

CROSS RIVER STATE ENVIRONMENT AND CARBON EMISSIONS
BOARD

ENVIRONMENT AND CARBON EMISSION LEVIES

A. MOTOR VEHICLES

1. CATEGORY 1 - COMMERCIAL /PASSENGER VEHICLES

i. Cars	₦200.00
ii. Land Rover and pick -up Vans	₦200.00
iii. Buses (18-Seater and below)	₦200.00
iv. Coaster Buses	₦300.00
v. Luxurious Buses	₦1,000.00

2. CATEGORY 2 - PRIVATE VEHICLES

i. Cars	₦2,000.00 (per year)
ii. Sports Utility vehicles and Pick-up vans	₦3,000.00 (per year)
iii. Buses	₦4,000.00 (per year)

3. CATEGORY 3 - LORRIES/ TRAILERS/ TRUCKS/ TANKERS/TIPPERS

₦1,000.00

4. CATEGORY 4 - TRICYCLES/ MOTORCYCLES

₦50.00 (per day)

B. COCOA PRODUCE:

i. Trucking	₦100,000.00 (per Truck Load)
ii. Warehouses	
a. Merchants/Exporters	₦200,000.00 (per year)
b. LBA's	₦50,000.00 (per year)

C. TELECOMMUNICATIONS

- | | | |
|----|---------------|---------------------------------|
| i. | Base Stations | ₦100,000.00 (per station/month) |
|----|---------------|---------------------------------|

D. MINING/QUARRIES

- | | | |
|-----|------------------|--------------------------------|
| i. | Trucking: | |
| | a. Long Truck | ₦3,000.00 (per Load) |
| | b. -Medium Truck | ₦2,000.00 (per Load) |
| | c. Short Truck | ₦1,000.00 (per Load) |
| ii. | Quarries | ₦100,000.00 (per quarry/Month) |

23. Establishment of Fire Service Reward Fund.
24. No charges to be made save in certain cases.
25. Fire Service not to be used for civil disturbance.
26. Hours of duty.
27. Clothing and equipment.
28. Fire Service training facilities available to non-members.
29. Award of honours (Fire Service) medals.

PART VI

Offences

30. Contravention of this Law or of regulations.
31. Resignation or abscondment before the completion of five years.
32. Personation of member of the Fire Service.
33. Obtaining admission into the Fire Service by fraud.
34. Communication of confidential or secret information.
35. Taking part in strike action, work-to-rule, group disturbance or mutiny.
36. Fire Service Certificate for petrol/kerosene stations.
37. Obstruction of and assault on members of the Fire Service.
38. Failure to yield right of way to fire engine.
39. False alarm.
40. Interference with fire fighting equipment.
41. Storage, sale and transportation of flammable liquid or gas.
42. Contravention of building regulations made under this Law.
43. Power to prosecute.
44. Interpretation.
45. Citation.

CHAPTER F4

FIRE SERVICE LAW

(18th January, 1985)

[Commencement.]

THE HOUSE OF ASSEMBLY OF CROSS RIVER STATE hereby makes the following—

LAW

FIRE SERVICE LAW

ARRANGEMENT OF SECTIONS

PART I

Organisation and Administration

SECTION

1. Establishment of the Fire Service.
2. General duties of the Fire Service.
3. Constitution of the Fire Service.
4. Responsibility of the Chief Fire Officer.
5. Legal representation and service of process.
6. Provision of equipment, training, inspection of buildings, etc.
7. The Commissioner's powers.
8. Enlistment.
9. Expiration of term of service during State of Emergency and resignation or withdrawal from service.

PART II

Gratuity, Annual Allowance, Pensions

10. Pensions, gratuity and annual allowance.
11. Pension and subsistence allowance in case of incapacity.
12. Pension, gratuities on death.

PART III

Fire Fighting, Fire Prevention and Other Services

13. Provision of water supply and regulations thereon.
14. Regulations.
15. Standing orders.
16. Affixing of fire alarm, etc.
17. Arrangement with persons within the State.
18. Arrangements with Federal or other State fire authorities and persons outside the State.
19. Disaster relief or distress in other States.

PART IV

Powers of Members of Fire Service

20. Powers of firemen and regulation of traffic.
21. Right of member of Fire Service to enter upon lands.
22. Limitation of suits against Fire Service.

PART I

*Organisation and Administration***Establishment of the Fire Service**

There shall be established a Fire Fighting and Rescue Service to be known as the Cross State Fire and Rescue Service (hereinafter referred to as "the Fire Service").

General duties of the Fire Service

The Fire Service shall be employed for the extinguishment, control and prevention of fire, saving and protection of life and property, the provision of relief by way of rescue and ambulance services to the public in traffic accidents, criminal injuries, accidents in construction fields, sickness in the streets and private premises; and in disaster not only connected with fire but also with the other humanitarian and other works as may be required of it under authority of the Commissioner.

Constitution of the Fire Service

The Fire Service shall consist of a State Chief Fire Officer (hereinafter referred to as "the Chief Fire Officer") and such other officers and firemen of such ranks as may from time to time be appointed by the State Civil Service Commission.

*State Chief Fire Officer***Responsibility of the Chief Fire Officer**

(1) The Fire Service shall be under the command of the Chief Fire Officer who, subject to Public Service Rules and the direction of the Commissioner, shall be responsible to the Commissioner for the efficient administration and control of the Fire Service.

(2) Any power conferred and any duty imposed upon the Chief Fire Officer may, in the presence of the Chief Fire Officer at any time, be exercised or performed by any member of the Fire Service authorised generally or specifically in that behalf by the Chief Fire Officer or the Commissioner.

Legal representation and service of process

(1) The Fire Service may sue or be sued in that name in respect of any right or obligation arising from any act done or omitted to be done by the Fire Service in pursuance of the provisions of this Law and the Fire Service shall be represented by the Chief Fire Officer or any other member of the Fire Service authorised by the Chief Fire Officer in writing to represent the Fire Service.

(2) Service upon the Fire Service of any notice, order or other process may be effected by delivering it or sending it by registered post to the Chief Fire Officer.

Provision of equipment, training, inspection of buildings, etc.

