

# A BILL

*i n t i t u l e d*

An Act to amend the Fire Services Act 1988.

[ ]

**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 2025.

(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 section 2**

**2.** The Fire Services Act 1988 [*Act 341*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by inserting after the definition of “Fund” the following definition:

‘ “fire risk analysis report” means a qualitative and quantitative analysis report of potential hazard or special risk of fire which exists in a premises or building and a proposed solution to prevent the hazard or special risk of fire;’; and

- (b) by inserting after the definition of “Auxiliary Fire Officer” the following definitions:

‘ “Voluntary Fire Officer” means a Voluntary Fire Officer appointed under section 4A;

“Controller” means a Senior Fire Officer appointed as a Controller under section 36A;’.

### **Amendment of section 4B**

#### **3. Section 4B of the principal Act is amended—**

- (a) by substituting for subsection (1) the following subsection:

“(1) Voluntary Fire Officer may, in the manner and subject to the conditions as may be prescribed by the Minister, apply to the Registrar to establish a Voluntary Fire Brigade.”;

- (b) by substituting for subsection (3) the following subsection:

“(3) The Registrar shall, when approving the application under subsection (2)—

(a) register the Voluntary Fire Brigade;

(b) issue a certificate of registration and impose any condition as may be prescribed by the Minister; and

(c) determine a fire cover to the Voluntary Fire Brigade.”; and

- (c) by inserting after subsection (3) the following subsections:

“(3A) The certificate of registration issued under paragraph (3)(b), unless proven to be revoked, shall be conclusive evidence for all purposes that the Voluntary Fire Brigade has been duly registered under this Act.

(3B) The Voluntary Fire Brigade shall be subject to the control and immediate direction of the Director General.”.

**New sections 4BA, 4BB, 4BC, 4BD, 4BE, 4BF, 4BG and 4BH**

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

**“Administration of Voluntary Fire Brigade**

**4BA.** (1) A Voluntary Fire Brigade shall have a constitution in the form as may be determined by the Director General.

(2) A Voluntary Fire Brigade shall be administered by a committee elected in accordance with the constitution of the Voluntary Fire Brigade.

**Power of Registrar to request for information**

**4BB.** The Registrar may request from any Voluntary Fire Brigade any information or document as the Registrar deems necessary in relation to the administration of the Voluntary Fire Brigade in order to satisfy himself that the administration of the Voluntary Fire Brigade is made in accordance with this Act and the standing orders issued under section 7B.

**Provisions applicable to Voluntary Fire Brigade**

**4BC.** (1) The following provisions shall apply to a Voluntary Fire Brigade:

- (a) the movable property of a Voluntary Fire Brigade, if not vested in the trustees, shall be deemed to be vested in the committee of the Voluntary Fire Brigade, and may, in all civil and criminal proceedings, be described as the property of the committee of the Voluntary Fire Brigade;
- (b) the immovable property of a Voluntary Fire Brigade may, if not registered in the name of trustees, notwithstanding the provisions of any written law to the contrary, be registered in the name of the Voluntary Fire Brigade, and all instruments relating to the property shall be valid and effective as if the instruments had been executed by three committee

office-bearers of the Voluntary Fire Brigade for the time being, and whose appointments are authenticated by a certificate of the Registrar, and sealed by the Voluntary Fire Brigade;

- (c) a Voluntary Fire Brigade may sue or be sued in the name of such one of any committee office-bearers as shall be declared to the Registrar;
  - (d) no suit or proceeding by or against a Voluntary Fire Brigade in any civil court shall abate or discontinue by reason of the person by or against whom the suit or proceeding has been brought or continued, dying or ceasing to fill the character in the name whereof he has sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of that person;
  - (e) no judgment in any such suit against a Voluntary Fire Brigade shall be put into force against the person or property of the person sued but against the property of the Voluntary Fire Brigade; and
  - (f) the application for execution of a judgment shall set forth the judgment, the fact of the party against whom it has been recovered having sued or having been sued, as the case may be, on behalf of the Voluntary Fire Brigade, and shall require to have the judgment enforced against the property of the Voluntary Fire Brigade.
- (2) Any member of a Voluntary Fire Brigade who—
- (a) fails to pay a subscription in accordance with the constitution of the Voluntary Fire Brigade;
  - (b) owes money to the Voluntary Fire Brigade;
  - (c) takes possession or detains, any property of the Voluntary Fire Brigade contrary to the constitution of the Voluntary Fire Brigade; or
  - (d) injures or destroys any property of the Voluntary Fire Brigade,

may be sued for the subscription or money or for the damage accruing from that wrongful possession, detention, injury or destruction of property.

