Act 1962 is amended by inserting after the word “may” the words “, in consultation with the Chief Fire Officer,”.

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6. Children Act 1998 Section 73(1) of the Children Act 1998 is amended by inserting after the words “education officers” the words, “; and the Minister may, where fire safety is concerned, request a Fire Inspector appointed by the Chief Fire Officer under section 28(1) of the Fire Safety Act 2014 to act as an inspector for the purposes of this Part”.
7. Civil Airports Act 1949 Section 6(2)(j) of the Civil Airports Act 1949 is amended by inserting after the word “airport” the words, “; and the Minister shall consult the Chief Fire Officer before he makes such regulations”.
8. Clean Air Act 1991 Section 2 of the Clean Air Act 1991 is amended in paragraph (e) of the definition of “inspector”, by inserting after the words “any fire officer,” the words “ or a Fire Inspector appointed under section 28(1) of the Fire Safety Act 2014”.
9. Clean Air Act 1991 Section 11(1)(ha) of the Clean Air Act 1991 is amended by inserting after the word “prescribing” the words “, after consultation with the Chief Fire Officer,”.
10. Condominium Act 1986 Section 6 of the Condominium Act 1986 is amended by inserting after paragraph (i) the following paragraph—  
“(ia) be accompanied by a fire certificate issued by the Chief Fire Officer under section 13 of the Fire Safety Act 2014 or by written confirmation from the Chief Fire Officer that he has surveyed the premises and concluded fire safety requirements under Part 4 of that Act.”.
11. Development and Planning Act 1974 Section 17(1) of the Development and Planning Act 1974 is amended by inserting the following after paragraph (a)—  
“(aa) shall not grant planning permission under this Act unless the application is accompanied by a fire certificate issued by the Chief Fire Officer under section 13 of the Fire Safety Act 2014 or by written confirmation from the Chief Fire Officer that he has surveyed the premises and concluded fire safety requirements under Part 4 of that Act, as the case may be;”.
12. Development and Planning Act 1974 Section 29(1) of the Development and Planning Act 1974 is amended by inserting after the words “this section” the words “and a fire certificate issued by

- the Chief Fire Officer under section 13 of the Fire Safety Act 2014 or by written confirmation from the Chief Fire Officer that he has surveyed the premises and concluded fire safety requirements under Part 4 of that Act, as the case may be”.
13. Dockyard Port Act 1905 Section 2(1) of the Dockyard Port Act 1905 is amended by inserting after the word “may” the words “, after consultation with the Chief Fire Officer,”.
14. Explosive Substances Act 1974 Section 1(1) of the Explosive Substances Act 1974 is amended by inserting the following definition in the appropriate alphabetical order—
- “ “Chief Fire Officer” means the person who holds the public office of Chief Fire Officer pursuant to the provisions of the Bermuda Fire and Rescue Service Act 1982 and includes a person appointed to act in such office;”.
15. Explosive Substances Act 1974 Section 15 of the Explosive Substances Act 1974 is amended by inserting after the words “in accordance with the provisions of the regulations” the words “, in accordance with the provisions of the Fire Safety Act 2014”.
16. Explosive Substances Act 1974 Section 17(1) of the Explosive Substances Act 1974 is amended by inserting after the word “Commissioner” wherever it appears the words “and the Chief Fire Officer”.
17. Explosive Substances Act 1974 Section 26 of the Explosive Substances Act 1974 is amended by inserting the following subsection after subsection (1)—
- “(1A) The Minister shall consult the Chief Fire Officer in relation to fire safety matters before he exercises his power under subsection (1)(b) to (e) and (h).”.
18. Hotels (Licensing and Control) Act 1969 Section 7 of the Hotels (Licensing and Control) Act 1969 is amended by deleting the words “may defer” and substituting the words “shall defer”.
19. Hotels (Licensing and Control) Act 1969 Section 11 of the Hotels (Licensing and Control) Act 1969 is amended by inserting after paragraph (a) the following paragraph—
- “(aa) that the applicant has complied with the provisions of the Fire Safety Act 2014;”.
20. Hotels (Licensing and Control) Act 1969 Section 16(2) of the Hotels (Licensing and Control) Act 1969 is amended by deleting the words “may

