

Decree No. 123/2005/ND-CP Providing for sanctioning of administrative violations in the domain of fire prevention and fighting

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

-----oOo-----

Hanoi, 5th October 2005

No. 123/2005/ND-CP

DECREE OF THE GOVERNMENT

Providing for sanctioning of administrative violations in the domain of fire prevention and fighting

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government;
Pursuant to the June 29, 2001 Law on Fire Prevention and Fighting;
Pursuant to the July 2, 2002 Ordinance on Handling of Administrative Violations;
Pursuant to the January 28, 1989 Ordinance on the Vietnam People's Police and the July 6, 1995 Ordinance Amending Article 6 of the Ordinance on the Vietnam People's Police;
At the proposal of the Minister of Public Security,

DECREES:

Chapter I
GENERAL PROVISIONS

Article 1: Scope of regulation

This Decree provides for sanctioning of administrative violations in the domain of fire prevention and fighting.

Article 2: Subjects of application

Individuals and organizations that intentionally or unintentionally commit violations of regulations on fire prevention and fighting which are not severe enough to be examined for penal liability shall all be administratively sanctioned under the provisions of this Decree; where treaties to which Vietnam is a contracting party contain different provisions, the provisions of such treaties shall apply.

Article 3: Principles for sanctioning of administrative violations in fire prevention and fighting

1. All acts of administrative violation in fire prevention and fighting must be promptly detected, immediately stopped and strictly handled according to the provisions of law. All consequences caused by such acts must be remedied according to the provisions of law.
2. Individuals and organizations shall be sanctioned for administrative violations in fire

prevention and fighting only when they commit acts of violation specified in this Decree.

3. The sanctioning of administrative violations in fire prevention and fighting must be carried out by competent persons defined in Chapter III of this Decree.

4. An act of administrative violation shall be sanctioned only once.

A person who commits more than one act of violation shall be handled for each of such acts. If the imposed sanctions are fines, they shall be aggregated into a common fine imposed under one sanctioning decision only.

If many persons jointly commit an act of administrative violation, each shall be sanctioned.

5. When making decision to sanction administrative violations, the nature and severity of violations, personal identify of violators, and extenuating and aggravating circumstances specified in the Ordinance on Handling of Administrative Violations must be taken into consideration so as to decide on appropriate handling forms and measures.

6. Administrative violations committed in emergency cases, for legitimate self-defense, in unexpected events or administrative violations committed by persons suffering from mental diseases or other diseases which make such persons unable to perceive or control their acts shall not be sanctioned.

Article 4: Statute of limitations for sanctioning administrative violations

1. The statute of limitations for sanctioning an administrative violation in fire prevention and fighting is one year, counting from the date of commission of such administrative violation. Beyond this time limit, administrative violations shall not be sanctioned but must be subject to the application of consequence-remedying measures specified at Points a and c, Clause 3, Article 12 of the Ordinance on Handling of Administrative Violations.

2. Within the period specified in Clause 1 of this Article, if the violating individual or organization commits a new administrative violation in fire prevention and fighting or deliberately shirks or obstructs the sanctioning, the statute of limitations specified in Clause 1 of this Article shall not be applied but it shall be counted from the date of commission of the new administrative violation or from the time of termination of the act of shirking or obstructing the sanctioning.

3. Individuals or organizations that have been sanctioned for administrative violations that have been sanctioned for administrative violations shall be regarded as not having been sanctioned if they do not relapse into violation within one year counting from the date they completely execute sanctioning decisions or from the date of expiration of the statute of limitations for executing sanctioning decisions.

Article 5: Forms of sanctioning administrative violations in the domain of fire prevention and fighting

1. principal sanctioning forms are:

a. Caution;

b. Fine: An act of administrative violation in fire prevention and fighting may be subject to a fine of between VND 50.000 and VND 20.000.000.

2. Additional sanctioning forms are confiscation of exhibits and means employed for commission of administrative violations in fire prevention and fighting.

3. In addition to principal and additional sanctioning forms stated in Clauses 1 and 2 of this Article, violating individuals or organizations may be subject to the application of one or some of the following consequence-remedying measures:

a. Forcible remedy of environmental pollution caused by administrative violations;

b. Forcible restoration to the original state which was altered as a result of administrative violations or forcible dismantlement of illegally constructed works;

c. Forcible remedy of unsafe conditions caused by administrative violations;

- d. Forcible movement of dangerous inflammables or explosives involved in administrative violations to designated warehouses or places;
- e. Other consequence-remedying measures specified in this Decree.