(3) For the purposes of subsection (2), if the member referred to in subsection (2) is successful in that suit and is awarded costs, the member may elect to recover the costs from the person in whose name the suit was brought or from the Voluntary Fire Brigade and, in the latter case, may have execution against the property of the Voluntary Fire Brigade.

### **Financial resources of Voluntary Fire Brigade**

**4BD.** (1) A Voluntary Fire Brigade may carry out any activity to obtain financial resources for the Voluntary Fire Brigade provided that the activity shall be consistent with the standing orders issued under section 7B.

(2) The Director General may, with the approval of the Minister and with the concurrence of the Minister of Finance, provides financial assistance to any Voluntary Fire Brigade.

### **Production of information to Registrar by Voluntary Fire Brigade**

**4BE.** Every Voluntary Fire Brigade shall produce to the Registrar within sixty days after the holding of its annual general meeting or if no annual general meeting is held, within sixty days after the end of each calendar year—

- (a) a true and complete copy of any amendments to the constitution of the Voluntary Fire Brigade made since the date of registration or the date of the last return;
- (b) a true and complete list of office-bearers and the number of members of the Voluntary Fire Brigade at the date of such return;
- (c) the particulars of the address or the place of business of the Voluntary Fire Brigade;

- (d) the accounts of the last financial year of the Voluntary Fire Brigade together with a balance sheet showing the financial position at the close of the last financial year of the Voluntary Fire Brigade;
- (e) the particulars of the name and address of any society, association or any other body of persons, incorporated or unincorporated, outside Malaysia to which the Voluntary Fire Brigade is in any way collaborated;
- (f) the description of any money or property, any benefit or financial gain received by the Voluntary Fire Brigade from any source outside Malaysia or within Malaysia and other relevant particulars; and
- (g) such other information as the Registrar may require.

### **Dispute**

**4BF.** (1) Every Voluntary Fire Brigade shall resolve any dispute arising among its members in accordance with the procedure as may be determined by the Director General.

(2) If a dispute cannot be resolved in accordance with the procedure as determined under subsection (1), any aggrieved member or the Voluntary Fire Brigade itself may refer the dispute to the Registrar for his decision.

(3) Any party to the dispute aggrieved by the decision made by the Registrar under subsection (2) may appeal to the Minister and the decision of the Minister shall be final.

### **Cancellation of registration of Voluntary Fire Brigade**

**4BG.** (1) Subject to subsection (2), the Registrar may cancel the registration of a Voluntary Fire Brigade which—

- (a) has contravened any provision of this Act or standing orders issued under section 7B;

(b) has breached any condition of the registration as prescribed by the Minister; or

(c) has been convicted of an offence under this Act.

(2) Prior to the registration of a Voluntary Fire Brigade being cancelled under subsection (1), the Registrar shall, by notice in writing, give an opportunity to the Voluntary Fire Brigade to show cause against the cancellation, and pending the decision of the cancellation, the registration of the Voluntary Fire Brigade shall be suspended from the date of receipt of the notice.

(3) A Voluntary Fire Brigade whose registration is cancelled shall be deemed to have been dissolved and the Voluntary Fire Brigade shall not be entitled to any compensation for any loss caused by the cancellation.

(4) Any Voluntary Fire Brigade aggrieved by the decision made by the Registrar under subsection (1) may appeal to the Minister and the decision of the Minister shall be final.

### **Consequences of cancellation of registration of Voluntary Fire Brigade**

**4BH.** (1) Upon the cancellation of the registration of a Voluntary Fire Brigade by the Registrar, the following consequences shall occur:

(a) the property of the Voluntary Fire Brigade shall be immediately vested in the Director General of Insolvency;

(b) the Director General of Insolvency shall proceed to wind up the affairs of the Voluntary Fire Brigade, and after satisfying and providing for all debts and liabilities of the Voluntary Fire Brigade shall pay the surplus assets of the Voluntary Fire Brigade, if any, to the members of the Voluntary Fire Brigade in accordance with the constitution of the Voluntary Fire Brigade;

- (c) for the purpose of the winding up the affairs of the Voluntary Fire Brigade, the Director General of Insolvency shall have all the powers which are vested in the Director General of Insolvency by any written law relating to bankruptcy for the purpose of the discovery and realization of the property of a debtor, and also such powers as are by any written law relating to companies vested in an official liquidator and all the provisions of the said laws relating to bankruptcy and to the winding up of companies, so far as the provisions relate to the discovery and realization of the property of a debtor and to the winding up of a company, shall apply, *mutatis mutandis*, to the winding up of the affairs of the Voluntary Fire Brigade under this Act.

