

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

20th September, 2005.

SAINT LUCIA

No. 21 of 2005

AN ACT to amend the Fire Service Act 1973, No. 11 of 1973.

[4th October, 2005]

BEITENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

Short title

1. This Act may be cited as the Fire Service (Amendment) Act 2005.

Substitution of Fourth Schedule

2. The Fourth Schedule of the Fire Service Act 1973, No. 11 of 1973 is repealed and substituted with the following —

“FOURTH SCHEDULE

Section 36

Citation

1. These Rules may be cited as the Fire Service Association Rules 2005.

Interpretation

1. In these Rules “Association” means the Fire Service Association.

2. Words importing male persons shall include male and female persons.

Aims and objectives

3. The aims and objectives of the Association shall be to —

- (a) conscientiously promote and protect the rights, interests, privileges and welfare of its members;
- (b) make representation on matters affecting the interest or welfare conditions and wages set out by the Fire Service;
- (c) strive for and encourage interest, application and dedication in the performance of duty and the upholding of order and discipline in the Fire Service;
- (d) provide benefits for and assist its members financially and otherwise as determined by the Executive Committee;
- (e) promote cordial relationships between its members and their officers;

- (f) promote good industrial relations between its members and relevant Government agencies;
- (g) collaborate with management for the efficient functioning of the Fire Service;
- (h) to assist in the proper growth and development of the Fire Service generally;
- (i) provide benefits to its members as determined from time to time by the Association;
- (j) provide legal assistance to its members for incidents while in the performance of their duties as Fire Officers;
- (k) assist in the technical growth and development of the personnel in the Fire Service;
- (l) invest in sound financial acuties or other financial instruments approved by members of the Association;
- (m) raise funds through legitimate fund raising ventures;
- (n) liaise with other workers organizations with similar aims and objectives with the Association;
- (o) provide funds for the publication of the Association's official news letter; and
- (p) do all things incidental or conducive to the attainment of its aims and objectives.

Executive Committee

4.— (1) There shall be constituted an Executive Committee, which shall superintend the administration of the Association.

(2) The Executive Committee shall consist of any fourteen members between the ranks of Station Officer and Fireman.

Tenure

5. A member of the Executive Committee shall hold office as a member for a period of two years and shall be eligible for re-election as a member of the Executive Committee.

Functions of Executive Committee

6.— (1) The Executive Committee shall —

- (a) propose amendments to the rules of the Association;
- (b) ratify proposals made by the Management Committee for the amendment to the rules of the association;
- (c) transmit all proposed amendments to the rules of the Association to the Annual General Meeting for approval;
- (d) declare the seat of any officer of the Executive or Management Committee vacant;
- (e) authorize the conduct of, by elections, to fill vacancies on the Executive or Management Committee within fourteen days of it being declared;
- (f) exercise control over the receipt and expenditure of the Association's finances for the promotion of all or any of its aims and objectives.

Powers of Executive Committee

7. The Executive Committee shall have power to —

- (a) authorize the establishment of a monthly loan fund of a fixed amount and use the proceeds of the general funds to provide small scale financial assistance to members at terms and conditions to be determined by the Finance Committee;
- (b) determine the quantum of legal assistance to be afforded to members;
- (c) ratify decisions of the Management Committee to give effect to the aims and objectives of the Association and in such cases the decision must be supported by a two-thirds majority of the membership of the Executive Committee.

Officers of Executive Committee

8.— (1) The Executive Committee shall by ballot choose its Chairman and Secretary from among its own members.

(2) The Chairman and Secretary of the Executive Committee shall be *ex-officio* Chairman and Secretary of the Association respectively.

Meetings of Executive Committee

9.— (1) The Executive Committee shall meet at least once per quarter or as often as may be necessary at such time and place

determined by the Chairman after consultation with the Management Committee.

