

Subsidiary Legislation made under s.30.

City Fire Brigade (Discipline) Regulations

LN.1977/050

		<i>Commencement</i>	31.3.1977
Amending enactments	Relevant current provisions	Commencement date	
LN. 1979/105	r. 2		
1982/116	rr. 2-3, 4(2), 6(1), 7, 12-19, Sch.		
2005/179	r. 3		15.12.2005

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SCHEDULE

OFFENCES AGAINST DISCIPLINE.

Title.

1. These Regulations may be cited as the City Fire Brigade (Discipline) Regulations.

Definitions.

- 2.(1) In these Regulations–

“accused” means an officer who has been charged with a disciplinary offence;

“disciplinary authority” means the person or persons trying an offence;

“disciplinary offence” means an offence specified in the Schedule;

“finding” includes the award of punishment;

“senior officer” means the Chief Fire Officer, any Assistant Chief Fire Officer, or any Assistant Divisional Officer.

- (2) These Regulations do not apply to senior officers.

Charge sheet.

3. The Deputy Chief Fire Officer, if he decides that a member should be charged with a disciplinary offence, shall, as soon as possible, cause to be prepared a charge sheet specifying the offence and the particulars thereof and shall supply the member with a copy thereof and shall inform the member of the date and place of the hearing of the charge.

Mode of trial.

- 4.(1) Subject to the provisions of subregulation (2) a disciplinary offence shall be tried at the discretion of the Chief Fire Officer–

- (a) by an officer not below the rank of Station Officer;

- (b) by the Chief Fire Officer; or

- (c) by a disciplinary tribunal:

Provided that when a disciplinary offence has been tried by a Station Officer and he has found the offence proved he shall, if he considers that the offence warrants a higher punishment than a caution or reprimand refer the record of the

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proceedings to the Chief Fire Officer who shall decide the punishment to be awarded.

(2) Notwithstanding anything contained in subregulation (1) a member may before his trial elect to be tried by the Chief Fire Officer alone:

Provided that an offence which, if proved, may, in the opinion of the Chief Fire Officer, result in the dismissal or termination of service of the member shall be tried by a disciplinary tribunal.

Composition of disciplinary tribunal.

5. A disciplinary tribunal shall consist of the Chief Fire Officer, who shall be Chairman and two other officers not below the rank of Station Officer.

Procedure at trial of disciplinary offences.

6.(1) At the trial of a disciplinary offence—

- (a) the Chief Fire Officer may appoint an officer to present evidence in support of the charge; and
- (b) the accused shall be entitled to be assisted by another member or by an officer of the trade union to which he belongs.

(2) The accused or the person assisting him may cross examine witnesses.

(3) The accused may give evidence on his own behalf and may call such witnesses as he considers appropriate.

(4) The accused or the person assisting him may address the disciplinary authority at the conclusion of the hearing of the evidence.

Failure to attend.

7. If a member who has been charged absconds or refuses or neglects without good and sufficient cause to attend the hearing of the charge at the time and place appointed the matter may be decided in his absence.

Record of proceedings.

8.(1) The disciplinary authority trying the case shall record the proceedings, including the evidence, in full.

(2) All records of proceedings of trials shall be retained for record purposes.

Appeal.

9.(1) An accused who is not satisfied with the finding reached on the trial of any charge may, subject to the provisions of this regulation, appeal. On appeal the finding may be varied, confirmed or set aside.

(2) An appeal against a finding of a Station Officer shall be made to the Chief Fire Officer.

(3) An appeal against the finding of the Chief Fire Officer or a disciplinary tribunal shall be made to the Governor.

(4) Notice of intention to appeal shall be given in writing to the Chief Fire Officer within three days of the finding and shall state whether the appeal is against the decision of guilt or the punishment awarded or both.

Grounds of appeal.

10.(1) Within seven days of giving notice of intention to appeal the accused shall serve on the Chief Fire Officer the grounds of his appeal.

(2) Where the appeal is to the Chief Fire Officer under the provisions of regulation 9(2) he shall call for the record of the proceedings and decide the appeal.

(3) Where the appeal is to the Governor the Chief Fire Officer shall forward the grounds of appeal and the record of the proceedings to the Governor.

Confirmation of punishments.

11.(1) Any punishment awarded by a Station Officer shall be subject to confirmation by the Chief Fire Officer.

(2) Any punishment of dismissal, or reduction in rank shall be subject to confirmation by the Governor whether or not there has been an appeal against such punishment.