Article 6: Responsibilities of persons with sanctioning competence

Persons with sanctioning competence shall be responsible for sanctioning the right persons and right acts of violation according to their competence in accordance with law; if abusing their positions and powers to hassle, tolerate or cover up acts of administrative violation or impose sanctions in contravention of the provisions of law, they shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability; if causing material damage, they shall have to pay compensation therefore according to the provisions of law.

Article 7: Responsibilities of violating individuals and organizations

1. Individuals or organizations committing acts of administrative violation in fire prevention and fighting shall have to strictly comply with sanctioning decisions of competent persons according to the provisions of law.

2. If obstructing or resisting persons on public duty, employing deceitful tricks or giving bribes so as to evade inspection, control or handling by persons on public duty, individuals and organizations committing acts of administrative violation in fire prevention and fighting shall, depending on the nature and severity of their violations, be handled according to the provisions of law.

3. Individuals and organizations sanctioned for administrative violations in the fire prevention and fighting and shall be subject to forcible execution of decisions of competent persons if they fail to comply with such decisions.

Chapter II

ACTS OF ADMINISTRATIVE VIOLATION IN FIRE PREVENTION AND FIGHTING AND SANCTIONING FORMS AND LEVELS

Article 8: Sanctioning of violations in the promulgation, dissemination and organization of implementation of regulations and internal rules on fire prevention and fighting

1. A caution or a fine of between VND 50.000 and VND 200.000 shall be imposed for one of the following acts:

- a. Failing to post up internal rules on fire prevention and fighting according to regulations;
- b. Removing, displacing internal rules-displaying boards, signboards, prohibition boards or instruction boards from their fixed positions.

2. A fine of between VND 500.000 and VND 1.000.000 shall be imposed for acts of failing to popularize regulations and internal rules on fire prevention and fighting among the people under their management.

3. A fine of between VND 1.000.000 and VND 2.000.000 shall be imposed for acts of failing to display prohibition boards, signboards and instruction boards on fire prevention and fighting at necessary places according to regulations.

4. A fine of between VND 2.000.000 and VND 5.000.000 shall be imposed for one of the following acts:

- a. Failing to issue regulations, internal rules on fire prevention and fighting according to regulations;
- b. Issuing regulations, internal rules on fire prevention and fighting in contravention of current legal documents of the State.

5. In addition to being subject to a caution or a fine, violators of Point b, Clause 1 of this

Article shall be forced to restore to the original state which was altered as a result of their administrative violations.

Article 9: Sanctioning of violations of regulations on safety inspection regarding fire prevention and fighting

1. A fine of between VND 500.000 and VND 1.000.000 shall be imposed for acts of failing to produce fully records and documents for inspection or to appoint responsible persons to join inspection teams on fire prevention and fighting according to regulations.
2. A fine of between VND 2.000.000 and VND 5.000.000 shall be imposed for acts of failing to conduct inspection on safety for fire prevention and fighting according to regulations.

Article 10: Sanctioning of violations of regulations on fire prevention and fighting in the management, preservation and use of dangerous inflammables and explosives

1. A fine of between VND 200.000 and VND 500.000 shall be imposed for one of the following acts:
 - a. Failing to issue regulations on fire prevention and fighting suitable to the properties of dangerous inflammables and explosives in the process of exporting and importing such substances;
 - b. Illegally using dangerous inflammables and explosives in excess of prescribed volumes or weights.
2. A fine of between VND 1.000.000 and VND 2.000.000 shall be imposed for acts of stowing dangerous inflammables and explosives in excess of prescribed volumes or weights.
3. A fine of between VND 2.000.000 and VND 5.000.000 shall be imposed for one of the following acts:
 - a. Storing and stowing dangerous inflammables and explosives not in separate according to regulations;
 - b. Using equipment and means containing dangerous inflammables and explosives which have not yet been inspected or have expired according to regulations;
 - c. Using depots and equipment containing dangerous inflammables and explosives which fail to meet fire prevention and fighting conditions according to regulations.
4. A fine of between VND 5.000.000 and VND 10.000.000 shall be imposed for acts of illegally storing dangerous inflammables and explosives.
5. In addition to being subject to a fine, violators of Clause 2 of this Article shall be forced to reduce the weights or volumes of dangerous inflammables and explosives to the prescribed limits; violators of Point a, Clause 3 of this Article shall be forced to re-stow dangerous inflammables and explosives in separate places according to regulations; violators of Point c, Clause 3 of this Article shall be forced to move dangerous inflammables and explosives to designated warehouses or places; violators of Clause 4 of this Article shall have dangerous inflammables and explosives confiscated.