The Commissioner may make provision for fire fighting, fire prevention and the alleviation of distress, and in particular may—

- (a) secure the service of such fire equipment as may be necessary and practicable to meet efficiently all normal requirements;
- (b) ensure the efficient training of members of the Fire Service;
- (c) ensure efficient arrangement for dealing with calls for assistance of the Fire Service in cases of fire or other emergency;

- (d) ensure that a member of the Fire Service shall be empowered to enter any building or other property at all reasonable hours if authorised to do so by the Chief Fire Officer;
- (e) ensure efficient arrangement for the giving, when requested, of advice in respect of buildings and other property as to fire prevention or the restriction of the spread of fires, and as to means of escape in case of fire;
- (f) ensure that for the purposes of paragraph (d) of this section—
 - (i) any member of the Fire Service shall be empowered to enter any building or other property at all reasonable hours if authorised to do so by the Chief Fire Officer;
 - (ii) if any member of the Fire Service empowered under subparagraph (i) refused admission thereto, the court on the *ex parte* application of the Chief Fire Officer or of the member so authorised, may order the owner or occupier of such building or other property to admit the member thereof and any court order made under sub-paragraph (ii) shall continue in force for the purposes for which the entry was necessary have been achieved;
 - (iii) any court order made under sub-paragraph (ii) shall continue in force for the purposes for which the entry was necessary have been achieved;
- (g) to employ the Fire Service, or use any of the equipment maintained by it, for purposes other than fire fighting purposes for which it appears to the Commissioner to be suitable and, if the Commissioner deems fit, to make such charge as he prescribes for any service rendered in the course of such employment or use;
- (h) to employ the Fire Service or use any of its equipment outside the State.

Totally destroyed Twenty-five-Sixtieths.

amount of such subsistence allowance may be reduced to such an extent as the member deems reasonable where the injuries or sickness are not the sole cause of disability where the member of the Fire Service incapacitated has continued to serve for not less than one year after sustaining the injury or contracting the sickness in respect of which he is discharged.

provisions of subsection (1) shall not apply to any officer who by reason of the injury is entitled to compensation under the Workmen's Compensation Act.

where however any member of the Fire Service has been permanently incapacitated by injury sustained or sickness contracted as provided in such subsection (1) of this section, he may resume duties thereafter, such member of the Fire Service shall, after assessment by a medical doctor employed in a Federal or State government hospital or clinic, be paid an allowance according to the percentage of assessed disability.

the purpose of this section, any member of the Fire Service who is paid under subsection (3) cannot be paid under section 11 (1) if in due course he retires or is discharged.

on, gratuities on death

a member of the Fire Service who is or has been approved for service dies—
while on duty;
in the actual execution of his duty;
as a result of injury received or sickness contracted in execution of his duty and in respect of which he might have been incapacitated under section 11 (1); or
on account of circumstance specifically attributable to the nature of his duty,

the Commissioner on the recommendation of the Chief Fire Officer, or at his own instance, where the case involves the Chief Fire Officer, may direct that pensions and gratuities be paid for the maintenance and personal support and benefit of all or any of the following: namely, any wife, child, children, relative or dependant of the member of the Fire Service in such manner as the Commissioner on the recommendation of the Chief Fire Officer may deem just.

shall be lawful for the Commissioner, on the recommendation of the Chief Fire Officer, in his instance, where the case involves the Chief Fire Officer, to grant, in addition to pension and gratuities if such pension and gratuities have not previously been granted under section 10, a monthly family upkeep allowance set out in this subsection, that is to

if such member of the Fire Service dies leaving a widow or widows, an upkeep allowance to her or divided equally among them, whilst unmarried at a rate not exceeding twenty sixtieths of the deceased's monthly rate of pay at the date of death, or under section 11, not exceeding the rate payable to such a member of the Fire Service while he was incapacitated;

if such member of the Fire Service leaves a widow or widows to whom an upkeep allowance is granted under the preceding paragraph and a child or children, an upkeep allowance or allowance not exceeding one-eighth of the monthly upkeep allowance prescribed under the preceding paragraph, in respect of such child or children until such child reaches or reach the age of 21 years;

8. Enlistment

(1) Every fireman shall on appointment be enlisted to serve in the Fire Service for not more than 41 years or until he is 60 years old, whichever comes first, and for such other period as may be fixed by the Civil Service Commission to be reckoned in all cases from the day on which he has been approved for service.

(2) A firewoman who becomes pregnant or marries before the completion of two years in the service shall compulsorily withdraw from the Fire Service without pay for twelve months, that is to say, for the nine months of pregnancy and for three months after putting to bed and this period shall in all respect not be taken into account for the purpose of pension, gratuity or any other retirement benefits.

9. Expiration of term of service during State of Emergency and resignation or withdrawal from service

(1) Any fireman whose term of service expires during a State of Emergency, insurrection or hostilities may be compulsorily retained as the Civil Service Commission may direct.

(2) No fireman shall be at liberty to resign or withdraw himself from duties without approval of the Civil Service Commission or any member of the Fire Service to whom the Civil Service Commission has delegated the power to give such approval.

(3) For the purpose of this section the term "State of Emergency" has the same meaning as it has in the Constitution of the Federal Republic of Nigeria, 1999.

PART II

Gratuity, annual allowance, pensions

10. Pensions, gratuity and annual allowance

Subject to the provision of this Law all posts in the Fire Service shall be deemed to be pensionable and members of the Fire Service shall be entitled to all benefits enjoyed in the Civil Service such as gratuities, monthly and annual allowances and pensions, but shall also receive 25% monthly hazard, 17% monthly shift duty, and 15% annual uniform allowance.