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|  | consult” and substituting the words “shall consult”.  |
| 21. Timesharing (Licensing and Control) Act 1981 | Section 9 of the Timesharing (Licensing and Control) Act 1981 is amended by deleting the words “may defer” and substituting the words “shall defer”.  |
| 22. Timesharing (Licensing and Control) Act 1981 | Section 10 of the Timesharing (Licensing and Control) Act 1981 is amended by inserting after paragraph (a) the following paragraph—<br>“(aa) that the applicant has complied with the provisions of the Fire Safety Act 2014;”. |
| 23. Timesharing (Licensing and Control) Act 1981 | Section 28(2) of the Timesharing (Licensing and Control) Act 1981 is amended by deleting the words “may consult” and substituting the words “shall consult”.  |

PART B  
STATUTORY INSTRUMENTS

- | Column 1<br>Legislation                                    | Column 2<br>Amendment   |
|--|---|
| 24. Bermuda National Parks Regulations 1988                | Regulation 11 of the Bermuda National Parks Regulations 1988 is amended by inserting the following paragraph after paragraph (1) the following—<br>“(1A) The Minister shall consult the Chief Fire Officer before he grants a permit under paragraph (1).”.   |
| 25. Building Authority (Fire Precautions) Regulations 1962 | Regulation 1 of the Building Authority (Fire Precautions) Regulations 1962 is amended by inserting after the words “the Building Authority or any or its officers” the words “or a Fire Inspector appointed under section 28(1) of the Fire Safety Act 2014”. |
| 26. Building Authority (Fire Precautions) Regulations 1962 | Regulation 2 of the Building Authority (Fire Precautions) Regulations 1962 is amended by inserting after the words “the Building Authority” the words “, in consultation with the Chief Fire Officer,”.   |
| 27. Building Authority (Fire Precautions) Regulations 1962 | Regulation 3 of the Building Authority (Fire Precautions) Regulations 1962 is amended—<br>(a) by inserting after the words “Building Control Officer” the words “and the Chief Fire Officer”;   |



PART B  
STATUTORY INSTRUMENTS

Column 1 Legislation	Column 2 Amendment
	(b) by inserting after the words “Building Authority” the words “and the Chief Fire Officer”;
	(c) by inserting after the words “other systems of fire-escapes” the words “in accordance with the provisions of the Fire Safety Act 2014”.
28. Building Authority (Petroleum) Regulations 1962	Regulation 16A(3) of the Building Authority (Petroleum) Regulations 1962 is amended by inserting after the words “for reasonable cause” the words “if he is satisfied that the applicant has not complied with the provisions of the Fire Safety Act 2014”.
29. Building Authority (Public Buildings) Regulations 1962	Regulation 1 of the Building Authority (Public Buildings) Regulations 1962 is amended by inserting after the words “Building Authority” the words “in consultation with the Chief Fire Officer regarding fire safety matters”.
30. Building Code Regulations 1991	Where in the Building Code Regulations 1991 the words “NFPC” or the “National Fire Prevention Code” appear, the word “NFPA” shall be substituted therefor.
31. Cable Television Service Regulations 1987	Regulation 31 of the Cable Television Service Regulations 1987 is amended by deleting the words “fire service department” and substituting the words “Bermuda Fire and Rescue Service”.
32. Care and Protection of Animals (Commercial Horse Stables) (Licensing) Regulations 2005	Regulation 2(1) of the Care and Protection of Animals (Commercial Horse Stables) (Licensing) Regulations 2005 is amended by inserting the following definition in the appropriate alphabetical order—  “ “Chief Fire Officer” means the person who holds the public office of Chief Fire Officer pursuant to the provisions of the Bermuda Fire and Rescue Service Act 1982 and includes a person appointed to act in such office;”.
33. Care and Protection of Animals (Commercial Horse Stables) (Licensing) Regulations 2005	Regulation 13 of the Care and Protection of Animals (Commercial Horse Stables) (Licensing) Regulations 2005 is amended—

- (a) in paragraph (5) by deleting the words “National Fire Code Number 70” and substituting the words “NFPA 70 — National Electrical Code in accordance with section 7 of the Fire Safety Act 2014”;
  - (b) in paragraph (7)—
    - (i) by deleting the words “the Bermuda Fire Service” where they first appear and substituting the words “the Chief Fire Officer in accordance with the provisions of the Fire Safety Act 2014”; and
    - (ii) by deleting the words “the Bermuda Fire Service” where they last appear and substituting the words “the Chief Fire Officer”;
  - (c) in paragraph (8) by deleting the words “the Bermuda Fire Service” and substituting the words “the Chief Fire Officer in accordance with the provisions of the Fire Safety Act 2014”;
  - (d) in paragraph (9) by deleting the words “the Bermuda Fire Service” and substituting the words “the Chief Fire Officer in accordance with the provisions of the Fire Safety Act 2014”.
34. Day Care Centre Regulations 1999 Regulation 4(1) of the Day Care Centre Regulations 1999 is amended by inserting after the words “the Chief Fire Officer” the words “in accordance with the provisions of the Fire Safety Act 2014”.
35. Day Care Centre Regulations 1999 Regulation 11(1)(o) of the Day Care Centre Regulations 1999 is amended by inserting after the words “to the satisfaction of the Chief Fire Officer”, the words “in accordance with the provisions of the Fire Safety Act 2014”.
36. Education (Applications for Registration of Schools) Rules 1987 The Schedule to the Education (Applications for Registration of Schools) Rules 1987 is amended by deleting paragraph 10 from the form and substituting the following—
- “10. HAS THE BUILDING BEEN INSPECTED BY THE CHIEF FIRE OFFICER OR A FIRE INSPECTOR?

