
STATUTORY INSTRUMENTS

1984 No. 1821

The Fire Services (Northern Ireland) Order 1984

PART II

FIRE SERVICES

The Fire Authority for Northern Ireland

The Fire Authority for Northern Ireland

3.—(1) The body known as the Fire Authority for Northern Ireland shall continue to be the fire authority for the whole of Northern Ireland.

(2) The Authority shall continue to be a body corporate, with perpetual succession, to which section 19 of the Interpretation Act (Northern Ireland) 1954 applies.

(3) Schedule 1 shall have effect with respect to the constitution and proceedings of the Authority.

(4) The headquarters of the Authority shall be situated at such place as the Authority may, with the consent of the Department, determine.

Duties of the Authority

4.—(1) The Authority shall provide fire services—

- (a) by making provision for fire-fighting purposes and for the protection of life and property in case of fire;
- (b) by securing the administration and enforcement of the provisions of this Order which relate to fire precautions; and
- (c) by securing efficient arrangements for giving, when requested, advice in respect of buildings and other property as to fire prevention, restricting the spread of fires and means of escape in case of fire.

(2) The Authority shall make the provision required under paragraph (1) (a) by securing—

- (a) the services of the fire brigade to meet efficiently all normal requirements;
- (b) the efficient training of members of the fire brigade;
- (c) efficient arrangements for enabling persons to call the fire brigade in cases of fire, for summoning the members of the fire brigade and for manning the fire engines and appliances;
- (d) subject to paragraph (4), efficient arrangements for obtaining, by inspection or otherwise, information required for the purposes of its functions, with respect to—
 - (i) the character of buildings and other property, where in the opinion of the Authority there may exist a serious risk of fire;
 - (ii) the available water supplies and the means of access thereto; and
 - (iii) other material local circumstances; and

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- (e) efficient arrangements for ensuring that reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fires.
- (3) The Authority may secure fire services by itself providing and maintaining, either wholly or in part, such fire services or by making arrangements for the provision and maintenance, either wholly or in part, of such fire services by other persons.
- (4) For the purposes of paragraph (2) (d), subsections (1) to (7) of section 98 of the Local Government Act (Northern Ireland) 1972 (power to enter land) shall have effect as if—
 - (a) in subsection (1) of that section, for the purposes there specified, there were substituted the purpose of obtaining information as to the character of buildings and other property referred to in paragraph (2) (d) (i);
 - (b) in subsection (2), the words from “but such consent” to the end were omitted; and
 - (c) in subsections (1) and (5) of that section, for references to the council there were substituted references to the Authority.

Powers of the Authority

- 5.—(1) The powers of the Authority shall include power—
- (a) to provide accommodation for members of the fire brigade, fire engines, appliances or equipment, including housing and other accommodation for members of the fire brigade and furniture reasonably required for such accommodation;
 - (b) to purchase (either by agreement or compulsorily in accordance with paragraph (2)) or take on lease any land required for the purposes of its functions under this Part;
 - (c) to dispose of or mortgage, charge or otherwise deal with any land for the time being vested in it;
 - (d) to enter into such contracts as may be necessary for the purposes of this Part, as if the Authority were a district council;
 - (e) to pay to any persons who render services in connection with the extinction of fires and the protection of life and property in case of fire such rewards as it thinks fit, which in the case of a member of the fire brigade may be in addition to the remuneration of any such member;
 - [^{F1}(ee) to employ the fire brigade, or use any fire engine, appliance or equipment outside Northern Ireland at sea (whether or not within the territorial sea of the United Kingdom); or]
 - (f) to employ the fire brigade or use any fire engine, appliance or equipment outside Northern Ireland in accordance with any arrangement entered into by the Department^{F2}. . . ; and
 - (g) to employ the fire brigade, or use any fire engine, appliance, or equipment, for such purposes other than fire-fighting purposes as it may think fit, and in respect of any such employment or use to charge and recover such sum by way of fees or expenses as the Authority may think reasonable.

(2) Where the Authority desires to acquire compulsorily any land which it considers necessary for the purposes of this Part, it may apply to the Department for an order vesting such land in it and, subject to paragraph (3), the Department may make such order.

(3) The provisions of the Local Government Act (Northern Ireland) 1972, which are specified in Schedule 2, shall have effect in relation to every such vesting order subject to the modifications and adaptations set out in that Schedule.

(4) Before making any order under paragraph (2), the Department shall have regard to the effect which the order, if made, would have on the user, value and amenities of land in the immediate neighbourhood of the land proposed to be acquired.

(5) The proceeds of the sale by the Authority of any property acquired or held by it under or by virtue of this Part, and the amount of any fees or expenses paid to the Authority in respect of any services rendered by it under this Part for which the Authority may receive payment, shall be applied by the Authority for the purposes of this Part.