(2) Notice of any meeting of the Executive Committee shall be in writing and served seven days prior to the meeting on each member of the Executive Committee together with a copy of the meeting's agenda.

(3) The Chairman of the association shall, at least seven days prior to a General Meeting of any of the committees, apply to the Chief Fire Officer for holding such meetings.

(4) The Chief Fire Officer shall make all necessary arrangements for the holding of such meetings as requested by the Association.

(5) At any meeting of the Executive Committee, one third of its membership shall form a quorum.

(6) Voting at Executive Committee Meetings shall be by secret ballot.

(7) Any member of the Executive Committee who absents himself or herself for three consecutive meetings without reasonable excuse shall have his seat declared vacant by the Executive Committee.

Management Committee

10.— (1) There shall be constituted a Management Committee which shall conduct and supervise the Association's business in accordance with the rules and policies determined by the Association and shall ensure that a comprehensive report and statement of accounts are submitted to the annual General Meeting.

(2) The Management Committee shall consist of the following seven members —

(a) the Chairman of the Association;

(b) the Secretary of the Association;

(c) five members of the Executive committee as follows —

(i) a member to be the Assistant Secretary;

(ii) a member to be the Treasurer;

(iii) a member to be the Assistant Treasurer; and

- (iv) two members to be trustees of the Management Committee.

Powers of Management Committee

11. The Management Committee shall have power to —

- (a) appoint persons to carry out duties of an officer where an officer is unable to effectively discharge his duty or his absence is causing undue interference with the Association's work;
- (b) appoint ad hoc committees for the furtherance of the Association's aims and objectives;
- (c) nominate in writing any person or persons outside the Management Committee to act as representatives, delegates or agents of the Association;
- (d) establish standing sub-committees for the furtherance of its business;
- (e) dissolve any standing sub-committee established by it;
- (f) organize specific fund raising projects for the benefit and in the interest of the Association and its members;
- (g) invest the funds of the Association in securities and other financial instruments, such as, fixed deposits;
- (h) co-opt other persons as seen appropriate;
- (i) do any thing that is incidental to the fulfillment of the Association's aims and objectives.

Standing Sub-Committees

12.— (1) A standing sub-committee established in accordance with rule 11(d) shall not exempt the Association from any action without the approval of the Management Committee.

(2) Standing Sub-Committees may be established in the following areas —

- (a) Research and development;
- (b) Negotiation; and
- (c) Any other area deemed necessary.

Notification

13. The Management Committee shall inform the Executive Committee and the Annual General Meeting of any decision to invest funds pursuant to rule 11(g).

Meetings of Management Committee

14.— (1) Subject to sub-rule (2), the Management Committee shall meet as often as may be necessary at such time and place as directed by the Chairman, or any other officer acting on his behalf, or by the Secretary, after consultation with the Chairman.

(2) Notwithstanding sub-rule (1), a meeting of the Management Committee may be convened at the request of the Management Committee within seven days of receipt of a request in writing signed by no less than five members of the Management Committee.

(3) In the event of a meeting being convened pursuant to sub-rule (2), only the matters specified in the request shall be dealt with.

(4) A true and proper record of the deliberations of every Management Committee meeting shall be made by the Secretary.

(5) The Management Committee shall at its first meeting elect a negotiating team of five persons, three of whom must be the Chairman, Secretary and Treasurer.

(6) The Management Committee shall regulate its procedure at its meetings in accordance with standing orders under rule 23, and shall at its first meeting after election into office, formulate its own agenda which must reflect the democratic principles of the organization.

Negotiating Team

15.— (1) The Management Committee shall select a negotiating team of which one person shall be appointed the Chief Negotiator.

(2) The Negotiating Team shall conduct all negotiations or discussions with all agencies for the benefit of the members of the Association.

Finance Committee

16.— (1) The Management Committee of the Association shall be the Finance Committee when constituted as such.

(2) The Finance Committee shall administer the finance of the Association.