Article 11: Sanctioning of violations of regulations on fire prevention and fighting in the production and trading of dangerous inflammables and explosives

1. A fine of between VND 500.000 and VND 1.000.000 shall be imposed for one of following acts:
 - a. Having no measures and means to prevent electrostatic accumulation as required;
 - b. Having no natural ventilation measures or compulsory ventilation equipment according to regulations.
2. A fine of between VND 1.000.000 and VND 2.000.000 shall be imposed for acts of

producing and trading in dangerous inflammables and explosives without certificates of satisfaction of conditions for fire prevention and fighting according to regulations.

3. A fine of between VND 2.00.000 and VND 5.000.000 shall be imposed for one of the following acts:

- a. Failing to install equipment for detecting and handling leakage of dangerous inflammables and explosives into the surrounding environment according to regulations;
- b. Having no plan and equipment for handling cracks in containing tanks, equipment and pipelines of inflammables like petroleum oil, oil product and other inflammable liquids;
- c. Trading in dangerous inflammables and explosives on the lists of those banned from trading.

4. A fine of between VND 5.000.000 and VND 10.000.000 shall be imposed for acts of illegally producing and trading in dangerous inflammables and explosives.

5. In addition to being subject to a fine, violators of Point b, Clause 3 of this Article shall be forced to remedy environmental pollution according to regulations; violators of Point c, Clause 3, Article 4 of this Article shall have dangerous inflammables and explosives confiscated.

Article 12: Sanctioning of violations of regulations on transportation of dangerous inflammables and explosives

1. A fine of between VND 200.000 and VND 1.000.000 shall be imposed for one of the following acts:

- a. Employing motor vehicles for transporting dangerous inflammables and explosives, which fail to ensure one of safety conditions for fire prevention and fighting according to regulations;
- b. Loading dangerous inflammables and explosives on means of transport in contravention of regulations;
- c. Transporting dangerous inflammables and explosives in excess of the volumes or weights stated in permits;
- d. Having no signboards and signs of transportation of dangerous inflammables and explosives according to regulations;
- e. Damaging and creasing permits for transportation of dangerous inflammables and explosives;
- f. Not removing signboards and signs of transportation of dangerous inflammables and explosives displayed on means of transport after dangerous inflammables and explosives have been unloaded therefore.

2. A fine of between VND 1.000.000 and VND 2.000.000 shall be imposed for one of the following acts:

- a. Halting or stopping means of transport carrying dangerous inflammables and explosives at prohibited places according to regulations;
- b. Failing to observe internal rules on fire prevention and fighting or disobeying the instructions of competent persons when loading or unloading dangerous inflammable and explosives;
- c. Loading or unloading dangerous inflammables and explosives at places where prescribed conditions are not met;
- d. Loading, unloading or moving dangerous inflammables and explosives en route onto another means of transport without permission of competent management agencies.

3. A fine of between VND 2.000.000 and VND 5.000.000 shall be imposed for one of the following acts:

- a. Transporting dangerous inflammables and explosives along routes other than those stated in permits for transportation of dangerous inflammables and explosives;

b. Transporting dangerous inflammables and explosives without permits for transportation of dangerous inflammables and explosives according to regulations.

4. In addition to being subject to a fine, violators of Points c, Clause 1 of this Article shall be forced to reduce the volumes or weights of dangerous inflammables and explosives according to regulations.

Article 13: Sanctioning of violations of safety conditions for fire prevention and fighting for motor vehicles subject to special requirements of safety for fire prevention and fighting

1. A fine of between VND 5.000.000 and VND 10.000.000 for acts of making or transforming motor vehicles subject to special requirements of safety for fire prevention and fighting without evaluation and approval of competent agencies in charge of fire prevention and fighting.