YES/NO

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- If so, state the date of inspection and attach a copy of the report and the fire certificate issued, or fire safety requirements concluded, by the Chief Fire Officer under the provisions of the Fire Safety Act 2014.”.
37. Education (Tutorial Sites) Rules 2003 Rule 10 of the Education (Tutorial Sites) Rules 2003 is amended by inserting after the words “the Minister responsible for planning” the words “and the Chief Fire Officer”.
38. Education (Tutorial Sites) Rules 2003 Rule 11 of the Education (Tutorial Sites) Rules 2003 is amended by inserting after the words “Fire Services”, the words “or the Chief Fire Officer, in accordance with the provisions of the Fire Safety Act 2014,”.
39. Education (Tutorial Sites) Rules 2003 Rule 12 of the Education (Tutorial Sites) Rules 2003 is amended by inserting after the words “approved by the Minister responsible for Fire Services” the words “and the Chief Fire Officer in accordance with the provisions of the Fire Safety Act 2014.”.
40. Education (Tutorial Sites) Rules 2003 Rule 13 of the Education (Tutorial Sites) Rules 2003 is amended by inserting after the words “Fire Services”, the words “or the Chief Fire Officer, in accordance with the provisions of the Fire Safety Act 2014,”.
41. Education (Tutorial Sites) Rules 2003 Rule 14 of the Education (Tutorial Sites) Rules 2003 is amended by inserting the following paragraphs after paragraph (1)—
- “(1A) The record kept by the operator pursuant to paragraph (1) shall contain the matters referred to in section 40 of the Fire Safety Act 2014.
- (1B) The record shall be produced for inspection, upon request, by the Chief Fire Officer or any person authorized by him to make such request.”.
42. Explosive Substances (General) Regulations 1975 Regulation 4 of the Explosive Substances (General) Regulations 1975 is amended by inserting the following paragraph after paragraph (2)—
- “(2A) Where the Minister issues a written requisition to a licence holder under paragraph (1), he shall forthwith give notice to the Chief Fire Officer of such requisition, together with such other particulars relating to the requisition as the Chief Fire Officer

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- may require for the purposes of duties and powers conferred on him by the Fire Safety Act 2014.”
43. Explosive Substances (General) Regulations 1975 Regulation 5 of the Explosive Substances (General) Regulations 1975 and its heading are amended by inserting after the word “Commissioner” wherever it appears the words “and the Chief Fire Officer”.
  44. Explosive Substances (General) Regulations 1975 Regulation 17 of the Explosive Substances (General) Regulations 1975 is amended by inserting after the words “being the Code” the words “that applies pursuant to section 7 of the Fire Safety Act 2014”.
  45. Explosive Substances (General) Regulations 1975 Regulation 27 of the Explosive Substances (General) Regulations 1975 is amended by inserting after the word “Minister” the words “, after consultation with the Chief Fire Officer,”.
  46. Explosive Substances (General) Regulations 1975 Regulation 35(3) of the Explosive Substances (General) Regulations 1975 is amended by inserting after the word “Commissioner” the words “and the Chief Fire Officer”.
  47. Explosive Substances (General) Regulations 1975 Regulation 54(c) of the Explosive Substances (General) Regulations 1975 is amended by inserting after the words “Commissioner” the words “or the Chief Fire Officer”.
  48. Hamilton Public Entertainments (Control) Ordinance 1928 Paragraph 2 of the Hamilton Public Entertainments (Control) Ordinance 1928 is amended by inserting after the words “Corporation of Hamilton” the words “, who shall first consult with the Chief Fire Officer as regards fire safety measures”.
  49. Hamilton Public Entertainments (Control) Ordinance 1928 Paragraph 3(c) of the Hamilton Public Entertainments (Control) Ordinance 1928 is amended by inserting after the word “precautions” the words “, including fire precautions,”.
  50. Hotels (Licensing and Control) Regulations 1976 Regulation 5(1) of the Hotels (Licensing and Control) Regulations 1976 is amended by inserting after the word “sufficient” the words “, in the opinion of the Chief Fire Officer in accordance with the provisions of the Fire Safety Act 2014,”.
  51. Hotels (Licensing and Control) Regulations 1976 Regulation 6 of the Hotels (Licensing and Control) Regulations 1976 is amended by deleting the words “in accordance with the life safety code of the Bermuda Fire and Rescue Service” and substituting the words “in accordance with NFPA