(3) The Finance Committee shall meet quarterly or as often as may be necessary.

(4) At its first meeting, the Finance Committee shall —

- (a) consider the Association's draft estimate of income and expenditure, and transmit it to the Executive Committee for ratification;
- (b) establish the principles of the Loan Fund created by the Executive Committee.

(5) At its regular quarterly meetings the Finance Committee shall—

- (a) ensure the strictest compliance with these financial rules;
- (b) approve all expenditures, including extraordinary expenses as may be necessary;
- (c) consider other items that, in accordance with these rules, are expedient to proper financial administration.

Chairman

17. The Chairman of the Association shall —

- (a) preside at all meetings of the Association and shall be responsible for the proper conduct of business at such meetings;
- (b) have a deliberate and casting vote;
- (c) sign the minutes of each meeting at the time they are adopted;
- (d) *ex-officio* be a member of all committees and sub-committees appointed in furtherance of the business of the Association;
- (e) have the power to call meetings of the Executive and Management Committees whenever he deems necessary to protect and promote the interests of the Association and its members;

- (f) endeavour to secure strict observance of the Association's rules and decisions of the Annual General Meeting, Executive and Management Committees and shall strive to ensure that all officers perform their duties diligently;
- (g) sign all payment vouchers of the Association.

Secretary

18.— (1) The Secretary of the Association shall —

- (a) be responsible for the general administration of the Association;
- (b) cause to be effected the policies laid down by the Association;
- (c) *ex-officio* be a member of all committees and sub-committees of the Executive or Management Committee;
- (d) handle all correspondence of the Association;
- (e) keep a minute book and such other books as the Executive Committee may direct;
- (f) attend all meetings of the Association and cause to be recorded the minutes of the proceedings at such meetings;
- (g) in consultation with the Chairman —
 - (i) have power to summon meetings of the Management Committee;
 - (ii) prepare the agenda for all meetings of the Management and Executive Committee;
 - (iii) prepare a programme of activities for a period of one year to be submitted to the Management Committee for approval.

(2) At termination of period in office, the Secretary must hand over all the Association's property to his successor.

Treasurer

19.— (1) The Treasurer shall be responsible for the financial administration within the Association.

(2) The Treasurer shall keep the accounts of the Association.

(3) The Treasurer shall prepare a financial statement of receipts, expenditure and information including but not limited to the following—

- (a) the amount of money received;
- (b) the amount of money due and owing to the Association and the financial commitments of the Association;
- (c) the amount of money expended in satisfaction of the Association's commitments;
- (d) the amount of cash available for investments;
- (e) the cash assets portfolio of the Association which shall be presented at each quarterly meeting of the Finance Committee by the Treasurer.

(4) The Treasurer shall present to the Management Committee at least twenty-eight days before the date fixed for the Annual General Meeting a financial report on the preceding year which must include an income and expenditure statement and a balance sheet.

- (5) The Treasurer shall —
- (a) prepare and submit a draft estimate or income and expenditure statement to the Finance Committee at its first quarterly meeting for the financial year;
 - (b) be responsible for the management of the petty cash float which shall be maintained for settlements of office incidental;
 - (c) make all other payments by cheque against vouchers duly authorized by the Management Committee and signed by the Chairman of the Association;
 - (d) be required to perform any other related duties as directed by the Management or Finance Committee.

Trustees

- 20.**— (1) The two Trustees shall —
- (a) have vested in them, in trust, all the real and personal property of the Association;
 - (b) be responsible for all the Association's property investments and shall sign all documents pertaining to such investments;
 - (c) ensure that all the real and personal property and property investments are not abused;
 - (d) sign all documents authorizing the transfer of funds between accounts;

- (e) ensure that proper financial management is maintained;
- (f) ensure that all cheques for endorsement are completed and accompanied by duly authenticated statements of claim and payment vouchers.

(2) Within fourteen days of ceasing to hold office for any reason the Trustees shall be required to hand over all the Association's property in their possession.

