

# **The Emergency Management Act**

## **Consolidation Act no. 660 of 10 June 2009. Applicable (The Emergency Management Act)**

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The Ministry of Defence

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Promulgation of the Emergency Management Act

Notice is hereby given of the Emergency Management Act, cf. Consolidated Act no. 137 of 1 March 2004, as amended by Section 1 of Act no. 534 of 24 June 2005, Section 2 of Act no. 1060 of 9 November 2005, Section 101 of Act no. 538 of 8 June 2006, Section 2 of Act no. 1600 of 20 December 2006, Section 1 of Act no. 508 of 6 June 2007, and Act no. 1335 of 19 December 2008.

### **Part 1**

Preliminary provisions

1. The task of the fire and rescue services is to prevent, limit and redress personal injury and damage to property and the environment arising from accidents, disasters and catastrophes, including acts of war, or imminent danger of such.

(2) The fire and rescue services comprise the national fire and rescue service and the municipal fire and rescue service.

2. (Repealed)

3. The Minister of Defence may in times of peace decide to deploy the fire and rescue service abroad in case of catastrophes which give rise to serious injury or damage to, or constitute imminent danger to persons, property or the environment.

## **Part 2**

The national fire and rescue service

4. The Minister of Defence is the supreme administrative authority for the national fire and rescue service.

(2) The Minister of Defence supervises the municipal fire and rescue service. The Minister of Defence may authorise The Danish Emergency Management Agency (DEMA) to exercise such supervision, including alarm testing of the fire and rescue services. The Minister of Defence may lay down specific regulations on this.

5. The Danish Emergency Management Agency manages the national fire and rescue service and advises the authorities on questions relating to the fire and rescue services.

(2) The Minister of Defence shall lay down the rules on the organisation of the fire and rescue services in case of accidents at nuclear facilities, including the division of tasks and cooperation between the national and municipal fire and rescue service respectively, as well as in relation to the work of the fire and rescue services in regard to other authorities who carry out tasks as part of the emergency management system.

6. The Minister of Defence may enter into agreements with associations, organisations and individuals on their assistance in the carrying out of tasks within the national fire and rescue service.

7. The national fire and rescue service shall assist the municipal fire and rescue service, if it is deemed necessary due to the nature or scope of an accident or catastrophe, including acts of war.

8. The Danish Emergency Management Agency may enter into agreements with public authorities, companies and others, who are responsible for emergency management and response or for the upholding of important societal functions in case of accidents or catastrophes, to the effect that the national fire and rescue service shall undertake tasks or provide assistance to them.

### **Part 3**

The municipal fire and rescue service

#### Organisation

9. The municipal fire and rescue service belongs under the municipal council.

(2) The municipal council shall appoint an emergency management commission to perform the immediate management of the fire and rescue service. The municipal council may decide that the immediate management of tasks, which according to Sections 34-37 is placed under the municipal council, may be undertaken by the emergency management commission. The municipal council decides the composition of the commission. The commission, which shall consist of an uneven number of members, shall comprise the mayor, who is the chairman, the police commissioner and a majority elected by the municipal council. In special cases the municipal council may, with the consent of the Minister of Defence, appoint another member of the municipal council who is not the mayor to be the chairman of the emergency management commission. The municipal council shall appoint a representative of the volunteers to observe the emergency management commission, if the commission does not comprise a representative of the volunteers.

(3) The rules of Section 11 (1), Section 20 (1-4), (6) and (7), Sections 21, 22, 28 and 29 (1) (2) and (5), and in Sections 47-56 of the Local Government Act shall apply correspondingly to the emergency management commission and its members.

(4) The municipal council, cf. (2), or the joint emergency management commission, cf. Section 10 (2), may decide that the members of the emergency management commission shall be granted allowances, compensation for substantiated loss of earnings and compensation for expenses in accordance with the rules of Section 16a of the Local Government Act. A decision in accordance with first sentence shall include all members of the emergency management commission. However, members of the municipal council may not receive allowances, just as employees of the municipality or State may not receive allowances, when the task undertaken forms part of the individuals' official duties.