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- Life Safety Code 101 in accordance with the Fire Safety Act 2014.”.
52. Hotels (Licensing and Control) Regulations 1976 Regulation 7 of the Hotels (Licensing and Control) Regulations 1976 is amended by inserting after the word “protected” the words “, in accordance with the provisions of the Fire Safety Act 2014,”.
53. Hotels (Licensing and Control) Regulations 1976 Regulation 9 of the Hotels (Licensing and Control) Regulations 1976 is amended by inserting after the words “a fire certificate issued by the Chief Fire Officer” the words “, in accordance with the provisions of the Fire Safety Act 2014,”.
54. Hotels (Licensing and Control) Regulations 1976 Regulation 10(1) of the Hotels (Licensing and Control) Regulations 1976 is amended by inserting after the word “maintained” the words “in accordance with the provisions of the Fire Safety Act 2014.”.
55. Hotels (Licensing and Control) Regulations 1976 Regulation 11 of the Hotels (Licensing and Control) Regulations 1976 is amended by inserting after paragraph (1) the following paragraphs—
- “(1A) Rules made under paragraph (1) shall not be inconsistent with the provisions of the Fire Safety Act 2014.
- (1B) The Statutory Instruments Act 1977 shall not apply with respect to Rules made under this regulation.”.
56. Hotels (Licensing and Control) Regulations 1976 Regulation 13 of the Hotels (Licensing and Control) Regulations 1976 is amended by inserting after the word “precautions” the words “, in accordance with the provisions of the Fire Safety Act 2014,”.
57. Hotels (Licensing and Control) Regulations 1976 Regulation 17 of the Hotels (Licensing and Control) Regulations 1976 is amended as follows—
- (a) by deleting the words “Log book” from the heading and substituting the words “Record to be kept”;
- (b) by deleting the words “log book” where they first appear and substituting the words “record in such form as may be approved by the Chief Fire Officer pursuant to section 40(1) of the Fire Safety Act 2014”; and
- (c) by deleting the words “such a log book” and substituting the words “such record”.
58. Hotels (Licensing and Control) Regulations 1976 Regulation 23(1) of the Hotels (Licensing and Control) Regulations 1976 is amended by inserting after the word “maintained” the words “, in

- accordance with the provisions of the Fire Safety Act 2014.”.
59. Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 Regulation 2 of the Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 is revoked and the following substituted—  
“NFPA 58 and NFPA 15  
2 (1) In these Regulations, “NFPA” has the meaning assigned to that expression in section 2 of the Fire Safety Act 2014.  
(2) The provisions of NFPA 58 — Liquefied Petroleum Gas Code and NFPA 15 — Water Spray Fixed Systems for Fire Protection in accordance with section 7 of the Fire Safety Act 2014, shall apply in relation to these Regulations.”.
60. Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 Regulation 5 of the Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 is amended by deleting paragraph (3) and substituting the following paragraphs—  
“(3) Subject to paragraph (3A), the Minister may approve the application; or where he is not satisfied as to the suitability of the location or the equipment of the plant, reject the application.  
(3A) The Minister shall not issue a licence under these Regulations unless he receives a fire certificate issued by the Chief Fire Officer under section 13 of the Fire Safety Act 2014, or written confirmation from the Chief Fire Officer that he has surveyed the premises and concluded fire safety requirements under Part 4 of that Act, as the case may be.”.
61. Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 Regulation 9 of the Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 is amended by deleting paragraph (3) and substituting the following—  
“(3) Subject to paragraph (3A), the Minister may, after consultation with the Chief Fire Officer, approve the application; or where he is not satisfied as to the suitability of the location or the equipment of the plant, reject the application.

