



LAWS OF MALAYSIA

Act A1568

FIRE SERVICES (AMENDMENT) ACT 2018

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LAWS OF MALAYSIA

Act A1568

FIRE SERVICES (AMENDMENT) ACT 2018

An Act to amend the Fire Services Act 1988.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Fire Services (Amendment) Act 2018.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of long title

2. The Fire Services Act 1988 [*Act 341*], which is referred to as the “principal Act” in this Act, is amended by inserting after the words “property from fire risks” the words “or emergencies”.

Amendment of section 2**3. Section 2 of the principal Act is amended—**

(a) in the definition of “fire-fighting equipment or fire safety installation”—

(i) in paragraph (f), by deleting the word “or” at the end of the paragraph;

(ii) in paragraph (g), by inserting after the semicolon at the end of the paragraph the word “or”; and

(iii) by inserting after paragraph (g) the following paragraph:

“(h) controlling the spread of smoke resulting from a fire;”;

(b) by inserting after the definition of “fire-fighting equipment or fire safety installation” the following definition:

“ “vehicle” has the meaning assigned to it in the Road Transport Act 1987 [Act 333];”;

(c) by inserting after the definition of “notice” the following definition:

“ “Voluntary Fire Brigade” means a Voluntary Fire Brigade established under section 4B;”;

(d) in the definition of “Senior Fire Officer”, by substituting for the words “Assistant Superintendent” the words “Assistant Fire Superintendent”;

(e) by inserting after the definition of “owner” the following definition:

“ “Registrar” means the Director General;”;

(f) in the definition of “special duty”, by substituting for the words “authorized officer” the words “Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer”.

Amendment of section 3

4. Section 3 of the principal Act is amended—

- (a) in subsection (2), by deleting the words “Assistant Directors General of Fire and Rescue,”;
- (b) in subsection (4), by deleting the words “, Assistant Director General,”;
- (c) in subsection (6), by substituting for the words “and Auxiliary Fire Officers” the words “, Auxiliary Fire Officers and Voluntary Fire Officers”; and
- (d) by inserting after subsection (6) the following subsection:

“(7) The Minister may, by order published in the *Gazette*, amend the Second Schedule.”.

Amendment of section 4

5. Section 4 of the principal Act is amended—

- (a) in the shoulder note, by deleting the words “**Appointment of**”; and
- (b) by inserting after subsection (1) the following subsection:

“(1A) The Director General may promote an Auxiliary Fire Officer.”.

New sections 4A, 4B, 4C and 4D

6. The principal Act is amended by inserting after section 4 the following sections:

“Voluntary Fire Officers

4A. (1) The Director General may, with the concurrence of the Minister, appoint such number of Voluntary Fire Officers on such terms and conditions as may be prescribed.

(2) The Director General may promote a Voluntary Fire Officer.

(3) The Director General may terminate the appointment made under subsection (1).

(4) Voluntary Fire Officers shall not be paid any remuneration other than such allowances as the Minister may, with the concurrence of the Minister of Finance, prescribe.

(5) Voluntary Fire Officers shall be subject to the immediate control and direction of the Director General.

Establishment of Voluntary Fire Brigade

4B. (1) A Voluntary Fire Brigade consisting of at least two Voluntary Fire Officers may apply to be registered with the Registrar.

(2) The Registrar may, after considering the application under subsection (1), approve or reject the application.

(3) The Registrar shall, when approving the registration of the Voluntary Fire Brigade, assign a fire cover to the Voluntary Fire Brigade.

(4) For the purpose of this section, “fire cover” means an area where rescue and support is made available in the event of a fire.

Registrar, Deputy Registrar and Assistant Registrar

4C. (1) The Registrar shall maintain a register of Voluntary Fire Officers and a register of Voluntary Fire Brigades.

(2) The register shall contain—

- (a) the names and any other particulars as required by the Registrar of every Voluntary Fire Officer appointed and every Voluntary Fire Brigade registered and their fire cover; and

(b) the names and any other particulars as required by the Registrar of every Voluntary Fire Officer whose appointment has been terminated and every Voluntary Fire Brigade whose registration has been cancelled.