(2) Without prejudice to subsection (1), the Director General of Insolvency may order any party to manage the property of the Voluntary Fire Brigade until the winding up process is completed.”.

#### **New sections 4DA, 4DB and 4DC**

**5.** The principal Act is amended by inserting after section 4D the following sections:

#### **“Establishment of Malaysian Fire Cadet Corps**

**4DA.** The Minister may establish a body to be known as the Malaysian Fire Cadet Corps.

#### **Enrolment into Malaysian Fire Cadet Corps**

**4DB.** (1) Any person may apply to be enrolled into the Malaysian Fire Cadet Corps if—

- (a) subject to the Education Act 1996 [Act 550], he is a pupil who is undergoing full-time education in any educational institution as may be determined by the Minister upon consultation with the Minister charged with the responsibility for education; or



(b) he is a student—

(i) who is registered and following a course of study or training whether full-time or part-time in any educational or training institution as may be determined by the Minister upon consultation with the Minister charged with the responsibility for such educational or training institution;

(ii) who is a Malaysian citizen; and

(iii) who is below the age of thirty years.

(2) An application to be enrolled into the Malaysian Fire Cadet Corps shall be made in the form and manner as may be determined by the Director General.

(3) The Director General may enrol or refuse to enrol any person into the Malaysian Fire Cadet Corps.

(4) Any person who has been enrolled into the Malaysian Fire Cadet Corps shall not be entitled to any allowance or remuneration.

### **Private fire brigade in premises**

**40c.** (1) The Director General may, on the application of the owner, occupier or person having the overall management of any premises, authorize the establishment of a private fire brigade at the premises.

(2) Without prejudice to subsection (1), the Director General may order the owner, occupier or person having the overall management of any premises to establish a private fire brigade if the establishment is deemed necessary by the Director General due to the existence of potential hazard or special risk of fire to the premises based on a fire risk analysis report.

(3) The Director General may impose any condition on the establishment of a private fire brigade and give any order in relation to the performance of duties of the private fire brigade.

(4) Any person who fails to comply with the conditions imposed or order given by the Director General under subsection (3) commits an offence under this Act.”.

### **Amendment of section 5**

**6.** Subsection 5(1) of the principal Act is amended—

(a) in paragraph (a)—

(i) in subparagraph (ii), by substituting for the semi-colon at the end of the subparagraph the words “; and”;

(ii) by substituting for subparagraph (iii) the following subparagraph:

“(iii) determining adequate provision, installation, maintenance and regulation of fire-fighting equipment or fire safety installation in premises;”; and

(iii) by deleting subparagraph (iv);

(b) in paragraph (b), by deleting the word “and” at the end of the paragraph;

(c) in paragraph (c), by substituting for the full stop at the end of the paragraph the words “; and”; and

(d) by inserting after paragraph (c) the following paragraph:

“(d) providing training programmes in relation to matters pertaining to the duties of the Fire and Rescue Department as specified in paragraphs (a), (b) and (c) and any other matters under the responsibility of the Fire and Rescue Department.”.

### **Amendment of section 7B**

**7.** Section 7B of the principal Act is amended by substituting for the words “and Voluntary Fire Officers” the words “, Voluntary Fire Officers and Voluntary Fire Brigades”.

**New section 7c**

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

**“Power to issue guidelines**

**7c.** The Director General may issue guidelines as he deems necessary and expedient for the purposes of implementation of the provisions of this Act.”.

**Amendment of section 21**

**9.** Section 21 of the principal Act is amended by substituting for the words “Fire Officer or Auxiliary Fire Officer” the words “Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer”.

