L.N. 95 of 2003

CIVIL PROTECTION ACT
(CAP. 411)

Civil Protection (Volunteers Corps) Regulations 2003

IN EXERCISE of the powers conferred by article 7 of the Civil Protection Act, the Minister for Home Affairs and the Environment has made the following regulations:

Citation and commencement.

1. (1) The Title of these Regulations is the Civil Protection (Volunteers Corps) Regulations, 2003.

(2) These regulations shall come into force on 1st April, 2003.

Interpretation.

2. In these regulations, unless the context otherwise requires:-

"Act" means the Civil Protection Act 1999;

"Corps" means the Civil Protection Volunteers Corps referred to in regulation 3 of these Regulations;

"Council" means the Civil Protection Council established under article 5 of the Act;

"Department" means the Department of Civil Protection established by article 3 of the Act;

"Director" means the Director of Civil Protection and includes, to the extent of the authority given, any other public officer authorised in that behalf by such Director;

"disciplined force" means a force as referred to in article 47 of the Constitution;

"Minister" means the Minister responsible for Civil Protection and includes, to the extent of the authority given, any person authorised on that behalf for any purpose of these regulations;

"non-governmental organisation" means a recognised organisation of volunteers that has been established for civil protection purposes and does not have the making of profit as one of its main objectives which, on an application by it to this effect, has been recognised by the Director in terms of regulation 4 of these Regulations;

"Rescue Force" means the Assistance and Rescue Force referred to in article 8 of the Act;

"volunteer" means any person who, having an active interest in civil protection matters, is enrolled as a member of the Corps.

Establishment of the Civil Protection Volunteers Corps and enlistment thereto.

3. (1) There shall be established a Corps within the Assistance and Rescue Force of the Civil Protection Department to be known as the Civil Protection Volunteers Corps.

(2) Candidates for enlistment in the Corps shall be selected by such means and in such a manner as the Minister may from time to time determine and must –

(a) be over the age of 18;

(b) be fit for engagement in all the duties incumbent on any member of the Corps; and

(c) be certified to possess such minimum medical standards of fitness as the Director may determine.

(3) A volunteer may not be enlisted in the Corps if he is:

(a) in the full employment of the Civil Protection Department;

(b) in the employment of a disciplined force; or

(c) a registered member of a non-governmental organisation.

(4) No person shall be appointed a member of the Corps in terms of these regulations unless he has taken the Oath of Office set out in the Schedule to these Regulations. The Oath of Office shall be taken and signed by all members before the Director or a person duly empowered to do so by him.

(5) A person who has applied for enlistment may be rejected by the Director on any of the following grounds:-

(a) that he is unlikely to become a useful and effective member of the Corps;

(b) that he is considered a misfit or an undesirable influence;

(c) that he is likely to bring discredit on the Corps;

(d) for any other justified reason in the interest of the service.

(6) A person who has been rejected from enlisting in the Corps in accordance with subregulation (5) hereof, or where re-enlistment is refused in virtue of subregulation (7) hereof, may appeal in writing for a review of the decision before the Council within seven days of being so notified. A decision by the Council on such appeal shall be final and conclusive.

(7) Successful candidates shall be enlisted on an initial engagement period of three years, renewable on the basis of positive and effective performance for further periods of three years.

Non-governmental Organisations.

4. Non-governmental Organisations which, in the opinion of the Director possess the necessary qualifications, may be recognised as auxiliary bodies which, if called upon by him in the event of a disaster or public emergency, may provide concerted assistance and co-operation; provided that such recognition of a non-governmental organisation shall continue only until so desired by the Director and, or the organisation itself.

Members of the Corps.

5. (1) The Director shall assign to all members of the Corps the duties to be carried out by them.

(2) Where possible such duties shall be set out in detail in written orders by the Director.

(3) It shall be the duty of every member of the Corps to conform to such duties and to any other regulations, rules, orders, directions or guidelines issued by or on behalf of the Director and to obey all other lawful orders relating to the Corps.

(4) Members of the Corps shall at all times so conduct themselves and perform their duties as to command the respect of their colleagues and their superiors and the trust of the community.

(5) For the purpose of maintaining the high standards of service and conduct of the members of the Corps, the Director may, with the approval of the Minister, issue codes of discipline and practice to regulate the members' general behaviour and their performance while on duty in order to ensure the continued trust of the public in the Corps.

Discipline.

6. (1) A volunteer may be disciplined by the Director for disobedience to orders while on duty, or for neglect of any such duty, or for misconduct by him as an enlisted member of the Corps, or for failing to attend or failing to successfully conclude training sessions as provided

for in regulation 7 hereof, or for other sufficient cause or reason, the existence and sufficiency of which are to be judged by the Director.

(2) A volunteer who commits an offence against discipline under these regulations shall, if found guilty, be subject to one or more punishments in the following ascending scale:

(a) verbal warning

(b) severe verbal warning

(c) written warning with a statement that any recurrence would lead to suspension or dismissal, as the case may be

(d) suspension

(e) dismissal.

