

FIRE SERVICE ACT, 1994
(Act No. 5 of 1994)

FIRE SERVICE REGULATIONS, 1995
(Published on 17th February, 1995)

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IN EXERCISE of the powers conferred by section 14 of the Fire Service Act, the Minister of Local Government and Lands hereby makes the following Regulations —

1. These Regulations may be cited as the Fire Service Regulations, 1995.
2. (1) The ranks of personnel comprising the Fire Service, and the qualifications for such ranks, shall be as specified in the First Schedule:

Provided that a person may, where a vacancy in the establishment of a brigade exists, be appointed to act in the rank immediately above that for which he is qualified, for a total period of not more than 12 months.

(2) Promotion in rank shall be dependent upon passing the appropriate promotion examination, and conditional on there being the appropriate vacancy in the establishment of the Fire Service.

(3) The uniforms to be issued to members of the Fire Service shall be as set out in the Second Schedule appropriate to the rank of the member concerned, and the wearing of uniforms shall be in accordance with the practice or instructions of the fire brigade concerned.

(4) Uniforms issued under the provisions of this regulation shall remain the property of the Fire Service and shall be returned to the Fire Service upon request, or upon termination of the service of the member concerned.

Citation
Ranks and
uniforms of
members of fire
brigades

	(5) Uniforms shall be maintained in a clean and well ordered condition, and any brigade member who, in the opinion of the officer in charge of the brigade, through his negligence or neglect, renders his uniform unfit for use as required, shall be provided with a replacement, and the cost thereof shall be withheld from his salary.
Promotion Examination Board	3. (1) The Director shall establish from among suitable fire officers a board to be known as the Promotion Examination Board, which shall consist of an odd number of members, being not less than seven, with himself as the chairman. (2) The Promotion Examination Board shall be responsible for determining the syllabuses for, and arranging the conduct of, and the marking of, examinations for promotions within the Fire Service.
Salary scales	4. The salary scale payable to each rank in the Fire Service shall be as determined by the Establishment Secretary: Provided that, in recognition of the fact that firemen may be required to work outside normal hours of work, a new member may be placed on the scale appropriate to his rank at a point above the normal commencing salary for such rank.
Requirements for members	5. Preference shall be given in the recruitment of members of the Fire Service to persons who — (a) are citizens of Botswana; (b) are aged between 18 and 30 years of age; (c) are mentally and physically fit, and suffer no physical handicap; and (d) are of good character.
Hours of work	6. (1) The normal working hours of firemen shall be 40 hours per week, but they may be required to serve a period of up to 9 hours per day on duty, with reasonable breaks for meals, and they shall, except in exceptional circumstances, be entitled to at least a whole 24 hour period off duty per week. (2) Notwithstanding subregulation (1) firemen shall respond to emergency calls whenever they are required to do so, even during off duty periods or during meal breaks, and they may be called upon to perform additional duties beyond normal hours of work in the event of such circumstances, which may include shortage of staff, as the officer in charge at the time considers justification for such action: Provided that a member may, for reasons of ill health, the onus of proving which shall be on him, be excused from such emergency calls or additional duties. (3) Whilst on duty, whether during normal working hours or during emergency calls or during periods of additional duty, members shall perform all lawful orders given by a superior officer in the Fire Service. (4) Whilst on duty attending to fires, members may be provided with such meals/refreshments as the appropriate Council considers necessary or desirable in the circumstances.
Extra duty allowances	7. Station officers and below called upon to perform additional duties beyond normal hours of work shall be entitled to an overtime allowance at such rate as may be determined by the Establishment Secretary.
Leave	8. (1) Members' entitlement to leave and the conditions applicable thereto shall be governed by the General Orders applicable to Unified Local Government Service employees.

(2) Sick leave shall be granted in accordance with General Orders applicable to Unified Local Government Service employees:

Provided that all such sickness must be certified by a medical practitioner before qualifying for sick leave.

9. Any member of a fire brigade who is injured in the course of the performance of his duties shall be entitled to compensation under the Workmen Compensation Act.

