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GOVERNMENT NOTICE

DEPARTMENT OF WATER AFFAIRS AND FORESTRY

No. R. 665

16 May 2003

FIRE PROTECTION ASSOCIATION REGULATIONS

I, Ronnie Kasrils, Minister of Water Affairs and Forestry, hereby publish the Fire Protection Association Regulations in terms of section 20(2) of the National Veld and Forest Fire Act, 1998, (Act No. 101 of 1998), as set out in the Schedule.

Regulations 24, 25 and 26, published in *Government Gazette* No 10136 dated 16 February 1996, in terms of the Forest Act, 1984 (Act No. 122 of 1984), are hereby repealed.

RONNIE KASRILS

Minister of Water Affairs and Forestry

**REGULATIONS IN TERMS OF CHAPTER 2 OF THE
NATIONAL VELD AND FOREST FIRE ACT, 1998**

The Minister of Water Affairs and Forestry has, under section 20 of the National Veld and Forest Fire Act, 1998, (Act No. 101 of 1998) made the regulations set out in the Schedule.

SCHEDULE

FIRE PROTECTION ASSOCIATION REGULATIONS

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CHAPTER 1

GENERAL PROVISIONS

Short title

1. These regulations shall be called the Fire Protection Association Regulations.

Definitions

2. In these regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates –
 - (i) "arbitrator" means a person appointed by the executive committee of a fire protection association to resolve a dispute between members;
 - (ii) "dissolution" means, in relation to a fire protection association, the process of the association being formally dissolved;
 - (iii) "Fire Brigade Services Act" means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987);
 - (iv) "fire service" means a fire brigade service as defined in section 1 of the Fire Brigade Services Act;
 - (v) "founding meeting" means, in relation to the formation of a fire protection association, a properly constituted meeting of owners which formally votes on whether or not to form a fire protection association;
 - (vi) "quorum" means the minimum number of members who must be present at a meeting for the meeting to take place officially;
 - (vii) "the Act" or "this Act" means the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998);
 - (viii) "umbrella association" means an association formed to benefit a number of fire protection associations through shared resources and services as referred to in section 4(9) of the Act; and

CHAPTER 2

FIRE PROTECTION ASSOCIATIONS

Formation of a fire protection association

3. (1) Owners who wish to form a fire protection association for the purpose of predicting, preventing, managing and extinguishing veldfires must form a fire protection association at a founding meeting.

(2) The founding meeting must take place after a reasonable notice has been given to all owners.

(3) If there is a fire service or fire services in an area in respect of which a fire protection association may be formed, a notice contemplated in sub regulation (2) must be given to the chief fire officer or officers in charge of that fire service or those fire services.

(4) Where there a fire service or fire services in the area in respect of which a fire protection association may be formed, the chief fire officer or officers of that or those fire services, or persons authorised by them in writing, must attend the founding meeting.

(5) An owner may, with his or her written consent, be represented at a founding meeting by—

(a) another owner; or

(b) an organisation of which he or she is a member

(6) An owner and his or her representative must retain copies of the owner's written consent as contemplated in subregulation (5).

(7) Owners and/or representatives who are present at the founding meeting must elect a chairperson.

(8) At a founding meeting, the chairperson must identify —

(a) all owners present who represent themselves personally and allocate each owner one vote;

(b) each owner present who represents another owner or owners in terms of sub regulation 5(a), and allocate each such owner one vote for each owner represented by him or her; and

(c) each organisation present which represents an owner or owner in terms of sub regulation 5(b), and allocate to each such organisation one vote for each owner represented by it.

(9) A founding meeting must vote on whether a fire protection association must be formed in the proposed area.

(10) Representatives attending the founding meeting on behalf of owners must have the written authority to vote for, vote against or to abstain from voting for the formation of a fire protection association.

(11) The minutes of the founding meeting must indicate—

(a) whether or not there was unanimous support among owners or their representatives for the formation of the fire protection association;

(b) the number of votes cast in favour of the said formation; and/or

(c) the number of votes cast against the said formation; and

(d) the number of owners or their representatives who abstained from casting their votes on the said formation.

(12) Where a founding meeting votes in favour of forming a fire protection

association, it must at least—

- (a) give a name for the fire protection association;
- (b) describe the area in respect of which the fire protection association is formed;
- (c) elect the executive committee of the fire protection association; and
- (d) record its decisions on matters referred to in sub regulation 12(a) to (c).