F1 1998 NI 11
F2 1998 c.47

Fire-hydrants

6^{F3}.—(1) The Authority shall arrange with the Department—

- (a) for the provision and maintenance of such fire-hydrants as are necessary for securing the efficient use of the available supply of water in case of fire; and
- (b) for indicating by a notice or distinguishing mark, which may be placed on any wall or fence adjoining a street or public place, the locations of fire-hydrants.

(2) Any person who uses a fire-hydrant otherwise than for the purpose of extinguishing fires or for any fire brigade purpose or for any purpose authorised by the Department, or intentionally damages or obstructs any fire-hydrant otherwise than in consequence of its use for such a purpose as aforesaid, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

F3 functions transf. by SR 1999/481

Water supplies

7. The Authority may use for the purpose of extinguishing fires any convenient or suitable supply of water, and shall be liable to pay reasonable compensation therefore, but nothing in this Article shall affect Article 35 (2) of the Water and Sewerage Services (Northern Ireland) Order 1973^{F4}.

F4 S.I. 1973/70 (N.I.2).

Application of certain provisions of the Local Government Act (Northern Ireland) 1972

8.—(1) The following sections of the Local Government Act (Northern Ireland) 1972 shall effect as if any reference therein to a district council or a member or officer thereof were a reference to the Authority or a member or officer thereof respectively, that is to say—

- (a) section 23 (admission of public to meetings);
- (b) section 24 (information to be given as to meetings);
- (c) section 25 (facilities for newspaper representatives);
- (d) section 26 (certain publications to be privileged);
- (e) section 27 (savings);
- (f) section 31 (recovery of wrongful gains and remedies against member guilty of reprehensible conduct);
- (g) section 48 (protection for officer acting in execution of duty);
- (h) section 123 (penalty for destroying notices); and
- (i) section 126 (compensation for damage by council).

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(2) Section 31 of the Local Government Act (Northern Ireland) 1972 shall in its application to the Authority by paragraph (1) have effect as if any reference in that section to that Act included a reference to this Order.

Administration and finance

Establishment scheme

9.—(1) The Authority shall submit to the Department, within such period as the Department may direct, a scheme (in this Article referred to as an “establishment scheme”) making provision with respect to the control, administration and conditions of service of members of the fire brigade and other staff employed by the Authority.

(2) The establishment scheme shall provide for the appointment of—

- (a) a chief fire officer, who shall be directly responsible to the Authority;
- (b) such other members of the fire brigade as may be necessary for the provision of efficient fire services; and
- (c) such administrative and other officers as may be necessary to assist the chief fire officer in the performance of the functions of the Authority.

(3) The Department may, with the consent of the Department of Finance and Personnel in relation to any provision concerning the appointment of the officers mentioned in paragraph (2) (c), approve an establishment scheme with or without modifications and the Authority shall comply with the scheme.

(4) The Authority may submit to the Department provisions amending an establishment scheme approved under paragraph (3) and that paragraph shall apply to those provisions or a scheme replacing an existing scheme.

(5) For the purposes of this Article the Department may make regulations as to the appointment and the conditions of service of persons employed by the Authority as members of the fire brigade, and in particular as to—

- (a) the method of appointment of members of the fire brigade, their qualifications for appointment and promotion,
- (b) the maintenance of discipline, and
- (c) appeals against dismissal or disciplinary action (including dismissal on disciplinary grounds).

Pensions

^{F5}10. #??

(1) The Department, with the approval of the Department of Finance and Personnel, may by order provide#??

- (a) for the establishment and maintenance of one or more pension schemes for the purpose of providing pensions and other similar benefits in respect of the service of members of the fire brigade employed by the Authority;
- (b) for the payment of contributions by the Authority or by members of the fire brigade, or both by the Authority and the members of the fire brigade;
- (c) for securing that service with any body other than the Authority may, in such cases, upon such terms and subject to such conditions as may be specified in the order, be reckoned for superannuation purposes; and

(d) for reckoning for superannuation purposes, upon such terms and subject to such conditions as may be specified in the order, of service occurring before 14th February 1950, as well as of service occurring thereafter.

(2) The Department may by order apply, subject to such modifications and conditions as may be specified in the order and as from such date as may be so specified, as respects employees (other than members of the fire brigade) of the Authority the provisions of any statutory provision for the time being in force relating to the pensions payable to or in respect of employees of district councils.

(3) An order made under this Article may provide for#??

(a) the making as a condition precedent to the reckoning under paragraph (1) (c) of service with a body other than the Authority of#??