11. Pension and subsistence allowance in case of incapacity

(1) Where any member of the Fire Service has been permanently incapacitated by any injury sustained or sickness contracted—

- (a) while on duty;
- (b) in the actual execution of his duty;
- (c) on account of circumstances specifically attributable to the nature of his duty, and his discharge or retirement is thereby necessitated or materially accelerated,

such member of the Fire Service shall be regarded as qualified for retirement and on discharge, in addition to his pension and gratuity, shall be granted monthly subsistence allowance based on the following proportion of his monthly rate of pay at the date of his injury—

where his capacity to contribute to his support is—

Slightly impaired	Ten-Sixtieths
Impaired	Fifteen-Sixtieths

13. Provision of water supply and regulations thereon

(1) The Commissioner shall take all reasonable measures to ensure the provision of an adequate supply of water at all times for use by the Fire Service in case of fire and for this purpose may make regulations—

(a) for securing on such terms as to payment or otherwise as may be therein specified that an adequate supply of water shall be available at all times to the Fire Service in case of fire;

(b) for the provision at the expense of the Fire Service of fire hydrants or other sources of water at points to be indicated by the Chief Fire Officer;

(c) for the provision at the expense of the Fire Service of distinguishing marks denoting the situation of each fire hydrant or other source of supply of water, which distinguishing marks may be placed or erected upon or adjoining any street or public place;

(d) for providing for uniformity in fire hydrant and other such sources of water supply and in the distinguishing marks denoting the location of such fire hydrants or other sources of water supply and in the positions where such distinguishing marks shall be placed;

(e) for the regulation of the pressure of water available from such fire hydrants or other sources of water supply and for the provision at the expense of the Fire Service of such auxiliary pumping plant and equipment as may be necessary.

(2) The water authority shall, when any new main water pipes are to be installed or any major alterations made to existing main pipes inform the Fire Service and provide for the use of the Fire Service, the detailed plans and all other information for the proposed works.

14. Regulations

(1) Save as provided by section 13 of this Law the Commissioner may from time to time make regulations—

(a) on the recommendation of the Chief Fire Officer—

(i) with respect to the organisation and administration of the Fire Service;

(ii) with respect to the offices in the Fire Service and appointments to such offices;

(iii) with respect to the training of members of the Fire Service; and

(iv) with respect to the promotion, transfer, dismissal and disciplinary control of members of the Fire Service;

(b) setting out the scales of charges permitted under subsection (2) of section 24 for services rendered by the Fire Service;

(c) with respect to the administration of the Fire Service Reward Fund established under section 23;

(d) with respect to the prevention of fire and reduction of the risk of fire and the safety of persons or animals in or near any building or class of buildings from fire hazards;

upkeep allowance under subsection (2) (a) has been granted, then an upkeep allowance in respect of each child of double the amount prescribed in subsection (2);

(d) until such a child attains the age of 21 years;

(e) if such member of the Fire Service leaves a child or children and a widow to whom an upkeep allowance is granted under subsection (2) (a) and the widow subsequently dies, an upkeep allowance double the amount prescribed in subsection (2) (b) in respect of each child as from the date of death of the widow until such child attains the age of 21 years,

(f) if such member of the Fire Service does not leave a widow or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for support, a monthly upkeep allowance to the mother of an amount not exceeding the monthly upkeep allowance which might have been granted to his widow provided that—

(i) all such monthly upkeep allowances shall be at the discretion of the Commissioner acting on the recommendation of the Chief Fire Officer and any upkeep allowance so granted shall cease if at any time the Commissioner is satisfied that the person in respect of whom such upkeep allowance has been granted is adequately provided with other means of support;

(ii) a monthly upkeep allowance shall not be payable under this paragraph at any time in respect of more than six children;

(iii) a monthly upkeep allowance granted to a female child under this paragraph shall cease upon the marriage of such child or when she attains the age of 21 years' whichever comes first;

(iv) if, in any case, it appears to the Commissioner acting on the recommendation of the Chief Fire Officer that it will be proper so to do having regard to the law or custom of the area, payment of the foregoing upkeep allowance may, at the discretion of the Commissioner, be paid to such authority having jurisdiction in that area as he may specify for disbursement in the interest of the persons entitled thereto under the provisions of this subsection;

(v) if any member of the Fire Service proceeding by a route approved by the Commissioner to or from his duty station at the commencement or termination of his service therein or of a period of leave therefrom, dies as a result of damage to any vessel, vehicle or aircraft in which he is travelling or of any act of violence directed against such a vessel, vehicle or aircraft, such member of the Fire Service shall be deemed for the purpose of this section to have died under the circumstance described in subsection (1) of this section;

(g) for the purpose of this section the word "child" includes—

(i) a posthumous child; and

(ii) a stepchild born before the date of the injury or death and wholly or mainly dependent upon the deceased member of the Fire Service for support.

(2) Standing orders made under this section shall be binding upon all members of the Fire Service and on all persons under training in fire fighting and fire prevention.

16. Affixing of fire alarm, etc.

(1) Any fire alarm or any mark indicating the locations of any fire hydrant or other water supply as required or prescribed by this Law may be fixed or placed upon any land without the consent of the owner of such land or other property and without payment of compensation.

(2) For the purpose of this section—

“land” includes buildings, walls or fence;

“mark” includes any notice, tablet, plate, post or other distinguishing mark;

“owner” includes any lessee, tenant, licensee or occupier.

17. Arrangement with persons within the State

(1) The Commissioner may, on the recommendation of the Chief Fire Officer, enter into arrangements on such terms as to payment or otherwise as may be agreed, with persons who own private fire fighting units to assist the Fire Service in dealing with fires and other emergencies occurring in the State.

(2) Members of private fire fighting units engaged in operations under subsection (1) of this section shall possess the same rights, enjoy the same immunities and exercise the same powers as members of the Fire Service.

18. Arrangements with Federal or other State fire authorities and persons outside the State

(1) The Commissioner may, on the recommendation of the Chief Fire Officer and on such terms as to payment or otherwise as may be agreed, enter into arrangement with—

(a) the government of any State of the Federation or any fire authority in any State which maintains a fire fighting service; or

(b) any person who maintains a fire fighting unit outside the State—

(i) to secure the provision by such State government fire authority or person, of assistance for purposes of dealing with fires or other emergencies occurring within the State;

(ii) to secure the provision by such State government fire authority or person, of assistance for purposes of dealing with fires or other emergencies occurring outside the State.

(2) The Commissioner shall not enter into any arrangement under sub-paragraph (b) (ii) of subsection (1) unless the other government involved agrees to indemnify the Fire Service and all its members against action for damages in respect of any act or omission for which the Fire Service would not be liable in the State under this or any other Law.

