



Jersey

FIRE AND RESCUE SERVICE (JERSEY) LAW 2011

Official Consolidated Version

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FIRE AND RESCUE SERVICE (JERSEY) LAW 2011

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FIRE AND RESCUE SERVICE (JERSEY) LAW 2011

A LAW to replace the Fire Service (Jersey) Law 1959, to continue to provide for the States of Jersey Fire and Rescue Service; to provide for the better protection of life, property and the environment against fire and emergencies arising from other causes, and for related matters.

Commencement [\[see endnotes\]](#)

PART 1

INTRODUCTORY PROVISIONS

1 Interpretation

In this Law, unless the context otherwise requires –

“Airport Rescue and Firefighting Service” means the fire and rescue service maintained at Jersey Airport;

“Chief Fire Officer” means the Chief Fire Officer of the States of Jersey Fire and Rescue Service;

“emergency” means –

- (a) an event or situation that causes or is likely to cause a person to die, to be seriously injured or to become seriously ill;
- (b) an event or situation that causes or is likely to cause serious damage to property; or
- (c) an event or situation that causes or is likely to cause serious harm to the environment;

“environment” includes the marine environment;

“firefighter” means –

- (a) the Chief Fire Officer; or

- (b) a States' employee within the meaning of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) who is employed in the Fire and Rescue Service as a firefighter;

“functions” includes powers and duties;

“harm to the environment” includes harm to the life or health of plants or animals;

“highway” includes a road, as defined in Article 1(1) of the [Road Traffic \(Jersey\) Law 1956](#);

“humanitarian services” includes –

- (a) the rescue of persons;
- (b) assistance to persons to gain access to places; and
- (c) the provision of medical aid to persons,

otherwise than in cases of emergency, and also includes the rescue of animals;

“low water mark” means the mean low water mark (*chart datum*);

“Minister” means the Minister for Home Affairs;

“provision” means provision that is effective, efficient and economical;

“States of Jersey Fire and Rescue Service” and “Fire and Rescue Service” mean the States of Jersey Fire and Rescue Service to which Article 3 refers;

“technical fire safety advice” means specific technical advice about –

- (a) the prevention of fires and the restriction of their spread in buildings and other property;
- (b) means of escape from buildings and other property in case of fire; or
- (c) compliance with the [Fire Precautions \(Jersey\) Law 1977](#),

and also means the provision of technical assistance in connection with that advice;

“Waterworks Company” means the Jersey New Waterworks Company Limited.¹

2 Administration of Law

The Minister for Home Affairs shall be responsible for the administration of this Law.

PART 2

THE STATES OF JERSEY FIRE AND RESCUE SERVICE

3 Constitution of the Fire and Rescue Service

- (1) There shall continue to be a service called the States of Jersey Fire and Rescue Service.
- (2) The Fire and Rescue Service is the same service as that established by Article 2 of the Fire Service (Jersey) Law 1959.
- (3) From the commencement of this Law, the Fire and Rescue Service shall be constituted by –

- (a) the person who is for the time being employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as the Chief Fire Officer of the Service; and
 - (b) those States' employees within the meaning of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) who are for the time being employed for the purposes of the Service.
- (4) The Fire and Rescue Service is responsible to the Minister –
- (a) for the carrying out of those matters that the Minister must or may make provision for or undertake under this Law, the [Fire Precautions \(Jersey\) Law 1977](#) or any other enactment; and
 - (b) for the carrying out of such other functions as the Service or a member of the Service has under any enactment to which sub-paragraph (a) refers.

4 Chief Fire Officer

The Chief Fire Officer shall be the head of the Fire and Rescue Service, and is responsible to the Minister for its effective, efficient and economical operation.

5 Acting Chief Fire Officer

- (1) The Minister shall appoint an officer of the Fire and Rescue Service to act as the Chief Fire Officer during –
 - (a) the temporary absence or incapacity of the Chief Fire Officer; or
 - (b) a vacancy in the office of Chief Fire Officer.
- (2) An officer appointed under paragraph (1) has, while so acting, the functions of the Chief Fire Officer under this Law and any other enactments.