- (3A) The Minister shall not issue a licence under these Regulations unless he receives a fire certificate issued by the Chief Fire Officer under section 13 of the Fire Safety Act 2014, or written confirmation from the Chief Fire Officer that he has surveyed the premises and concluded fire safety requirements under Part 4 of that Act, as the case may be.”.
62. Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988
- Regulation 14 of the Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 is amended by deleting paragraph (3) and substituting the following—
- “(3) Subject to paragraph (3A), the Minister may, after consultation with the Chief Fire Officer, approve the application or where he is not satisfied as to the suitability of the location or the equipment of the plant, reject the application.
- (3A) The Minister shall not issue a licence under these Regulations unless he receives a fire certificate issued by the Chief Fire Officer under section 13 of the Fire Safety Act 2014, or written confirmation from the Chief Fire Officer that he has surveyed the premises and concluded fire safety requirements under Part 4 of that Act.”.
63. Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988
- Regulation 20(1) of the Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 is amended by inserting after the words “the Chief Fire Officer” the words “, in accordance with the provisions of the Fire Safety Act 2014,”.
64. Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988
- Regulation 23 of the Liquefied Petroleum Gases (Handling, Storage, Supply and Transport) Regulations 1988 is amended by deleting paragraph (3) and substituting the following—
- “(3) Subject to paragraph (3A), the Minister may, after consultation with the Chief Fire Officer, approve or reject the application.
- (3A) The Minister shall not issue a licence under these Regulations unless he receives a fire certificate issued by the Chief Fire Officer under section 13 of the Fire Safety Act 2014, or written confirmation from the

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- Chief Fire Officer that he has surveyed the premises and concluded fire safety requirements under Part 4 of that Act, as the case may be.”.
65. Marine and Ports Authority (Fire Prevention) Regulations 1967 The Marine and Ports Authority (Fire Prevention) Regulations 1967 are amended in regulations 2, 6 and 7, by inserting after the word “Minister” the words “, who shall first consult with the Chief Fire Officer appointed under the provisions of the Bermuda Fire and Rescue Service Act 1982 as regards fire safety measures”.
66. Marine Board (Island Boats) Regulations 1965 The Marine Board (Island Boats) Regulations 1965 are amended by inserting the following regulation after regulation 7—  
“(7A) The Minister shall not approve a fire extinguisher for the purposes of these Regulations unless he is satisfied, after consultation with the Chief Fire Officer, that the fire extinguisher complies with the provisions of the Fire Safety Act 2014.”.
67. Occupational Safety and Health Regulations 2009 Regulation 2 of the Occupational Safety and Health Regulations 2009 is amended by inserting the following definitions in the appropriate alphabetical order—  
“ “Chief Fire Officer” means the person who holds the public office of Chief Fire Officer pursuant to the provisions of the Bermuda Fire and Rescue Service Act 1982 and includes a person appointed to act in such office;  
“NFPA” means the National Fire Protection Association referred to in section 2 of the Fire Safety Act 2014;  
“NFPA Codes” has the meaning assigned to that expression in section 7 of the Fire Safety Act 2014;”.
68. Occupational Safety and Health Regulations 2009 Regulation 40 of the Occupational Safety and Health Regulations 2009 is amended by inserting after the words “set out in” the words “the Fire Safety Act 2014 and”.
69. Occupational Safety and Health Regulations 2009 Regulation 80(1) of the Occupational Safety and Health Regulations 2009 is amended by inserting after the words “fire protection equipment” the words “as that expression is defined in section 2 of the Fire Safety Act 2014”.



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70. Occupational Safety and Health Regulations 2009 Regulation 90(1) of the Occupational Safety and Health Regulations 2009 is amended by inserting after the words “carried out by a” the words “Fire Inspector appointed under section 28(1) of the Fire Safety Act 2014 or by another”.
71. Occupational Safety and Health Regulations 2009 Regulation 149(5) of the Occupational Safety and Health Regulations 2009 is amended by deleting the words “the standards set out in the United States National Fire Prevention Association Inc. publication NFPA 77-1983, Recommended Practice on Static Electricity” and substituting the words “NFPA 77 — Recommended Practice on Static Electricity, in accordance with section 7 of the Fire Safety Act 2014.”.
72. Public Garage and Filling Station Regulations 1952 Regulation 4(1) of the Public Garage and Filling Station Regulations 1952 is amended by inserting after paragraph (b) the following—  
“(ba) shall be accompanied by a fire certificate issued by the Chief Fire Officer under section 13 of the Fire Safety Act 2014, or written confirmation from the Chief Fire Officer that he has surveyed the premises and concluded fire safety requirements under Part 4 of that Act, as the case may be;”.
73. Public Garage and Filling Station Regulations 1952 Regulation 16(2) of the Public Garage and Filling Station Regulations 1952 is amended by inserting after the words “the Minister” the words “, after consultation with the Chief Fire Officer.”.
74. Residential Care Homes and Nursing Homes Regulations 2001 Regulation 2 of the Residential Care Homes and Nursing Homes Regulations 2001 is amended by inserting the following definition in the appropriate alphabetical order—  
““Chief Fire Officer” means the person who holds the public office of Chief Fire Officer pursuant to the provisions of the Bermuda Fire and Rescue Service Act 1982 and includes a person appointed to act in such office;”.
75. Residential Care Homes and Nursing Homes Regulations 2001 Regulation 32(1) of the Residential Care Homes and Nursing Homes Regulations 2001 is amended by inserting after the word “emergency” the words “in accordance with the provisions of the Fire Safety Act 2014”.
76. Residential Care Homes and Nursing Homes Regulations Regulation 33(1) of the Residential Care Homes and Nursing Homes Regulations 2001 is amended