10. Two or more municipal councils may coordinate their fire and rescue services.

(2) Municipalities who coordinate their fire and rescue services shall appoint a joint emergency management commission to carry out the tasks relating to the fire and rescue services, which the municipal councils place under their jurisdiction. The municipal council may furthermore decide that tasks, which in accordance with Sections 34-37 belong under the municipal council, may be placed under the joint emergency management commission. The emergency management commission shall consist of an uneven number of members, including the mayors of the participating municipalities and the police commissioner. In special cases the municipal council may, with the consent of the Minister of Defence, appoint another member of the municipal council who is not the mayor to join the joint emergency management commission. In connection with municipalities which have coordinated their emergency management, a representative of the volunteers shall be appointed to observe the joint emergency management commission, if the commission does not comprise a representative of the volunteers.

(3) The coordination of the municipalities' fire and rescue services must be approved by the municipal supervisory authority, cf. Section 60 of the Local Government Act.

(4) The Minister of Defence may lay down more detailed rules on the coordination of the municipalities' fire and rescue services.

11. (Repealed)

Tasks

12. The municipal fire and rescue service shall be able to provide a justifiable response to prevent personal injuries, damage to property and the environment arising out of accidents and catastrophes, including acts of war. The fire and rescue services shall moreover be able to receive, accommodate and cater for evacuees and other distressed persons.

(2) The Minister of Defence may decide that in certain municipalities the fire and rescue services shall provide extended assistance to other municipalities' fire and rescue services, if it is deemed necessary due to the nature or scope of an accident or catastrophe, including acts of war. The Minister of Defence shall lay down rules on the distribution of expenses between the State and the municipalities in question.

(3) The Minister of Defence may enter into agreements with one or more municipal councils or with a privately-owned emergency service on the establishment of permanent emergency management for fire-fighting on board vessels at sea.

(4) The Minister of Defence may decide that the municipal council shall undertake emergency management tasks other than those named in (1) and (2).

13. The municipal council may enter into an agreement with another municipal council, with privately-owned emergency services or with others on the carrying out of tasks within the municipality's fire and rescue service. The agreement shall be stated in the sub plan for the municipal fire and rescue service, which forms part of the municipal council's overall plan for the municipality's emergency management, cf. Section 25 (1). Furthermore, the municipal council may enter into agreements with The Danish Emergency Management Agency on the national fire and rescue service carrying out tasks falling under the municipal fire and rescue service.

(2) The municipal council may enter into agreements with associations, organisations and individuals on their assistance in the carrying out of tasks within the municipal fire and rescue service.

14. The Minister of Defence shall lay down rules on the organisation, operation, materials and proportions of the fire and rescue services.

15. The municipal council shall ensure an adequate water supply for fire fighting.

(2) The Minister of Defence shall lay down rules on the water supply for fire fighting.

#### **Part 4**

##### Deployment of the fire and rescue services

16. The Minister of Defence shall lay down rules on the technical management of the response at the site of damage.

17. The overall response in connection with major damage is moreover coordinated by the police commissioner.

(2) In connection with the deployment of the fire and rescue services, the police commissioner shall make the necessary arrangements for the sounding of alerts and warnings, cordoning off, evacuation and other necessary measures.

18. The Minister of Defence or a municipal council may demand that another municipal fire and rescue service (inter-municipal aid) or privately-owned emergency services be made available to the municipal fire and rescue service.

(2) The technical manager of the response at the site of damage shall call on the assistance of another municipal fire and rescue service, the national fire and rescue service or privately-owned emergency services if this is deemed necessary due to the nature or scope of the accident or catastrophe.

(3) The Minister of Defence shall lay down rules on the assistance in accordance with (1) and (2), including payment for the assistance.

19. The Minister of Defence shall lay down rules on the State in special cases contributing to the expenses in connection with the deployment of the municipal fire and rescue service.

20. The fire and rescue services may demand that any kind of privately-owned tools and equipment and means of transportation together with the necessary crews be made available for the response.

(2) Any individual who, pursuant to (1), has provided tools or means of transportation, is entitled to compensation from the municipality for deprivation of material and for any damage to the material.

21. In connection with the response, the fire and rescue services are, cf. Section 12 (1), first sentence, entitled to gain access, without a court order, to private property to the necessary extent required, by breaking through and removing obstacles, if necessary.

(2) The fire and rescue services are entitled to demolish buildings or remove plants, if the technical leader of the response on at the site of damage deems this necessary in order to control the spread of the damage.

(3) The damage caused by the fire and rescue services in connection with fire fighting shall constitute a fire loss. However, if the damage affects fields, gardens or plants belonging to third parties, compensation for the damage will be paid by the municipality.

