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**THE TANA RIVER COUNTY FIRE AND RESCUE SERVICES
ACT, 2024**

No. 5 of 2024

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**THE TANA RIVER COUNTY FIRE AND RESCUE SERVICES
ACT, 2024**

AN ACT of the County Assembly of Tana River to make provision for fire and rescue services, to establish a Fire and Rescue Services Authority and its functions and powers; to make provision about employment by the Authority; to make provision about education and training and pension schemes; to make provision about the supply of water for fire fighting; and for connected purposes

ENACTED by the County Assembly of Tana River, as follows—

PART I—PRELIMINARY

Short title and Commencement

1. This Act may be cited as the Tana River County Fire and Rescue Services Act, 2024.

Interpretation

2. In this Act, unless the context otherwise requires—

“emergency” means an event or situation that causes or is likely to cause—

- (a) one or more individuals to die, be seriously injured or become seriously ill; or
- (b) serious harm to the environment and includes the life and health of plants and animals;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to fire and rescue services in the County;

“Director” means the Director responsible for Fire and Rescue Service appointed under this Act;

“Disaster” means a sudden calamitous event or a natural catastrophe that causes great change, destruction, loss of life or great misfortune or failure;

“equipment” means a vehicle, or any other apparatus, intended to be used by the Board in the performance of its functions;

“Fire and Rescue Services” includes the prevention, fighting and investigation of fires; and

“fire officer” means an employee of the fire and rescue services Authority.

Objects of the Act

3. The object of this Act is to establish a legal and institutional framework for the fire disaster management system that includes collaboration among the different players in the sector.

Guiding principles

4. In the performance of its functions or the exercise of the powers conferred under this Act, the Board shall—

- (a) adopt an inclusive multi-disciplinary and multi-sectoral approach in firefighting;
- (b) factor climate variations into fire and rescue services;
- (c) disseminate information on fire safety;
- (d) establish and encourage volunteer community fire fighters initiatives; and
- (e) be guided by the—
 - (i) national values and principles of governance set out by Article 10 of the Constitution; and
 - (ii) values and principles of public service set out by Article 232 of the Constitution.

PART II—ESTABLISHMENT AND COMPOSITION OF THE FIRE AND RESCUE SERVICE AUTHORITY

Establishment of the Authority

5. (1) There is established the Fire and Rescue Services Authority in the county.

(2) The Authority is a body corporate with perpetual succession and a common seal and is in its corporate name capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all such other things or acts as may be necessary in furtherance of its purpose and functions.

The Board

6. (1) there is established a board of the authority which shall consist of—

- (a) a non-executive Chairperson who shall be appointed by the Governor with approval of the County Assembly;
- (b) the County Executive Committee Member responsible for matters relating to Fire Prevention and Disaster;
- (c) the County Executive Committee Member in charge of Finance;
- (d) a person working in fire and rescue services in the public sector;
- (e) a person working in fire and rescue services in the private sector;
- (f) the Chief Inspector appointed pursuant to the provisions of the **Tana River County Inspectorate Services Act, 2024**;
- (g) a person from a medical association;
- (h) two representatives of the Kenya Red Cross; and
- (i) the Chief Executive Officer appointed under section 18 who shall be the Secretary of the Board.

(2) the appointment of the Board Members listed in sub-section (1) (d), (e), (f), (g) and (i) shall be done by the County Executive Committee Member and approved by the County Assembly.

Functions of the Board

7. The Board is responsible for overseeing the operations of the Authority with the goal of—

- (a) sourcing and receiving funding for the activities of the Authority;
- (b) securing continuing improvement of performance;
- (c) protecting the long term viability of the Authority;
- (d) ensuring that its financial needs are addressed; and
- (e) review the terms and conditions of service of the employees of the Authority.

Powers of the Board

8. (1) The Board has all powers necessary for the proper performance of its functions under this Act.

(2) Without prejudice to the generality of the foregoing, the Board has the power to—

- (a) receive any grants, gifts, donations or endowments and make legitimate disbursements there from;
- (b) delegate any of its powers; and
- (c) undertake any activity necessary for the fulfilment of any of the functions of the Board.

Procedure for appointment of members

9. The recruitment and appointment of the Board members listed in section 6 shall be carried out—

- (a) in a competitive and transparent manner;
- (b) based on merit; and
- (c) in line with the constitutional requirements for Public Service.