Finance of the Association

21.— (1) The financial year of the Association shall be from March to February.

(2) A reputable firm must audit the accounts of the Association annually.

(3) All payments made from the Association's funds must be evidenced by specific statement Claim forms certified by the Treasurer or Assistant Treasurer and payment vouchers endorsed by the Chairman.

(4) Orders for the transfer from the Association's banking accounts must be signed by the two Trustees and accompanied by a letter signed jointly by the Chairman and Treasurer containing supporting resolution of the Finance Committee.

(5) Incomplete cheques shall not be signed.

Application of income and property of Association

22.— (1) Subject to sub-rule (2), the income and property of the Association whenever derived shall be applied solely towards the promotion of the aims and objectives of the Association.

(2) Notwithstanding sub-rule (1), nothing shall prevent the payment in good faith of honorarium to any officer or member of the Association in recognition of services rendered to the Association.

Standing Orders

23.— (1) All questions on procedure in respect of the conduct of business at meetings of the Association shall be —

- (a) in the case of Management Committee meetings in accordance with Standing Orders under rule 24; and
- (b) in the case of Executive Committee meetings in accordance with Standing Orders under rule 25.

(2) Where the standing orders are silent on any matter or where they do not apply, the general principles of Parliamentary procedure shall apply except in cases where procedures exist at other forums.

Management Committee Standing Orders

24.— (1) Management Committee meetings shall commence at the time stated in the notice unless changed subsequently.

(2) The quorum for Management Committee meetings shall be five members, one of whom must be the Secretary or his Assistant.

(3) The agenda of the Management Committee meeting shall be—

- (a) Call to Order
- (b) Prayers
- (c) Ascertainment of Quorum
- (d) Chairman's opening remarks
- (e) Minutes of previous meeting
- (f) Confirmation of minutes
- (g) Matters Arising
- (h) Correspondence
- (i) Financial matters
- (j) Reports of sub-committees
- (k) Other Association business
- (l) Closure of Meeting

(4) Order of business shall follow that outlined in rule 26.

Executive Meeting Standing Orders

25.— (1) The Executive Committee shall meet as provided for under these rules.

(2) The quorum of an Executive Committee Meeting shall be one third of its total membership.

(3) The agenda of an Executive Committee meeting shall be —

- (a) Call to order
- (b) Prayers
- (c) Ascertainment of Quorum
- (d) Chairman's opening remarks
- (e) Minutes of the previous meeting
- (f) Confirmation of the minutes
- (g) Matters arising out of the minutes
- (h) Correspondence
- (i) Financial Reports
- (j) Reports of sub-committees
- (k) Other Association business
- (l) Closure of meeting.

(4) Order of business shall follow that outlined in rule 26.

Order of Business

26.— (1) The Chairman of the Association shall preside over all meetings of the Management and Executive Committees.

(2) Where the Chairman is absent for the commencement of a meeting, if there is a quorum the members present shall appoint from amongst themselves a Chairman for that meeting.

(3) Where a quorum is not formed at the appointed time of commencement, the Chairman shall allow half an hour grace for other members to assemble and if at the end of the grace period a quorum is still not formed the meeting shall be postponed.

(4) The Chairman shall declare the opening and closing of each item on the agenda and the items on the agenda shall take precedence over all the business and shall follow in order of appearance on the notice.

(5) After the business on the agenda has been completed any member desirous of introducing business for the consideration of the meeting may do so in writing or may give a notice of a motion to be discussed at a further meeting.

(6) Unless otherwise permitted by the Chairman, a member shall stand when speaking and shall address the chair.

(7) Where more than one member rises to speak, the first to rise shall be given precedence, the decision resting with the Chairman, but the member who rose immediately after the first one shall have the right to speak at the close of the member's address.

(8) Where the Chairman calls a member to order or for any other purpose connected with the proceedings, the member speaking shall sit and no other member shall rise until asked to do so.