Compensation
and insurance

10. (1) A member of a fire brigade who commits any of the acts set out in the Third Schedule shall be guilty of an offence against discipline, and liable to such of the punishments specified in regulation 12 as the senior fire officer of the brigade considers appropriate.

Disciplinary
offences

(2) Where a member of a fire brigade is to be charged with an offence against discipline, the senior fire officer shall cause him to be informed, in writing, of the charge, together with any particulars, including copies of any report, complaint or other written allegation upon which the charge may be based.

(3) The member concerned shall be required to state in writing within a period of not less than 14 days whether he admits or denies the charge and the allegations made against him, whether he wishes to offer any explanation, and to give the names and addresses of any witnesses he would like to give evidence on his behalf.

(4) If the member concerned denies the charge, and the senior fire officer is not satisfied with any explanation offered, he may be ordered to appear at a hearing of the case together with his witnesses.

(5) Any such witness who is a member of the fire brigade shall be ordered to attend at the hearing of the matter, and any other witness shall be given due notice of the time and place of the hearing, and asked to attend.

11. (1) Any member who is placed on a charge against discipline may be suspended from duty by the senior officer of the brigade if, in the opinion of the said officer, his participation in the activities of the brigade is likely to affect the performance or the morale of the brigade.

Suspension
and half salary

(2) Any member who is so suspended from duty shall be paid only half of his normal salary during the period of suspension:

Provided that if he is absolved of guilt on such charge at subsequent hearings, he shall be entitled to be paid that portion of his salary that was withheld.

12. (1) The senior fire officer of the brigade may hear the charge himself, or may direct any other officer or officers of the brigade, being not lower in rank than the accused member, to hear it, or to sit with him as assessors.

Hearing of
charge

(2) As soon as possible after the conclusion of the hearing, the accused member shall be informed, in writing, of the decision reached and any punishment awarded.

(3) Punishments which may be awarded are —

- (a) dismissal;
- (b) being required to resign as an alternative to dismissal;
- (c) reduction in rank and salary;
- (d) suspension without pay for a maximum period of 7 days;
- (e) stoppage of any increment for a specified period ;
- (f) reprimand; and
- (g) caution.

	(4) Where the awarded punishment is dismissal, or being required to resign as an alternative to dismissal, or reduction in rank, the decision in respect of members of or above the rank of Sub Fire Officer shall have no effect until it is confirmed by the Establishment Secretary. (5) Any sentence which requires confirmation may be confirmed with or without a reduction in punishment and shall have effect from the date of confirmation, subject to a right of appeal.
Fireman drivers	13. (1) A fireman driver shall be required to have and retain a Botswana driving licence valid for the driving of fire engines. (2) A fireman driver who for any reason is deprived of his driving licence shall be reduced in rank to fireman, and in accordance with regulations 12 and 14 shall be liable to dismissal from the fire brigade to which he belongs.
Appeals	14. (1) Within three days of being notified of the result of the hearing and any awarded punishment other than a caution, the accused member may, other than in respect of a case referred to in regulation 12(4), appeal against the finding and sentence by notice in writing to the Director. (2) Any appeal shall be by way of re-hearing by the Director, and the Director may either allow the appeal or dismiss it, or may increase or reduce the sentence. (3) If the Director increases the punishment of the appellant he may direct that it shall take effect from a date later than that stated in the original decision, and may give such directions in respect thereof as he considers necessary or desirable. (4) As soon as possible after hearing the appeal the Director shall cause his decision thereon to be notified in writing to the member concerned. (5) Where the punishment awarded is dismissal, or the requirement of resignation as an alternative to dismissal, or reduction in rank, the accused member shall be entitled, by notice in writing within 7 days of the decision being conveyed to him, or confirmed, as the case may be, to appeal to the Local Government Service Commission, to be dealt with in accordance with the procedure specified in the Unified Local Government Service Act.
Proceedings in absence of accused member	15. If the accused member refuses, or without sufficient cause fails to attend at the time and place appointed for the hearing of the charge, or the hearing of the appeal, as the case may be, it may be proceeded with and concluded in his absence.
Representation	16. (1) At the original hearing of the charge, the accused member shall be entitled, in presenting his case, to have the assistance of any member of the fire brigade selected by himself. (2) At the hearing of any appeal, the accused member shall be entitled to have the assistance of any person of his choice, who may or may not be a member of the Fire Service.
Housing for firemen	17. Firemen of station fire officer rank and below shall be housed in special areas set aside by the local councils concerned, as near to the fire station to which they are attached as is reasonably possible, and all other officers shall be provided with houses also as conveniently placed as possible.