Qualifications for appointment of chairperson and members

10. A person is qualified for appointment as chairperson or member of the Board if such person—

- (a) is a Citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya; and
- (c) has at least five years experience in—
 - (i) the management of public affairs; or
 - (ii) a field that is relevant to the functions of the Board; and
- (d) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution.

Committees of the Board

11. (1) During its term, the Board may establish committees for the better carrying out of its functions.

(2) The Board may co-opt persons to committees established under sub-section (1) for a particular reason and such persons hold office for a period as the Board may determine.

(3) The persons co-opted under sub-section (2) shall not be more than two at any particular time.

Term of office

12. (1) The Chairperson and Board members shall hold office on a part-time basis for a term of three years and are eligible for re-appointment once.

(2) Where the Chairperson or a member of the Board opts to apply for re-appointment under sub-section (1), the re-appointment shall be considered based on the performance of the applicant.

Remuneration of members

13. The Board members shall be paid such allowances as the County Executive Committee Member, may from time to time, determine on the recommendation of the Salaries and Remuneration Commission.

Meetings

14. (1) The business and affairs of the Board shall be conducted in accordance with the First Schedule.

(2) Except as provided in the Schedule, the Board may regulate its own procedure.

(3) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but such person does not have a vote in any decision of the Board.

Removal from office

15. (1) The chairperson or a member of the Board may be removed from office by the appointing authority for—

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or negligence of duty; or
- (d) absence from three consecutive meetings of the Board without a reasonable explanation.

(2) Before the appointing authority makes a decision under sub-section (1), the person shall be given an opportunity to provide a defence against any of the allegations.

Vacation of office

16. A person ceases to be a member of the Board if the person—

- (a) resigns in writing, to the appointing authority;
- (b) is convicted of a criminal offence and sentenced to a term of imprisonment of more than six months;
- (c) is declared bankrupt; or
- (d) dies.

Filling of vacancy

17. Where a vacancy occurs in the membership of the Board under sections 15 or 16, the appointing authority shall, if the vacancy relates to any of the positions specified under section 6(1), appoint a new member in accordance with the provisions of this Act.

Chief Executive Officer

18. (1) There is a Chief Executive Officer of the Authority who shall be appointed by the County Public Service Board on such terms and conditions as may be specified in the instrument of appointment.

(2) Despite (1), the appointment of the Chief Executive Officer of the Authority shall be through a competitive recruitment process.

(3) The Chief Executive Officer is the County Chief Fire Officer.

(4) A person is qualified for appointment as Chief Executive Officer if that person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has at least five years experience in—
 - (i) the management of public affairs; or
 - (ii) a profession directly relevant to the functions of the Authority
- (d) has experience in public administration; and
- (e) meets the requirements of leadership and integrity set out in chapter six of the Constitution.

(5) The Chief Executive Officer is subject to the direction of the Board and is responsible to it for the—

- (a) implementation of the decisions of the Board;
- (b) day to day management of the affairs of the Authority;
- (c) organization and management of the employees;

- (d) fire and rescue services; and
- (e) any other function that may be assigned by the Board.

(6) The Chief Executive Officer holds office for a term of five years and is eligible for re-appointment once based on performance.

Removal of the Chief Executive Officer

19. (1) The Chief Executive Officer may be removed from office by the County Executive Committee Member on recommendation of the Board, in accordance with the terms and conditions of service, for—

- (a) inability to perform the functions of the office arising out of physical or mental infirmity;
- (b) gross misconduct or misbehavior;
- (c) incompetence or neglect of duty;
- (d) a violation of the Constitution; or
- (e) any other ground that would justify removal from office under the terms and conditions of service.

(2) Before the appointing authority makes a decision under sub-section (1), the Chief Executive Officer shall be given—

- (a) sufficient notice of the allegations made against them; and
- (b) an opportunity to provide a defence against any of the allegations, either in person or by a legal representative.

Employees of the authority

20. (1) For purposes of this Act, the County Public Service Board shall appoint such officers as may be necessary for the provision of fire and rescue services.

- (2) The officers appointed under sub-section (1) shall include—
 - (a) the Director of the Fire Rescue Department
 - (b) fire fighters
 - (c) fire safety officers
 - (d) inspectors on fire safety compliance;
 - (e) such other officers as may be necessary for the implementation of this Act.

(3) The terms and conditions of employees of the Authority shall be determined upon consideration of advice from the Salaries and Remuneration Commission.

Common seal of the Board

21. (1) The affixing of the common seal of the Board may be authenticated by the signature of the Chairperson and the Chief Officer.

