

POLICY ON ALLOWANCE OF CATEGORY OF AUTHORISED PERSONS

1. PREAMBLE

The Department of Cooperative Governance and Traditional Affairs outsources the services of specialized individuals on fire services, known as Category of Authorized Persons. These individuals as per demand are requested to assess and evaluate fire related services and give advice on the findings to the MEC. The responsibility of the department in fire services is to provide support by appointing assessors for municipalities

2. PURPOSE

The purpose of this policy is to remunerate/provide allowance to the Category of Authorized Persons during the assessment and presentation of the findings to the MEC

3. DEFINITIONS

Administrator	-	The competent authority within the government of a province to whom the administration in that province of this Act was assigned under section 235 (8) of the Constitution of the Republic of South Africa
Authorized person	-	Any person belonging to a category to a category of persons declared under section 13 of the Act directed by notice in the Government Gazette
Chief fire officer	-	The person in charge of a service as contemplated in section 5
Premises	-	Includes land, any building or structure, and any vehicle, conveyance, ship, boat or air-craft
Board	-	The Fire Brigade Board established by section 2
Controlling Authority	-	A local authority in control of a service or the person in control of a designated service
Equipment	-	A vehicle, or any other apparatus, intended to be used by a service in the performance of its function

Member of service - a controlling authority may appoint any person who possesses the prescribed qualifications and experience, as a member of its service to perform such functions as may be assigned to him/her by the chief fire officer. Provided that a controlling authority may, after due consideration of the peculiar circumstances of a specific case, appoint any person who does not possess the prescribed qualifications and experience as a member of its service subject to the general conditions determined by the Board.

4. AUTHORISATION

This framework is authorized by Section 13 of the Fire Service Act, 1987 and Fire Brigade Service Amendment Act 1990

5. REGULATORY FRAMEWORK

5.1 Constitution of the Republic of South Africa, Act No. 108 of 1996

5.2 Fire Brigade Services Act, 1987

5.3 Fire Brigade Services Amendment Act No. 83 of 1990

6. POLICY FRAMEWORK

6.1 Identification

An authorized person shall exercise a power which has been conferred upon him by these regulations only if at the time of the exercise thereof he/she is in the possession of a certificate of appointment.

6.2 Functions of Authorized Persons

- a) Undertake investigations in order to advise the Administrator and the Board whether;
 - i. A service which has been established and is being maintained by a local authority under section 3 (1) of the Act, has been established and is being maintained in accordance with the prescribed requirements
 - ii. As to when a local authority should be directed in terms of section 3 (2) of the Act to maintain or to establish and maintain a service in accordance with the prescribed requirements

- iii. A Chief fire officer of a designated service possesses the prescribed qualifications and experience as contemplated in section 5 of the Act
- iv. The members of a designated service possess the prescribed qualifications and experience as contemplated in section 6 of the Act

6.3 Powers of Authorized Persons

- a) A member of a service of a controlling authority, including a chief fire officer, may whenever he regards it necessary or expedient in order to perform his function, perform any act, and may also
- b) Close any road or street
- c) Enter or break and enter any premises
- d) Damage, destroy or pull down any property
- e) Forcibly remove or cause to remove from the scene any person who is in danger or who obstructs that members in the performance of his duties; and
- f) Take material or any object from any person, provided that the owner of the material or object so taken shall be compensated therefore by the controlling authority and the owner, or in the absence of such agreement, an amount determined by arbitration in accordance with the provisions of the Arbitration Act, 1965

6.4 Category of Authorized Persons to perform the prescribed functions

Officers as defined in section 1 of the Public Service Act, 1994 (Proclamation No. 103 of 0 June 1994), with a grading not lower than that of Assistant Director who are serving in a provincial administration **(CATEGORY A)**.

Members of the fire brigade service of local authority as defined in section 1 of the Fire Brigade Services Act, 1987 **(CATEGORY B)**.

Other persons with applicable knowledge in the service of controlling authority **(CATEGORY C)**.

Provinces are advised to take the necessary steps to have provincial notices declaring the Category of Authorized Persons published and provide the Secretariat with a copy of such notice

Provinces are advised to provide the Secretariat of the Board with a copy of the names and particulars of the Category of Authorized Persons appointed by the MEC in the province

6.5 Notification of findings and recommendations and submission of representations

- a) An authorized person shall notify the controlling authority, person or institution concerned in writing of the findings and recommendations arising from the performance of the functions referred to in regulations 2 together with an estimate of the expenditure involved
- b) A controlling authority, person or institution contemplated in sub regulation (10) who feels aggrieved by such findings and recommendations may, within 30 days of such notification, submit representations thereanent to the MEC, Administrator or the Board, as the case may be, who shall consider the findings, recommendations and the representations concerned.

6.6 Payment of CAPS while performing duties of the department

- a) CAPS while performing duties for the Departments (as per request) remains the responsibility of their respective Departments/Municipalities/Institutions on the payment of CAPS salaries/allowance/remuneration
- b) The Department of Cooperative Governance and Traditional Affairs will take full responsibility of CAPS on the following activities/expenditure;
 - i. Traveling Costs
 - ii. Accommodation and Meals and
 - iii. S&T

7. SCOPE OF APPLICATION

The above minimum provision will be applicable to Category of Authorized Persons changing legal framework and shall be subjected to approval by the Head of Department

8. PROCEDURES FOR AMENDMENT OF THE POLICY

The amendment of this policy shall be done in accordance with changing legal frameworks and shall be subjected to approval by the Head of Department. He/she shall have the discretion to deviate from any clause in this policy where needs be.

9. MONITORING EVALUATION AND REPORTING

The department through its delegated structures shall monitor and evaluate effectiveness of the implementation and report to the Head of Department on an annual basis.

APPROVED/NOT APPROVED

MR. S. NGUBANE
ACTING: HEAD OF DEPARTMENT
DATE_____