19. Disaster relief or distress in other States

(1) If any disaster occurs anywhere within the Federation of Nigeria, outside the State and if either the fire authority or the Commissioner of Police of the State in which the disaster has occurred so requests the Chief Fire Officer may in his discretion provide assistance—

(a) by utilising or lending with or without compensation therefor, to that State government or fire authority the equipment, supplies, facilities, personnel and other resources of the Service; and

chief Fire Officer to constitute a fire hazard or of the use of any materials, because of the use or proposed location or otherwise, the Chief Fire Officer deems to constitute a fire hazard;

(f) requiring owners of multiple dwellings, schools or colleges, factories, industries, cinemas, theatres, office buildings and other such buildings, structures, or places to which the public resort from time to time to take such precautions as the Chief Fire Officer may specify for the safety against fire hazard of the tenant, occupiers, invitees or other users of such building structures or places;

For the purposes of paragraph (f) of subsection (1) the Chief Fire Officer may classify such buildings, structures or places into different categories and each such category may be subject to different requirements as may be stipulated; and further for the purposes hereof the Commissioner may empower the Chief Fire Officer to limit the number of persons occupying or using such buildings, or prevent them from using such building or structures or places at any time and to require such owners or occupiers to install such fire fighting equipment of such standard as the Chief Fire Officer may prescribe and deem necessary and generally to regulate the use of such buildings, structures or places so that at all times the tenants, occupiers, invitees, or users thereof shall have free access to such fire fighting equipment;

(g) prescribing the type of signal, audible or visual, to be used on fire engines or other mobile fire fighting equipment;

(h) relating to the establishment and good management of canteens and recreation rooms for the benefit of the Fire Services;

(i) for such other matters as he deems necessary or desirable to give effect to the provisions of this Law.

(2) If any owner of a building, structure or place feels aggrieved by any regulation, requirement or classification made under paragraph (e) or (f) he may apply to the High Court of competent jurisdiction by summons against the regulation, requirement or classification.

(3) The relevant High Court shall have jurisdiction to hear and determine such application.

(4) Any such application shall be made within 21 days from the date on which the notice was served or information was given to the aggrieved person of the matter forming the subject of the application.

15. Standing orders

(1) The Commissioner may, after considering the recommendation of the Chief Fire Officer, make standing orders with respect to—

(i) any matter relating to the organisation and administration of the Fire Service;

(ii) any matter relating to appointment to the Fire Service, and to the promotion, transfer, discipline and control of members of the Fire Service;

(iii) any matter relating to the discipline and control of persons undergoing training under section 28;

(iv) any matter relating to the duties to be performed by members of the Fire Service and for their guidance in the discharge of those duties;

(v) the description and issue of the fire fighting and fire prevention equipment, accoutrements, uniforms and other necessities to be supplied to the Fire Service; and

it is necessary to enter for the purpose of rescuing or protecting the building, place or property from fire or from acts done for rescue and fire fighting purposes or for the purpose of extinguishing a fire therein or on property adjacent thereto;

- (c) having entered such building or place, to do such acts therein as he may deem necessary for rescue operations or for extinguishing any such fire or for protecting such building, place or property adjacent thereto or any property therein from fire or from acts done for rescue or fighting purposes;
- (d) having entered such building or place or property to do such acts therein as he may deem necessary for the protection, rescue or assistance of persons or animals;
- (e) having entered such a building or place or property remove any chemicals, containers, petroleum products, explosives or any property, furniture or items which in his opinion are capable of causing fire or are dangerous to the tenants, or occupiers of such building, place or property or property adjacent thereto;
- (f) pull down any building or other structure, or destroy or remove any property as he may deem necessary to extinguish or limit the spread of any fire, or carry out rescue of persons or animals;
- (g) with the written consent of the Chief Fire Officer, after a seven days' demolition notice has been served on the owner or occupier, pull down any building or structure or destroy or remove any property which in the estimation of the Chief Fire Officer does not conform with fire safety requirements, classifications or regulations made under section 14 (d), (e) and (f);
- (h) stop the storage, sale or transportation of any commodity or material which, in his opinion, is believed to constitute a fire hazard;
- (i) stop the construction of any structure or building which by the Fire Service standards stands a risk of collapse or constitutes a fire hazard or any undue risk to persons or animals;
- (j) take water from any source whatever without payment or other compensation therefor for the purposes of extinguishing a fire or of limiting the spread thereof.

(2) Any injury to persons or damage to property caused by any member of the Fire Service while acting in the execution of his duties under this Law in extinguishing fire or in aiding or assisting persons or animals in a fire situation shall be deemed to be injuries or damages caused by fire.

22. Limitation of suits against Fire Service

(1) Notwithstanding the provisions of the Public Officers Protection Law, when any suit is commenced against the Fire Service for any act done in pursuance of this Law or against any member for any act done in the execution of his duty, or for any alleged neglect or default in the execution of any such duty, such suit shall not lie or be instituted unless it is commenced within two months next after the act, neglect or default complained of or in the case of a continuing damage or injury, within two months after the ceasing thereof.

(2) No member of the Fire Service shall be sued in his personal capacity in any civil proceedings for any act done pursuant to this Law.

(2) The government of the State shall not be liable for anything done by the Fire Service in lawful exercise of its function under this section.

(3) For the purpose of this section—

“disaster” means any flood, fire, hurricane, earthquake, storm or other catastrophe in any part of the Federation which in the opinion of the State Fire Service or the Commissioner of Police of the State is, or threatens to be of sufficient severity and magnitude to warrant assistance by the Fire Service to supplement the efforts and available resources of the fire authority and local fire fighting services of that part of the Federation in alleviating the damage, hardship and suffering caused thereby.

PART IV

Powers of Members of Fire Service

20. Powers of firemen and regulation of traffic

(1) The most senior member of the Fire Service present at any fire shall have the sole charge and control of all operations for extinguishing the fire or for the assistance of persons or animals in fire distress by reason thereof or by reason of such fire fighting or fire prevention measure.

(2) The most senior member of the Fire Service present at any fire may close to traffic any street or thoroughfare or may stop or regulate traffic thereon or remove any person including the owner or occupier of the property involved or of adjacent or neighbouring property from the said street or thoroughfare if in his opinion it is necessary or desirable to do so for fire fighting purposes.