**Amendment of section 31**

**10.** Section 31 of the principal Act is amended by substituting for the words “Director General” the word “Minister”.

**New Parts VA and VB**

**11.** The principal Act is amended by inserting after Part V the following parts:

**“PART VA**

**FIRE SAFETY CONSULTANT, FIRE SAFETY CONSULTANT FIRM,  
COMPETENT PERSON, FIRE SAFETY CONTRACTOR,  
TRAINING PROVIDER AND INSTRUCTOR**

**Appointment of Controller**

**36A.** The Director General may appoint a Controller from amongst Senior Fire Officers which shall have the following functions:

(a) decides on any application made under this Part and Part VB;

- (b) issues certificate of registration under this Part and certificate under Part VB; and
- (c) keeps and maintains a register of—
  - (i) fire safety consultant and fire safety consultant firm;
  - (ii) competent person and fire safety contractor;
  - (iii) training provider and instructor; and
  - (iv) fire-fighting equipment or fire safety installation prescribed by the Minister to be registered.

### **Register**

**36B.** The Register under paragraph 36A(c) shall be kept in any form and shall contain any particulars as may be determined by the Director General.

### **Requirement for registration of fire safety consultant and fire safety consultant firm**

**36C.** No person shall prepare a fire risk analysis report unless the person is registered as a fire safety consultant or fire safety consultant firm, as the case may be, under this Part.

### **Requirement for registration of competent person and fire safety contractor**

**36D.** (1) No person shall install, test, service, recharge or repair any fire-fighting equipment or fire safety installation prescribed by the Minister to be registered, unless that person is registered as a competent person in accordance with the category as may be prescribed or as a fire safety contractor, as the case may be, under this Part.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

**Requirement for registration of training provider and instructor**

**36E.** (1) No person shall carry out any training in relation to the matters specified in the Third Schedule unless that person is registered as a training provider or instructor, as the case may be, under this Part.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit.

(3) The Minister may, by order published in the *Gazette*, amend the Third Schedule.

**Qualification for registration as fire safety consultant, fire safety consultant firm, etc.**

**36F.** Any person may apply to be registered as fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider or instructor if that person fulfils the conditions as may be prescribed.

**Application for registration as fire safety consultant, fire safety consultant firm, etc.**

**36G.** (1) An application for registration as a fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider or instructor, as the case may be, may be made to the Controller—

- (a) in the manner as may be determined by the Director General;
- (b) by producing any document or information as may be determined by the Director General; and
- (c) by paying the prescribed fee.

(2) The Controller may, in writing, at any time after the receipt of an application under subsection (1) and before the application is determined, require the applicant to provide the Controller any additional document or information within the period specified by the Controller.

(3) If the applicant fails to comply with the requirements under subsection (2), the application for registration shall be deemed to be withdrawn without affecting the right of the applicant to make a new application.

(4) After considering the application under subsection (1), the Controller may—

- (a) approve the application and issue to the applicant, upon payment of the prescribed fee, a certificate of registration in the form as may be determined by the Director General; or
- (b) refuse the application by stating the grounds for the refusal.

(5) A certificate of registration issued under this section is valid for a period as specified in the certificate of registration.

### **Renewal of certificate of registration**

**36H.** (1) Any person who holds a certificate of registration issued under paragraph 36G(4)(a) may, in the manner as may be determined by the Director General, apply to renew the certificate of registration at least thirty days before the date of expiry of the certificate of registration.

(2) The application under subsection (1) may be made—

- (a) by producing any information, particulars or document as may be determined by the Director General; and
- (b) by paying the prescribed fee.

(3) The Controller may, in writing, at any time after the receipt of an application under subsection (1) and before the application is determined, require the applicant to provide the Controller any additional document or information within the period specified by the Controller.

(4) If the applicant fails to comply with the requirements under subsection (3), the application for renewal of certificate of registration shall be deemed to be withdrawn without affecting the right of the applicant to make a new application.

(5) After considering the application under subsection (1), the Controller may —

- (a) approve the application and renew the certificate of registration upon payment of the prescribed fee; or
- (b) refuse the application by stating the grounds for the refusal.

### **Revocation of certificate of registration**

**36I.** (1) Subject to subsection (2), the Controller may revoke the certificate of registration issued under paragraph 36G(4)(a) if the Controller is satisfied that the fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider or instructor —

- (a) has contravened any provision of this Act;
- (b) has breached any condition of the certificate of registration; or
- (c) has been convicted of an offence under this Act.