2. A fine of between VND 10.000.000 and VND 15.000.000 shall be imposed for acts of putting motor vehicles subject to special requirements of safety for fire prevention and fighting into operation without written certifications of competent agencies to the effect that safety conditions for fire prevention and fighting are satisfied.

Article 14: Sanctioning of violations of regulations on fire prevention and fighting in the use of fire sources, heat sources, fire-or heat-generating equipment and tools

1. A caution or a fine of between VND 50.000 and VND 200.000 shall be imposed for acts of arranging cooking places unsafe for fire prevention and fighting according to regulations.

2. A caution or a fine of between VND 200.000 and VND 500.000 shall be imposed for one of the following acts:

a. Using fire sources, heat sources, fire-or heat-generating equipment or tools without ensuring a safe distance for fire prevention and fighting according to regulations;

b. Bringing matches, lighters, fire- or heat-generating equipment or tools into no-fire places;

c. Using fire sources and other fire- or heat-generating equipment or tools in places where no-fire signboards or rules are displayed.

Article 15: Sanctioning of violations of regulations on fire prevention and fighting in electricity management and use

1. A fine of between VND 100.000 and VND 200.000 shall be imposed for acts of having no anti-fire spread solutions when using electric equipment.

2. A fine of between VND 200.000 and VND 1.000.000 shall be imposed for one of the following acts:

a. Installing anti-lighting systems not according to regulations or not satisfying the set anti-lighting requirements;

b. Failing to repair, or implement the regime of periodical inspection and measurement of, anti-lighting systems according to regulations;

c. Using electric equipment in places where the use thereof is banned.

3. A fine of between VND 1.000.000 and VND 2.000.000 shall be imposed for one of the following acts:

a. Failing to install anti-lightning systems and equipment according to regulations;

b. Installing or using electric systems and equipment in a fire-or explosion-prone environment which fail to ensure safety for fire prevention and fighting according to regulations.

4. A fine of between VND 2.000.000 and VND 5.000.000 shall be imposed for one of the following acts:

- a. Having no measures to cope with technical incidents that may cause fires or explosion at electricity-generating, -supplying, -transmitting or -distributing establishments;
- b. Failing to separate electric systems according to regulations;
- c. Having no standby electricity sources according to regulations.

Article 16: Sanctioning of violations of regulations on fire prevention and fighting in investment and construction

1. A fine of between VND 100.000 and VND 200.000 shall be imposed for acts of failing to promptly notify responsible fire prevention and fighting police departments of changes in work architecture, the scale and nature of operation, resulting in a greater extent of danger in fire prevention and fighting.
2. A fine of between VND 2.000.000 and VND 5.000.000 shall be imposed for one of the following acts:
 - a. Failing to conduct supervision of construction and installation of fire prevention and fighting facilities in construction works;
 - b. Failing to submit for re-evaluation and approval changes in fire prevention and fighting-related designs and equipment in the process of construction;
 - c. Failing to satisfy one of safety conditions for fire prevention and fighting for construction works subject to evaluation and approval regarding fire prevention and fighting as provided for in Appendix 3 to the Government's Decree No. 35/2003/ND-CP of April 4, 2003, detailing the implementation of a number of articles of the Law on Fire Prevention and Fighting.
3. A fine of between 5.000.000 and VND 10.000.000 shall be imposed for one of the following acts:
 - a. Constructing and installing fire prevention and fighting facilities at variance with the approved fire prevention and fighting-related designs;
 - b. Having no measures and means to ensure safety in fire prevention and fighting in the process of construction;
 - c. Failing to conduct testing of fire prevention and fighting before take-over according to regulations.
4. A fine of between VND 10.000.000 and VND 15.000.000 shall be imposed for acts of building works subject to evaluation and approval related to fire prevention and fighting without certificates of evaluation and approval related to fire prevention and fighting.
5. A fine of between VND 15.000.000 and VND 20.000.000 shall be imposed for one of the following acts:
 - a. Having no design on the fire prevention and fighting system for works required to have fire prevention and fighting related designs;
 - b. Putting into operations works which have not yet been tested in fire prevention and fighting for take-over.