(3) The Registrar may appoint a Deputy Registrar and such number of Assistant Registrars from amongst the Fire Officers who shall be subject to the direction and control of the Registrar.

(4) The Registrar shall have the powers and exercise the functions conferred on him by this Act, and in his absence such powers and functions may be exercised by the Deputy Registrar.

(5) The Deputy Registrar or the Assistant Registrar may exercise all the powers and functions conferred on the Registrar by or under this Act, subject to any restriction that may be imposed by the Registrar.

Appeal

4D. Where an appointment of an Auxiliary Fire Officer or a Voluntary Fire Officer is terminated by the Director General, an appeal may be made to the Minister, as prescribed.”.

Amendment of section 6

7. Subsection 6(1) of the principal Act is amended by substituting for the words “and Auxiliary Fire Officer” the words “, Auxiliary Fire Officer and Voluntary Fire Officer”.

New sections 7A and 7B

8. The principal Act is amended by inserting after section 7 the following sections:

“Conferment of medal or honorary rank

7A. The Director General may determine matters relating to the conferment of medal or honorary rank to any person as he deems fit.

Standing orders

7B. The Director General may issue standing orders for the general control, direction and information of Fire Officers, Auxiliary Fire Officers and Voluntary Fire Officers under this Act.”.

Amendment of section 18

9. Section 18 of the principal Act is amended—

(a) in the shoulder note, by inserting after the words “**Fire Officers**” the words “**or Auxiliary Fire Officers**”;

(b) in subsection (1)—

(i) by inserting after the words “Fire Officer” the words “or an Auxiliary Fire Officer”;

(ii) in paragraph (e), by substituting for the full stop at the end of the paragraph a semicolon; and

(iii) by inserting after paragraph (e) the following paragraphs:

“(f) remove or direct the transfer of flammable, explosive or hazardous material within or in the vicinity of the premises;

(g) shut off or disconnect or direct any person having the control thereof to shut off or disconnect any energy supply including gas supply, fuel supply or electricity supply within or in the vicinity of the premises; and

(h) remove, by force if necessary, any vehicles or objects obstructing the operations of the Fire and Rescue Department.”; and

(c) by inserting after subsection (2) the following subsection:

“(3) For the purpose of paragraph (1)(e), no payment shall be imposed by any person or water authority on the Fire and Rescue Department for the use of water in carrying out their duties under this Act.”.

New section 18A

10. The principal Act is amended by inserting after section 18 the following section:

“Power to obtain information

18A. (1) For the purpose of paragraph 5(1)(b), a Fire Officer may, by notice in writing served on a person, require the person—

(a) to provide all information relating to the fire; and

(b) to appear before a Fire Officer to give an oral statement and a Fire Officer shall, as soon as practicable, reduce the oral statement in writing.

(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.”.

Amendment of section 20

11. Section 20 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**and Auxiliary Fire Officers**” the words “**, Auxiliary Fire Officers and Voluntary Fire Officers**”; and

(b) by substituting for the words “or Auxiliary Fire Officer” the words “**, Auxillary Fire Officer or Voluntary Fire Officer**”.

New section 27A

12. The principal Act is amended by inserting after section 27 the following section:

“Fire safety organization in designated premises

27A. (1) The owner, occupier or person having the overall management of the designated premises shall establish a fire safety organization.

(2) Any owner, occupier or person having the overall management of the designated premises who fails to comply with subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.”.

Amendment of section 29

13. Section 29 of the principal Act is amended—

- (a) in subsection (4), by substituting for the words “life safety, fire prevention, fire protection and fire-fighting facilities, as the case may be,” the words “fire-fighting equipment or fire safety installation”; and
- (b) in subsection (5), by substituting for the word “facilities” the words “fire-fighting equipment or fire safety installation”.