(2) The Controller shall, before revoking the certificate of registration under subsection (1), give an opportunity to the fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider or instructor, as the case may be, to make any representation in writing against the revocation.

(3) Any fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider or instructor whose registration has been revoked under subsection (1) shall not be entitled to claim—

- (a) any compensation for any loss caused by the revocation; and
- (b) any refund of the fee paid under this Part.

**Appeal against decision of Controller**

**36j.** Any person aggrieved by the decision of the Controller made under this Part may, within fourteen days after being informed in writing of the decision, appeal to the Director General against the decision in the manner as may be determined by the Director General and the decision of the Director General shall be final.

**PART VB****FIRE-FIGHTING EQUIPMENT OR FIRE SAFETY INSTALLATION****Requirement for registration of fire-fighting equipment or fire safety installation**

**36k.** (1) The Minister may prescribe any fire-fighting equipment or fire safety installation which shall be registered under this Part.

(2) No fire-fighting equipment or fire safety installation which is prescribed under subsection (1) may be installed or sell for installation by any person, at any premises, unless the fire-fighting equipment or fire safety installation has been registered under this Part.

(3) Any person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

**Application for registration of fire-fighting equipment or fire safety installation**

**36l.** (1) An application for registration of a fire-fighting equipment or fire safety installation which is prescribed under section 36k may be made to the Controller—

- (a) in the manner as may be determined by the Director General;
- (b) by producing any document or information as may be determined by the Director General; and
- (c) by paying the prescribed fee.



(2) The Controller may, in writing, at any time after the receipt of an application under subsection (1) and before the application is determined, require the applicant to provide the Controller any additional document or information, or the sample of the fire-fighting equipment or fire safety installation which is prescribed under section 36K within the period specified by the Controller.

(3) If the applicant fails to comply with the requirements under subsection (2), the application for registration shall be deemed to be withdrawn without affecting the right of the applicant to make a new application.

(4) Upon receiving the application under subsection (1), the Controller may inspect or test the fire-fighting equipment or fire safety installation if the Controller thinks fit and necessary to do so.

(5) After considering the application under subsection (1), the Controller may —

- (a) approve the application and issue to the applicant, upon payment of the prescribed fee, a certificate in the form as may be determined by the Director General; or
- (b) refuse the application by stating the grounds for the refusal.

### **Revocation and suspension of certificate**

**36M.** (1) Subject to subsection (2), the Director General may revoke or suspend a certificate issued under paragraph 36L(5)(a) if the Controller is satisfied that the holder of the certificate fails to comply with any condition of the certificate.

(2) If the certificate is suspended under subsection (1), the Controller may require the holder of the certificate to remedy the contravention or breach within the period as determined by the Controller.

(3) If the Controller is satisfied that the holder of the certificate fails to remedy the contravention or breach as required under subsection (2), or the contravention or breach continues after the certificate is suspended under subsection (1), the Controller may revoke the certificate.

### **Appeal against decision of Controller**

**36N.** Any person aggrieved by the decision of the Controller made under this Part may, within fourteen days after being informed in writing of the decision, appeal to the Director General against the decision in the manner as may be determined by the Director General and the decision of the Director General shall be final.

### **Testing laboratory for fire-fighting equipment or fire safety installation**

**36o.** For the purposes of registration of a fire-fighting equipment or fire safety installation which is prescribed under section 36к, the Director General may issue a list of laboratories for the testing of the fire-fighting equipment or fire safety installation.”.

### **Substitution of section 44**

**12.** The principal Act is amended by substituting for section 44 the following section:

#### **“Prosecution**

**44.** No prosecution for an offence under this Act shall be instituted except by or with the written consent of the Public Prosecutor.”.

### **Amendment of section 49**

**13.** Section 49 of the principal Act is amended—

- (a) in paragraph (a), by inserting after the words “Fire Officers” the words “and Auxiliary Fire Officers”;

(b) by substituting for paragraph (b) the following paragraph:

“(b) for the purpose of—

- (i) procuring comforts, convenience and other benefits, which are not chargeable to public revenue, for Fire Officer, former Fire Officer who have retired on pension, gratuity or other allowance or persons who are partially or wholly depended on the deceased Fire Officer or former Fire Officer at the time of their death; or
- (ii) granting loans to the Fire Officer.”.