(2) A document not required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the chairperson and the Chief Officer.

(3) Where the Chairperson or the Chief Officer is absent, the Board may nominate a member to authenticate the seal on behalf of either the chairperson or the Chief Officer.

(4) The common seal of the Board shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(5) The common seal of the Board when affixed to a document and authenticated is officially noticed and unless the contrary is proved, an order or authorization of the Board under this section is presumed to have been given.

PART III — FUNCTIONS AND POWERS OF THE BOARD

Core functions

22. (1) The functions of the Board are to—

- (a) promote fire safety in the County, and in doing so, make arrangements to provide information and publicity in respect of the steps to be taken to prevent—
 - (i) a fire;
 - (ii) death by fire;
 - (iii) floods;
 - (iv) injury by fire; or
 - (v) collapse of a building.
- (b) advice the County Government on how to prevent fires and restrict their spread in buildings and other property;
- (c) secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements;
- (d) secure the provision of training for personnel;

- (e) extinguish fires when they arise;
 - (f) protect life and property in the event of a fire in its area;
 - (g) identify and facilitate a means of escape from buildings and other property in case of fire;
 - (h) in the event of a road traffic accident, protect people from harm to the extent it considers it reasonable to do so;
 - (i) rescue victims in the event of road traffic accidents in its area;
 - (j) provide rescue to any person or animal endangered as a result of a road traffic accident or any other accident, including one which does not involve the existence of a fire;
 - (k) perform humanitarian services, including the protection of life and property, in the event of a disaster; and
 - (l) do such other thing necessary for the discharge of its functions under this or as may be provided for by any law.
- (2) The Board shall also make arrangements to—
- (a) deal with calls for help and for summoning personnel;
 - (b) obtain information needed for the discharge of functions; and
 - (c) ensure that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the discharge of functions.

Other services

23. (1) The Board may provide the services of any persons employed by it or any equipment maintained by it to any person for any purpose that appears to the Board to be appropriate.

(2) The Board may also provide services under this Act within its area as well as out of the area of the Board.

Power to respond to other eventualities

24. (1) The Board may take any action it considers appropriate—

- (a) in response to an event or situation of a kind mentioned in subsection (2);
- (b) for the purpose of enabling action to be taken in response to such an event or situation.

(2) The event or situation is one that causes or is likely to cause—

- (a) one or more persons to die, be injured or become ill; or
- (b) harm to the environment, including the life and health of plants and animals.

(3) The power conferred by sub-section (1) includes power to secure the provision of equipment.

Powers of a fire-fighter in an emergency

25. (1) An employee of the Board, whom it authorizes in writing, for the purposes of this section, may do anything they believe to be necessary to prevent or limit damage to property—

- (a) if the employee is informed or reasonably believes a fire to have broken out or to be about to break out, for the purpose of extinguishing or preventing the fire or protecting life or property;
- (b) if the employee reasonably believes a road traffic accident to have occurred, for the purpose of rescuing people or protecting them from serious harm; or
- (c) if the employee reasonably believes an emergency of another kind to have occurred, for the purpose of discharging any function conferred on the fire and rescue Board in relation to the emergency.

(2) In particular, an employee of the Board who is authorised as mentioned in sub-section (1) may—

- (a) enter a premise or a place, by force if necessary, without the consent of the owner or occupier of the premises or place;
- (b) move or break into a vehicle without the consent of its owner;
- (c) close a road;
- (d) stop and regulate traffic; or
- (e) restrict the access of persons to premises or a place.

(3) An employee of the Board exercising a function under this section shall properly identify themselves to the occupant or owner or any other relevant person at the scene by the production of their badge, tag or other identification device provided by the Board.

(4) A person commits an offence, if without reasonable excuse, the person obstructs or interferes with an employee of the Board taking action authorized under this section.

(5) Upon conviction of an offence under sub-section (4), a person is liable to a fine not exceeding five hundred thousand shillings; or to imprisonment of not more than six months or to both.

General power to deal with other forms of emergencies

26. (1) The County Executive Committee Member may, by notice in the *Gazette*, confer on the Board functions relating to emergencies, other than fires and road traffic accidents in relation to which the Board has functions.

(2) A notice under this section may require functions conferred on the Board under this section to be discharged outside the Board's area.