FIRST SCHEDULE (reg. 2)

RANKS AND QUALIFICATIONS

1. Chief Fire Officer — Graduate in fire engineering at a recognised institute or college of fire engineering, or an equivalent qualification from any other similar institution or college approved by the Director, and a minimum of 3 years service as a Deputy Chief Fire Officer.
2. Deputy Chief Fire Officer — Graduate in fire engineering at a recognised institute or college of fire engineering, or an equivalent qualification from any other similar institution or college approved by the Director, and a minimum of 3 years service as a Divisional Fire Officer.
3. Divisional Fire Officer — a minimum of 3 years service as an Assistant Divisional Fire Officer, has a diploma in fire engineering from a recognised fire institute or college, or an equivalent qualification from any other similar institution or college approved by the Director, and has successfully completed the Station Officer's course, the Senior Command course and the Senior Fire Prevention course.
4. Assistant Divisional Fire Officer — a minimum of 2 years service as a Station Officer, and has successfully completed the Station Officer's course, the Junior Command course and the Fire Prevention course.
5. Station Fire Officer — educated to Form V, has successfully completed the Station Officer's course, and has a minimum of 2 years service as a Sub Fire Officer.
6. Sub Fire Officer — educated to Junior Certificate, has successfully completed the Sub Fire Officer's course, and has a minimum of 2 years experience as a Leading Fireman.
7. Senior Fire Control Operator — has successfully completed the leading fireman and advanced telephone operator's courses, and has a minimum of 3 years experience as a Fire Control Operator.
8. Leading Fireman — has successfully completed the Leading Fireman's course, and has a minimum of 2 years experience as a Fireman Grade I.
9. Fire Control Operator — possesses at least Junior Certificate and has successfully completed the firemanship and telephone operator's courses.
10. Fireman Driver/Pump Operator Grade I — educated to Junior Certificate, has successfully completed the firemanship course, and has a minimum of 3 years experience as a Fireman Driver/Pump Operator Grade II.
11. Fireman Driver/Pump Operator Grade II — a new recruit, educated to Junior Certificate, has successfully completed the basic recruit firemanship course and possesses a valid heavy duty vehicle driving licence.
12. Fireman Grade I — educated to Junior Certificate, has successfully completed the firemanship course, and has a minimum of 2 years experience as a Fireman Grade II.
13. Fireman Grade II — a new recruit, educated to Junior Certificate, and has successfully completed the basic recruit firemanship course at fire station level.