Article 17: Sanctions of violations of regulations on safe distance for fire prevention and fighting, and fire containment

1. A fine of between VND 500.000 and VND 1.000.000 shall be imposed for one of the following acts:
 - a. Arranging supplies and goods at distance in between failing to ensure safety for fire prevention and fighting according to regulations;
 - b. Firewalls, fire partitions or fire doors or anti-fire spread solutions failing to meet requirements according to regulations.
2. A fine of between VND 1.000.000 and VND 2.000.000 shall be imposed for one of the following acts:

- a. Negating the effect of firewalls, fire partitions, fire doors and other fire-containing solutions.
 - b. Making ceilings and partitions of inflammable materials in places where the use of such materials is banned according to regulations;
 - c. Building houses in forests or on the verge of forests which fail to ensure safe distances for fire prevention according to regulations.
3. A fine of between VND 2.000.000 and VND 5.000.000 shall be imposed for one of the following acts:
- a. Failing to clear up inflammable materials within the safety corridors of oil, gas and oil product pipelines;
 - b. Failing to build firewalls, fire partitions, fire doors and otherwise according to regulations;
 - c. Building works within the area used for fire containment;
 - d. Negating the effect of firewalls, fire partitions, fire doors and other fire-containing solutions.
4. In addition to a fine, violators of Point a, Clause 1; Point a, Clause; or Point d, Clause 3 of this Article shall be forced to restore the original state which was altered due to their administrative violations; violators of Point c, Clause 2; Point c, Clause 3 of this Article shall be forced to dismantle illegally constructed works.

Article 18: Sanctioning of violations of regulations on escape in fire prevention and fighting.

1. A caution or a fine of between VND 200,000 and VND 1,000.000 shall be imposed for one of the following acts:
 - a. Arranging, placing supplies, goods, means of transport and other objects obstructing escape exits;
 - b. Closing and locking exit doors which are required to be open all the time;
 - c. Removing or damaging emergency lighting devices, signboards and instruction board along escape exits.
2. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed for one of the following acts:
 - a. Failing to have sufficient rescue equipment and devices according to regulations;
 - b. Failing to have sufficient ventilation and smoke-exhausting required for escape exits;
 - c. Having no emergency lighting devices along escape exits according to regulations or have out-of-order ones.
3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of building works components obstructing escape exits.
4. In addition to a caution or a fine, violators of Clause 1 or Clause 3 of this Article shall be forced to restore the original state which was altered due to their administrative violations.

Article 19: Sanctioning of violations of regulations in formulation and organization of fire drill plans.

1. A fine of between VND 100,000 and VND 200,000 shall be imposed for acts of formulating fire prevention and fighting plans that fail to meet set requirements.
2. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed for one of the following acts:
 - a. Failing to submit fire fighting plans for approval according to regulations;
 - b. Failing to supplement or adjust fire fighting plans according to regulations;
 - c. Failing to participate in fire drills according to regulations.
3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the

following acts:

- a. Failing to draw up fire fighting plans according to regulations;
- b. Failing to organize fire drills according to regulations.

Article 20: Sanctioning of violations of related to fire alarm

1. A caution or a fine of between VND 50,000 and VND 100,000 shall be imposed for acts of damaging or negating the effect of fire alarm means and equipment.
2. A fine of between VND 200,000 and VND 1,000,000 shall be imposed for acts of failing to have fire alarm signals or equipment according to regulations.
3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for false fire alarms.
4. In addition to a caution or a fine, violators of Clause 1 of this Article shall be forced to restore the original state which was altered.

Article 21: Sanctioning of violations of regulations in furnishing, preservation and use of fire prevention and fighting equipment.

1. A caution or a fine of between VND 200,000 and VND 500,000 shall be imposed for one of the following acts:
 - a. Placing and installing fire prevention and fighting equipment not at prescribed places;
 - b. Failing to regularly maintain fire prevention and fighting equipment according to regulations.
2. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for one of the following acts:
 - a. Using fire prevention and fighting equipment not yet inspected according to regulation;
 - b. Furnishing fire fighting equipment and means unsuitable to the dangers of fire and explosion according to regulations;
 - c. Having insufficient fire fighting equipment according to regulations;
 - d. Using fire fighting not for the prescribed purpose.
3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of deliberately damaging fire prevention and fighting equipment.
4. a fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following acts:
 - a. Failing to furnish and install fire prevention and fighting equipment and system according to regulations;
 - b. Transforming specialized fire engines, fire fighting ships and boats without permission of competent agencies.