22. During a response the fire and rescue services are entitled to use any water found in wells, water mains and other water reservoirs.

23. During a response the fire and rescue services shall be aware of possible causes of the accident or catastrophe. If the fire and rescue services find suspicious traces, the police shall be notified immediately and the evidence shall be secured as far as possible.

23 a. The municipal council may decide that a fee be charged from the system owner in cases of turning-out by the fire and rescue services to false alarms from compulsory automatic fire protection systems. The fee shall cover the expenses in connection with the turning-out. The Minister of Defence shall provide information on the amount of the fee, determined as the average costs in connection with turning-out to false alarms from compulsory automatic fire protection systems. The Minister of Defence shall lay down more detailed rules on the collection of the fee, etc.

## **Part 5**

Emergency management planning etc. within the civil sector

24. The individual ministers shall each within their areas plan the maintenance and continuation of societal functions in the event of accidents and catastrophes, including acts of war, and provide support for the armed forces.

(2) The Minister of Defence coordinates the planning regarding the civil sector's emergency management, cf. (1) and provides advice to the authorities. The Minister of Defence shall carry out that part of the planning that does not rest with other authorities.

25. The municipal council shall prepare an overall plan for the municipality's emergency management. The plan shall be adopted by the municipal council at a meeting.

(2) The regional council shall prepare an overall plan for the region's emergency management. The plan shall be adopted by the regional council at a meeting.

(3) The plans mentioned in (1) and (2) shall be revised to the extent made necessary by development, though at least once during each municipal and regional electoral period.

(4) The plans and the revisions hereof shall be submitted to the Danish Emergency Management Agency.

26. The Minister of Defence shall lay down guidelines for the preparation of the plans mentioned in Section 25.

27. The individual ministers shall lay down guidelines within their own area for the regions' and municipalities' emergency management planning, cf. Section 25 (1) and (2).

28. The Minister in question may direct public authorities as well as public and private enterprises and institutions to provide assistance in the planning or execution of tasks falling under the civil sector's emergency management.

(2) The Minister in question may direct public and private enterprises and institutions to take special measures as far as goods, services, means of production etc. are concerned within their normal operations, if this is required in regard to tasks falling under the civil sector's emergency management.

(3) Prior to such direction being made pursuant to (1) or (2), negotiations shall be conducted with the enterprises or institutions or their organisations in questions regarding the scope of the direction and specific regulations for its implementation, including the question of compensation from the State, cf. (4).

(4) If a direction made pursuant to (1) or (2) gives rise to financial loss for an enterprise or institution, the State shall be liable for damages in accordance with the general rules of Danish law hereon. No damages can be claimed if the costs related to the implementation of the direction may be covered by inclusion in the price of the goods or services in question. The enterprise or institution in question may not thereby be placed in a less favourable position than others within the same industry.

(5) In the absence of an amicable agreement, damages are determined in accordance with the rules laid down by the Minister of Defence.

28 a. The Minister of Defence establishes an evaluation institute. The purpose of this institute is to implement evaluations of major emergency management responses and responses of an unusual course of events. The Minister of Defence may lay down specific rules for the evaluation institute.

(2) The Minister of Defence shall appoint three individuals to constitute an evaluation group. The evaluation group members are appointed for a three-year period. The individuals in question may be reappointed. The evaluation group is responsible for planning, initiating and implementing the actual evaluations and carries the professional responsibility for the result of the evaluations. In its professional capacity, the evaluation group is independent of the Minister of Defence and the other parties of the emergency management system.

(3) In connection with evaluations of responses, cf. (1), the evaluation group appoints a further two experts to assist in the institute's evaluation of the actual response.

(4) The evaluation group may request the procuring of all information, which is deemed important for a particular operation, and its handing over to the parties involved. This does not however apply in cases where special police-related conditions exist, including security and investigation conditions. The information should be submitted electronically as far as possible.

(5) Cases on evaluation of emergency management responses are governed by the Access to Public Administration Files Act once the final evaluation report has been completed.

(6) When the evaluation group receives working documents to be used for the implementation of an evaluation, and when these documents contain internal information and data in pursuance of the Access to Public Administration Files Act and the Public Administration Act, said documents do not lose their internal nature as a result of their disclosure to the evaluation group.

## **Part 6**

### Radio communication

29. The municipal council and the regional council shall ensure that the national radio communication network is used for the carrying out of own and joint emergency management tasks.