(3) For the purposes of ensuring or expediting a free passage of any fire engine or other mobile fire fighting equipment while proceeding to a fire, any member of the Fire Service may remove any person or vehicle from any street or thoroughfare if in his opinion it is necessary or desirable to do so for the purposes of ensuring or expediting such free passage of the fire engine or other mobile fire fighting equipment.

(4) All persons and vehicles using any street or thoroughfare shall yield right of way to fire engines and other mobile fire fighting equipment proceeding to a fire and operating any prescribed signals, audible or visual, and police officers, if present, shall give such assistance as may be necessary for that purpose.

(5) For the purpose of ensuring that fire engines are available when required for emergency, no person shall detain or cause to be detained outside a fire station, any fire engine, appliance or equipment without the written consent of the Chief Fire Officer or any fire officer so authorised by him to give such written consent.

21. Right of member of Fire Service to enter upon lands

(1) Any member of the Fire Service who is on duty or any member of another State or other fire authority or of a fire fighting unit who is acting within the State in pursuance of any arrangement entered into under section 17 or section 18 of this Law may, without the consent of the owner or occupier—

- (a) enter and if necessary break into any building, place or property in which a fire has or is reasonably believed to have broken out;

to deserving members of the Fire Service.

[Cap. N43.]

(2) On the recommendation of the Chief Fire Officer the Commissioner may establish other special decorations, awards, medals and colours for the Fire Service and shall make regulations and rules to govern their award and use.

PART VI

Offences

30. Contravention of this Law or of regulations

Any person who contravenes or fails to comply with any of the provisions of this Law or with any regulation or requirement made thereunder for which no other penalty is specifically provided shall be guilty of an offence and on conviction shall be liable to fine not exceeding ₦100.00 or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

31. Resignation or abscondment before the completion of five years

Any member of the Fire Service who absconds or resigns before the completion of five years' unbroken service shall be required to refund his training cost and such training cost may be sued for and recovered in any court of competent jurisdiction in the State.

32. Personation of member of the Fire Service

Any person not being a member of the Fire Service who puts on or assumes either in whole or in part the dress, name, designation or description of any member of the Fire Service or in any way pretends to be or personates a member of the Fire Service or to possess authority from or on behalf of the Fire Service, for the purpose of obtaining admission into any building or other place or of doing any act which such person would not under law be entitled to do on his own authority shall be guilty of an offence and on conviction thereof shall be liable to a fine of two hundred naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

33. Obtaining admission into the Fire Service by fraud

Any person who knowingly uses or attempts to pass off any forged or false certificate, character, letter or other document for the purpose of obtaining admission into the Fire Service or who, on applying for admission shall make any false statement whether orally or in writing shall be guilty of an offence and on conviction thereof shall be liable to fine not exceeding two hundred naira or to a term of imprisonment not exceeding three months or to both such fine and imprisonment, and if he had been admitted into the Fire Service shall be liable to be dismissed therefrom.

34. Communication of confidential or secret information

(1) Any member of the Fire Service who at any time communicates or attempts to communicate any confidential or secret information obtained by him in the course of his duty as a member of the Fire Service to any unauthorised person shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding two hundred naira or to a term of imprisonment not exceeding three months or to both such fine and imprisonment and shall further be liable to dismissal from the service.

23. Establishment of Fire Service Reward Fund

There shall be established a fund to be called "the Fire Service Reward Fund" into which shall be paid all pay forfeited by members of the Fire Service for offences against discipline and all fines levied from assault on members of the Fire Service. Such fines shall be applied and administered by the Chief Fire Officer in accordance with regulations made under section 14 (1) (c).

24. No charges to be made save in certain cases

(1) No charges shall be made for any service rendered by the Fire Service in extinguishing fire or for carrying out any emergency rescue operations.

(2) Charges may be made for services rendered by the Fire Service other than those specified in subsection (1) and the scales of such charges shall be set out by the Commissioner.

(3) Any such prescribed charge may be sued for and recovered in a court of competent jurisdiction in the State and the person so sued shall pay the costs of such action.

25. Fire Service not to be used for civil disturbance

Save when expressly so authorised by the Commissioner or the Chief Fire Officer, the Fire Service shall not be employed for the purpose of the prevention, control or suppression of civil commotion, riot or other civil disturbance.

26. Hours of duty

(1) Every member of the Fire Service shall carry out all lawful orders and shall at all times punctually and efficiently perform all appointed duties and attend to all matters within the scope of his office.

(2) Whether or not a member of the Fire Service is off duty, his responsibility remains the same and he shall be bound to attend all calls to duty at all times when summoned to do so, by any legal means.

27. Clothing and equipment

Uniform and equipment of the members of the Fire Service shall be of such specifications and worn in such manner as laid down in the standing orders for the Fire Service.

28. Fire Service training facilities available to non-members

Any person who is not a member of the Fire Service may with the approval of the Chief Fire Officer and on such terms as to payment or otherwise as may be prescribed be admitted to all or part of such training in fire fighting and fire prevention as is established under this Law for the training of members of the Fire Service.

29. Award of honours (Fire Service) medals

(1) Subject to the provision of the National Honours Act and the Honours (Fire Service) Warrant 1974, the Chief Fire Officer shall submit recommendations through the Commissioner, to the State Executive Council for the award of the following medals—

- (a) The Nigerian Fire Service Cross;
- (b) The Meritorious Service Medal; and

(1) Any person who unlawfully interferes with, damages or removes any fire fighting equipment maintained by the Fire Service shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) For purposes of this section "fire fighting equipment" includes any fire engine, mobile fire fighting equipment, fire extinguishers, fire escape, fire alarm, fire hydrant, fire hydrant cover, or any post, pillar, plate, tablet or other mark used to indicate the position of the fire hydrant or other sources of water or any other equipment so prescribed.

41. Storage, sale and transportation of flammable liquid or gas

(1) Any person who stores, sells, buys or transports any flammable liquid or gas other than in the fuel tank of a vehicle or engine without a fire certificate and who contravenes or fails to comply with any regulation or requirement prescribed or made under this Law shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred naira or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and such flammable products shall be forfeited to the Fire Service.

(2) For the purpose of this section, "fire certificate" means any written permit signed by the Chief Fire Officer or by any Fire Officer so authorised by him in writing to sign and issue such a permit.