Article 22: Sanctioning of violations in fire fighting work

1. A caution or a fine of between VND 50,000 and VND 100,000 shall be imposed for acts of entering fire fighting areas to perform any acts other than fighting fire, rescuing persons and property without permission of competent persons.
2. A fine of between VND 500,000 and VND 1,000,000 shall be imposed for one of the following acts:
 - a. Failing to prepare ready and sufficient fire fighting forces according to regulations;
 - b. Failing to arrange road and other spaces for fire engines and other motor vehicles to operate according to regulations.
3. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed for one of the following acts:
 - a. Failing to organize in time the escape and rescue of persons or fire fighting;
 - b. Failing to obey orders of fire fighting commanders;

- c. Failing to obey competent persons' orders for participation in fire fighting;
 - d. Failing to coordinate in fire fighting command according to regulations or at the request of competent persons;
 - e. Obstructing the operation of fire fighting forces and means in fire fighting areas;
 - f. Failing to participate in remedying fire consequences at the request of competent person;
 - g. Failing to protect the fire scenes after the fires are extinguished.
4. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:
- a. Resisting persons on public duty of fighting fires;
 - b. Abusing the fire fighting to harm the health and lawful property of citizens, steal state property.

Article 23: Sanctioning of violations in dissemination and popularization of fire prevention and fighting law and knowledge, in fire prevention and fighting training.

- 1. A caution or a fine of between VND 50,000 and VND 100,000 shall be imposed for acts of damaging banderoles, banners, panel boards, posters and pictures for propaganda and advocacy on fire prevention and fighting.
- 2. A fine of between VND 200,000 and VND 1,000,000 shall be imposed for one of the following acts:
 - a. Failing to organize dissemination of fire prevention and fighting law and knowledge, in fire prevention and fighting training according to regulations;
 - b. Failing to have certificates of fire prevention and fighting skill training according to regulations.
- 3. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed for acts of failing to incorporate fire prevention and fighting knowledge in training programs for motor vehicle drivers according to regulations.
- 4. In addition to a caution or a fine, violators of Clause 1 of this Article shall be forced to restore the original state which was altered due to administrative violations.

Article 24: Sanctioning of violations in setting up, organization and management of civil defense forces, grassroots fire prevention and fighting forces and specialized fire prevention and fighting forces.

- 1. A fine of between VND 200,000 and VND 1,000,000 shall be imposed for acts of failing to take measures to manage and maintain the operation of civil defense forces, grassroots and specialized fire prevention and fighting forces according to regulations.
- 2. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on civil defense forces, grassroots or specialized fire prevention and fighting forces that fail to join in fire prevention and fighting activities at the request of competent persons.
- 3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of failing to set up civil defense forces, grassroots or specialized fire prevention and fighting forces according to regulations.

Article 25: Sanctioning of violations of regulation on production and trading of fire prevention and fighting equipment and designing related to fire prevention and fighting.

- 1. A fine of between VND 500,000 and VND 1,000,000 shall be imposed for acts of trading in fire prevention and fighting equipment not yet inspected according to regulations.
- 2. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of producing and trading in fire prevention and fighting or making fire prevention and fighting-related design when conditions on material foundations, professional and technical

qualifications are not yet fully met.

Article 26: Sanctioning of violations compulsory fire and explosion insurance.

A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

1. Enterprises dealing in compulsory fire and explosion insurance failing to take measures to prevent and limit damage to participants in compulsory fire and explosion insurance according to regulations.
2. Failing to sell or buy compulsory fire and explosion insurance according to regulations.

Article 27: Sanctioning of individuals or organizations letting fires or explosions occur

1. A caution or a fine of between VND 100,000 and VND 200,000 shall be imposed for acts of unintentionally letting fires or explosions occur, thereby causing no damage or causing damage worth up to VND 1,000,000.

2. A fine of between VND 200,000 and VND 1,000,000 shall be imposed for one of the following acts:

- a. Letting fires or explosions occur due to violations of regulations on safety and fire prevention and fighting, causing no damage or causing damage worth up to VND 500,000.
 - b. Unintentionally letting fires or explosions occur, causing damage worth between VND 1,000,000 and VND 25,000,000.
3. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed for acts of unintentionally letting fires or explosions occur, causing damage worth between VND 25,000,000 and VND 50,000,000.