(3) A notice under this section may make provision as to what the Board shall or may do for the purpose of a function conferred under this section, and may in particular require or authorise the Authority—

- (a) to secure the provision of personnel, services and equipment;
- (b) to secure the provision of training for personnel;
- (c) to make arrangements for dealing with calls for help and for summoning personnel;
- (d) to make arrangements for obtaining information needed for the purpose of discharging the function;
- (e) to make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from discharging the function;
- (f) to carry out investigations on the causes of fires;
- (g) to preserve the scene of a fire incident; and
- (h) to perform such other functions as may be necessary to discharges its duties under this Act or as may be provided by any other law.

(4) A notice under this section may confer a function, including a function of providing particular equipment, on the Board.

(5) Before making a notice under this section, the County Executive Committee Member shall consult any persons considered appropriate.

**PART IV—TANA RIVER COUNTY FIRE AND RESCUE
DEPARTMENT**

Tana River County Fire and Rescue Unit

27. (1) there is established a Unit to be known as the Tana River County Fire and Rescue Unit which shall be domicile in the department in charge of matters related to fire and rescue services in the County.

(2) The functions of the Unit are to—

- (a) collaborate with the authority to promote fire safety in the county;
- (b) issue fire compliance certificates;
- (c) conduct periodic inspection of premises for fire compliance;
- (d) ensure that that the necessary equipment and services for fire and rescue services are available within the department;
- (e) facilitate the training of fire fighters and personnel;
- (f) create awareness among the public on fire safety and disaster preparedness; and
- (g) do such other things necessary for the discharge of its functions under this Act.

County Director of fire and rescue services

28. (1) There shall be the County Director of Fire and Rescue Services who shall be competitively by the County Public Service Board.

(2) The Director shall be responsible for —

- (a) the management of the day to day affairs of the department;
- (b) ensuring compliance with fire safety standards as prescribed by regulations;
- (c) the closure of any premises which do not comply with this act; and
- (d) the issuing of instructions and directions as may be necessary for the enforcement of this Act.

PART V— FIRE SAFETY COMPLIANCE

Fire compliance certificate

29. (1) The Director shall issue a fire compliance certificate to the owner or occupier of premises which adhere to the requirements prescribed under this Act.

(2) for purposes of issuing a fire compliance certificate, the Director may inspect any premises to assess its compliance with fire safety requirements and to provide for the installation of firefighting equipment.

Application for fire compliance certificate.

30. (1) An applicant for a fire compliance certificate shall make the application in the prescribed form and pay the prescribed fees.

(2) upon receipt of an application for a fire compliance certificate, the Director may require the applicant—

- (a) to submit such plans of the premises as the Director may specify; and
- (b) to give information concerning the rest of the building if the premises consist part of a building.

(3) If the applicant fails to furnish the required plans within the prescribed time, the application shall be deemed to have been withdrawn.

(4) Where an application for a fire compliance certificate has been duly made, the Director shall inspect the premises in question and issue a fire compliance certificate if satisfied that—

- (a) the means of escape from the premises in case of fire is provided;
- (b) the means of escape in case of fire other than means of fighting fire can be safely and effectively used at all material times; and
- (c) the means of giving warning in case of fire is provided.

(5) Where after inspection on the premises is carried out according to subsection (4), the Director shall issue a notice to the applicant to inform the applicant on the steps to be taken to satisfy the requirements as regards that use.

Contents of a fire compliance certificate

31. (1) A fire compliance certificate shall specify—

- (a) the particular use of the premises with which the certificate relates to;
- (b) the means of escape from the premises in case of fire;
- (c) the means of escape in case of fire other than means of fighting fire can be safely and effectively used at all material times;

- (d) the type, number and location of the means for firefighting whether in the premises or effecting the means of escape provided for use in case of fire by persons in the building; and
 - (e) the type, number and location of the means provided for giving warning to persons in the premises in case of fire.
- (2) A fire compliance certificate may contain such conditions as the Director considers appropriate—
- (a) for ensuring that the means of escape in case of fire that are provided are properly maintained and kept free from obstruction;
 - (b) for ensuring that the persons working in the premises receive the relevant training on fire safety;
 - (c) for limiting the number of persons who may be in the premises at any one time; and
 - (d) so as to take other precaution in case of fire.
- (3) The conditions imposed under sub-section (2)—
- (a) may apply to the whole or part of the premises;
 - (b) may impose different conditions for different parts of the same premises.
- (4) The Director shall send the fire compliance certificate issued under this part to the owner or occupier of the premises.
- (5) The owner or occupier of premises issued with a fire compliance certificate shall conspicuously display such certificate in the premises during the certificate's validity period.
- (6) A fire compliance certificate shall be valid for one year and shall expire on the 31st December every year.