42. Contravention of building regulations made under this Law

(1) (a) Any person who is the owner of property, a building, structure or place and who contravenes or fails to comply with any regulation or requirement prescribed or made under this Law—

- (i) prohibiting, controlling or limiting the use of the property, building, structure or place for any particular purpose or any particular time or by more than any specified number of persons at any particular time; or
- (ii) requiring the installation or maintenance of any fire fighting equipment in or upon the property, structure, place or building; or
- (iii) any person who is the owner of land on which a building is being erected, or who is the owner of a building which is being altered or repaired or who is employed by the owner of the land to erect a building or any structure thereon or by the owner of a building which is being altered or repaired or who is employed by the owner of the land to erect a building thereon or by the owner of a building to alter or repair the same, whether under contract or otherwise and who contravenes or fails to comply with any regulation or requirement prescribed or made under this Law prohibiting, controlling or limiting the use of certain specified materials in or about the erection, alteration or repair of the building,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred naira or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) (a) Upon conviction of the owner of any building under paragraph (b) of subsection (1) the court may in its absolute discretion order that the building be demolished or that the materials be removed therefrom at the expense of the owner without compensation.

(b) Any demolition or removal order made under paragraph (a) shall be executed by the convicted owner within the time decreed by the Court order.

(3) For purposes of this section—

"building" includes any building, structure or any multiple dwelling.

Fire Officer to communicate such information.

35. Taking part in strike action, work-to-rule, group disturbance or mutiny

Any member of the Fire Service who engages, encourages or takes part in, or abets any strike action, work-to-rule or any group disturbance or mob action or any trade union activity or mutiny shall be guilty of an offence punishable by summary dismissal from the service.

36. Fire Service Certificate for petrol/kerosene stations

(1) All flammable gas, diesel, petrol and kerosene filling stations and depots shall be covered by a Fire Service Safety Certificate duly signed by the Chief Fire Officer and no flammable gas, diesel, petrol or kerosene filling station shall be constructed or operated without such certificate.

(2) A Fire Service safety certificate shall be renewable every year and all applications for renewal shall be made to the Chief Fire Officer within the first three months of every year.

(3) Any person who contravenes the provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred naira or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

37. Obstruction of and assault on members of the Fire Service

Any person who—

- (i) wilfully obstructs, interferes with, assaults or resists any member of the Fire Service in the execution of his duty under this Law or aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such member of the Fire Service or any person aiding or assisting such member in the execution of his duty under this Law; or
- (ii) wilfully obstructs or delays the passage of any fire engine or other mobile fire fighting equipment proceeding to a fire; or
- (iii) detains or causes to be detained a fire engine or other mobile fire fighting equipment in any place other than a fire station as specified under section 20 (5) of this Law,

shall be guilty of an offence under this Law and liable on conviction to a fine not exceeding five hundred naira or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

38. Failure to yield right of way to fire engine

Any person who fails to yield right of way to a fire engine or other mobile fire fighting equipment as required by this Law shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

39. False alarm

Any person who wilfully gives or causes to be given a false alarm of a fire to the Fire Service maintained in pursuance of this Law or to any member of such Fire Service shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

FIRE SERVICE LAW

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Fire Service Disciplinary Procedure Regulations.

FIRE SERVICE DISCIPLINARY PROCEDURE REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Power to exercise disciplinary control vested in Chief Fire Officer.
2. Procedure for carrying out orders.
- 3.
4. Breach of discipline.
5. Certain officers to hold inquiry into charges.
6. Disciplinary charges.
7. Procedure.
8. Record of proceedings.
9. Punishment.
10. Effective date of dismissal.
11. Appeal and review.
- 12.
13. Review.
14. Power to suspend punishment.
15. Power to expunge certain punishment from service records.
16. Interdiction.
17. Absence from duty without leave.
18. Damage or loss of equipment.
19. Withdrawal from service.
20. Deduction from salary.
21. Deduction to be paid to revenue.
22. Fire Service Reward Fund.
23. Surrender of property.
24. Citation.

SCHEDULE

for offences under this Law, the Chief Fire Officer or any officer authorised by him may in his official capacity prosecute the offenders in the magistrate's court.

44. Interpretation

In this Law, unless the context otherwise requires—

“**Commissioner**” means the member of the State Executive Council charged with responsibility for matters relating to fire service and fire protection;

“**Court**” means the magistrate's court;

“**fire authority**” means the State or Local Authority or other body responsible under any law for the provision of fire fighting or fire protection service in the State;

“**fire engine**” means any vehicle used for the carriage of members of the Fire Service or fire protection service in the State;

“**fire fighting equipment**” includes fire extinguishers, fire escapes, emergency exits and other such means of fire fighting, fire prevention and escape as may be prescribed;

“**fire fighting unit**” means fire fighting personnel and mobile fire fighting equipment maintained as such by any person other than a fire authority for use in the fighting and prevention of fires on such person's property;

“**fireman**” means any uniformed male member of the Fire Service;

“**firewoman**” means any uniformed female member of the Fire Service;

“**Fire Service**” means the Cross River State Fire Service established under this Law;

“**mobile fire fighting equipment**” means any fire fighting equipment not being a fire engine so constructed as to be movable from place to place on a wheel or wheels;

“**multiple dwelling**” means a building or group of buildings constructed or adopted to be let in separate portions for purposes of residence to more than six separate tenants or occupiers under separate agreement whether verbal or written and includes hotels, guest houses, rest houses or other buildings used for similar purpose;

“**owner**” includes lessee, licensee and occupier;

“**prescribed**” means prescribed by this Law or by regulations;

“**State**” means the Cross River State.

45. Citation

This Law may be cited as the Fire Service Law.

Subject to paragraph 9 (2) of these Regulations where a member of the Service is charged with any of the disciplinary offences specified in the Schedule hereto, an inquiry into the charge shall be conducted—

- (a) in the case of a member of the Service below the rank of a Station Officer, by an officer not below the rank of Divisional Officer, as the Chief Fire Officer may appoint;
- (b) in any other case by the Chief Fire Officer.