Chapter III

COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS IN FIRE PREVENTION AND FIGHTING

Article 28: Principles for determining competence to sanction administrative violations

1. The competence to sanction administrative violations under the provisions of this Decree is the competence over an act of administrative violation. In case of imposing fines, the sanctioning competence shall be determined on the basis of the highest level in the fine frame provided for a given act of violation.

2. In case of sanctioning a person having committed many acts of administrative violation, the sanctioning competence shall be determined on the following principles:

- a. If all the sanctioning form and level provided for each of such acts fall under the competence of the sanctioning decision-issuing person, the sanctioning competence shall rest with such person;
- b. If the sanctioning form and level provided for one of such acts fall beyond the competence of the sanctioning decision-issuing person, the case must be transferred to competent authorities sanctioning;
- c. Where a case of administrative violation falls under the sanctioning competence of many persons, the person that is the first to receive the case shall handle it;
- d. If acts fall under the sanctioning competence of many persons in different branches, the sanctioning competence shall rest with the president of the People's Committee at a level competent to sanction such acts and of the locality where such acts are committed.

Article 29: Competence to sanction administrative violations of fire prevention and fighting law

1. Presidents of People's Committees at all levels, heads of police offices at all levels

shall competence to sanction acts of violation specified in this Decree and committed within the localities under their management.

2. The fire prevention and fighting police shall have competence to sanction acts of violation specified in this Decree and acts of violation in fire prevention and fighting specified in other legal documents; the police in charge of administrative management of social order, the road and railway traffic police and the waterway traffic police shall have competence to sanction acts of violation specified in this Decree and falling under their respective functions, tasks and management.

3. Those who are defined in Articles 32,33,34,35,36,37,38,39 and 40 of the 2002 Ordinance on Handling of Administrative Violations that detect, within the scope of their respective functions and tasks, administrative violations in fire prevention and fighting, shall have competence to sanction them under this Decree.

Article 30: Competence to decide on sanctioning forms and levels and application of measures to handle administrative violations in the domain of fire prevention and fighting

1. Presidents of commune-level People's Committees shall have powers

- a. To issue cautions;
- b. To impose fines of up to VND 500,000;
- c. To confiscate exhibits and means employed for commission of administrative violations, worth up to VND 500,000;
- d. To apply consequence-remedying measures specified in this Decree.

2. Presidents of district-level People's Committees shall have powers:

- a. To issue cautions;
- b. To impose fines of up to VND 20,000,000;
- c. To confiscate exhibits and means employed for commission of administrative violations;
- d. To deprive of the right to use practice permits or certificates falling under their competence;
- e. To apply consequence-remedying measures specified in this Decree.

3. Presidents of provincial-level People's Committees shall have powers:

- a. To issue cautions;
- b. To impose fines of up to the prescribed maximum level;
- c. To confiscate exhibits and means employed for commission of administrative violations;
- d. To deprive of the right to use practice permits or certificates falling under their competence;
- e. To apply consequence-remedying measures specified in this Decree.

4. Fire prevention and fighting policemen, policemen in charge of administrative management of social order, road and railway traffic policemen and waterway traffic policemen on public duty shall have powers:

- a. To issue cautions;
- b. To impose fines of up to VND 100,000.

5. Station heads, team heads of competent persons specified in Clause 4 of this Article shall have powers:

- a. To issue cautions;
- b. To impose fines of up to VND 200,000

6. Chief of commune-level police offices shall have powers:

- a. To issue cautions;
- b. To impose fines of up to VND 500,000
- c. To confiscate exhibits and means employed for commission of administrative violations, worth up to VND 500,000;
- d. To force the restoration of the original state which was altered due to Administrative

Violations

7. Chief of district-level police offices shall have powers:

- a. To issue cautions;
- b. To impose fines of up to VND 10,00,000;
- c. To deprive of the right to use practice permits or certificates falling under their competence;
- d. To confiscate goods and means employed for commission of administrative violations;
- e. To apply consequence-remedying measures specified in the 2002 Ordinance on Handling of Administrative Violations.