(9) The ruling of the Chairman on any question shall be final unless two thirds of the members present vote to the contrary.

(10) Members shall at all times maintain decorum at meetings.

(11) Where any member interrupts another while addressing the meeting or uses abusive or profane language, causes disturbance at any meeting or refuses to obey the Chairman when called to order he shall be named by the Chairman and be expelled from the meeting until an apology satisfactory to the meeting is given.

(12) A member shall not leave the meeting before its conclusion without the permission of the Chairman.

(13) A member shall not be allowed to speak more than once on any subject before the meeting unless a point of order or explanation or unless he is the mover of the original motion.

(14) Where an amendment is being moved by a member, even though he has spoken on the original motion may speak on the amendment.

(15) A member shall not speak for more than five minutes at one time.

(16) Members wishing to raise points of order or explanation shall first obtain the permission of the Chairman and must rise immediately after the alleged breach has occurred.

(17) A member may formally second any motion or amendment and reserve his speech until a later period in the debate.

(18) The first proposition on any particular subject shall be known as the original motion and all succeeding propositions on that subject shall be known as amendments.

(19) Every motion or amendment shall be moved and seconded by members actually present at the meeting before they can be discussed and whenever possible shall be in writing.

(20) It is permissible for a member to make his speech first and conclude with a motion.

(21) An amendment shall not be discussed until the first amendment is disposed of and notice of any further amendment shall be given before the first amendment is put to the vote.

(22) An amendment displaces an original motion and becomes the substantive motion and any further amendment relating to any portion of the substantive motion may be moved but it shall be consistent with the business of the meeting and shall not have been an amendment or motion previously rejected.

(23) Every amendment voted and adopted as the substantive motion shall become a resolution of the meeting.

(24) Where there are no amendments, the mover of the original motion shall have the right of reply at the close of the debate on such motion.

(25) Where an amendment is moved —

- (a) the mover of the original motion shall be entitled to speak on the amendment and at the close of the debate on such amendment shall reply to the discussion but shall not introduce any new matter;
- (b) the question shall then be immediately put to the vote and under no circumstances shall any further discussion be allowed once the question has been put from the chair;
- (c) the mover of the amendment shall not be entitled to reply.

(26) A motion, addendum or rider added to a motion or amendment accepted by the chair shall not be withdrawn without the unanimous consent of the meeting.

(27) Where a member dissents, the addendum shall be proposed and seconded and treated as an ordinary amendment.

(28) Motions for the previous questions on next business, or the closure, may be moved and seconded only by members who have not previously spoken at any time during the debate and speeches shall not be allowed on such motions.

(29) In the event of the closure being carried, the mover of the original motion shall have the right to reply before the question is put.

(30) Where a motion is defeated, thirty minutes shall elapse before the motion can be accepted again by the Chairman unless he is of opinion that the circumstances have materially altered in the meantime.

(31) Any member who has not already spoken during the debate may move the adjournment of the question under discussion or of the meeting but must confine his remarks to that question and must not discuss any other matter.

(32) The mover of the motion on which the adjournment has been moved shall be allowed the right to reply on the question of the adjournment but such reply shall be on his own motion and where such motion is lost it shall not be moved again except in accordance with sub-rules 29-31.

(33) Voting shall be by show of hands of the members present at the meeting unless agreed by majority vote of the members present at the meeting.

Facilities for attendance of meetings

27.— (1) Except where in special circumstances a member of a Committee is required for duty where no substitute is available, leave shall be given for the attendance at all meetings of the Committee duly held and every such attendance shall, as regards allowances and expenses be deemed to be an occasion of Fire Service duty.

(2) In this rule, “Committee” means —

- (a) the Executive Committee;
- (b) the Management Committee;
- (c) the Finance Committee; or
- (d) any other Committee formed for the purposes of these Rules.