GABORONE CITY COUNCIL
FIRE DEPARTMENT

ITEM		
Cap Black	2 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Badge with Council Insignia	4 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Shirts white	1 year	C.F.O. 2 D.C.F.O. 2 D.F.O. 2 ASST. D.F.O. 2 STN. 'O' 2 SUB 'O' 2 SNR. F.C.O. - L F/M - F.C.O. - HM/DRIVER - FM I & II -
Shirts light blue	1 year	C.F.O. - D.C.F.O. - D.F.O. - ASST. D.F.O. - STN. 'O' - SUB 'O' - SNR. F.C.O. 2 L F/M 2 F.C.O. 2 HM/DRIVER 2 FM I & II 2
Trouser dark blue	1 year	C.F.O. 2 D.C.F.O. 2 D.F.O. 2 ASST. D.F.O. 2 STN. 'O' 2 SUB 'O' 2 SNR. F.C.O. 2 L F/M 2 F.C.O. 2 HM/DRIVER 2 FM I & II 2
Socks black	1 year	C.F.O. 2 D.C.F.O. 2 D.F.O. 2 ASST. D.F.O. 2 STN. 'O' 2 SUB 'O' 2 SNR. F.C.O. 2 L F/M 2 F.C.O. 2 HM/DRIVER 2 FM I & II 2
Safety shoes black	1 year	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Woolen jersey dark blue	2 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Ties black	2 years	C.F.O. 2 D.C.F.O. 2 D.F.O. 2 ASST. D.F.O. 2 STN. 'O' 2 SUB 'O' 2 SNR. F.C.O. 2 L F/M 2 F.C.O. 2 HM/DRIVER 2 FM I & II 2
Tunic dark blue	3 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Rain coat dark blue	3 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Helmet white/yellow	5 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Rank marking metal set standard fire service pattern	5 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Blue overall two-piece	1 year	C.F.O. - D.C.F.O. - D.F.O. - ASST. D.F.O. - STN. 'O' - SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
White overall two-piece	1 year	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' - SNR. F.C.O. - L F/M - F.C.O. - HM/DRIVER - FM I & II -
Rubber gum boot black	4 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Fire Fighter tunic suit dark blue	5 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Wetleg trouser yellow	3 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Belt fire service pattern	3 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Button (metal) set	3 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1
Eppaulette cloth standard fire service pattern	2 years	C.F.O. 1 D.C.F.O. 1 D.F.O. 1 ASST. D.F.O. 1 STN. 'O' 1 SUB 'O' 1 SNR. F.C.O. 1 L F/M 1 F.C.O. 1 HM/DRIVER 1 FM I & II 1

THIRD SCHEDULE (reg. 10(1))

Disciplinary Offences

- | | |
|------------------------------------|--|
| 1. Disobedience | Disobeying orders, or, without sufficient cause, failing to carry out lawful orders, whether such orders are in writing or otherwise. |
| 2. Insubordination | Including insubordination by word, act or demeanour. |
| 3. Abuse of authority | Abuse of authority, whether by oppressive conduct or otherwise. |
| 4. Neglect of duty | (a) Without sufficient cause, failing to attend to or carry out duties promptly and diligently.
(b) By carelessness or neglect causes damage or injury to any person or property.
(c) Without permission leaving the fire station or place of duty.
(d) Failing or neglecting to report any matter which should be reported, in the line of duty.
(e) Failing to make entries in any book or document which should be made, in the line of duty. |
| 5. Falsehood | (a) Knowingly making any false or misleading statement, whether oral or in writing, in the course of duty as a member of a brigade.
(b) Destroying or mutilating any official book or document, or altering or rendering illegible any entry therein. |
| 6. Breach of confidence | Divulging any matter learned during the course of duty which should not be divulged or which should be kept secret. |
| 7. Corrupt practice | (a) Using position in the Fire Service for private advantage.
(b) Failing to account for, or to make prompt and true return of, any property or money possession of which is obtained during the course of duty. |
| 8. Absence from duty | Without permission being absent from duty, or late for any parade, drill or other attendance. |
| 9. Damage to clothing or equipment | (a) Wilful or negligent damage to any article of clothing or clothing or personal equipment provided or equipment entrusted by a fire brigade, or failure to take care thereof.
(b) Failure to report damage to or loss of any such clothing or equipment. |
| 10. Drunkenness | When on duty or liable to be called upon for duty, being drunk or unfit for duty through drink. |
| 11. Discreditable conduct | (a) Acting in a disorderly manner, or in a manner or disorderly prejudicial to discipline.
(b) Whilst on duty, or whilst off duty in uniform, in a public place, without reasonable excuse, being personally dirty or untidy, or dirty or untidy in clothing or personal equipment.
(c) Behaving in a manner likely to bring discredit on the Fire Service. |

MADE this 6th day of February, 1995.

P.K. BALOPI,
*Minister of Local Government,
Lands and Housing.*