Amendment of section 32

14. Section 32 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “**life safety facilities, etc.**” the words “**fire-fighting equipment or fire safety installation**”;
- (b) in subsection (1), by substituting for the words “life safety, fire prevention, fire protection and fire-fighting facilities” the words “fire-fighting equipment or fire safety installation”;

(c) in subsection (3)—

- (i) in the English language text, by substituting for the word “facilities” wherever appearing the words “fire-fighting equipment or fire safety installation”; and
- (ii) in the national language text, by substituting for the words “kemudahan” and “kelengkapan”, respectively the words “kelengkapan menentang kebakaran atau pemasangan keselamatan kebakaran”; and

(d) in subsection (4), by substituting for the word “facilities” wherever appearing the words “fire-fighting equipment or fire safety installation”.

Amendment of section 33

15. Section 33 of the principal Act is amended by inserting after the words “an offence” the words “and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both”.

Amendment of section 45

16. Section 45 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Fire Enquiry Commission”; and

(b) in subsection (1), by inserting after the words “any person or persons” the words “to form a commission and”.

Amendment of section 51

17. Section 51 of the principal Act is amended—

(a) in the shoulder note, by inserting after the words “**Fire Officers**” the words “, **Auxiliary Fire Officer or Voluntary Fire Officer**”;

- (b) by substituting for the words “or Auxiliary Fire Officer” the words “, Auxiliary Fire Officer or Voluntary Fire Officer”;
- (c) by substituting for the words “the officer-in-charge” the words “a Fire Officer”; and
- (d) by inserting after the words “shall be guilty of an offence” the words “and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.”.

Amendment of section 56

18. Section 56 of the principal Act is amended, by inserting after the words “an offence” the words “and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding three years or to both”.

New section 61A

19. The principal Act is amended by inserting after section 61 the following section:

“Duty to inform upon an outbreak of fire

61A. Upon an outbreak of fire on any premises, vehicle or vessel, the owner of the premises, vehicle or vessel, or the occupier or the person having the overall management of the premises, shall immediately inform the outbreak of a fire to the nearest fire station.”.

Amendment of section 62

20. Section 62 of the principal Act is amended—

- (a) in paragraph (1)(ca), by inserting after the word “establishment” the words “, duties and powers”;
- (b) in paragraph (1)(d), by inserting after the word “establishment” the words “, duties and powers”;

- (c) in paragraph (1)(e), by substituting for the words “and Auxiliary Fire Officers” the words “, Auxiliary Fire Officers and Voluntary Fire Officers”;
- (d) in paragraph (1)(f), by inserting after the words “Auxiliary Fire Officers” the words “and Voluntary Fire Officers”;
and
- (e) in subsection (2)—
 - (i) by substituting for the words “one thousand” the words “ten thousand”; and
 - (ii) by substituting for the words “six months” the words “three years”.

Substitution of Second Schedule

21. The principal Act is amended by substituting for the Second Schedule the following Schedule:

“SECOND SCHEDULE

[Subsection 3(6)]

(A) RANKS OF FIRE OFFICERS

(i) Fire Superintendent

Chief Fire Commissioner

Fire Commissioner

Deputy Fire Commissioner

Senior Assistant Fire Commissioner

Assistant Fire Commissioner

Senior Fire Superintendent I

Senior Fire Superintendent II

Fire Superintendent

(ii) Assistant Fire Superintendent

Deputy Fire Superintendent

Senior Assistant Fire Superintendent

Assistant Fire Superintendent

(iii) Fire Officers

Lead Fire Officer
Senior Fire Officer I
Senior Fire Officer II
Fire Officer

(B) RANKS OF AUXILIARY FIRE OFFICERS

Lead Auxiliary Fire Officer
Senior Auxiliary Fire Officer I
Senior Auxiliary Fire Officer II
Auxiliary Fire Officer

(C) RANKS OF VOLUNTARY FIRE OFFICERS

Lead Voluntary Fire Officer
Senior Voluntary Fire Officer I
Senior Voluntary Fire Officer II
Voluntary Fire Officer”.

Savings and transitional provisions

22. (1) Any Voluntary Fire Brigade which had been registered under the Societies Act 1966 [*Act 335*] shall, on the coming into operation of this Act, be deemed to have been registered under the principal Act as amended under this Act.

(2) All matters relating to the Voluntary Fire Brigade shall, on the coming into operation of this Act, be dealt with under the principal Act as amended by this Act.