(2) Following negotiations with the Minister in question, the Minister of Defence may lay down rules stating that parties, including individuals, other than the municipal councils and the regional councils shall use the radio communication network mentioned in (1).

(3) The Minister of Defence may lay down rules on the use of the national radio communication network, including connection and utilisation. Subsequent to negotiations with the Minister of Finance, the Minister of Defence may furthermore lay down rules on the payment for connection to and use of the network.

30. – 32. (Repealed)

(official note: Part 6 at the time was repealed by Act no. 293 of 30 April 2003. Part 6 and Section 29 were drafted by Act no. 508 of 6 June 2007.

## **Part 7**

### Preventative measures etc.

33. The Minister of Defence shall lay down rules on:

1) the location, layout and use of enterprises where the following are stored, used or manufactured: Solid, liquid or gaseous inflammable or explosive substances and other substances, which, in connection with fire or other damage may constitute a risk to individuals, property or the environment, including substances to be used in connection with terrorism and thereby constitute a risk to the security of life and property; and

2) the storage and use of solid, liquid or gaseous inflammable or explosive substances.

(2) The Minister of Defence shall lay down rules on:

1) the use of fire and light; and

2) measures that are necessary for the prevention and reduction of fire risk and for the securing of proper opportunities for rescue and fire extinguishing in case of fire.

(3) The Minister of Defence shall lay down rules on the measures to be initiated to counter the effects of nuclear plant accidents.

33 a. The Minister of Defence may authorise the Danish Emergency Management Agency to lay down rules in pursuance of Section 33 (1) and (2) and Section 70 (4) and (5).

(2) The Minister of Defence may lay down rules on the right to appeal against decisions made by the Danish Emergency Management Agency in accordance with the rules laid down in pursuance of Section 33 (1) and (2) and Section 70 (4) and (5), including the fact that decisions cannot be brought before the Minister.

(3) The Minister of Defence may lay down rules on the fact that technical specifications to which reference is made in rules determined in pursuance of Section 33 (1) and (2) and Section 70 (4) and (5) are not published in the Danish Law Gazette (Lovtidende).

(4) The Minister of Defence may lay down rules on how to obtain information on technical specifications not published in the Danish Law Gazette (Lovtidende), cf. (3).

(5) The Minister of Defence may lay down rules stating that technical specifications not published in the Danish Law Gazette (Lovtidende), cf. (3), shall be in effect, even though these are not available in Danish.

34. The municipal council shall approve the establishment, significant rebuilding, extension or alteration in the operation of enterprises to the extent on which rules are laid down in pursuance of Section 33 (1).

(2) The municipal council may in addition decide that buildings, ground areas and floating constructions shall be laid out and used in such a manner that the fire risk is reduced as far as possible and that appropriate rescue and fire extinguishing opportunities are safeguarded in the best possible way.

35. The municipal council may decide that measures be taken to the extent that rules for so doing are determined in pursuance of Section 33 (2), second sentence.

(2) At least once a year, the municipal council shall decide whether fire and evacuation drills shall be conducted in buildings etc. covered by (1).

(3) The municipal council may in addition decide that for buildings, ground areas and floating constructions:

- 1) with special flammable conditions;
- 2) where many persons gather; or
- 3) where valuable property is subject to destruction;

operational measures shall be taken for the prevention and reduction of the fire risk and for the safeguard of appropriate rescue and fire extinguishing opportunities in case of fire.

(4) The municipal council may decide, if it is deemed necessary, that the municipal fire and rescue service or one or more individuals, who are authorised by the municipal council to so do, shall at all times be present as a fire guard in meeting places, at the holding of exhibitions, festivals, theatre performances, circus performances and similar events, including outdoor events. The fire guard, who shall be in possession of proper identification, may be present without a court order. The municipal council may furthermore decide that the event planner shall pay a fee to cover the municipality's costs and expenses regarding administration and inspection in connection with the fire guard.

36. The municipal council shall carry out inspections of fire prevention arrangements of enterprises, listed buildings, buildings in which many persons are gathered, buildings that are inflammable and stores as well as of floating constructions.

(2) The Minister of Defence shall lay down more detailed rules on inspections of fire prevention arrangements pursuant to (1), including orders on the redress of any deficiencies.

(3) Inspections of fire prevention arrangements in pursuance of (1) may, if it is deemed necessary, be carried out at any time without a court order at the property. The fire protection arrangement inspectors shall be in possession of proper identification.