PART 3

FIRE AND RESCUE FUNCTIONS

6 Promotion of fire safety

- (1) The Minister shall make provision for the purposes of promoting fire safety in Jersey.
- (2) In making provision under paragraph (1), the Minister shall in particular, to the extent that he or she considers it reasonable to do so, make arrangements for –
 - (a) the provision of general information and publicity, and encouragement, in respect of the steps to be taken to prevent fires and death or injury, or damage to property, by fire;
 - (b) the giving of general advice for community and domestic purposes, on request, about the prevention of fires and the restriction of their spread in buildings and other property;

- (c) the giving of general advice for community and domestic purposes, on request, about means of escape from buildings and other property in case of fire; and
- (d) the provision of technical fire safety advice for any commercial, trade, professional or public purpose.

7 Maintenance of firefighting capability

- (1) The Minister shall make provision for the purposes of –
 - (a) extinguishing fires; and
 - (b) protecting life and property in the event of fire.
- (2) The Minister's duty under paragraph (1) is to do so in respect of fire occurring in Jersey above the low water mark.

8 Road traffic accidents

The Minister shall make provision for the purposes of –

- (a) rescuing people in the event of road traffic accidents in Jersey; and
- (b) protecting people from serious harm, to the extent that he or she considers it reasonable to do so, in the event of road traffic accidents in Jersey.

9 Rescues from dangerous places

- (1) The Minister shall make provision for the purposes of rescuing people from dangerous places.
- (2) The Minister's duty under paragraph (1) is to do so in respect of rescues beginning above the low water mark in Jersey.

10 Other emergencies

The Minister may make provision in respect of emergencies (other than those arising in circumstances to which Articles 7 to 9 already refer) that are of any kind specified in an Order made by the Minister.

11 Humanitarian services

The Minister may make provision in respect of humanitarian services (other than those arising in circumstances to which Articles 7 to 10 already refer) of any kind specified in an Order made by the Minister.

12 Delivery of services

In making provision under Articles 6 to 11, the Minister shall in particular –

- (a) secure the provision of the personnel, services, buildings and equipment necessary for the Fire and Rescue Service to meet all normal requirements;

- (b) secure the provision of training for personnel of the Service;
- (c) make arrangements to enable the Service to deal with calls for help and for summoning personnel;
- (d) make arrangements for securing the cooperation of the Airport Rescue and Firefighting Service when required to ensure the performance of the Minister's functions under this Law;
- (e) make arrangements to enable information needed for the purposes mentioned in Articles 6 to 11 to be obtained; and
- (f) make arrangements for ensuring that reasonable steps are taken so as to prevent or limit damage to property resulting from action taken for the purposes mentioned in Articles 7 to 11.

13 Other events and situations

- (1) The Chief Fire Officer may take any action that he or she considers appropriate in response to –
 - (a) an event or a situation that causes or is likely to cause a person to die, to be injured or to become ill;
 - (b) an event or situation that causes or is likely to cause damage to property; or
 - (c) an event or a situation that causes or is likely to cause harm to the environment.
- (2) An action taken under paragraph (1) includes –
 - (a) any action for the purpose of enabling action to be taken in response to an event or situation of the kind mentioned in paragraph (1); and
 - (b) an action to secure the provision of equipment.
- (3) An action –
 - (a) may be taken under paragraph (1) for a purpose even though that purpose is not mentioned in any of Articles 7 to 11;
 - (b) in an area of the sea; or
 - (c) outside Jersey, in support of a reinforcement scheme made by the Minister under Article 14, or otherwise in support of another fire service or fire and rescue service that is outside Jersey.

14 Reinforcement schemes

- (1) The Minister may enter into a reinforcement scheme with an authority (by whatever name it is called) that performs in another place or area in the British Islands any functions that are equivalent to or of the same kind as those of the Minister or the States of Jersey Fire and Rescue Service under this Law.
- (2) A reinforcement scheme is a scheme for ensuring that assistance may be provided between the Minister and an overseas fire authority, so as to enable the Minister and the Fire and Rescue Service, and the other fire authority and its service, to perform their functions.

