

## **Cabinet Resolution No. (24) of 2012**

### **Concerning Regulating Civil Defense Services in the State**

#### **The Cabinet:**

Having perused the Constitution and the Federal Law No. (1) of 1972 concerning the capacities of ministries and the authorities vested in ministers and the laws in amendment thereof; and

The Federal Law No. (12) of 1976 concerning the Police and Security Forces and the laws in amendment thereof; and

Federal Law No. (3) of 1987 concerning the issuance of the penal code and the laws in amendment thereof; and

Federal Law No. (35) of 1992 concerning the criminal procedure code and the laws in amendment thereof; and

Federal Law No. (23) of 2006 concerning Civil Defense; and

Federal Law No. (1) of 2011 concerning the public revenues of the State; and

Federal Decree No. (8) of 2011 concerning the Rules for Preparation of the General Budget and Final Accounts; and

The Cabinet Resolution No. (6) of 1992 concerning the civil defense service fees; and

Acting upon the approval of the Cabinet,

#### **Has issued the following:**

#### **Definitions**

##### **Article (1)**

In applying the provisions of this Resolution, the following words and expressions shall have the meanings indicated beside each of them, unless the context requires otherwise:

**State:** United Arab Emirates

**Emirate:** the emirate in which the General Directorate is located

**Ministry:** Ministry of Interior

**Minister:** Minister of Interior

**General Directorate:** the General Directorate of Civil Defense

**Director General:** the Director General of the General Directorate of Civil Defense in the emirate

**System:** the e-system for monitoring buildings and facilities, linking them to operation rooms and vehicles of the General Directorate.

**Facilities:** all companies and institutions licensed to practice any economic or professional activity.

**Buildings:** all buildings used for residential or office or storing purposes in the State.

## **General Provisions**

### **Article (2)**

The provisions of this Resolution are applicable on all buildings and facilities, built and under construction, with the exception of private homes and independent residences.

### **Article (3)**

a) It is prohibited for federal entities and local departments, each in their respective jurisdictions, to do the following:

1- License or renew licenses of facilities upon receiving a license application without being accompanied with a valid Preventive Fire Safety Requirements Certificate from the General Directorate.

2- License construction of buildings or issuing a building's Certificate of Completion without a valid Preventive Fire Safety Requirements Certificate from the General Directorate.

b) The certificate stipulated in paragraph (a.1) is valid for one (1) calendar year, and is renewable annually.

### **Article (4)**

It is prohibited for insurance companies operating in the country to issue any document to any facility or building unless they have a valid Preventive Fire Safety Requirements Certificate from the Directorate General.

### **Article (5)**

Under the Resolution herein, the General Directorate is the authorized authority to license all public facilities in the emirate, in the field of preventive fire safety systems, as well as the employees, in accordance with regulations standards that are adopted by virtue of a decision from the Minister.

### **Article (6)**

1- Owners of facilities and buildings covered by Article (2) of this Resolution shall undertake regular maintenance to the preventive fire safety systems installed in those buildings and facilities via licensed companies and establishments accredited by the General Directorate.

2- Facilities operating in the field of preventive fire safety systems shall submit maintenance contracts to facilities and buildings referred to in paragraph (1) herein for approval by the General Directorate.

### **Article (7)**

1 – Owners of facilities and buildings referred to in Article (2) of this Resolution shall subscribe to the buildings and facilities monitoring system, in accordance with the requirements and regulations stipulated by a resolution from the Minister, and shall pay the fees provided for in this resolution.

2 – Owners of facilities and buildings referred to in Article (2) of this Resolution shall install and maintain the system at their own expense. Those costs shall be determined by a resolution from the Minister in coordination with the Minister of Finance.

### **Fees and Expenses**

#### **Article (8)**

1- All fees provided for in table (1) attached with this Resolution are in UAE Dirhams, and shall be imposed on all buildings and facilities based on their type of activity and the service provided to them.

2- The fees imposed on engineering drawings and layouts under this Resolution are calculated on the basis of the total usable areas including the repeated-layout floors.