(4) The Minister of Defence may decide that inspections of fire prevention arrangements for the armed forces shall be conducted in a special manner.

36 a. The Minister of Defence may lay down rules on the municipal council's publication of the results and sanctions based on the fire prevention arrangements inspections. The publication may include names of the natural and legal entities who have been inspected, together with the names of the natural and legal entities who, as a result of the fire protection arrangements inspection, receive injunctions or orders, or are subject to sanctions.

(2) The Minister of Defence may lay down rules on the form and scope of the publication, including that the publication may be made electronically.

37. The municipal council may in accordance with rules laid down by the Minister of Defence direct public authorities and public and private enterprises and institutions to take measures for their protection during times of crisis or war (plant protection). The expenses are met by the person who is ordered to take the above measures.

(2) The municipal council shall inspect the plant protection. Inspection may, if it is deemed necessary, be carried out at any time without a court order. The inspectors shall be in possession of proper identification.

## **Part 8**

### **Expropriation**

38. The Minister of Defence or an individual authorised by the Minister may initiate expropriation of private property, including means of transportation, for the use of the fire and rescue services.

(2) The Minister in question may initiate or, as far as non-governmental measures are concerned, allow the initiation of expropriation of real property to be used for the execution of tasks falling under the civil sector's emergency management.

(3) Title or right of use may be obtained or restrictions may be imposed in case of expropriation.

(4) During times of crisis or war the Minister of Defence, or an individual authorised by the Minister, may without a court order initiate seizure with a view to expropriation.

(5) In the absence of an amicable agreement, the appraisal authorities shall decide the question of compensation for expropriation in accordance with the Public Roads Act. In case of expropriation of property other than real property, the Act shall apply correspondingly.

(6) The decision of an appraisal commission cannot be brought before the courts before the possibility of adjudication by the appraisal appeals commission has been exhausted.

(7) The Minister of Defence shall lay down rules on the implementation of the expropriation and the proceedings of the appraisal authorities.

## **Part 9**

Injunctions, orders etc.

39. Any individual, who discovers a fire or circumstances demonstrating imminent danger of a fire, shall immediately notify those persons who are in danger and alarm the fire and rescue services. The individual in question shall also make attempts to control the fire or avert the danger.

40. In case of fire, every individual shall provide assistance to the best of his or her ability.

(2) Any individual who is present at a fire shall, upon request by the fire and rescue services, take part in the rescue and fire-fighting operation.

(3) Any individual who has taken part in the rescue and fire-fighting operation in accordance with (1) and (2) has the right of compensation by the municipality for substantiated loss of earnings.

41. All individuals shall comply with the orders issued by the fire and rescue services.

(2) All individuals shall respect cordoned off areas in connection with a response and shall follow the request of the police or the fire and rescue services to leave the cordoned off area or roads leading to said area.

(3) Upon an order to evacuate, all individuals shall leave their premises within the stipulated time and go via the roads pointed out to said individuals to the designated lodging areas.

42. All individuals shall upon request by the fire and rescue services make their dwelling or other premises available for the evacuees and cater for them as needed.

(2) The Minister of Defence shall determine the compensation that shall be granted for this.

43. The rules on extraordinary billeting of the Billeting Act are applied correspondingly to personnel in the fire and rescue services.

(2) The Minister of Defence shall lay down rules on the billeting charges that may be demanded in accordance with (1), and on the compensation that shall be granted for this.

44. In case of blackout orders, all individuals shall immediately execute this to the extent laid down by the authorities.

(2) The responsibility for and the costs of blackouts rest with the individual who owns, leases or uses the light source.

45. The Minister in question may impose on any individual the obligation to disclose information that is necessary for the planning of the civil sector's emergency management.

46. The Danish Emergency Management Agency may request information from any individual on the emergency management measures that have been or are intended to be carried out, together with other information that is deemed necessary for the execution of tasks in relation to the fire and rescue services.

47. (Repealed)

## **Part 10**

### **Personnel provisions**

## General provisions

48. The Minister of Defence shall lay down rules on the training of fire and rescue services' personnel, including the distribution of expenses between the State and the municipalities.

49. The Minister of Defence may decide that personnel, who are obliged to participate in the domestic fire and rescue services, be deployed abroad, cf. Section 3.

50. During times of crisis or war, the personnel in the fire and rescue services cannot by notice of resignation bring their duty to serve in the fire and rescue services to an end.