(3) It shall be the duty of a non-governmental organisation to discipline its members for disobedience to orders while on call-out duty, neglect of duty, misconduct or other sufficient cause.

Uniforms and other equipment.

7. (1) Every volunteer may be supplied at public expense with a uniform, other clothing and equipment which may be required for the proper performance of his duties and responsibilities. The nature, quality and quantity of such articles with respect to each member shall be decided upon by the Director.

(2) Every volunteer supplied with such clothing, equipment or other article shall take proper care of them and shall make good for any loss or damage thereto if it is proved after due investigation that such loss or damage had been caused wilfully or through carelessness or negligence on his part.

(3) Any volunteer who ceases membership of the Corps shall forthwith deliver up to such officer of the Department and at such time and place as the Director shall direct, all uniforms, other clothing and equipment which have been supplied to him at public expense and which he is directed by the Director to return.

(4) Before being issued with such uniform, clothing and equipment, a volunteer shall be required to sign an understanding that he will comply with the provisions of regulations (2) and (3) hereof.

Training of members of the Corps.

8. (1) Every member of the Corps shall be trained by the Department for such a period and at such places as may be ordered by

the Director, and may for that purpose be called out once or more often in every year.

(2) Only volunteers or members who have successfully completed at least one yearly course of training as provided for in paragraph (1) hereof shall be certified as competent and eligible to serve or continue to serve as members of the Corps.

Remuneration during training.

9. Volunteers shall not be entitled to any remuneration during training sessions, which may include also on-the-job training.

Call-out notices.

10. (1) In the event of a disaster or emergency considered by the Director as of such entity and magnitude as to require a call-out for volunteers, he shall, after consulting and obtaining the approval of the Minister, issue the necessary public notice to all volunteers to report for duty as required:

Provided that he may also consult with the leaders of non-governmental organisations as to their issuing a call-out for their respective members.

(2) The Director may issue directions and guidelines to volunteers and, in consultation with their respective leaders, to non-governmental organisations on call-up duty in order to ensure the security and safety of the public and for maintaining supplies and services essential to the life of the community. The specific execution of such directions and guidelines is to remain, in the case of non-governmental organisations, the sole responsibility of their respective leaders;

(3) It shall be the duty and obligation of every member on call-up duty to comply with any directions and guidelines issued by the Director in accordance with paragraph (2) hereof.

Government indemnity.

11. Subject to the provisions of regulation 9, members of the Corps will be considered as members of the Civil Protection Department whilst on training or in the execution of civil protection duties, and they will be considered as such in the event of injuries or death sustained during training or active duty.

Other Experts.

12. These regulations are not applicable to any person who is requested by the Director to give expert advice *ad hoc* or who is a member of a consultative commission duly appointed in terms of sub regulation (2) of article 7 of the Act.

Register and, or database of Volunteers.

13. (1) The Department shall keep an updated register and, or database of volunteers and non-governmental organisations with the following main details -

(a) the name and address of the individual volunteer or of the non-governmental organisation, as the case may be;

(b) in the case of an organisation, its objectives;

(c) the names, addresses, training, experiences, qualifications, and specialities or expertise of the individual volunteer;

(d) where applicable, telephone numbers, mobile numbers, fax numbers, and e-mail addresses of such volunteers;

(e) the equipment belonging to individual volunteers by kind, ownership, number of units, availability, use, its state of utility and maintenance, its purpose, its normal place of storage, and any other pertinent information;

(f) in the case of an organisation, any buildings, storage places, training facilities belonging to it;

(g) any other information considered to be necessary or of utility for the purpose of maintaining an efficient and up-to-date register of all voluntary resources, both human and otherwise, in Malta.

(2) All information and records under this regulation shall be of a confidential nature and shall only be accessible to the Minister, the Director and to any other properly authorised official.

(3) The register and, or database available shall with the assistance of individual volunteers and non-governmental organisations involved be periodically reviewed and updated by the Department and a general revision thereto shall be carried out at least once every three years.

(4) Any individual volunteer or non-governmental organisation that persistently fails to provide the information required of it to enable the Department to keep an updated record of its resources shall after a reasonable period of written notices by the Department be deemed, in the case of a volunteer and, in the case of a non-governmental organisation, to be recognised for the purposes of regulation 4 of these Regulations, not to be further interested in forming part of or continuing to form part of the Civil Protection Volunteer Corps .

SCHEDULE

[Regulation 3(3)]

Oath of Office of a Member of the Civil Protection Volunteers Corps

I .....do solemnly swear/affirm that I shall faithfully execute according to instructions and without fear any duties or responsibilities assigned to me by the Director of Civil Protection, or any other person so delegated by him, as member of the Civil Protection Volunteer Corps.

So help me God.

_____ _____

Signature of Member Signature of Witness

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Date