**New section 50A**

**14.** The principal Act is amended by inserting after section 50 the following section:

**“Personation as Fire Officer, Auxiliary Fire Officer and Voluntary Fire Officer**

**50A.** Any person not being a Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer who—

- (a) pretends to be a Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer knowing that he is not;
- (b) falsely personates as a Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer;
- (c) in such assumed character does or attempts to do any act under colour of being a Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer; or
- (d) misuses the name, logo, special mark or any other mark of the Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer,

commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.”.

**Amendment of section 53**

**15.** Section 53 of the principal Act is amended by substituting for the words “Fire Officer or Auxiliary Fire Officer,” the words “Fire Officer, Auxiliary Fire Officer or Voluntary Fire Officer,”.

**New section 58A**

**16.** The principal Act is amended by inserting after section 58 the following section:

**“Jurisdiction to try offences**

**58A.** Notwithstanding any written law to the contrary, a court of a First Class Magistrate shall have jurisdiction to try any offence under this Act and to impose punishment under this Act for any such offence.”.

**Amendment of section 59**

**17.** Subsection 59(1) of the principal Act is amended—

- (a) by inserting after the words “authorized by him in writing may” the words “, with the written consent of the Public Prosecutor,”; and
- (b) by substituting for the words “five hundred ringgit” the words “one thousand ringgit”.

**Amendment of section 60**

**18.** Section 60 of the principal Act is amended—

- (a) in paragraph (a), by deleting the word “and” at the end of the paragraph; and
- (b) by inserting after paragraph (a) the following paragraph:

“(aa) vehicle; and”.

**Amendment of section 62**

**19.** Subsection 62(1) of the principal Act is amended—

(a) by inserting after paragraph (b) the following paragraph:

“(ba) prescribing any fire-fighting equipment or fire safety installation which shall be registered under this Act;

(b) by substituting for paragraph (c) the following paragraph:

“(c) regulating the private fire brigade;”;

(c) by substituting for paragraph (ca) the following paragraph:

“(ca) regulating the Voluntary Fire Brigade, prescribing the duties and powers of Voluntary Fire Brigade and prescribing the matters in relation to Voluntary Fire Brigade that may be regulated by standing orders of the Director General;”;

(d) by inserting after paragraph (k) the following paragraphs:

“(ka) regulating the fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor;

“(kb) prescribing the category for competent person;”.

**New Third Schedule**

**20.** The principal Act is amended by inserting after the Second Schedule the following schedule:

“THIRD SCHEDULE

[Subsection 36E(1)]

TRAINING

1. Operation of extinguishing, fighting, preventing and controlling fires
2. Installation, use, maintenance and regulation of fire-fighting equipment or fire safety installation
3. Investigation into the cause, origin and circumstances of fires
4. Protection of life and property in fire or calamity”.

## **Saving and transitional**

**21.** (1) Every Voluntary Fire Brigade which had been registered under the Societies Act 1966 [*Act 832*] shall, on the date of commencement of this Act, cease to be registered under the Societies Act 1966 and shall be deemed to have been registered under the principal Act as amended by this Act.

(2) Every fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor shall, within one year from the date of commencement of this Act, apply to the Controller to be registered under the principal Act as amended by this Act.

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### **EXPLANATORY STATEMENT**

This Bill seeks to amend the Fire Services Act 1988 (“Act 341”) to provide, among others, for the registration of Voluntary Fire Brigade and other related matters, and to provide for the registration of fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor, and fire-fighting equipment or fire safety installation.

2. *Clause 1* contains the short title and seeks to empower the Minister to appoint different dates for the coming into operation of different provisions of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 341 to introduce the definitions of “fire risk analysis report”, “Voluntary Fire Officer” and “Controller” into Act 341.

4. *Clause 3* seeks to amend section 4B of Act 341.

*Subclause 3(a)* seeks to substitute subsection 4B(1) of Act 341 to provide that any Voluntary Fire Officer may make an application to establish a Voluntary Fire Brigade in the manner and subject to the conditions as may be prescribed by the Minister.

*Subclause 3(b)* seeks to substitute subsection 4B(3) of Act 341 to empower the Registrar to register a Voluntary Fire Brigade, to issue a certificate of registration and to determine a fire cover to the Voluntary Fire Brigade.