Annual General Meeting

28.— (1) The Annual General Meeting shall be convened in the month of March in each year and notice of the Annual General Meeting shall be served on each member of the Association fourteen days prior to the meeting.

(2) The Chief Fire Officer or his nominee shall preside over all Annual General Meetings.

(3) Every member shall have the right to attend and participate in the deliberations at the Annual General Meeting.

(4) The quorum for the all General Meetings shall be fifty (50) members.

Service of documents for Annual General Meeting

29. Seven days prior to the Annual General Meeting, copies of the General Meeting Agenda, Resolutions, Motions or amendments and any other relevant documents shall be served on each member of the Association.

Business of Annual General Meeting

30. The business of the Annual General Meeting shall be —

- (a) to receive and discuss reports from the Management and Executive Committee;
- (b) to review the work of the preceding year of the Association and ratify plans for the future;
- (c) to ratify the Association’s fiscal policy for the years ahead;
- (d) to make amendments as may be necessary and to ratify amendments to the rules of the Association proposed by the Executive Committee and the Annual General Meeting.

Elections

31.— (1) An election for the purpose of constituting any Committee under these Rules shall be held every two years.

(2) The Chief Fire Officer shall be responsible for the carrying out of all elections under these Rules.

(3) Every member of the Fire Service of the rank of Station Officer, Sub-Officer, leading fireman and firemen shall have the right to vote at elections held in accordance with these Rules.

(4) All elections under these Rules shall be by secret ballot and the provisions for securing secrecy and freedom from interference in voting as set out in rule 32 of these Rules shall apply in respect of all elections under these Rules.

Secrecy of ballot

32.— (1) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(2) A person shall not directly or indirectly induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(3) A person who contravenes this rule commits an offence and is liable to internal disciplinary action.

Membership

33.— (1) Membership of the Association shall be open to officers within the ranks of Fireman to Station Officer.

(2) All members joining the Fire Service subsequent to the establishment of the Association shall be members of the Association.

Membership subscription fee

34.— (1) All members shall pay a monthly subscription fee of ten dollars or any sum reviewed from time to time by the management committee and approved by the general membership payable by salary deduction.

(2) Subscription fees collected under sub-rule (1) shall be lodged in a recognized financial institution in the credit of the Association and such monies may be withdrawn by cheques signed by any two of the following signatories —

- (a) the Treasurer;
- (b) the Chairman; or
- (c) one Trustee.

Surrender of documents

35. A member of the Association shall on resigning from or for any other reason leaving the Association surrender to the Secretary all official records, books or other documents and effects which he may have in his possession, within seven days.

Contracts and pledges

36. Unless specifically authorized by the Management or Executive Committee and acting within the limits of the authority so conferred by writing, a person shall not enter into any contract which imposes any liability on the Association or otherwise pledge the credit of the Association.

Copy of rules

37. A copy of these rules shall be supplied to each member of the Association.

Alteration of rules

38.— (1) These Rules shall not be amended except with the consent of at least two thirds of the members present and voting at the Annual General Meeting or a special General Meeting called for that purpose and which shall be the only forum for such action.

(2) Any proposal for amendment to these Rules shall be forwarded to the Management Committee at least six weeks before the date set for the Annual General Meeting.

(3) The Executive Committee shall have the power to alter or change the wording of any rule submitted for registration, however, such change or alteration shall not alter or change the original purpose of or intention of the rule.

(4) A written notice of any proposed amendment shall be sent to each member of the Association at least fourteen days prior to the date fixed for its consideration and such notice shall set out the terms of the proposed amendment.

(5) An amendment shall not be operative until notification is given officially and the amendment is adopted.

(6) Without prejudice to the rights of members, these Rules may be subjected to periodic review and modification as changing circumstances may require.”.

Passed in the House of Assembly this 16th day of August, 2005.

J. BADEN ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 30th day of August, 2005.

THERESA ROMULUS,
Deputy President of the Senate.