- (3) A reinforcement scheme may make provision for apportioning between the Minister and an overseas fire authority any expenses incurred in taking measures to secure the operation of the scheme.
- (4) A reinforcement scheme may include provision for an overseas fire authority, at the request of the Minister, to place members of the overseas fire authority's service at the Minister's disposal for the purpose of enabling the States of Jersey Fire and Rescue Service to meet any special demand on its resources.
- (5) A member of the fire and rescue service of an overseas fire authority serving a period of duty in Jersey under a reinforcement scheme made under paragraph (1) shall, during that period –
 - (a) be subject to the authority and under the control of the Chief Fire Officer; and
 - (b) if the member performs the functions of a firefighter in the service of the overseas fire authority, carry out the duties and have the powers of a firefighter under this Law.
- (6) Any reference in this Law or any other enactment to a firefighter or other member of the States of Jersey Fire and Rescue Service shall include a reference to a firefighter or other member of the service of an overseas fire authority serving a period of duty in Jersey under a reinforcement scheme made under paragraph (1).
- (7) In this Article –
 - (a) “overseas fire authority” means an authority to which paragraph (1) refers; and
 - (b) a reference to the service of an overseas fire authority means the fire service, or the fire and rescue service, (by whatever name it is called) that is provided by that authority for its place or area.

15 Ability to charge

- (1) The Minister may by Order specify actions taken under this Law, or under any other enactment, for which the Chief Fire Officer may (if the latter thinks fit) charge a person.
- (2) An Order under paragraph (1) may be made for, but only for, actions of the following kinds taken by or on behalf of the Fire and Rescue Service –
 - (a) the provision of technical fire safety advice;
 - (b) anything done or provided under Article 11;
 - (c) anything done or provided under Article 13; or
 - (d) responding to an automatic fire alarm, where it operates because of a malfunction and there is not an emergency at the place concerned.
- (3) An Order under paragraph (1) may –
 - (a) specify the classes of person in relation to whom charges may be made;
 - (b) prescribe the amounts or rates of charges; and
 - (c) specify exemptions from charges.

- (4) An Order under paragraph (1) may authorize a charge to be imposed on or recovered from –
 - (a) a person causing the incident that gives rise to the action taken;
 - (b) in the case of a person under full age in respect of whom the action is taken, the person's parent or guardian; or
 - (c) in the case of a person under disability in respect of whom the action is taken, a person having the care of the person under disability,but this paragraph does not limit either of paragraphs (1) and (3).
- (5) The Chief Fire Officer may not impose a charge on a person in relation to the taking of an action unless the person has been informed, before the taking of the action, of the charge that may be imposed on him or her if the action is taken.
- (6) A charge that is imposed by the Chief Fire Officer under this Article shall be recoverable in any court of competent jurisdiction as a civil debt due and payable to the States.
- (7) The Minister may in any particular case, by a statement in writing that sets out his or her reasons for doing so, waive the payment by a person of a charge.

16 Person in charge at fire

- (1) At a fire, the senior firefighter present shall have the sole charge and control of all operations for the extinguishing of the fire.
- (2) The operations mentioned in paragraph (1) include, but are not limited to –
 - (a) the fixing of the positions of fire engines and apparatus;
 - (b) the attaching of hoses to any water pipes or the use of any water supply; and
 - (c) the selection of the parts of the premises, object or place where the fire is, or of adjoining premises, objects or places, against which the water is to be directed.
- (3) Where the senior firefighter present at the fire is a member of the Fire and Rescue Service, he or she –
 - (a) may delegate the sole charge and control of operations to any other firefighter who is present; and
 - (b) may at any time revoke the delegation.
- (4) In this Article, the expression “senior firefighter present”, in relation to any fire –
 - (a) if sub-paragraph (b) does not apply, means the senior firefighter of the Fire and Rescue Service present at the fire, or the firefighter to whom he or she has for the time being under paragraph (3) delegated charge and control of operations; or
 - (b) if any arrangements for cooperation with the Airport Rescue and Firefighting Service provide that any other person shall have charge of the operations, means that other person.