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- 2001 by inserting after the words “exit signs” the words “in accordance with the provisions of the Fire Safety Act 2014”.
77. Residential Care Homes and Nursing Homes Regulations 2001 Regulation 35 of the Residential Care Homes and Nursing Homes Regulations 2001 is amended by inserting after the word “maintained” the words “in accordance with the provisions of the Fire Safety Act 2014”.
78. Residential Care Homes and Nursing Homes Regulations 2001 Regulation 36(1) of the Residential Care Homes and Nursing Homes Regulations 2001 is amended by inserting after the words “to floor” the words “, in accordance with the provisions of the Fire Safety Act 2014”.
79. Residential Care Homes and Nursing Homes Regulations 2001 Regulation 37 of the Residential Care Homes and Nursing Homes Regulations 2001 is amended by inserting after the word “accessible” the words “in accordance with the provisions of the Fire Safety Act 2014”.
80. Residential Care Homes and Nursing Homes Regulations 2001 Regulation 38 of the Residential Care Homes and Nursing Homes Regulations 2001 is amended as follows—
- (a) by inserting in paragraph (1), by inserting after the words “in home rules” the words “approved by the Chief Fire Officer”;
  - (b) by inserting after paragraph (1) the following paragraphs—
    - “(1A) Rules made under paragraph (1) shall comply with the provisions of the Fire Safety Act 2014.
    - (1B) The Statutory Instruments Act 1977 shall not apply with respect to Rules made under this regulation.”.
81. Residential Care Homes and Nursing Homes Regulations 2001 Regulation 39 of the Residential Care Homes and Nursing Homes Regulations 2001 is amended by inserting after the words “an operator shall” the words “, in accordance with the provisions of the Fire Safety Act 2014,”.
82. Residential Care Homes and Nursing Homes Regulations 2001 Regulation 40 of the Residential Care Homes and Nursing Homes Regulations 2001 is amended by inserting after the words “Fire Procedure Rules”, the words “and the provisions of the Fire Safety Act 2014”.

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83. Residential Care Homes and Nursing Homes Regulations 2001
- Regulation 41 of the Residential Care Homes and Nursing Homes Regulations 2001 is amended—
- (a) by deleting the words “Log book” from the heading and substituting the words “Record to be kept”;
  - (b) by deleting the words “log book” and substituting the word “record in such form as may be approved by the Chief Fire Officer pursuant to section 40(1) of the Fire Safety Act 2014”;
  - (c) by inserting after the word “outbreak” where it appears at the end of that section, the words “; and such a record shall be produced for inspection, upon request, by the Chief Fire Officer or any person authorised by him to make such request.”.
84. Residential Care Homes and Nursing Homes Regulations 2001
- The Residential Care Homes and Nursing Homes Regulations 2001 are amended by deleting paragraph (3) of Regulation 44 and substituting the following—
- “(3) The contingency plan shall be approved by the Chief Medical Officer and the Chief Fire Officer and shall be placed in conspicuous locations within the home”.
85. St. George’s Public Entertainments (Control) Ordinance 1949
- Article 2 of the St. George’s Public Entertainments (Control) Ordinance 1949 is amended by inserting the following definition in the appropriate alphabetical order—
- “ “Chief Fire Officer” means the person who holds the public office of Chief Fire Officer pursuant to the provisions of the Bermuda Fire and Rescue Service Act 1982 and includes a person appointed to act in such office;”.
86. St. George’s Public Entertainments (Control) Ordinance 1949
- The St. George’s Public Entertainments (Control) Ordinance 1949 is amended by inserting after article 3(3) the following—
- “(4) The Corporation may refuse to issue an entertainment licence under this Ordinance until after it has consulted the Chief Fire Officer regarding fire safety requirements under the Fire Safety Act 2014.”.