8. Heads of fire prevention and fighting police sections, heads of police sections for administrative management of social order, heads of road and railway police sections and heads of waterway police sections under police departments of provinces or centrally run cities shall, within the scope of their respective tasks and powers, have powers:

- a. To issue cautions;
- b. To impose fines of up to VND 10,00,000;
- c. To deprive of the right to use practice permits or certificates falling under their competence;
- d. To confiscate goods and means employed for commission of administrative violations;
- e. To apply consequence-remedying measures specified in the 2002 Ordinance on Handling of Administrative Violations.

9. Directors of provincial-level police departments shall have powers:

- a. To issue cautions;
- b. To impose fines of up to VND 2,00,000;
- c. To deprive of the right to use practice permits or certificates falling under their competence;
- d. To confiscate goods and means employed for commission of administrative violations;
- e. To apply consequence-remedying measures specified in the 2002 Ordinance on Handling of Administrative Violations.

10. The director of the Fire Prevention and Fighting Police Department, the director of the Police Department for Administrative Management of Social Order, the director of the Road and Railway Police Department and the director of the Waterway Police Department under the General Department of Police shall, within the scope of their respective tasks and powers, have powers:

- a. To issue cautions;
- b. To impose fines of up to the maximum level;
- c. To deprive of the right to use practice permits or certificates falling under their competence;
- d. To confiscate goods and means employed for commission of administrative violations;
- e. To apply consequence-remedying measures specified in the 2002 Ordinance on Handling of Administrative Violations.

Chapter IV

SANCTIONING PROCEDURES, COMPLAINTS AND DENUNCIATIONS IN SANCTIONING OF ADMINISTRATIVE VIOLATIONS IN FIRE PREVENTION AND FIGHTING

Article 31: Procedures for sanctioning administrative violations in the domain of fire prevention and fighting

1. The procedures and order for sanctioning administrative violations in the domain of fire prevention and fighting shall comply with the provisions of the 2002 Ordinance on

Handling of Administrative Violations and the Government's Decree No.134/2003/ND-CP of November 14,2003, detailing the implementation of a number of articles of the 2002 Ordinance on Handling of Administrative Violations.

2. Documents relating to the sanctioning of administrative violations in the domain of fire prevention and fighting must be fully archived at sanctioning agencies. Records on administrative violations must be made according to set forms attached to the aforesaid Decree No.134/2003/ND-CP.

3. when applying the sanctioning form of confiscation of exhibits and means in violation, persons with sanctioning competence must fully observe the provisions of Article 60 and Article 61 of the Ordinance on Handling of administrative Violations and Article 32 of the aforesaid Decree No.134/203/ND-CP.

Article 32: Compliance with administrative sanctioning decisions

1. Individuals and organization sanctioned for administrative violation in fire prevention and fighting must comply with sanctioning decisions within ten days, counting from the date of receiving such decisions, unless otherwise provided for by law.

2. Beyond the time limit specified in Clause 1 of this Article, if individuals and organizations sanctioned for administrative violations fail to voluntarily comply with sanctioning decisions, they shall be forced to comply with such decisions according to the provisions of law.

Article 33: Complaints, denunciations

1. Individuals and organizations sanctioned for administrative violations sanctioned for administrative violations in fire prevention and fighting or their lawful representatives may lodge complaints or initiate lawsuits about the sanctions against them according to the provisions of law.

2. Citizens may denounce administrative violations committed by organizations or individuals in the domain of fire prevention and fighting and denounce acts of violation committed by persons with competence to sanction administrative violations in the domain of fire prevention and fighting to competent state agencies.

3. The competence, procedures, order and time limits for settlement of complaints, denunciations and initiation of administrative law suits shall comply with the provisions of law.

Chapter V IMPLEMENTATION PROVISIONS

Article 34: Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO". All previous regulations on sanctioning administrative violations of regulations on fire prevention and fighting, which are contrary to this Decree, are hereby annulled.

Article 35: - Organization of implementation

The Minister of Public Security shall be responsible for guiding and organizing the implementation of this Decree.

Article 36: - Implementation responsibility

Ministers, heads of ministerial-level agencies, heads of Government-attached agencies, and presidents of People's Committees of provinces and centrally run cities shall have

to implement this Decree.

On behalf of the Government
Prime Minister
PHAN VAN KHAI