#### **Article (9)**

1- Should the General Directorate find proof of absence of fire safety prevention requirements or firefighting equipment at the affected facility while conducting firefighting and rescue operations, it is entitled to charge the facility in violation of those requirements with all the firefighting and rescue operations costs and expenses incurred, provided that they do not exceed fifty-thousand dirhams (AED 50,000).

2- In coordination with the Minister of Finance, the Minister shall issue the standards and values required to calculate the expenses and costs provided for in the aforementioned paragraph.

## **Violations and Fines**

### **Article (10)**

Subject to any more severe penalty to which he may be subject under other legislation, any person who violates the provisions of this Resolution or the resolutions issued hereunder, shall incur the fines provided for in table (2) in the Resolution herein, in UAE Dirhams. The General Directorate shall issue the fines against violators and collect them via the collection mechanism adopted by the Ministry of Finance.

### **Article (11)**

All data related to violations shall be noted in a special register, to be kept at the General Directorate. In all cases, the General Directorate, having exhausted all avenues to correct the violation, is entitled to issue a decision to close down the violating facility, until the violation is rectified and the causes removed.

### **Article (12)**

The Minister shall issue a resolution pertaining to the provisions of the fire prevention code at the public and private facilities.

### **Article (13)**

The violator shall pay the fine defined in the Fines Table provided for in Article (10) of this Resolution, within one (1) month of receiving notice. The fine will increase by five hundred dirhams (AED 500) for each month or part of a month for any delay after exceeding the deadline.

### **Article (14)**

1- Any delay in obtaining or renewing building permits certificates as stipulated in Article (3) of this Resolution, the facilities and buildings owners shall incur a fine equal to ten percent (10%) of the fee defined in this Resolution for each month or part of a month of delay, without exceeding the value of the defined fee.

2- Facilities and buildings that apply for or renew the certificates provided for in Article (3) of this Resolution, within the statutory period determined by a ministerial decision, shall be exempted from paying any fees or fines imposed on them under previous resolutions prior to the entry into force of this Resolution.

### **Article (15)**

Insurance companies that violate the provision of Article (4) of this Resolution shall be liable to a penalty equal to ten percent (10%) of the contract made with the insured.

## **Rules and Regulations for Control and Inspection**

### **Article (16)**

Uniformed personnel at the General Directorate, as well as the civilian employees assigned by virtue of a decision from the Minister of Justice in agreement with the Minister, shall have the capacity of Judicial Control Officers, to prove all violations to the provisions of this Resolution, and its implementing regulations and decisions, including the right to inspect the buildings and facilities and to issue the violation notice.

### **Article (17)**

The Judicial Control Officer shall undertake the following tasks:

1- Monitor and inspect buildings and facilities subject to this resolution, in accordance with the powers and jurisdictions set forth in this resolution, including:

a- Inspect facilities and buildings to assess compliance with the provisions of this Resolution.

b- Report any acts committed in violation of the provisions of this resolution.

c- Receive complaints pertaining to violation of preventive fire safety requirements and file them in the register provided for in Article (11) of this Resolution.

d- Follow-up on the implementation of orders and judgments issued against violators.

e- Provide the owners of the public and private facilities and buildings with the technical instructions and guidelines that enable them to implement the prevention and safety requirements at their facilities and buildings.

f- Inform the General Directorate of all developments in order to address the shortcomings, and propose the necessary improvements needed for inspection work.

2- Take any of the following measures:

a- Inspect any facility at any time of day or night, provided that it falls within the official working hours of the facility.

b- Enter the shared facilities of the buildings subject to this Resolution.

c- Conduct any inspection or investigation required to ensure the availability of prevention requirements and firefighting equipment at the facility or the building; they are entitled to do the following:

1- Question the owner of the facility or building about any issue related to the implementation of prevention and safety measures.

- 2- Review the documents and licenses required for the work of the facility, in conformity with the provisions of this resolution.
- 3- Verify compliance of the concerned entities with regular maintenance required for the facilities and buildings.
- 4- Verify the validity and grievances received from third parties and take the necessary measures.

#### **Article (18)**

The Judicial Control Officer shall do the following:

- 1- Pledge before the Director General or his representative to respect the law; to perform their duty honestly and faithfully; to refrain from disclosing private information they obtain by virtue of their job even after termination of their employment; and to maintain the confidentiality of the complaints they receive.
- 2- Identify themselves and official capacity to the concerned persons.