Change of conditions of a fire compliance certificate

32. (1) An occupier of any premises with a valid for compliance certificate who intends to make changes to the premises shall, before carrying out of the changes to the premises shall, before the carrying out of the changes, give notice to the Director.

- (2) The changes in sub-section (1) may include—
 - (a) making material structural alterations to the premises;

- (b) making a material alteration to internal arrangements of the premises or equipment with which the premises are provided; or
- (c) beginning to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the relevant premises.

(3) Upon receipt of the notice under sub-section (1), the Director shall inform the occupier of the steps to take in order to ensure fire safety compliance according to the proposed changes to the premises.

(4) If in the opinion of the Director the occupier meets all the requirements regarding changes under subsection (1), the director shall issue an amended fire compliance certificate or issue a new one.

Notice of highly flammable substances

33. (1) The Director may issue a notice to the owner or occupier of premises where explosives or highly inflammable materials are kept.

(2) The notice issued in sub-section (1) shall specify the premises to which it relates and the particulars of the person to whom the notice applies.

(3) The director may issue a notice to a person in respect of the premises if the person to whom the person had prior been issued has ceased to occupy the premises.

Appeal on notice of highly flammable substances

34. (1) A person to whom a notice on flammable substances has been served may, within twenty-one days from the date of service of such notice, appeal to the Director.

(2) A notice issued under this part shall come into force provided that—

- (a) no appeal is brought within twenty-one days from the expiration of that time; or
- (b) where an appeal so brought is withdrawn or dismissed and is finally determined by the confirmation at the end of twenty one days from the date of the final determination of the appeal.

Storage of combustible materials

35. (1) A person shall not store, cause or permit to be stored any combustible materials in such a quantity, in such a situation or in such a manner as to cause danger of fire to any building.

(2) Inflammables, explosives, or poisonous substances, gases, or fluids, or celluloid shall be stored or kept only in such quantity and in such situation as may be contained in guidelines issued by the Director.

Fire safety license fees

36. (1) An applicant for a fire compliance license under this Act shall pay such fees as may be prescribed by the County Executive Committee Member.

(2) All licenses shall expire on the 31st day of December next following the date of issue.

(3) A license may only be transferred with the permission of the Director and upon payment of the prescribed fees.

(4) Despite sub-section (3), a fire compliance license issued in respect to one premises is not transferable to apply to another premises.

Fire safety Guidelines

37. (1) The Director may issue guidelines concerning—

- (a) the provision, maintenance and keeping free from obstructions and means of escape in case of fire in respect of any premises issued with a fire compliance license;
- (b) the provision and maintenance of means of escape that can be safely and effectively used at all material times;
- (c) the provision and maintenance of means for fighting fires and means of giving warning in case of fire; and
- (d) the internal construction of the premises and the material to be used in that construction for—
 - (i) prohibiting the keeping of furniture or equipment of a specified description or specifying the standards or conditions for the keeping of the same;
 - (ii) ensuring that persons employed at the premises are given, instructions and training on what to do in case of fire, and
 - (iii) ensuring that in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises.

(2) Guidelines under this section—

- (a) may impose requirements on persons other than occupiers of the premises to which they apply,
- (b) may make provisions as to the person or persons who shall be responsible for any contravention thereof, and
- (c) may provide that if any specified provision of the regulations is contravened, that person or each of the persons who are under the regulations is or are responsible for the contravention, commits an offence under this section.

Owners' responsibility on fire safety

38. (1) The Director or an Authorized Officer may order the owner of any premises to provide fire safety equipment on their premises.

(2) Any person who is aggrieved by an order given under subsection (1) may appeal to the Director within fourteen days of such order.

(3) The owner of any premises who has been ordered to provide fire safety equipment shall ensure that all such equipment is well maintained and in an efficient working order.

(4) An owner of premises with portable fire extinguishers relying on internal pressure for their operation shall ensure that the initial date of commission of that fire extinguisher is indelibly marked on its body.

(5) An owner of premises with portable fire extinguishers shall ensure that the body of the extinguisher is subjected to a hydraulic pressure test to the prescribed pressure for the type of such extinguisher three years after the initial commissioning and every year thereafter and the data of such tests shall be indelibly marked on the body of the extinguisher.

(6) An owner of premises with fixed firefighting installations including sprinklers, alarms and detectors shall ensure that such installations are tested regularly to confirm their dedication and efficiency and a certificate of serviceability produced on demand by the Authorized Officer.