Disciplinary charges

- (1) A charge shall be framed in accordance with any of the disciplinary offences provided in the Schedule, and shall describe the offence briefly identifying the accused with the offence charged.
- (2) Where there are two or more distinct offences a separate charge shall be laid in respect of each offence and a separate finding shall be made on each charge.
- (3) Where a member of the Service contravenes more than one offence in the course of a single transaction, a separate charge shall be laid in respect of each offence and separate findings shall be made on each charge thereof, but only a single punishment shall be recommended or awarded in respect of all the offences.
- (4) Two years or more member of service may be charged and tried together for the same different disciplinary offences if committed in the cause of the same transaction.
- (5) The charge may be amended at any time before the finding, but the accused shall be informed of the amended charge and he shall have a right to give evidence, call witnesses and cross-examine them in respect of the amended charge.
- (6) A member of the Service charged with a disciplinary offence may be convicted of an attempt to commit that offence or for aiding and abetting the commission of that offence.

Procedure

- (1) The charge shall be read and explained to the accused by the adjudicating officer and the accused shall be called upon to plead to the charge.
- (2) Where the accused pleads guilty—
 - (a) the adjudicating officer shall record the facts in support of the charge and shall explain them to the accused;
 - (b) the accused shall then be called upon to make any statement he may wish to make in mitigation of the offence and the adjudicating officer shall record such statement if made or the fact that the accused had nothing to say;
 - (c) the adjudicating officer shall, where the facts in support of the charge establish the offence charged, record a conviction and recommend or award any punishment prescribed in paragraph 9 in respect of the offence.
- (3) If the accused pleads not guilty or refuses to plead, the adjudicating officer shall record the accused's plea or his refusal to plead; thereafter the adjudicating officer shall call witnesses in support of the charge and the accused may cross-examine such witnesses, and may re-examine on matters arising out of cross-examination and the evidence of the witnesses called shall be recorded by the adjudicating officer.

FIRE SERVICE DISCIPLINARY PROCEDURE REGULATIONS

[11th June, 1985]

[Commencement.]

In exercise of the powers conferred on me by section 14 (1) of the Fire Service Law, 1985 and of all other powers enabling me in that behalf, I Commissioner for Local Government, on the recommendation of the Chief Fire Officer hereby make the following—

1. Power to exercise disciplinary control vested in Chief Fire Officer

The Chief Fire Officer shall exercise disciplinary control over the members of the Service and may, in response to the exigency of the Service, transfer or deploy any member of the service at any time.

2. Procedure for carrying out orders

- (1) Any order made by an officer who is superior in rank shall be carried out by an officer in a lower rank without question and obeyed before any complaints are made by such junior member of the Fire Service.
- (2) Any complaints from a junior member of the Fire Service, after complying with an order from a member of the Fire Service who is superior in rank shall be made in writing to—
 - (a) the Divisional Fire Commander through the sectional head, where the complaints is of the rank of station officer; or
 - (b) the Chief Fire Officer through the Divisional Fire Commander where the complaints is of the rank of Station Officer and above.
- (3) The Chief Fire Officer or the Divisional Fire Commander as the case may be, shall adjudicate on the matter within 48 hours from the time the complaint is made.

3. (1) The Chief Fire Officer may recommend to the appropriate authority the promotion of any member of the service who—

- (a) has the prescribed qualification; or
- (b) has acquired the necessary experience; or
- (c) has performed satisfactorily or outstandingly.

(2) Noting in these Regulations shall give any member of the service a claim to promotion as of right.

[Schedule.]

(3) The effective date of any promotion shall be specified by the authority having the power to carry out the promotion.

4. Breach of discipline

Any member of the Service who contravenes paragraph 17 of these Regulations or commits any of the disciplinary offences specified in the Schedule hereto shall be guilty of an offence and shall be liable to the appropriate punishment specified in paragraph 9 of these Regulations.

- (f) any statement made by the accused, if he is convicted, in mitigation of the offence;
- (g) the punishment recommended or awarded.

7. Punishment

(1) A member of the Service who is convicted of a disciplinary offence may (according to the degree and nature of the offence) be punished for that offence by—

- (a) dismissal;
- (b) termination of appointment;
- (c) being required to resign immediately or on a specified date as an alternative to dismissal;
- (d) reduction in rank or grade;
- (e) fines;
- (f) reprimand;
- (g) withholding or deferment of increment;
- (h) suspension from duty without pay;
- (i) interdiction;
- (j) confinement to fire station, quarters, barracks or house during an emergency;
- (k) extra duty, fatigue or drill;
- (l) caution.

(2) A Fire Service officer from the rank of leading fireman up to and including the Chief Fire Officer may, without trial, punish a defaulter on the spot by awarding any of the following punishments—

- (a) confinement to fire station, quarters, barracks or house during an emergency;
- (b) extra duty, fatigue or drill;
- (c) caution.

(3) Any punishment awarded against a defaulter other than those specified under subparagraph 2 of this rule shall be entered into the service record of the defaulter.

8. Effective date of dismissal

(1) If a member of the service is dismissed for a disciplinary offence such dismissal shall take effect from the date the dismissal was recommended.

(2) Any punishment other than dismissal shall take effect from the date such punishment awarded, or where necessary, the date on which the dismissal was confirmed after recommended.

9. Appeal and review

Every conviction and punishment recommended or awarded by virtue of paragraph 4 of these Regulations shall be subject to appeal or review in such manner and so such extent as is described in paragraphs 12 and 13 and upon any such appeal or review the conviction may be set aside or confirmed, or the punishment reduced or increased, as the case may be.

otherwise, he shall call on the accused for his defence and shall record such defence as may be put up by the accused.

(5) The accused may, when called upon for his defence, give evidence, call witnesses or remain silent. If the accused gives evidence he may be cross-examined but not as to character (unless it is in issue) or as to other offences for which he is not charged and he may make a statement to explain any matter arising out of his cross-examination. The witnesses of the accused may be cross-examined as to both the character and credibility of the accused and the accused or his legal representative may re-examine them.

(6) The adjudicating officer shall upon the evidence before him convict or acquit the accused. If the accused is convicted the adjudicating officer shall invite him to say anything he may wish to say in mitigation of the offence, and thereafter he shall recommend or award, as the case may be, any punishment under paragraph 9 which he considers adequate having regard to the circumstances of the case.

(7) The adjudicating officer may question any witness at any time during the course of the proceedings and any witness may be recalled from leave by the adjudicating officer.