(13) The minutes of the founding meeting must include an attendance register recording—

- (a) the names, contact details including the postal address, telephone numbers, cell phone numbers, fax numbers and e-mail addresses, where applicable, and the registered property names of the owners who attended the meeting;
- (b) the names, contact details and property names of the owners who were duly represented at the meeting, if any, and the names and contact details of the owners or organisations so representing them; and
- (c) where a chief fire officer has authorised another person in writing to attend the founding meeting on his or her behalf, a copy of that written authorisation.

Constitution of a fire protection association

4. (1) The Appendix contains a model constitution which may be used as a basis for drawing up and proposing a constitution for a fire protection association.

(2) The constitution of a fire protection association must contain at least —

- (a) the name and address of the fire protection association;
- (b) the name of the district municipality, municipalities, metropolitan municipality, or municipalities within which the fire protection association falls;
- (c) the name of the local municipality or municipalities within which the fire protection association falls;
- (d) the area of jurisdiction of the fire protection association;
- (e) state that it falls under Chapter 2 of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) and these regulations; and
- (f) state that membership is open to all owners within the fire protection association's area, provided they are prepared to abide by its constitution and rules.

(3) The constitution of a fire protection association must set out—

- (a) all the requirements for membership of the fire protection association and its committees; and
- (b) the rights, duties and liability of members, including payment of fees, charges and interest.

(4) The constitution of a fire protection association must provide for—

- (a) the keeping of an up to date register of its members;
- (b) the termination of membership;
- (c) the allocation of voting rights to members;
- (d) the appointment of employees or agents;
- (e) the financing of the fire protection association, including the raising

registration number.

Change of boundaries of a registered fire protection association

8. (1) A fire protection association may change a boundary or boundaries of the area in respect of which it is registered only if it has completed and submitted the relevant section of the prescribed form, which form is available at the national or any regional office of the Department, and only after the Minister has given approval for such change.

(2) If the Minister approves the change of a boundary or boundaries as contemplated under sub regulation 1, the Minister must within a reasonable time—

- (a) enter the new details of the boundary into the Department's records; and
- (b) inform the fire protection association accordingly.

Change of membership of the executive committee of a registered fire protection association

9. If a fire protection association changes the membership of its executive committee after registration, it must inform the Minister by completing and submitting the relevant section of the prescribed form, which form is available at the national office or any regional office of the Department.

Fees

10. The Minister may, in the *Government Gazette*, fix a tariff of fees to be paid to the Department for the costs of providing any person or organisation with information in the register of fire protection associations, or for a copy of the constitution of any fire protection association.

CHAPTER 4

FIRE PROTECTION OFFICERS

Appointment of fire protection officers

11. (1) Where –

- (a) a municipality is a member of a fire protection association and renders a fire service, or where a designated service is a member, the chief fire officer shall be the fire protection officer for as long as he or she is employed in that capacity and does not decline the position;
- (b) a fire protection association has as its members more than one entity having a chief fire officer, members of such fire protection association shall appoint one of those chief fire officers as a fire protection officer, at a general meeting of the association in terms of its constitution; and
- (c) there is no chief fire officer who is willing to assume the powers and duties of a fire protection officer, members of a fire protection association must appoint a fire protection officer from among one or more members of their choice.

(2) A person appointed as contemplated under sub regulation 10(1)(c) must remain a fire protection officer for as long as members are satisfied with his or her services.

(3) If –

- (a) the fire protection officer has stopped performing his or her duties for any reason or there is a vacancy in the office of the fire protection officer, the executive committee may immediately nominate a fire protection officer and the chairperson of the executive committee must, within 14 days, call a special general meeting to appoint a new fire protection officer, unless the vacancy arises within 60 days of the annual general meeting, in which case a new fire protection officer will be appointed at the annual general meeting.
- (a) the fire protection association does not have the means to appoint a fire protection officer, the Director-General may designate an officer or employee of the Department to act as a fire protection officer for such fire protection association for a fixed period to be determined by the Director-General, and for a further period as contemplated in section 6(5)(b) of the Act;

Proof of appointment of fire protection officers

12. Proof of appointment of a fire protection officer must-

- (a) be in writing;
- (b) bear at the heading the words "Department of Water Affairs and Forestry";
- (c) show the signature of the Director-General or an official appointed by the Director-General; and

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