Licensing to install service repair of firefighting equipment

39. (1) A person shall not install, service or repair any firefighting equipment or portable fire extinguisher installed in any premises or area wherein such equipment is required under this Part, unless such a person has a license issued under this Act to carry out such works.

(2) A license under sub-section (1) may be granted to a person who satisfies an Authorized Officer that such a person has mechanical knowledge to service, repair or install firefighting equipment or portable fire extinguishers and use of the firefighting equipment or portable fire extinguishers specified in the application.

(3) An application for a license under this section shall be made in the prescribed form.

Fire safety Insertion sticker

40. (1) A licensee carrying out any installation, examination, service or license repair of any firefighting equipment or portable fire extinguisher shall affix or cause to be affixed a label inspection sticker label providing following particulars—

- (a) the name of the licensee carrying out such service, repair examination or installation;
- (b) the occupier's license number;
- (c) the date of such installation, service or repair and the condition of equipment or any portable fire extinguisher, and
- (d) the date of the next service.

(2) If any defect is found in any firefighting equipment or portable fire extinguisher, the licensee shall advise the occupier of the premises thereof in writing and shall cause a copy of such report to be delivered to the Director.

(3) A licensee shall not remove any firefighting equipment or portable fire extinguisher from any premises unless that apparatus has been replaced temporarily by similar serviceable equipment or portable apparatus.

(4) A licensee shall not close down any fixed firefighting installation for any purpose on any premises without first obtaining written authority from the Director.

(5) A person shall not install in any premises any second-hand fire equipment or portable fire extinguisher unless a certificate of efficiency has been issued by a licensee in respect of such fire equipment.

(6) A person shall issue a certificate of efficiency in respect of any firefighting equipment or portable fire extinguisher only when in possession of a current license granted under this Act.

(7) Portable fire extinguishers installed in any premises shall be serviced on a quarterly basis and whenever they have been used and a certificate of service-ability obtained.

PART VI—COLLABORATION WITH OTHER AGENCIES

Collaboration strategies

41. (1) The Board may enter into an arrangement with—

- (a) an entity of the national government;
- (b) a Fire and Rescue Services Authority or Board in another county; or
- (c) any other person for the discharge to any extent by that other Fire and Rescue Board or person of a function conferred on the Board under any of sections 22 and 23.

(2) Despite sub-section (1), the Board may enter into an arrangement with a person under subsection (1) in relation to its function of extinguishing fires only if the person employs fire-fighters.

(3) An arrangement under this section may include provision as to the terms on which a function is to be discharged and this may include provision on payment.

(4) The Board shall formulate contingent plans and operational procedures for handling a fire related emergency.

Directions as to arrangements

42. (1) The County Executive Committee Member may direct the Board to—

- (a) enter into arrangements under section 27 in the terms specified in the direction;
- (b) make one or more specified variations to any such arrangements; or
- (c) cancel any such arrangements.

(2) The County Executive Committee Member may give a direction under sub-section (1) through their own initiative or at the request of a County Executive Committee Member responsible for matters relating to Fire and Rescue Services from another county.

Charging offees

43. (1) The County Executive Committee Member may, by regulation, authorise the Board to charge a person of a specified description for any action of a specified description taken by the Board.

(2) An order under sub-section (1) may authorise charging for extinguishing fires, or protecting life and property in the event of fires but shall not authorise charging for emergency medical assistance.

(3) The power in sub-section (1) includes power to authorise a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by the Board.

(4) If the Board is authorised by an order under sub-section (1) to charge for taking action of a particular description and the Board decides to do so—

- (a) the amount of the charge is to be set by the Board;
- (b) the Board may charge different amounts in different circumstances; or
- (c) the Board may not charge anything.

(5) In setting the amount of a charge, the Board shall ensure that, taking one financial year with another, the income of the Authority from charges does not exceed the cost to the Board of taking the action for which the charges are imposed.

(6) Before making an order under this section, the County Executive Committee Member shall consult any persons the County Executive Committee Member considers appropriate

PART VII— FIRE SAFETY AND PREVENTION

Equipment, facilities, services and organizations

44. (1) The County Executive Committee Member may provide and maintain, or contribute to the provision and maintenance of, any equipment, facilities and services the County Executive Committee Member considers appropriate for promoting the efficiency and effectiveness of the Authority.

(2) The County Executive Committee Member may establish and maintain, or contribute to the establishment and maintenance of, any entity that the County Executive Committee Member considers appropriate for promoting the efficiency and effectiveness of the Authority.

