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THE FIRE AND RESCUE FORCE (AMENDMENT) ACT, 2021

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THE UNITED REPUBLIC OF TANZANIA



NO.8 OF 2021

I ASSENT

SAMIA SULUHU HASSAN
President[28th September, 2021]**An Act to amend the Fire and Rescue Force Act and to provide for other related matters.****ENACTED** by the Parliament of the United Republic of Tanzania.PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Fire and Rescue Force (Amendment) Act, 2021.PART II
AMENDMENT OF THE FIRE AND RESCUE FORCE ACT,
(CAP. 427)Construction
Cap. 427**2.** This Part shall be read as one with the Fire and Rescue Force Act, hereinafter referred to as the “principal Act”.Amendment of
section 3**3.** The principal Act is amended by inserting in its appropriate alphabetical order the following definitions:

Cap. 241

““Commission” means the Commission established under section 4 of the Police Force, Tanzania Immigration Services Department and Prisons Service Commission Act;

“voluntary firefighter” means any person who is ordered by the Minister pursuant to section 12 to fight fire and perform search and rescue service in accordance with the provisions of this Act;”.

Amendment of section 5

4. The principal Act is amended in section 5(2) by deleting paragraph (f) and substituting for it the following:

“(f) keep and maintain a database regarding fire and rescue service information;”.

Addition of section 11A

5. The principal Act is amended by adding immediately after section 11 the following:

“Entitlement to carry and use arms

11A. A fireman shall, when discharging his functions, duties or powers conferred to him under the Act, be entitled to carry and use arms.”.

Amendment of section 13

6. The principal Act is amended in section 13, by-

(a) deleting subsection (3) and substituting for it the following:

“(3) Any person who-

(a) uses a fire hydrant or other water supply or installation referred to in subsection (1), for any purpose other than that authorised by the Force; or

(b) covers up, encloses, tampers or conceals a fire hydrant or other water supply or installation,

commits an offence and shall be liable on summary conviction to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term not exceeding one year or to both.”;

(b) adding immediately after subsection (4) the following:

“(5) Where a person convicted of an offence under this section is a subsequent

offender for a similar offence, such person shall be liable on summary conviction-

- (a) in the case of an offence under subsection (3), to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than one year but not exceeding three years; and
- (b) in the case of an offence under subsection (4), to a fine of not less than three hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than three months but not exceeding one year.”; and
- (c) renumbering subsection (5) as subsection (6).

Amendment of section 14

7. The principal Act is amended in section 14 by deleting subsection (3) and substituting for it the following:

“(3) The assistant commissioners and other officers of the rank of, or above assistant inspector of the Force shall be appointed by the Commission.

(4) The officers of the Force of the rank below assistant inspector shall be appointed by the Commissioner-General.”.

Amendment of section 19

8. The principal Act is amended in section 19, by-

- (a) deleting the word “Regulations” appearing in the marginal note and substituting for it the word “Orders”;
- (b) deleting subsection (1);
- (c) designating the content of subsection (2) as section 19; and
- (d) deleting the content of section 19 as designated and substituting for it the following:

“The Commissioner-General may,

subject to this Act and directions of the Minister, make orders for the general governance of the Force in relation to-”.

Amendment of section 22

9. The principal Act is amended in section 22-

- (a) in the opening phrase of subsection (1), by deleting the words “more than twelve meters” and substituting for them the words “twelve meters and above,”;
- (b) in subsection (1), by deleting the word “or” appearing at the end of paragraph (b);
- (c) by adding immediately after paragraph (b) as amended the following:

“(c) automatic fire sprinklers; or”;

- (d) by renaming paragraph (c) as paragraph (d);
- (e) by deleting subsection (2) and substituting for it the following:

“(2) The owner or operator of any building shall provide a building plan to the Force for inspection and fire safety advice prior to issuance of building permit by the relevant authority.”; and

- (f) by deleting the words “subsections (1) and (2)” appearing in subsection (3) and substituting for them the words “subsection (1)”.