(i) payments (whether in the form of repayments of contributions, payments of accrued superannuation values or any other payment of whatsoever nature directed to the creation or preservation of pension rights of the person concerned) by any former employer of the person concerned or out of any superannuation fund relevant to that person's former employment;

(ii) where the person concerned has received any payment in respect of his pension rights upon ceasing to be employed in his former employment, payments by that person equal to all or any of the amounts so received;

(b) in the case of a person who having ceased to be in the employment of the Authority has entered the employment of another person, the making of payments by the Authority corresponding to any payments such as are described in sub-paragraph (a) (i);

(c) pensions and other superannuation benefits which are being paid or may become payable to or in respect of such persons as are specified in the order being persons who before the date so specified died or ceased to serve in the employment, service in which qualified them for those pensions or superannuation benefits;

and any former employer such as is referred to in sub-paragraph (a) (i) and the person having charge of any superannuation fund such as is so referred to shall have power to make the payments mentioned in sub-paragraph (a) (i) if, apart from the provisions of this paragraph, they would not have power to do so.

(4) An order under this Article may be framed so as to have effect as from a date earlier than the making of the order and section 18 (2) of the Administrative and Financial Provisions Act (Northern Ireland) 1962^{F6} shall not apply to any such order.

(5) [^{F7}Without prejudice to the generality of paragraph (1), an order made under that paragraph may make provision#??]

[^{F7}(a)] where a person, immediately before he undertakes service of a description specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951^{F8} or attends for hourly instruction as defined in section 42 of that Act, is a member of the fire brigade, for treating the period of such service or instruction and such further period, if any, as may be specified in the order, on such conditions, if any, as may be so specified, as service in the employment of the Authority.

[^{F7}(b) for the manner in which any question arising under the order is to be determined and for appeals from determinations of any such question.]

F5 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by [The Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 63(2), [Sch. 4](#) (subject to art. 60 which makes provision for art. 10 to continue to have effect); [S.R. 2006/257](#), [art. 2\(e\)\(ii\)](#)

F6 1962 c. 7 (N.I.).

F7 1998 NI 11

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F8 1951 c. 65.

Expenditure by the Authority

11.—(1) Subject to this Article, the Authority may—

- (a) make payments towards—
 - (i) expenditure reasonably incurred by a member or officer of the Authority in respect of attendance at any conference or meeting held for the purpose of discussing any matter connected with the discharge of the functions of the Authority and convened by any body or association for the time being recognised by the Department for the purposes of this Article;
 - (ii) any reasonable expenses incurred in purchasing reports of the proceedings of any such conference or meeting;
- (b) pay any reasonable subscriptions, whether annual or otherwise, to the funds of any scientific, technical or professional association or body of persons (whether corporate or unincorporate) which carries on activities otherwise than for purposes of gain by the association or body or by individual members thereof and the objects of which are ancillary to any of the functions of the Authority;
- (c) defray in whole or in part expenses reasonably incurred in the reception of visitors or the entertainment of members of the public;
- (d) make payments towards the provision of amenities for the use of members of the fire brigade in fire stations; and
- (e) make loans to officers of the Authority to facilitate the purchase by them of motor cars for use in connection with their official duties.

(2) The payments which the Authority may make under paragraph (1) (a) (i) towards expenditure on travelling or subsistence incurred by a member or officer of the Authority shall be at rates to be determined by the Authority but not exceeding in the case of a member of the Authority those prescribed under section 36 of the Local Government Act (Northern Ireland) 1972.

(3) Payments made under paragraph (1) (c) or (d) by the Authority in any financial year shall not, except with the consent of the Department, exceed in the aggregate £1,000 in either case.

(4) Loans under paragraph (1) (e) shall be made—

- (a) in accordance with a scheme prepared by the Authority and approved by the Department; and
- (b) on such conditions and at such rates of interest as the Department may, with the approval of the Department of Finance and Personnel, determine.

[^{F9}Accounts and audit

12.—(1) The Authority shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall—
- (a) be in such form; and
 - (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Authority shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him by the Authority under this Article; and
- (b) send a copy of his report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.]

F9 2003 NI 5

Estimates of the Authority's receipts and payments

13.—(1) The Authority shall, at such times and in such form as the Department, with the approval of the Department of Finance and Personnel, may direct, prepare and submit to the Department estimates of its receipts and payments during such period as may be specified in the direction and shall submit such other information relating to those estimates as the Department may require.

(2) The Authority may at any time where necessary submit a supplementary estimate to the Department.

(3) The Department may approve an estimate submitted under paragraph (1) or a supplementary estimate submitted under paragraph (2) either in whole or in part or subject to such modifications or conditions as the Department may think fit, and expenditure incurred in accordance with an estimate or supplementary estimate as so approved shall be approved expenditure for the purposes of Article 14.