(8) All evidence shall be taken in the presence of the accused and any evidence given in a language not understood by him shall be interpreted to him.

(9) All evidence shall be taken on oath.

(10) The adjudicating officer shall at all times satisfy himself that the accused has an opportunity to defend himself.

(11) Where the accused is convicted and a punishment has been recommended or awarded, as the case may be, the adjudicating officer shall notify the accused in writing to his appeal against conviction or punishment or both within seven days from the date of such notification.

(12) The adjudicating officer may adjourn a case from time to time as circumstance permit.

(13) When any member of the Service below the rank of Station Officer is convicted of a disciplinary offence under these Rules, the adjudicating officer shall only have power to recommend a punishment to the Chief Fire Officer who may substitute any punishment he may consider adequate having regard to the circumstance of the case.

(14) When any member of the Service of the rank of Station Officer or above is convicted of a disciplinary offence under these Rules, the Chief Fire Officer as the adjudicating officer shall have power to award any punishment; but where he awards a punishment of dismissal or termination of appointment or reduction in rank such punishment shall be referred to the Ministerial Management Committee for consideration. The Ministerial Management Committee may ratify the Chief Fire Officer's decision or award any punishment it deems fit.

10. Record of proceedings

An adjudicating officer shall make a record of the following—

- (a) the charge;
- (b) the plea of the accused;
- (c) where the accused pleads guilty, facts in support of the charge, and evidence in support of the charge, the evidence of the accused and the witnesses called in his defence;

annulment of any criminal charge or any inquiry under these Regulations and the accused shall not be a member of the Service, but such member shall not by reason only of such interdiction cease to be a member of the Service.

(2) The powers vested in and the privileges and benefits enjoyed by an interdicted member of the Service as a member of the Service shall for the period of interdiction fall in abeyance but such member of the Service shall still be subject to the same authority and discipline as if he had not been interdicted.

(3) A member of the Service who has been interdicted shall be entitled to not less than half of his salary during the period in which he is interdicted.

(4) If the trial of a member of the Service does not result in dismissal, discharge from the service, or termination of appointment or reduction in rank or grade or withholding or deferment of increment, he shall be entitled to the balance of the salary which he would have received had he not been interdicted.

(5) Unless otherwise stated, if the trial of a member of the Fire Service results in reduction in rank or grade, such a member shall drop to a corresponding or equivalent step in the salary grade to which he has been reduced and shall, on that step, assume his new position and seniority among other members in the new grade or rank.

(6) A member of the Fire Service whose trial results in the withholding or deferment of increment shall lose his seniority among members of his grade or rank and shall assume the last number and position within that grade or rank.

17. Absence from duty without leave

(1) Any member of the Service who absents himself from duty without leave for two or more days consecutively shall be guilty of an offence and shall be dealt with in accordance with these Regulations.

(2) The name of any member of the Service absenting himself from duty without leave shall be struck off the list of members of the Service and when such member applies for his name to be reinstated, his case shall be inquired into by the Chief Fire Officer or any other officer appointed in that behalf by the Chief Fire Officer.

(3) When such a member of the Service gives a satisfactory explanation of his absence without leave to the adjudicating authority his name shall be reinstated on the list of members of the Service.

(4) No pay shall accrue to any member of the Service for the period of his absence without leave except in the case where he has given a satisfactory explanation of such absence.

18. Damage or loss of equipment

(1) If any member of the Service sells, pawns, destroys or otherwise disposes of any accoutrements, clothing or other property issued to him, or loses or damages the same, he may in addition to any other punishment, be ordered to make good the loss or damage by deductions out of his salary in such a manner as the adjudicating authority may determine.

(2) If any member of the Service wilfully damages any vehicle, craft, or any other property issued for his use during his service, whether or not he was personally authorised to use such property, he may, where the amount of damage does not exceed N6 be ordered to make good such damage by deductions from his salary in such a manner as the adjudicating authority may determine.

appeal against both conviction and punishment shall be to—

(a) the Chief Fire Officer, where the case of the defaulter was adjudicated upon by an officer other than the Chief Fire Officer;

(b) the civil service commission through the ministerial management committee where the case was adjudicated upon by the Chief Fire Officer.

(2) An appeal in writing shall be filed by the accused with the adjudicating officer within seven days of his conviction.

(3) Where an appeal is filed under sub-paragraph (2) of this paragraph the adjudicating officer shall forward to the appropriate authority a record of the proceedings together with a copy of the grounds of appeal.

(4) An appeal may be heard by the appellate authority with or without hearing the appellant or anyone on his behalf.

(5) The appellate authority may refer a case back to the adjudicating officer for rehearing or for further evidence to be taken.

(6) In an appeal against a dismissal, an appellate authority may substitute therefor an order that the appellant be discharged from the service.

(7) An appellate authority may exercise any of the powers specified in paragraph 11.

13. Review

An appellate authority may in order to ascertain the correctness, legality or propriety of the conviction and punishment in respect of a disciplinary charge, call for, examine and review the record of proceedings thereof.

14. Power to suspend punishment

(1) Subject to the provisions of these Regulations, any punishment other than dismissal, awarded under these regulations may be suspended for a period of six months by the Chief Fire Officer, where the case of the accused was adjudicated upon by any other officer, and by the civil service commission where the case of the accused was adjudicated upon by the Chief Fire Officer.

(2) At the expiration of the period of suspension of a punishment, the Chief Fire Officer or the civil service commission as the case may be, shall review the case, taking into consideration any available report on the accused within the period of suspension, and may set aside, uphold or reduce the punishment (in which case any entry relating to the offence which may have been made in the record of the accused shall be expunged or amended), or order that the punishment be executed.

(3) If during the period of suspension the accused is convicted of another disciplinary offence under these Regulations, the suspended punishment shall forthwith be carried out.

15. Power to expunge certain punishment from service records

An entry of reprimand or withholding of an increment for a period of one year in the service record of a member of the Service, may, by order of the Chief Fire Officer, be expunged by the recognition of a subsequent specific act of good service.

16. Interdiction

(1) The Chief Fire Officer, if he deems it necessary in the public interest, or in the interest of the Fire Service, that any member of the Service shall cease to exercise the powers and