(2) Non-commissioned officers who have been dismissed, and who are not in other ways placed under an obligation toward the fire and rescue services, shall during times of crisis or war be available for the fire and rescue services until the end of the year in which they attain the age of 65.

(3) The Minister of Defence may lay down rules on the transfer of personnel from within the fire and rescue services to other parts of the fire and rescue services.

## Volunteers

51. The Minister of Defence shall lay down rules on the training of personnel who are not remunerated for their participation in the fire and rescue services (volunteers). This includes payments to the volunteers and the distribution of expenses between the State and the municipalities.

(2) The Minister of Defence shall determine the tasks that may be undertaken by volunteers at the national fire and rescue service.

(3) The municipal council determines the tasks that may be undertaken by volunteers at the municipal fire and rescue service.

(4) During times of crisis or war, Sections 60-66 shall also apply to volunteers.

## Conscripts

52. The Minister of Defence shall determine the number of conscripts to be called up for the fire and rescue services and lay down rules on the conscription duration and term as well as its organization.

53. Conscripts at the national fire and rescue service are, in terms of billeting, provisioning, clothing, salary, free transportation and similar, subject to rules equivalent to those that apply to conscripts of the armed forces.

(2) For other conscripts in the fire and rescue services, the Minister of Defence may lay down rules on the conditions stated in (1).

54. Conscripts are available for the fire and rescue services until the end of the year in which they attain the age of 50. The Minister of Defence may lay down rules hereon.

(2) The Minister of Defence may call up the necessary number of conscripts needed in case of responses during catastrophes that require extraordinarily large manpower. The Minister of Defence may lay down rules hereon.

Women engaged on terms comparable to conscripts

54 a. The rules of Sections 52-54 and 60-66 shall apply correspondingly to women engaged on terms comparable to conscripts.

54 b. Female personnel in the fire and rescue services engaged on terms comparable to conscripts, who are dismissed or discharged, and for whom service of any kind in the fire and rescue services may, according to the information available, be seen as being incompatible with their conscience, may be exempted from service by the Minister of Defence. The Minister of Defence shall lay down specific rules hereon.

Enlisted men employed on a contract basis at the national fire and rescue service

55. For enlisted men employed on a contract basis at the national fire and rescue service, the Minister of Defence may lay down rules on training and call-up and on the conditions mentioned in Section 53 (1). Individuals, who are or who have been enlisted men employed on a contract basis at the national fire and rescue service, shall be available for this until the end of the year in which they attain the age of 50, unless otherwise decided by the Minister.

Individuals bound to be called up to fire and rescue services

56. Any individual who resides or stays in Denmark may, from the time when he or she attains the age of 18 and until the time when he or she attains the age of 65, be ordered to serve in the fire and rescue services (bound to be called up to the fire and rescue services), if required by exceptional circumstances. The Minister of Defence may lay down rules hereon, including which authorities may order the obligation to call up individuals to serve in the fire and rescue services.

(2) Any individual who is called up to the armed forces in case of times of crisis or war is not subject to (1).

57. Public-sector employees and employees of public-sector and private enterprises and institutions shall carry out any tasks falling under the fire and rescue services and the civil sector's emergency management that they are ordered to.

58. A decision to order the obligation of being called up to the fire and rescue services pursuant to Section 56 cannot be brought before another administrative authority.

#### Exemption from duty to attend

59. The Minister of Defence shall determine who may be exempted from duty to attend the armed forces in order to serve in the fire and rescue services or to remain in other important societal functions.

(2) The Minister of Defence shall determine who may be exempted from duty to attend the fire and rescue services in order to serve in other parts of the fire and rescue services or to remain in other important societal functions.

(3) The Minister of Defence shall determine who may be exempted from duty to attend the fire and rescue services in order to volunteer in the Danish Home Guard.

## **Part 11**

### Penalties and disciplinary provisions

#### Conscripts

60. Unless disciplinary measures are used, cf. Section 62, a conscript who has been called up to serve in the fire and rescue services shall be punished by a fine or imprisonment for up to 1 year, if he:

- 1) refuses to serve in the fire and rescue services;
- 2) is absent from or leaves the place of service unauthorised;
- 3) does not obey a superior officer's order; or
- 4) otherwise fails to comply with the duties entailed by the service.

(2) During times of war the penalty may increase to imprisonment for up to 2 years.