17 Power of firefighters in an emergency or similar situation

- (1) A firefighter, any member of the Airport Rescue and Firefighting Service who is acting in pursuance of any arrangements made under this Law, or a police officer may, if he or she reasonably believes a fire to have broken out, or to be about to break out, do anything he or she reasonably believes to be necessary for the purpose of –
 - (a) extinguishing or preventing the fire or protecting life or property; or
 - (b) preventing or limiting damage to property resulting from action taken for the purposes mentioned in sub-paragraph (a).
- (2) A firefighter may do any of the following things –
 - (a) if he or she reasonably believes a road traffic accident to have occurred, do anything he or she reasonably believes to be necessary for the purpose of rescuing people or protecting them from serious harm;
 - (b) if he or she reasonably believes that a person in a dangerous place needs to be rescued, do anything the firefighter reasonably believes to be necessary for the purpose of rescuing the person or protecting the person from serious harm;
 - (c) if he or she reasonably believes that an emergency to which an Order under Article 10 relates has occurred, do anything he or she reasonably believes to be necessary for the purpose of discharging the functions of the Minister in respect of that emergency, as specified in the Order;
 - (d) if he or she reasonably believes that an event or situation of a kind referred to in Article 13 has arisen, do anything he or she reasonably believes to be necessary for the purpose of discharging the functions of the Chief Fire Officer in respect of that event or situation; and
 - (e) do anything he or she reasonably believes to be necessary for the purpose of preventing or limiting damage to property resulting from action taken as mentioned in sub-paragraphs (a) to (d).
- (3) Without limiting the generality of paragraphs (1) and (2), the things that a person may do under either of those paragraphs include –
 - (a) entering any premises or place, by force if necessary, without the consent of the owner or occupier of the premises or place;
 - (b) moving or breaking into a vehicle or vessel without the consent of the owner;
 - (c) closing a highway;
 - (d) stopping and otherwise regulating traffic;
 - (e) for the purposes of closing a highway, or stopping and otherwise regulating traffic, prohibiting persons from doing things or requiring them to do things;
 - (f) prohibiting persons from entering any premises or place; and
 - (g) requiring persons to leave any premises or place.
- (4) Paragraph (1) does not authorize a person to do any act or make any omission in contravention of Article 17(1) of the [Water Pollution \(Jersey\) Law 2000](#), except in circumstances that constitute under either of paragraphs (4) and (6) of Article 18 of that Law a defence to an offence under Article 17(1) of that Law.

18 Powers of firefighter to obtain information and conduct investigations

- (1) A firefighter may, at any reasonable time, enter premises –
 - (a) for the purpose of obtaining information needed for the discharge of the functions to which any of Articles 7 to 11 refers; or
 - (b) if there has been a fire in the premises, for the purpose of investigating what caused the fire or why it progressed as it did.
- (2) A firefighter may not, under paragraph (1) –
 - (a) enter premises by force; or
 - (b) demand admission as of right to premises occupied as a private dwelling, unless at least 24 hours' notice in writing has first been given to the occupier of the dwelling.
- (3) A notice may be given under paragraph (2) to an occupier –
 - (a) by delivering it to the occupier; or
 - (b) by leaving it for the occupier at the dwelling.
- (4) A firefighter may not for the purpose mentioned in paragraph (1)(b) enter as of right premises in which there has been a fire, if –
 - (a) the premises are unoccupied;
 - (b) the premises were occupied as a private dwelling immediately before the fire; and
 - (c) the person who was then the occupier is not deceased, unless 24 hours' notice in writing has first been given to the person.
- (5) A notice may be given under paragraph (4) to a person who was an occupier –
 - (a) by delivering it to the person;
 - (b) by leaving it for the person at any address that the person has given for the purposes of a notice under that paragraph; or
 - (c) if no such address has been given, by leaving it at the last known address of the person.
- (6) A firefighter exercising a power of entry under paragraph (1) shall, if requested to do so by an occupier of the premises, produce evidence of his or her identity as a firefighter –
 - (a) before entering the premises; or
 - (b) at any time before leaving the premises.