Directions for public safety purposes

45. (1) The County Executive Committee Member may, if it is considered necessary for public safety purposes, by notice in the *Gazette*, give general or specific directions to the Authority about the use or disposal of property or facilities.

(2) The notice given under sub-section (1) may include provision on the—

- (a) use or disposal by the Authority of property or facilities belonging to or under its control;
- (b) use by the Authority of property or facilities belonging to or under the control of a person who has made, or is willing, to avail the property or facilities;
- (c) payments to be made by the Authority to another Fire and Rescue Services Authority or to any other person, in respect of the use of property or facilities.

(3) The references in sub-section (2) to property or facilities belonging to a person include land occupied by the person.

(4) Before issuing a notice under this section, the County Executive Committee Member shall ensure that the public is involved in arriving at a decision.

Training institution and centres

46. (1) The Governor may establish a central training institution or one or more local training centres for one or more of the purposes mentioned in subsection (2).

(2) The training institution or centres are for the following purposes—

- (a) the provision of education and training to employees of the Authority;
- (b) the provision of advice and assistance to the Authority in connection with the provision of such education and training;
- (c) the supervision and regulation of the provision of education and training on fire and rescue services;
- (d) the provision of education and training to persons who provide or are to provide such education and training;

- (e) the provision of education and training to persons who are not employees of the Authority in matters which the Authority has functions; and
- (f) the provision of advice and assistance in connection with the provision of education and training.

(3) The County Executive Committee Member is responsible for the maintenance of any institution or centre that is established under sub-section (1).

Decorations, medals and certificates

47. (1) The Governor may, on advice by the County Executive Committee Member, award decorations or medals for services rendered in relation to fire and rescue services.

(2) The County Executive Committee Member may, subject to such requirements as the County Executive Committee Member may consider appropriate, to any member of the Authority—

- (a) in respect of their service; or
- (b) to any other person in respect of exceptional service rendered under this Act.

PART VIII—WATER SUPPLY FOR FIRE FIGHTING

Duty to secure water supply

48. (1) The Authority, through the County Executive Committee Member, shall take all reasonable measures for securing that an adequate supply of water is available for the Authority's use in the event of a fire.

(2) The Authority may use any suitable supply of water for the purposes of extinguishing a fire or protecting life or property in the event of a fire.

(3) Despite sub-section (2), the Authority shall pay reasonable compensation for the water.

Supply by other persons

49. For the purposes of section 35 (1), the Authority may enter into an agreement with any person—

- (a) to secure the use of water under the control of a person;
- (b) improve access to any such water; or
- (c) to lay and maintain pipes and to carry out other works in connection with the use of such water.

Fire hydrants

50. (1) A water undertaker shall cause the function of every fire hydrant provided by it to be clearly indicated by a notice or a distinguished mark.

(2) A water undertaker may place such a notice or mark on a wall or a fence adjoining a highway or public place.

(3) A person commits an offence if they use a fire hydrant otherwise than for —

- (a) the purpose of fire fighting;
- (b) any purpose authorized by any person to whom the fire hydrant belongs.
- (c) for any purpose approved by the Authority.

(4) A person commits an offence if they damage or obstruct a fire hydrant otherwise than in consequence of use for the purpose mentioned in subsection (6).

(5) A person who proposes to carry out works for the purpose of supplying water to any part of the area of the Authority shall give notice of at least six weeks, in writing, to the Authority.

(6) A person who proposes to carry out works affecting a fire hydrant shall give at least seven days' notice in writing to the fire and rescue service authority in whose area the hydrant is situated.

(7) A person commits an offence if without reasonable excuse they fail to give notice in writing as required under this section.

(8) A person convicted of an offence under sub-section (7) is liable to a fine not exceeding five thousand shillings.

(9) For the purposes of this section, a water undertaker means a company appointed under the Water Act to provide water to a defined geographical area which includes fire hydrants.

PART IX—FINANCIAL PROVISIONS**Funds**

51. The funds of the Authority consist of—

- (a) monies allocated by the County Assembly for the purposes of the Authority;

- (b) such monies or assets as may accrue to the Authority in the course of the exercise of its powers or in the performance of its functions under this Act; and
- (c) all monies from any other source provided, donated or lent to the Authority.