(3) Any superior officer of the fire and rescue services may take a conscript into custody when he fails to obey the superior officer's order or when it is deemed necessary out of consideration for discipline to take him into custody.

61. The Minister of Defence shall determine the extent to which the serving of the sentence and unlawful absence shall entail service after the sentence or discharge with a view to a renewed call-up. The service after the sentence may not exceed the period of the sentence and the period of time in which the individual in question has been unlawfully absent.

(2) Any individual who is convicted of refusal to serve in the fire and rescue services, cf. Section 60 (1), first sentence, for the second time shall be discharged and cannot be called up at a later date.

62. Instead of a mild penalty in accordance with Section 60, disciplinary measures are employed unless the circumstances speak against this.

(2) Disciplinary measures cannot be brought before the courts.

63. The following may be used as disciplinary measures; Lecture, reprimand, work and additional training during part of off duty hours, presentation, guard duty or other additional service, deprivation of liberties and transfer to other duties.

(2) If use of disciplinary measures interferes with the access to leave the place of service after the termination of service, this must not occur for periods in excess of 3 days at a time with an intervening period of at least one day, and the use of measures must not extend beyond 14 days.

(3) The Minister of Defence shall lay down rules on the use of disciplinary measures, including rules on the concomitant use of several disciplinary measures.

(4) The Minister of Defence shall determine who will have the authority to apply disciplinary measures and the scope of this empowerment.

64. Any individual on whom a disciplinary measure has been imposed may request that the serving of the measure be postponed for up to 2 x 24 hours following notification of the disciplinary measure.

65. Any individual on whom a disciplinary measure has been imposed may request that the case be brought before a disciplinary tribunal for adjudication.

(2) Both the individual on whom the disciplinary measure has been imposed and the individual who has imposed it may request that the adjudication of the disciplinary tribunal be brought before a board of appeals for adjudication. The adjudication of the board of appeals cannot be brought before the courts or the Minister of Defence.

(3) The disciplinary tribunal is made up of a judge, who is the chairman, and two other members, of which one shall as far as possible be a spokesman and of the same rank as the individual on whom the disciplinary measure has been imposed, while the other should be this individual's superior.

(4) The board of appeals, which is set up by the Minister of Defence, consists of a chairman and two other members. The chairman should be a High Court judge. The other members are a Public Prosecutor, who is appointed by the Minister of Justice, and an attorney, who is appointed by the Council of the Danish Bar and Law Society.

(5) The Minister of Defence shall lay down rules on the appointment of the members of the disciplinary tribunal and for the activities of the disciplinary tribunal and the board of appeals.

66. The submission of a disciplinary measure before the disciplinary tribunal or the board of appeals does not have suspensive effect, unless otherwise decided by the chairman of the tribunal in question.

(2) A disciplinary measure shall be brought before the disciplinary tribunal or the board of appeals within 4 weeks of the plaintiff being notified of the disciplinary measure and the adjudication of the disciplinary tribunal respectively. The chairman of the tribunal in question may decide that failure to meet the time limit for lodging the complaint may be disregarded if special grounds for so doing exist.

## Other emergency management personnel

67. Sections 60-66 shall also apply to non-commissioned officers, non-commissioned officers of the reserve and enlisted men of the fire and rescue services employed on a contract basis. The disciplinary measures work and additional training during part of off duty hours, presentation, guard duty or other additional service and deprivation of liberties may, however, not be used for non-commissioned officers or non-commissioned officers of the reserve, unless these are students at one of the fire and rescue services' schools.

(2) During times of crisis or war, Sections 60-66 shall also apply to civilian employees and individuals bound to be called up to the fire and rescue services.

## Other penalty provisions

68. Any individual who during times of crisis or war intentionally misuses or fails to respect the distinctive mark, the use of which in accordance with an international agreement entered into by Denmark is reserved for the execution of tasks that are carried out by the Danish fire and rescue services, may be punished by a fine or imprisonment for up to 12 years.

69. Any individual who makes unauthorised use of the distinctive marks or uniforms of the fire and rescue services, or who makes use of distinctive marks or uniforms of such resemblance that they could easily be mistaken for these, though without this action falling within the scope of Section 68, are penalised in accordance with Section 132 of the Penal Code.

(2) Any individual who makes unauthorised use of the fire and rescue services' signals or who use signals of such resemblance that they could be mistaken for them, are penalised by fines or imprisonment for up to 4 months.