#### **Article (19)**

Owners of facilities and buildings or their representatives shall provide the Judicial Control Officer with the necessary facilities and data in order for them to fulfill their task; and must respond to requests to appear before them or to dispatch a legal representative.

#### **Article (20)**

Based on his judgment, should the Judicial Control Officer deem the violation as highly serious and requires immediate action, he is entitled to request assistance from other competent authorities to take the necessary action to correct the violation. This action shall be undertaken at the cost of the violator, who shall also be compelled to pay all the fines incurred, and shall be referred to the competent authorities if necessary.

#### **Article (21)**

The Judicial Control Officer shall estimate the time needed to correct the violation, and mention it in the violation notice, taking into account the nature and seriousness of the violation.

#### **Article (22)**

The General Directorate must re-inspect the facilities and buildings to make sure that the violation was corrected by the end of the deadline determined in the violation notice. Another violation notice shall be issued if the violation was not corrected, and the necessary action shall be taken against violators in accordance with the provisions of this Resolution.

### **Article (23)**

1- Judicial Control Officers – when necessary – are entitled to request assistance from the competent administrative authorities in the emirate and the police in order to complete the tasks assigned to them; the aforementioned authorities shall provide the necessary support.

2- All federal entities and local departments in the emirate shall enforce the provisions of this Resolution, each within their own jurisdiction.

### **Concluding Provisions**

#### **Article (24)**

The Ministry shall undertake the following:

1- Inform the Ministry of Public Works, the public works departments in the emirate, and the violating government entity of the various types of violations found on the government entity premises, as set forth in Article (10) of this resolution, and that need to be corrected.

2- Submit a report to the Cabinet about the violations related to federal government buildings, and another report to the executive boards or the Rulers' Courts about the violations related to local governmental buildings in the emirate in order to decide the appropriate action in this regard.

#### **Article (25)**

1- The General Directorate may conclude contracts with public and private institutions and companies to provide services to the public.

2- The cost of providing the services listed in the previous paragraph shall be determined by virtue of a decision from the Minister in coordination with the Minister of Finance.

#### **Article (26)**

The fees and fines provided for in this Resolution or any other costs or fees that are approved in accordance with its provisions herein, shall be collected via the appropriate means of collection stipulated by the Ministry of Finance. The revenues resulting from this Resolution shall go to the State Treasury.

#### **Article (27)**

The revenues accrued from implementing this Resolution shall be used for the purposes of developing the Civil Defense services in the State. The Minister of Finance shall be mandated to define the percentage of those revenues that should serve that purpose, and the disbursement mechanism in agreement with the Minister.

#### **Article (28)**

The Minister shall be mandated with issuing any resolutions or regulations required to enforce this Resolution, particularly the following:

- 1- Restrictions and standards for licensing public facilities in the emirate, with respect to the preventive safety systems as well as their staff.
- 2- Restrictions and requirements of subscribing to the system.
- 3- Criteria to charge the facility that failed to provide the safety requirements or the necessary firefighting equipment, with the expenses incurred by the General Directorate during the firefighting and rescue operations.
- 4- Rules, criteria and conditions of exemption from all or some of the fines and costs incurred by the General Directorate in firefighting and rescue operations in the violating facility that did not meet the safety requirements or provide the necessary firefighting equipment, in coordination with the Minister of Finance.
- 5- Exemption from all or some of the fines set forth in this Resolution.

#### **Article (29)**

The Cabinet is the competent authority responsible for amending the fees set forth in the Resolution herein, be it adding, cancelling, amending, or exempting.

#### **Article (30)**

The Cabinet Resolution No. (6) of 1992 relating to the fees of Civil Defense Services shall be hereby repealed; any provision contrary to or inconsistent with the provisions of this Resolution shall also be repealed.

#### **Article (31)**

This Resolution shall be published in the official gazette, effective after sixty (60) days from the date of its publication. Competent authorities shall execute this Resolution, each within their own jurisdiction.

**HH Sheikh Mohammed bin Rashid Al Maktoum**

**Prime Minister**



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