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87. St. George's Public Entertainments (Control) Ordinance 1949
- Article 4(1)(b) of the St. George's Public Entertainments (Control) Ordinance 1949 is amended by inserting after the word "entertainment" the words ", including fire precautions,".
88. Timesharing (Licensing and Control) Regulations 1982
- Regulation 3(a) of the Timesharing (Licensing and Control) Regulations 1982 is amended by inserting after the words "Chief Fire Officer" the words "who shall ensure compliance with the provisions of the Fire Safety Act 2014 and Regulations made thereunder".
89. Timesharing (Licensing and Control) Regulations 1982
- Regulation 7 of the Timesharing (Licensing and Control) Regulations 1982 is amended by inserting after the words "adequate fire alarm facilities" the words ", in accordance with the provisions of the Fire Safety Act 2014,".
90. Timesharing (Licensing and Control) Regulations 1982
- Regulation 9 of the Timesharing (Licensing and Control) Regulations 1982 is amended by inserting after the words "and maintained" the words ", in accordance with the provisions of the Fire Safety Act 2014,".
91. Timesharing (Licensing and Control) Regulations 1982
- Regulation 10 of the Timesharing (Licensing and Control) Regulations 1982 is amended by inserting after the words "Chief Fire Officer" the words ", in accordance with the provisions of the Fire Safety Act 2014,".
92. Timesharing (Licensing and Control) Regulations 1982
- Regulation 11(1) of the Timesharing (Licensing and Control) Regulations 1982 is amended by inserting after the word "therein" the words "in accordance with the provisions of the Fire Safety Act 2014,".
93. Timesharing (Licensing and Control) Regulations 1982
- Regulation 12 of the Timesharing (Licensing and Control) Regulations 1982 is amended by inserting after paragraph (1) the following paragraphs—
- "(1A) Rules made under sub-paragraph (1) shall comply with the provisions of the Fire Safety Act 2014.
- (1B) The Statutory Instruments Act 1977 shall not apply with respect to Rules made under this regulation.".
94. Timesharing (Licensing and Control) Regulations 1982
- Regulation 18 of the Timesharing (Licensing and Control) Regulations 1982 is amended as follows—
- (a) by deleting the words "Log book" from the heading and substituting the words "Record to be kept";

95. Timesharing (Licensing and Control) Regulations 1982
- (b) by deleting the words “log book” where they first appear and substituting the words “record in such form as may be approved by the Chief Fire Officer pursuant to section 40(1) of the Fire Safety Act 2014”; and
  - (c) by deleting the words “such a log book” and substituting the words “such record”.
- Regulation 20 of the Timesharing (Licensing and Control) Regulations 1982 is amended by inserting after the word “thereof” the words “, and has inspected the premises in accordance with the provisions of the Fire Safety Act 2014”.

## FIRE SAFETY BILL 2014

### EXPLANATORY MEMORANDUM

This Bill seeks to enact legislation to enhance the régime for fire safety and protection in Bermuda by giving the Bermuda Fire and Rescue Service tools to more effectively and proactively promote and address fire safety in premises in Bermuda.

Clause 1 is self-explanatory.

Clause 2 contains definitions of expressions used in the Bill.

Clause 3 applies the Bill to all premises, except a single private dwelling house and the common areas of multiple unit dwellings.

Clause 4 declares that the provisions in this Bill regarding fire safety will prevail over such provisions in another Act to the extent of any inconsistency.

Clause 5 states that the provisions are binding on the Crown.

Clause 6 is declaratory in nature. It states that the Bermuda Fire and Rescue Service is the ultimate authority on fire safety matters in Bermuda.

Clause 7 provides for the adoption of the National Fire Protection Association standards and codes of practice relating to fire safety and protection.

Clause 8 empowers the Minister to issue additional fire codes that may be required in consideration of the unique design and construction of buildings in Bermuda. The Minister must act on the advice of the Chief Fire Officer with respect to the issue of such codes.

Clause 9 requires the person responsible for premises to which this Bill applies to obtain a fire certificate issued by the Chief Fire Officer with respect to his premises. Clause 9(2) sets out the various classes of use of premises in respect of which a fire certificate will be required.

Clause 10 sets out the procedure and requirements in relation to an application for a fire certificate.

Clause 11 gives the Chief Fire Officer power as to the grant of a fire certificate.