(3) Under aggravating circumstances the punishment may be increased to imprisonment for up to 2 years.

70. Violation of Sections 39, 40 (1) or 41 (2) may be penalised by a fine or imprisonment for up to 4 months unless the imposition of a more severe penalty is warranted by other legislation.

(2) Similar punishment shall apply to any individual who fails to comply with injunctions or orders in pursuance of the following Sections; 20 (1), 28 (1) or (2), 34 (2), 35, 40 (2), 41, 42 (1), 44 (1), 45, 46, 49, 56 (1) or 57.

(3) Similar punishment as in (1) and (2) shall apply to any individual who creates or carries out significant rebuilding, extension or alteration in the operation of enterprises without the approval of the municipal council, cf. Section 34 (1).

(4) In stipulations issued in pursuance of this Act, the Minister of Defence may lay down penalties of a fine, imprisonment for up to 4 months or, under aggravating circumstances, imprisonment for up to 2 years for violation of the provisions contained in the stipulations or for failure to comply with injunctions or orders contained in such.

(5) Enterprises etc. (legal entities) may incur criminal liability etc. in pursuance of the rules of Part 5 of the Penal Code. Should the violation be performed by the State, a municipality or a joint local authority enterprise, cf. Section 60 of the Local Government Act, the aforementioned State, municipality or joint local authority enterprise may be punished by a fine.

71. The following shall be punishable by a fine:

1) any individual who fails to exercise proper caution in the use of fire, light, matches, ash, inflammable substances, and any other substances or articles which may cause or contribute to fire, or who fails to ensure that persons belonging to the household or enterprise of the individual exercise such caution; and

2) any individual who owns or makes use of electrical devices or other light, heating, power plant or machinery, which may cause or contribute to fire, or who makes use of such systems or devices or allows them to be used, regardless of them not being in good condition.

## **Part 12**

Amendments to other legislation

(Omitted here).

## **Part 13**

Commencement and temporary provisions

79. The Act shall enter into force on 1 January 1993.

(2) Concurrently, the following are repealed: The Fire Services Act, cf. Consolidated Act no. 365 of 28 July 1983, as amended by Section 2 of Act no. 270 of 2 May 1990, the Act on Civil Defence, cf. Consolidated Act no. 517 of 28 July 1987, as amended by Section 3 of Act no.

385 of 6 June 1991, and the Act on Civilian Emergency Management, cf. Consolidated Act no. 279 of 3 June 1985, as amended by Section 6 of Act no. 192 of 29 March 1989, cf. however (3) and (4).

(3) However, Part 5 and Section 33 (1) – (2) and (4) – (8), Section 34 and Section 35 of the Fire Services Act shall remain in force until they are repealed in pursuance of Section 4, cf. Section 2 of Act no. 270 of 2 May 1990 on the amendment of the Building Act, the Fire Services Act and the Municipal Planning Act.

(4) The time of the repeal of Section 37 (2) and Section 38 of the Fire Services Act shall be determined by the Minister of Defence.

(5) Delegated legislation issued in pursuance of the Fire Services Act, cf. (2), and previous fire service legislation remains in force until replaced by rules issued in pursuance of this Act.

(6) Delegated legislation issued in pursuance of the Civil Defence Act, cf. (2), and previous civil defence legislation remain in force until replaced by rules issued in pursuance of this Act.

(7) Delegated legislation issued in pursuance of the Act on Civilian Emergency Management, cf. (2), shall remain in force until replaced by rules issued in pursuance of this Act.

(8) Violation of delegated legislation upheld in pursuance of (5) – (7) may be penalised by a fine or imprisonment for up to 4 months, unless the imposition of a more severe penalty is warranted by other legislation. In special circumstances the penalty may increase to imprisonment for up to 2 years.

80. The Minister of Defence shall lay down rules on the transfer of local control centres and materials etc., which the State has made available for the municipal civil defence, to the municipal councils.

81. Plant protection established in pursuance of the legislation which is in effect until 1 January 1993 is upheld unless the municipal council upon application reaches a decision to close them.

82. The Act shall not extend to the Faroe Islands and Greenland, but the Act may enter into force for these parts of the country by Royal Decree, subject to any deviations required by the specific conditions affecting the Faroe Islands or Greenland.

(Other commencement provisions have been omitted in this version).

The Ministry of Defence Denmark, 10 June 2009  
Søren Gade