(3) Where confirmation is required under subregulation (2), if no notice of intention to appeal is received within the time prescribed by regulation 9(4) the Chief Fire Officer shall forthwith forward to the Governor the record of the proceedings.

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Interdiction.

12.(1) The Chief Fire Officer, if it appears to him that a disciplinary offence or a criminal offence may have been committed by a member, which is of such a nature as may warrant dismissal he shall report the matter to the Governor who may interdict that officer from duty.

(2) A member who has been sentenced to imprisonment as a result of a criminal conviction shall, if he has not already been interdicted, be interdicted from duty on such conviction.

Period of interdiction.

13. Where a member is interdicted the interdiction shall, unless terminated by the Governor, continue until the disciplinary or criminal proceedings in respect of the offence have been concluded or until it has been decided that such proceedings shall not be taken or shall be discontinued:

Provided that where a member is convicted of a criminal offence the period of the interdiction shall continue until it is decided whether or not he shall be dismissed by reason of the conviction.

Disciplinary proceedings following acquittal of criminal charges.

14. A member acquitted of a criminal charge shall not be dismissed on any charge upon which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, provided that they do not raise substantially the same issues as those on which he has been acquitted, and if the Chief Fire Officer thinks fit disciplinary proceedings may be instituted for the purpose.

Salary during suspension.

15.(1) A member who has been interdicted, shall be paid such salary not being less than half of his normal salary as the Governor may determine, until the interdiction is terminated:

Provided that no salary shall be paid to a member who is serving a term of imprisonment.

(2) A member who has been interdicted and who is subsequently found not guilty shall receive such salary, if any, as may have been withheld during his interdiction.

Absence without leave.

16. A member who is absent from duty without leave shall receive no salary for the period of such absence.

Proof of criminal offence.

17. Where the disciplinary offence charged is that the member has been convicted of a criminal offence it shall not be necessary to prove such offence before the disciplinary authority and it shall suffice if the fact of such conviction is proved.

Punishments.

18. On conviction of a disciplinary offence a member may be punished by–

- (a) dismissal;
- (b) termination of service in the public interest;
- (c) reduction in rank not exceeding two ranks;
- (d) fine not exceeding £25;
- (e) reprimand;
- (f) caution.

Forfeiture of retiring allowance.

19. A member who is dismissed forfeits all claim to a pension, gratuity or other retiring allowance.

Colonial Regulations and General Orders.

20. These Regulations shall be in addition to and not in derogation of Colonial Regulations and General Orders of the Government and in particular senior officers shall be dealt with under such Regulations and Orders.

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SCHEDULE

Regulation 2

OFFENCES AGAINST DISCIPLINE.

1. Disobeying, or without sufficient cause failing to carry out, any lawful order, whether in writing or not.
2. Insubordination by word or act.
3. Abuse of authority by oppressive conduct.
4. Neglect of duty in—
 - (a) without sufficient cause failing to attend to, or carry out, duty promptly and diligently;
 - (b) by carelessness or neglect suffering any loss, damage or injury to occur to any person or property;
 - (c) without permission or sufficient cause leaving a place of duty;
 - (d) failing to report any matter which there is a duty to report; or
 - (e) failing to make an entry, which there is a duty to make, in any book or document.
5. Knowingly making any false or misleading statement, whether in writing or not, in the course of his duties as a member of the Brigade.
6. Destroying or mutilating any official book or document or altering or erasing any entry therein.
7. Breach of confidence in divulging any matter which there is a duty to keep secret.
8. Improperly using one's position as a member of the Brigade for private advantage.
9. Failing to account for, or to make a prompt and true return of, any money or property which comes into a member's possession in the course of his duties.
10. Absence without reasonable excuse from duty or lateness for any parade, drill, or other attendance.

11. Failing to report any damage to or loss of any article of clothing or personal equipment or any property of the Brigade however caused.

12. Wilfully or negligently damaging any article of clothing or personal equipment or of any property or piece of equipment of the Brigade or failing to take proper care thereof.

13. When on duty or liable to be called upon for duty, being unfit for duty through drink.

14. Discreditable or disorderly conduct in–

- (a) acting in a disorderly manner or in any manner prejudicial to discipline;
- (b) while on duty or while off duty in uniform in a public place, being dirty or untidy in person, clothing or personal equipment; or
- (c) acting in a manner likely to bring discredit on the reputation of the Brigade.