Clause 12 provides for certification of fire safety aspects of plans by the Chief Fire Officer at the design stage of building.

Clause 13 requires the Minister in deciding whether to issue a fire certificate to take into consideration certain matters relating to fire safety.

Clause 14 specifies the content of a fire certificate and sets out the various conditions which may be imposed under the fire certificate in order to ensure the safety of persons in the event of fire in a building. The main purpose of this clause is to try to ensure that people will be able to escape quickly and safely from premises in the event of fire.

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Clause 15 specifies the duration of a fire certificate and requires a copy to be displayed. A fire certificate may be issued for a maximum period of 5 years.

Clause 16 provides for the renewal of a fire certificate.

Clause 17 deals with the transfer of a fire certificate.

Clause 18 relates to refusal of a fire certificate.

Clause 19 provides for circumstances where material changes are proposed to premises that may affect the adequacy of a fire certificate.

Clause 20 requires a record to be kept with respect to fire certificates issued or renewed, and plans certified under the Act.

Clause 21 requires the Bermuda Fire and Rescue Service to carry out risk surveys. Risk surveys will be required for existing premises.

Clause 22 states how arrangements must be made for a risk survey.

Clause 23 provides for entry on and survey or inspection of premises for the purposes of concluding fire safety requirements. Owners and occupiers of existing premises must comply with NFPA 101 - Life Safety Code.

Clause 24 provides supplementary powers for entry on and survey of premises in order to determine fire safety requirements.

Clause 25 provides for fire safety requirements.

Clause 26 provides for matters pursuant to a risk survey.

Clause 27 provides for the enforcement of the Act. This clause declares that the Bermuda Fire and Rescue Service is responsible for ensuring the enforcement of the provisions of this Act and provisions in any law relating to fire safety and protection.

Clause 28 provides for the appointment and authorisation of Fire Inspectors.

Clause 29 sets out powers of Fire Inspectors.

Clause 30 sets out how powers of entry and inspection may be exercised.

Clause 31 provides for entry and inspection under warrant.

Clause 32 provides for the issue of an enforcement notice to a person responsible for premises.

Clause 33 provides for the issue of a prohibition notice to a person responsible for premises where there is believed to be a serious fire risk.

Clause 34 sets out definitions for the purposes of clause 33.

Clause 35 provides the Chief Fire Officer and Fire Inspectors with recourse to the Magistrates' Court if required in relation to enforcement of the provisions of this Act.

Clause 36 requires persons to provide assistance to Fire Inspectors in the performance of their duties under this Bill.

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Clause 37 confers protection from liability for acts done, or omitted, in good faith.

Clause 38 confers a duty on the person responsible for premises to take fire precautions with respect to his premises.

Clause 39 confers a duty on the person responsible for premises to report the occurrence of fire. It also seeks to confer a duty on persons who provide services that include monitoring fire alarms to report fire alarms to the Bermuda Fire and Rescue Service.

Clause 40 requires the owner of premises to keep a record of fire safety matters. The record shall be in such form as may be approved by the Chief Fire Officer.

Clause 41 requires steps to be taken by the person responsible for premises for the reduction of risks from dangerous commodities.

Clause 42 contains provisions regarding offences.

Clause 43 provides for circumstances where an offence is committed by a body corporate.

Clause 44 provides for proceedings relating to offences to be before the Magistrates' Court and subject to the consent of the DPP.

Clause 45 provides a defence.

Clause 46 makes provision for appeals to the Fire Services Board.

Clause 47 provides for appeals to the Magistrates' Court.

Clause 48 confers a duty on the various planning, building and licensing authorities concerned to consult the Bermuda Fire and Rescue Service as regards fire safety and protection matters before they issue a licence (as that expression is defined in clause 48).

Clause 49 enables the Minister to amend existing provisions relating to fire safety matters.

Clause 50 confers general power on the Minister to make Regulations concerning fire safety.

Clause 51 provides for the service of notices.

Clause 52 seeks to amend the Development and Planning Act 1974 to make provision for the Chief Fire Officer to be a member ex officio of the Development Applications Board.

Clause 53 makes changes to the composition of the Fire Services Board and confers additional duties on the Board to enable it to undertake duties under this Bill.

Clause 54 inserts fees in the Government Fees Regulations 1976 in relation to fire certificates.

Clause 55 and the Schedule to the Bill make various amendments to enactments in consequence of the enactment.

Clause 56 provides for savings.

Clause 57 provides for transitional matters.



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Clause 58 provides for the commencement of the Act.