Financial year

52. The financial year of the Authority is the period of twelve months ending on the thirtieth of June in each year.

Annual Estimates

53. (1) Before the commencement of each financial year, the Authority shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year concerned and, in particular, shall provide for the—

- (a) payment of the salaries, allowances and other charges in respect of the staff of the Authority;
- (b) payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the Authority;
- (c) maintenance of the buildings and grounds of the Authority;
- (d) funding of training, research and development of activities of the Authority;
- (e) creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment; and
- (f) such other matters as the Authority may consider fit.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the County Executive Committee Member for transmission to and tabling in the County Assembly.

(4) Expenditure of the Authority shall not be incurred except in accordance with the annual estimates approved under sub-section (3).

Accounts and Audit

54. (1) The Authority shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Authority.

(2) Within a period of three months after the end of each financial year, the Authority shall submit to the Auditor-General the accounts of the Authority in respect of that year together with a—

- (a) statement of the income and expenditure of the Authority during that year; and
- (b) statement of the assets and liabilities of the Authority on the last day of that financial year.

(3) The annual accounts of the Authority shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the law relating to public audit.

Bank accounts

55. The Authority shall open and maintain such bank accounts as is necessary for the performance of its functions.

PART X—MISCELLANEOUS PROVISIONS

Regulations

56. (1) The County Executive Committee Member shall, in consultation with the Board make regulations generally for the better carrying out the provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), such regulations may provide for—

- (a) the organization and procedure for the employment, pension of the Authority;
- (b) the uniforms, and identification of members of the Authority;
- (c) the safety requirements to be complied with on premises in order to reduce the risk of a fire or other danger, or to facilitate the evacuation of the premises in the event of such danger;
- (d) the storage, transportation or handling of explosives, fireworks, petroleum or any other flammable or combustible substance, gas or any other dangerous substance;

- (e) the specifications and standards with which the equipment and material of the Authority shall comply; and
- (f) the control over and registration of the members of the Authority;
- (g) training and development of the staff of the Authority;
- (h) standards of fire hydrants;
- (i) the services that may be charged by the Authority and the amount to be charged for those services;
- (j) any matter which may or is prescribed under this Act; and
- (k) any matter which the Executive Committee Member considers necessary or expedient so as to achieve the objects of this Act.

(3) A regulation regarding the salaries, remuneration, qualifications and experience of a member of the Authority shall not be made without consultation with the County Public Service Board.

Protection from Personal liability

57. No act done by any member of the Authority, or employee of the Authority shall, if the act was done in good faith for the purpose of carrying out the provision of this Act, subject the person to any liability, action, claim or demand.

Offences

58. (1) A person who knowingly gives or causes to be given a false alarm of fire to a person acting on behalf of the Authority commits an offence.

(2) Upon conviction of an offence under sub-section (1), a person is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.

(3) Despite sub-section (1), a person commits an offence for knowingly failing to respond to a fire drill.

General penalty

59. A person who commits an offence under this Act for which no penalty is prescribed is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a period not exceeding six months, or to both.

SCHEDULE (S. 14)**PROVISIONS RELATING TO THE CONDUCT OF BUSINESS
AND AFFAIRS OF THE AUTHORITY****Meetings**

1. (1) The Authority shall have at least four meetings in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Meetings shall be convened by the Chief Executive Officer in consultation with the chairperson and shall be held at such times and such places as the chairperson shall determine.

(3) The chairperson shall preside over all meetings and in the absence of the chairperson, by a person elected by the Board at the meeting for that purpose.

(4) The chairperson may at any time convene a special meeting of the Board, and shall do so within one month of the receipt by the chairperson of a written request signed by at least five other members.

(5) Unless four members otherwise agree, at least seven days' notice of a meeting shall be given to every member.

Quorum

2. The quorum of a meeting of the Board is half of the members.

Voting

3. A decision of the Board shall be by a majority of the members present and voting and, in the case of an equality of votes; the person presiding at the meeting shall have a second or casting vote.

Minutes

4. Minutes of all meetings shall be kept and entered in records kept for that purpose.

Disclosure of interest

5. (1) If a person is present at a meeting of the Board or any committee at which any matter is the subject of consideration and in which matter that person or that directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest.

(2) The person making the disclosure of interest under sub-section (1) shall not, unless the Board or committee otherwise directs, take part in any

consideration or discussion of, or vote on any question touching on the matter.

(3) A disclosure of interest made under sub-section (1) shall be recorded in the minutes of the meeting at which it is made.

(4) A person who contravenes sub-section (1) commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(5) A member or employee of the Authority shall not transact any business or trade with the Authority.