*Subclause 3(c)* seeks to introduce new subsections (3A) and (3B) into section 4B of Act 341. The proposed new subsection (3A) seeks to provide that the certificate of registration issued under paragraph 4B(3)(b) of Act 341 shall be conclusive evidence in respect of the registration of a Voluntary Fire Brigade. The proposed new subsection (3B) seeks to provide that a Voluntary Fire Brigade shall be subject to the immediate control and direction of the Director General.

5. *Clause 4* seeks to introduce new sections 4BA, 4BB, 4BC, 4BD, 4BE, 4BF, 4BG and 4BH into Act 341.

The proposed new section 4BA seeks to provide that a Voluntary Fire Brigade shall have a constitution in the form as may be determined by the Director General and the Voluntary Fire Brigade shall be administered by a committee which is elected in accordance with the constitution of the Voluntary Fire Brigade.

The proposed new section 4BB seeks to empower the Registrar to request any information or document from a Voluntary Fire Brigade to ensure that the administration of the Voluntary Fire Brigade is made in accordance with Act 341 and the standing orders issued under section 7B.

The proposed new section 4BC seeks to provide for the provision applicable to Voluntary Fire Brigade.

The proposed new section 4BD deals with the financial resources of a Voluntary Fire Brigade.

The proposed new section 4BE seeks to provide for the obligation of a Voluntary Fire Brigade to produce information and document to the Registrar after the holding of its annual general meeting or within sixty days after the end of each calendar year if no annual general meeting is held.

The proposed new section 4BF seeks to provide for the procedure of the dispute resolution arising among the members of a Voluntary Fire Brigade including the right of appeal to the Minister against the decision made by the Registrar in relation to the dispute.

The proposed new section 4BG seeks to empower the Registrar to cancel the registration of a Voluntary Fire Brigade if it has contravened any provision of Act 341 or standing orders, has breached any condition of the registration or has been convicted of an offence under Act 341.

The proposed new section 4BH seeks to provide for the consequences of cancellation of registration of a Voluntary Fire Brigade.

6. *Clause 5* seeks to introduce new sections 4DA, 4DB and 4DC into Act 341.

The proposed new section 4DA seeks to empower the Minister to establish Malaysian Fire Cadet Corps.

The proposed new section 4DB seeks to provide for the person who may be enrolled into the Malaysian Fire Cadet Corps, the power of the Director General to enrol or refuse to enrol any person into the Malaysian Fire Cadet Corps and the application procedure for a person to be enrolled into the Malaysian Fire Cadet Corps.

The proposed new section 4DC seeks to empower the Director General to authorize the establishment of a private fire brigade upon application by the owner, occupier or person having the overall management of any premises. The proposed new section 4DC also seeks to empower the Director General to order an owner, an occupier or a person having the overall management of any premises to establish a private fire brigade if the establishment is deemed necessary by the Director General due to the existence of potential hazard or special risk of fire at the premises. The proposed new subsection 4DC(4) seeks to make an offence if any person breach the conditions imposed or order given by the Director General in respect of the performance of duties of the private fire brigade.

7. *Clause 6* seeks to amend subsection 5(1) of Act 341.

*Subclause 6(a)* seeks to substitute subparagraph 5(1)(a)(iii) to provide for the duties of the Fire and Rescue Department which shall include determining adequate provision, installation, maintenance and regulation of fire-fighting equipment or fire safety installation in premises.

*Subclause 6(d)* seeks to introduce new subparagraph 5(1)(d) to add the duties of the Fire and Rescue Department in providing training programmes in relation to matters pertaining to the duties of the Fire and Rescue Department.

8. *Clause 7* seeks to amend section 7B of Act 341 to empower the Director General to issue standing orders for the general control, direction and information of Voluntary Fire Brigades.

9. *Clause 8* seeks to introduce a new section 7C into Act 341 to empower the Director General to issue guidelines for the purpose of implementation of the provisions of Act 341.

10. *Clause 9* seeks to amend section 21 of Act 341 to provide that any damage or loss suffered in consequence of any action taken or thing done by a Voluntary Fire Officer in the exercise of his duties on the occasion of a fire shall be regarded as loss by fire under contract of insurance.

11. *Clause 10* seeks to amend section 31 of Act 341 to make it consistent with paragraph 62(1)(l) of Act 341 which empowers the Minister to prescribe fees.

12. *Clause 11* seeks to introduce new Parts VA and VB into Act 341.

The proposed new Parts VA seeks to introduce the new sections 36A, 36B, 36C, 36D, 36E, 36F, 36G, 36H, 36I and 36J which contains the provision on fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor.