Addition of sections 31A and 31B

10. The principal Act is amended by adding immediately after section 31 the following:

“General penalty

31A. A person who commits an offence under this Act for which no specific penalty is provided, shall upon conviction, be liable to a fine of not less than two hundred thousand shillings but not exceeding three hundred thousand shillings or to imprisonment for a term of six months or both.

Compounding of offences

31B.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an

offence under this Act, the Commissioner General or any officer of the force authorised by him in writing may, subject to the regulations made under subsection (7), at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where a person fails to comply with the compounding order issued under this section within the prescribed period, the Commissioner General or an officer of the Force authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where a person fails to comply with subsection (2), the Commissioner General may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Commissioner General shall submit quarterly report of all compounded offences under this section to the Director of Public Prosecutions.

(5) Any moneys charged under this section shall be paid into the Consolidated Fund through the Government Electronic Payment System.

(6) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).

(7) The sum to be charged for every compoundable offence, forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”.

Amendment of
section 32

by-

11. The principal Act is amended in section 32,

(a) adding immediately after paragraph (g) the following:

“(h) registration or deregistration of auxiliary fire units and fire dealers;

(i) suspension or cancelation of certificate of registration;

(j) operations of auxiliary fire units and fire dealers;

(k) procedures for appeal;

(l) procedure for submission to the Force the statistics from auxiliary fire units and fire dealers;”;

(b) renaming paragraphs (h) and (i) as paragraphs (m) and (n) respectively.

PART III
CONSEQUENTIAL AMENDMENTS

*(a) The Police Force, Tanzania Immigration Services Department
and Prison Service Commission Act,
(Cap. 241)*

Construction
Cap. 241

12. This Part shall be read as one with the Police Force, Tanzania Immigration Services Department and Prison Service Commission Act, hereinafter referred to as the “principal Act”.

General
amendments

- 13.** The principal Act is amended generally by-
- (a) deleting the words “the Police Force, Immigration and Prison Service” appearing in the long title and substituting for them the words “the Police Force, Prisons Service, Fire and Rescue Force and Immigration”;
 - (b) deleting the words “the Police Force, Tanzania Immigration Services Department and Prisons Service” wherever they appear in the Act and substituting for them the words “the Police Force, Prisons Service, Fire and Rescue Force and Tanzania Immigration Services Department”;
 - (c) deleting the words “the police, immigration and prisons officers” wherever they appear in the Act and substituting for them the words “the police, prisons, fire and rescue and immigration officers”;
 - (d) deleting the words “the police, immigration or prisons officer” wherever they appear in the Act and substituting for them the words “the police, prisons, fire and rescue or immigration officers”; and
 - (e) deleting the words “Inspector General of Police, Commissioner-General of Immigration and Principal Commissioner of Prisons” wherever they appear in the Act and substituting for them the words “Inspector

General of Police, Principal Commissioner of Prisons, Commissioner-General of Fire and Rescue and Commissioner-General of Immigration”.

Amendment of section 2

14. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definition:

““fire and rescue officer” includes a fire officer and a fireman;”.

Amendment of section 4

15. The principal Act is amended in section 4(2), by-

(a) inserting immediately after paragraph (e) the following:

“(f) Commissioner-General of Fire and Rescue Force;”;

(b) inserting immediately after paragraph (n) the following:

“(o) Commissioner of Fire and Rescue Administration and Finance;”;

(c) inserting immediately after paragraph (p) the following:

“(q) Deputy Commissioner of Fire and Rescue Legal;”;

(d) renaming paragraphs (f) to (o) as paragraphs (g) to (r) respectively.

*(b) The Employment and Labour Relations Act,
(Cap. 366)*

Construction Cap. 366

16. This Part shall be read as one with the Employment and Labour Relations Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

17. The principal Act is amended in section 2(1), by-

(a) deleting the word “or” appearing at the end of paragraph (iii);

(b) deleting a full stop appearing at the end of paragraph (iv) and substituting for it a

- semicolon and the word “or”; and
(c) adding immediately after paragraph (iv) the following:
“(v) the Fire and Rescue Force.”.

Passed by the National Assembly on the 6th September, 2021.

NENELWA J. MWIHAMBI
Clerk of the National Assembly