Payments to the Authority

14.—(1) The Department shall, at such times, in such manner and subject to such conditions as the Department, with the approval of the Department of Finance and Personnel may think fit, pay to the Authority such sums as are necessary to defray approved expenditure not defrayed under paragraph (2).

(2) The Authority shall comply with such directions as the Department, with the approval of the Department of Finance and Personnel, may give as to the application of moneys which the Authority receives otherwise than under paragraph (1) or under Article 5 (5) and, to the extent that any statutory provision or any such direction does not require the moneys to be applied in a particular manner or for a particular purpose, the Authority shall apply those moneys in the defrayment of approved expenditure.

Borrowing powers

15.—(1) Subject to paragraph (2), the Authority may, by way of temporary loan or overdraft from a bank or otherwise, borrow any sums which it may temporarily require for the purposes of defraying expenses pending the receipt of moneys receivable by the Authority.

(2) The total amount for the time being outstanding on foot of borrowings by the Authority under paragraph (1) shall not exceed such sums as the Department, with the approval of the Department of Finance and Personnel, may specify to the Authority in writing and all sums borrowed by the

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Authority under paragraph (1) shall be repaid before the expiration of the financial year in which they are borrowed.

Annual report

16.—(1) The Authority shall make to the Department a report of its activities in the financial year ending on 31st March in each year as soon as may be after that date,^{F10} . . .

(2) The Department shall lay before the Northern Ireland Assembly a copy of every report made under this Article.

F10 1993 NI 7

Insurance by the Authority against accidents to its members

17.—(1) The Authority may enter into a contract with any person whereby, in consideration of payments by the Authority by way of premium or otherwise, that person undertakes to pay to the Authority such sums as may be provided in the contract in the event of any member of the Authority meeting with a personal accident, whether fatal or not, while he is engaged on the business of the Authority.

(2) Any sum received by the Authority under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by it to, or to the personal representatives of, the member of the Authority in respect of whose accident that sum is received.

(3) The provisions of the Life Assurance Act 1774^{F11} shall not apply to any such contract, but any such contract shall be deemed to be insurance business within Group 1 in Part II of Schedule 2 to the Insurance Companies Act 1982^{F12}.

F11 1774 c. 48.

F12 1982 c. 50.

Owners, occupiers, etc., not to pay for fire services

18. Notwithstanding anything contained in any statutory provision, the Authority shall not be entitled to require owners or occupiers of property to make a payment in respect of fire services.

Miscellaneous

Power to extinguish fires, etc.

19.—(1) Any member of the fire brigade being on duty, and any member of the Royal Ulster Constabulary, may enter and if necessary break into any premises or place in which a fire has or is reasonably supposed to have broken out, or any premises or place which it is necessary to enter for the purpose of extinguishing a fire or of protecting any premises or place from acts done for fire-fighting purposes or from damage whether by fire or otherwise, without the consent of the owner or occupier thereof, and may do all such acts and things as he may think necessary for extinguishing fire or for protecting from fire any such premises or place or rescuing any person or property therein.

(2) Any person who intentionally obstructs or interferes with any member of the fire brigade, engaged in operations for the extinction of a fire or the protection or rescue of any person or property from fire, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) At any fire, the senior member of the fire brigade present or, if any arrangement made under this Part provides that any other person shall have charge of the operations for the extinction of the fire, that other person—

- (a) shall have the sole charge and control of all operations for the extinction of the fire including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or the use of any water supply, and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed or which it may be necessary to demolish in order to prevent the fire from spreading; and
- (b) may require the water to be shut off from the mains and pipes in any area in order to give a greater supply and pressure of water for extinguishing the fire;

and, notwithstanding anything in any statutory provision, no person or body shall be liable to any penalty or claim by reason of the interruption of the supply of water occasioned only by compliance with such a requirement.

(4) The senior officer of police present at any fire or, in the absence of any officer of police, the senior member of the fire brigade present may close to traffic any street or may stop or regulate the traffic in any street whenever in the opinion of that officer or member it is necessary or desirable to do so for fire-fighting purposes or for the safety or protection of life or property.

False alarms

20.—(1) Any person who by any means whatsoever gives or causes to be given to the fire brigade an alarm of fire knowing it to be false shall be guilty of an offence and liable on summary conviction, to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(2) Where a person is seen or found committing or attempting to commit or is reasonably suspected of committing or attempting to commit or is reasonably suspected of having committed or attempted to commit an offence under paragraph (1) a member of the Royal Ulster Constabulary may, without warrant, stop, detain, search and apprehend him.

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