19 Warrant for entry of premises

- (1) A firefighter may apply to the Bailiff or a Jurat for a warrant under this Article if he or she considers it necessary to enter premises for a purpose mentioned in Article 18 but he or she is unable to do so, or considers that he or she is likely to be unable to do so, otherwise than by force.
- (2) If, on an application under paragraph (1), the Bailiff or Jurat is satisfied by information on oath –

- (a) that it is necessary for the firefighter to enter the premises for the purpose to which the application relates; and
 - (b) that the firefighter is unable to do so, or is likely to be unable to do so, otherwise than by force,
- the Bailiff or Jurat may issue a warrant authorizing the firefighter to enter the premises by force at any reasonable time.
- (3) A firefighter may apply to the Bailiff or a Jurat for a warrant under this Article if he or she considers it necessary to enter a dwelling for a purpose mentioned in Article 18(1) without giving notice as required by paragraph (2) or paragraph (4) of that Article.
 - (4) If, on an application under paragraph (3), the Bailiff or Jurat is satisfied by information on oath that it is necessary for the firefighter to enter the dwelling for the purpose to which the application relates without giving notice as required by paragraph (2) or paragraph (4) of Article 18, the Bailiff or Jurat may issue a warrant authorizing the firefighter to enter the premises under that Article at any time, by force if necessary.
 - (5) A firefighter exercising a power of entry under a warrant issued under this Article shall, if so required, produce evidence of his or her identity as a firefighter, and the warrant –
 - (a) before entering the premises; or
 - (b) at any time before leaving the premises.

20 Supplementary powers of firefighter

- (1) If a firefighter exercises a power of entry under Article 18 for the purpose mentioned in paragraph (1)(a) of that Article, he or she may –
 - (a) take with him or her any other persons, and any equipment, that he or she considers necessary; and
 - (b) require any person present on the premises to provide the firefighter with any facilities, information, documents or records, or other assistance that he or she may reasonably request.
- (2) If a firefighter exercises a power of entry under Article 18 for the purpose mentioned in paragraph (1)(b) of that Article, he or she may –
 - (a) take with him or her any other persons, and any equipment, that he or she considers necessary;
 - (b) inspect and copy any documents or records on the premises or remove them from the premises;
 - (c) carry out any inspections, measurements and tests in relation to the premises, or to an article or substance found on the premises, that he or she considers necessary;
 - (d) take samples of an article or substance found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation;
 - (e) dismantle an article found on the premises, but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation;

- (f) take possession of an article or substance found on the premises and detain it for as long as is necessary for any purpose to which paragraph (3) refers; and
 - (g) require a person present on the premises to provide the firefighter with any facilities, information, documents or records, or other assistance, that he or she may reasonably request.
- (3) The purposes to which this paragraph refers are –
 - (a) to examine the article or substance and do anything he or she may do under the power to which either of sub-paragraphs (c) and (e) of paragraph (2) refers;
 - (b) to ensure that it is not tampered with before his or her examination of it is completed; and
 - (c) to ensure that it is available for use as evidence in proceedings for an offence relevant to the investigation.
- (4) If a firefighter exercises the power to which paragraph (2)(d) refers, he or she shall –
 - (a) leave a notice at the premises (either with a responsible person or, if that is impracticable, fixed in a prominent position at the premises) giving particulars of the article or substance and stating that he or she has taken a sample of it; and
 - (b) if it is practicable to do so, give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.
- (5) If a firefighter exercises the power to which paragraph (2)(f) refers, he or she shall leave a notice at the premises (either with a responsible person or, if that is impracticable, fixed in a prominent position at the premises) giving particulars of the article or substance and stating that he or she has taken possession of it.
- (6) If, in the exercise of any power under Article 18, a firefighter enters premises –
 - (a) that are unoccupied; or
 - (b) from which the occupier is temporarily absent,the firefighter shall, on his or her departure, leave the premises as effectively secured against unauthorized entry as he or she found them.

PART 4

WATER SUPPLY

21 Supply of water for firefighting

- (1) The Minister shall take all reasonable measures for ensuring the provision of an adequate supply of water for use in case of fire.
- (2) For the purposes of this Article, the Minister may enter into an agreement with the Waterworks Company for the taking by the Company, on the terms as to payment or otherwise that may be specified in the agreement, of the measures specified in the agreement for securing that an adequate supply of water shall be available in case of fire.