The proposed new section 36A deals with the appointment and the functions of the Controller.



The proposed new section 36B provides for the keeping of register of fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor.

The proposed new section 36C provides for the requirement for registration of fire safety consultant and fire safety consultant firm.

The proposed new section 36D provides for the requirement for registration of competent person and fire safety contractor.

The proposed new section 36E provides for the requirement for registration of training provider and instructor.

The proposed new section 36F provides for the qualification for registration as a fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor.

The proposed new section 36G provides for the procedure of application for registration of a fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor. This *Clause* also seeks to empower the Controller to issue a certificate of registration for fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor who has been registered.

The proposed new section 36H provides for the renewal of certificate of registration.

The proposed new section 36I provides for the cancellation of the certificate of registration.

The proposed new section 36J provides that any person aggrieved by the decision of the Controller made under Part VA may appeal to the Director General.

The proposed new Part VB seeks to introduce the new sections 36K, 36L, 36M, 36N and 36O which contains the provisions relating to fire-fighting equipment or fire safety installation.

The proposed new section 36K empower the Minister to prescribe any fire-fighting equipment or fire safety installation shall be registered under Part VB. The new proposed section 36K also seeks to provide for the offence for any person who install or sell any fire-fighting equipment or fire safety installation which has not been registered under Act 341.

The proposed new section 36L provides for the procedure of application for registration of fire-fighting equipment or fire safety installation which is prescribed under section 36K. The proposed new section 36L also seeks to empower the Controller to issue a certificate for the fire-fighting equipment or fire safety installation which has been registered.

The proposed new section 36M provides for the revocation and suspension of the certificate issued under section 36L.

The proposed new section 36N provides that any person aggrieved by the decision of the Controller made under Part VB may appeal to the Director General.

The proposed new section 36o empower the Director General to issue a list of laboratories for the testing of the fire-fighting equipment or fire safety installation for the purpose of registration under Part VB.

13. *Clause 12* seeks to substitute section 44 to provide that no prosecution for an offence under Act 341 shall be instituted except by or with the written consent of the Public Prosecutor.

14. *Clause 13* seeks to amend section 49 of Act 341.

*Subclause 13(a)* seeks to amend paragraph 49(a) of Act 341 to provide that the Fire Services Department Welfare Fund may be applied in recompensing the Auxiliary Fire Officer.

*Subclause 13(b)* seeks to amend paragraph 49(b) of Act 341 to limit the granting of loans from the Fire Services Department Welfare Fund only to the Fire Officer.

15. *Clause 14* seeks to introduce a new section 50A into Act 341 to provide for the offence of personation as a Fire Officer, Auxiliary Fire Officer and Voluntary Fire Officer.

16. *Clause 15* seeks to amend section 53 of Act 341 to provide for the offence to wear any uniform or any dress which bears the distinctive marks of the Fire and Rescue Department without the permission of the Director General by any person not being a Voluntary Fire Officer.

17. *Clause 16* seeks to introduce a new section 58A into Act 341 to provide that the First Class Magistrate shall have full jurisdiction to try any offence under Act 341.

18. *Clause 17* seeks to amend subsection 59(1) of Act 341 to provide that the power of the Director General or the Fire Officers authorized by him to compound any offence prescribed as compoundable offence shall be made with the consent of the Public Prosecutor. This *Clause* also seeks to increase the maximum compound from five hundred ringgit to one thousand ringgit.

19. *Clause 18* seeks to amend section 60 of Act 341 to provide that the provision of Act 341 shall also apply to vehicle.

20. *Clause 19* seeks to amend section 62 of Act 341 to empower the Minister to make regulations to prescribe the fire-fighting equipment or fire safety installation which shall be registered under Act 341, to regulate the private fire brigade, the fire safety consultant, fire safety consultant firm, competent person, fire safety contractor, training provider and instructor and to prescribe the category for competent person. This *clause* also seeks to substitute paragraph 62(1)(ca) of Act 341 to expand the power of the Minister to make regulations to regulate the Voluntary Fire Brigade.

21. *Clause 20* seeks to introduce a new Third Schedule into Act 341 relating to the training that may be carry out by a training provider and instructor.
22. *Clause 21* seeks to provide for saving and transitional.
23. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

*FINANCIAL IMPLICATIONS*

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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