- (3) For the purposes of extinguishing fires, the Waterworks Company shall permit any person to take, without payment, water from any hydrant under its control.
- (4) The Minister shall have power –
 - (a) to secure, by agreement with a person other than the Waterworks Company who has control of water, the use of the water in case of fire;
 - (b) to improve access to any water; and
 - (c) to lay and maintain pipes and to carry out other works in connection with the use, in case of fire, of water of which a person other than the Waterworks Company has control.
- (5) The Fire and Rescue Service may also use for firefighting purposes any other convenient and suitable supply of water, but the Minister shall be liable to pay reasonable compensation for it.
- (6) The Waterworks Company shall not be liable for any claim by reason of the interruption of the supply of water that arises only by compliance of the Company with a request by the senior firefighter present (within the meaning of Article 16), to provide a greater supply and pressure of water for extinguishing a fire.

22 Provision of fire hydrants

- (1) The Chief Fire Officer may make arrangements with the Waterworks Company –
 - (a) for fire hydrants of a pattern approved by the Chief Fire Officer to be fixed on its mains (other than trunk mains); and
 - (b) for such hydrants to be kept in good order and to be renewed when required.
- (2) The Chief Fire Officer shall cause the situation of every fire hydrant provided by the Waterworks Company to be plainly indicated by a notice or distinguishing mark.
- (3) The notice or distinguishing mark may be placed on a street, or on any wall or fence adjoining a street or public place.
- (4) If a fire hydrant is damaged as the result of any use made of it with the authority of the Waterworks Company (not being any use for firefighting purposes or for any other purposes of the Fire and Rescue Service), the Minister shall not be liable for the cost of repairing or replacing the hydrant incurred as the result of the damage.

23 Notice of works affecting water supply and fire hydrants

- (1) If the Waterworks Company, or a person providing services to the Waterworks Company under a contract for services, proposes to carry out works for the purpose of supplying water to any part of Jersey, the Waterworks Company or person (as the case may be) shall give at least 30 days' notice in writing to the Chief Fire Officer.
- (2) If the Waterworks Company, or a person providing services to the Waterworks Company under a contract for services, proposes to carry out works affecting a fire hydrant, the Waterworks Company or person (as the case may be) shall give at least 3 days' notice in writing to the Chief Fire Officer.

- (3) If it is not practicable for the Waterworks Company or a person to give notice as required by paragraph (1) or paragraph (2), the Waterworks Company or person shall be taken to have complied with the requirement if the notice is given as soon as practicable.

PART 5

OFFENCES

24 Default in respect of water supply

- (1) If the Waterworks Company contravenes Article 21(3), it shall be guilty of an offence and liable to a fine of level 3 on the standard scale.²
- (2) If the Waterworks Company or any other person, without reasonable excuse, contravenes either of paragraphs (1) and (2) of Article 23, the Company or the person (as the case may be) shall be guilty of an offence and liable to a fine of level 3 on the standard scale.³
- (3) The Waterworks Company does not commit an offence by contravening Article 21(3) if it is prevented from complying with that paragraph by reason of –
 - (a) frost, drought, unavoidable accident or other unavoidable cause; or
 - (b) the execution of necessary works.

25 Unauthorized disclosure of information

- (1) A person who, in the course of performing a function under this Law, obtains any information relating to a manufacturing process or trade secret shall not intentionally disclose that information, otherwise than in the performance of his or her duty, to any other person.
- (2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to 3 months' imprisonment and a fine of level 3 on the standard scale.

26 Obstructing persons exercising powers under this Law

A person who, without reasonable excuse, intentionally obstructs or interferes with a firefighter, a police officer, or an officer of the Airport Rescue and Firefighting Service, who is taking action authorized by any of Articles 17, 18 and 20 or by a warrant issued under Article 19 shall be guilty of an offence and liable to 3 months' imprisonment and a fine of level 3 on the standard scale.

27 Failing to obey prohibition or requirement

A person who, without reasonable excuse, fails to comply with –

- (a) a prohibition imposed under Article 17(3); or
- (b) a requirement made under Article 17(3) or under either of paragraphs (1) and (2) of Article 20,

shall be guilty of an offence and liable to a fine of level 3 on the standard scale.

28 Misuse of fire hydrants and signs

- (1) Any person who uses a fire hydrant otherwise than for –
 - (a) firefighting purposes;
 - (b) any other purposes of the Fire and Rescue Service or the Airport Rescue and Firefighting Service; or
 - (c) any purpose authorized by the Waterworks Company,or who damages or obstructs any fire hydrant otherwise than in consequence of its use for any such purpose, shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (2) Any person who damages, or without lawful authority removes, any notice or distinguishing mark placed in accordance with Article 22(2), shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

29 False alarms

Any person who knowingly gives or causes to be given a false alarm of fire to the Fire and Rescue Service or the Airport Rescue and Firefighting Service or any officer of either of them, shall be guilty of an offence and liable to imprisonment for a term of 3 months and to a fine of level 3 on the standard scale.

30 Fires that are not accidental

- (1) A person who, being the owner of any material to which this Article applies, sets fire to it and, by reason of the spread of the fire, causes damage to the property of another person, shall be guilty of an offence and liable to a fine of level 3 on the standard scale.⁴
- (2) It is a defence to a charge of an offence under paragraph (1) if the defendant proves that he or she took all reasonable precautions to prevent the fire from spreading.
- (3) Any person who maliciously sets fire to any material to which this Article applies that is the property of another person shall be guilty of an offence and liable to imprisonment for a term of 10 years and to a fine.
- (4) The materials to which this Article applies are any crops (whether standing or cut down) bracken, gorse, grass, heather, leaves, woodland, stack of cultivated produce, building, machinery, goods, aircraft, vehicle or vessel.

31 Criminal liability of directors and similar officers

- (1) This Article applies if an offence under any of Articles 24, 27 and 28 committed by a body corporate or by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of –
 - (a) a person who is a director, manager, secretary or other similar officer of the body corporate, or a partner of the partnership; or
 - (b) a person purporting to act in any such capacity.
- (2) The person –

- (a) shall also be guilty of the offence; and
 - (b) shall be liable in the same manner as the body corporate or the partnership to the penalty provided for the offence.
- (3) If the affairs of a body corporate are managed by its members, this Article applies in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

PART 6

OTHER PROVISIONS

32 Transitional provisions

From the commencement of Article 3 of this Law, and subject to the provisions of this Law –

- (a) the person who immediately before the commencement of that Article was employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as the Chief Fire Officer of the Fire and Rescue Service shall continue to be the Chief Fire Officer of the Service, on the same terms and conditions as he or she was then employed;
- (b) any person who immediately before the commencement of that Article was employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#) as a fire service officer of the Service shall continue to be a member of the Service, on the same terms and conditions as he or she was then employed; and
- (c) if a fire service officer to whom paragraph (b) of this Article refers was so employed as a firefighter, he or she shall be taken to be employed under this Law as a firefighter.

33 Amendments to other enactments

In every other enactment, unless the context otherwise requires –

- (a) every reference to the States of Jersey Fire Service shall be construed as a reference to the States of Jersey Fire and Rescue Service; and
- (b) every reference to the States of Jersey Airport Fire Service shall be construed as a reference to the States of Jersey Airport Rescue and Fire Service.

34 Citation

This Law may be cited as the Fire and Rescue Service (Jersey) Law 2011.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Fire and Rescue Service (Jersey) Law 2011	L.26/2011	1 March 2012 (R&O.27/2012)
Air and Sea Ports Incorporation (Transfer) (Jersey) Regulations 2015	R&O.106/2015	30 September 2015
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)

Table of Renumbered Provisions

Original	Current
33	Spent, omitted
34(1)	Spent, omitted
34(2)	33
35(1)	34
35(2)	Spent, omitted
Schedule	Spent, omitted

Table of Endnote References

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- ¹ Article 1 amended by R&O.106/2015
² Article 24(1) amended by L.1/2016
³ Article 24(2) amended by L.1/2016
⁴ Article 30(1) amended by L.1/2016