

members of the Royal Ulster Constabulary ;
 members of the Ulster Special Constabulary ;
 members of the Belfast Harbour Police ;
 members of the Belfast Harbour Police (Specials) :

Provided that nothing in this Order shall authorise any person to exercise any of the said powers except when he is in uniform and acting in the course of his duty.

2.—This order may be cited as the Fire Precautions (Access to Premises) (Northern Ireland) (No. 2) Order, 1941.

Sealed with the Official Seal of the Ministry of Public Security for Northern Ireland, this 16th day of May, One Thousand Nine Hundred and Forty-one, in the presence of

(L.S.)

E. W. Scales,

Assistant Secretary.

Business Premises.

ORDER, DATED 14TH FEBRUARY, 1941, MADE BY THE MINISTRY OF PUBLIC SECURITY UNDER REGULATION 27A OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1941. No. 34.

WHEREAS by the Delegation of Emergency Powers (Northern Ireland) Order, 1941 (a), made on January 23, 1941, by the Secretary of State under Regulation 102A (1) of the Defence (General) Regulations, 1939 (b), the Secretary of State delegated his powers as respects Northern Ireland under Regulation 27A of the said Regulations to the Ministry of Public Security for Northern Ireland :

NOW, THEREFORE, the Ministry of Public Security for Northern Ireland, in pursuance of the powers so delegated to it and of all other powers enabling it in that behalf, hereby orders as follows :—

Premises to which order applies.

1.—This order shall apply to all business premises situated in any such area as may be prescribed, and to all such other business premises as may be prescribed :

Provided that this order shall not apply to any premises occupied by any person partly as his dwelling-house and partly for the purpose of his business, trade or profession.

Obligation of occupiers.

2.—(1) Subject to the provisions of this order, every occupier of premises to which this order applies shall make proper and adequate

(a) S. R. & O. (U.K.), 1941, No. 102.

(b) S. R. & O. (U.K.), 1939, No. 927.

arrangements for the purpose of securing that fires occurring at the premises as the result of hostile attack will be immediately detected and combated.

(2) Before making any such arrangements the occupier of the premises shall consult with the persons working at the premises or with their representatives.

(3) All such arrangements shall in particular secure—

- (a) that an adequate number of persons for the purpose of discharging fire prevention duties are at all times present at the premises;
- (b) that there shall be allotted to those persons specified fire prevention duties; and
- (c) that adequate equipment to enable those duties to be discharged shall at all times be available at the premises.

(4) Subject to the provisions of this order, every occupier of premises to which this order applies shall, within fourteen days from the date when this order is applied to the premises, notify in writing to the appropriate authority the arrangements made by him under this Article, and that authority may approve, with or without modifications or disapprove the arrangements, and it shall be the duty of the occupier to carry out the arrangements as approved by the appropriate authority.

(5) The occupiers of several premises, being adjoining or neighbouring premises or premises in the same building, may make joint arrangements under this Article for all those premises, and notify the appropriate authority accordingly.

(6) If any such joint arrangements for several premises are approved (whether with or without modifications) by the appropriate authority, then, for all the purposes of this order, all those premises shall be treated as if they were single premises, and each of the occupiers thereof shall be treated as if he were the occupier of all the said premises.

3.—(1) For the purpose of securing the matters referred to in subparagraphs (a) and (b) of paragraph (3) of the last foregoing Article, it shall, subject to the provisions of this order, be the duty of all male persons working at premises to which this paragraph applies, being British subjects of the prescribed age, to take turns of duty at the premises and perform such fire prevention duties as may be allotted to them in accordance with arrangements made for the premises under the last foregoing Article.

Obligations
of persons
working at
premises.

(2) The occupier of any premises may make and notify to the appropriate authority under the last foregoing Article arrangements whereunder the requirements of the last foregoing paragraph are dispensed with, and, if such arrangements are approved by the appropriate authority (whether with or without modifications), that paragraph shall not apply to those premises so long as the arrangements as so

approved are carried out to the satisfaction of the appropriate authority ; but subject to the foregoing provisions of this paragraph, the said paragraph shall apply to all premises to which this order applies.

(3) Where paragraph (1) of this Article applies to any premises, the following provisions shall have effect as respects the fire prevention duties allotted to the persons mentioned in that paragraph under the arrangements made for the premises under the last foregoing Article :—

- (a) the periods for which the said duties are required by the arrangements to be performed by any such person outside his working hours shall not in the aggregate exceed forty-eight hours in each month ;
- (b) the arrangements shall secure, so far as possible and subject to any exemptions granted by or under the order, that the said duties are shared equally among all the said persons ;
- (c) no such person shall be entitled to any remuneration for the performance of the said duties outside his working hours ;
- (d) any such person may, in accordance with any order under Regulation twenty-seven A of the Defence (General) Regulations, 1939, for the time being in force, apply to the tribunal mentioned in that order for exemption from all or any of the said duties on the ground that he is medically unfit to perform them, or that it would be an exceptional hardship for him to be required to perform them ;
- (e) any such person shall be exempted from the said duties if and so long as he works at any other premises to which the said paragraph (1) applies and performs outside his working hours duties allotted to him in accordance with arrangements made for those other premises under the last foregoing Article ;
- (f) members of the Royal Ulster Constabulary and the Ulster Special Constabulary, including the Local Defence Volunteer Section thereof, shall be exempted from the said duties ;
- (g) a person who holds a certificate from a local authority that, at the date of the making of this order, he had undertaken to perform civil defence duties in the area of that authority for periods amounting in the aggregate to not less than forty-eight hours in each month shall be exempted from the said duties so long as he continues to perform civil defence duties in that area for such periods ;
- (h) the appropriate authority may, by directions given to the occupier of the premises, exempt from the said duties wholly or partly—
 - (i) persons who appear to that authority to be engaged upon vital work for exceptionally long hours ; and

- (ii) persons engaged upon such duties as may be specified in the directions, being duties undertaken to forestall or mitigate hostile attacks on the premises.

4.—(1) The occupier of any premises to which this order applies may, within fourteen days from the date on which this order is applied to the premises, report in writing to the appropriate authority that he is unable to make arrangements for the premises as required by Article 2 of this order, stating the grounds of his inability. Reports inability to make arrangements.

(2) After receiving such a report, the appropriate authority may either—

- (a) notify the occupier in writing that they are satisfied that he is unable to make the said arrangements ; or
- (b) notify the occupier in writing that they are not so satisfied ; or
- (c) give to the occupier, and to the occupiers of any adjoining or neighbouring premises or premises in the same building, directions in writing to make joint arrangements for all those premises under paragraph (5) of Article 2 of this order.

(3) If the appropriate authority notify the occupier under sub-paragraph (a) of the last foregoing paragraph that they are satisfied that he is unable to make such arrangements, he shall be relieved from any obligation to comply with the provisions of Article 2 of this order.

- 5.—(1) If the occupier of any premises to which this order applies— Powers of appropriate authority in default of occupiers' arrangements.
- (a) fails, within fourteen days from the date on which the order is applied to the premises, either to make the arrangements required by Article 2 of this order or to make a report under the last foregoing Article ; or
 - (b) is notified in writing by the appropriate authority that the arrangements made by him for the premises under the said Article 2 are disapproved ; or
 - (c) is notified by the appropriate authority under sub-paragraph (a) of paragraph (2) of the last foregoing Article that the authority is satisfied that he is unable to make such arrangements ;

the appropriate authority may itself make for the premises the arrangements required by Article 2 of this order, and Article 3 shall apply to the premises as if the arrangements had been made under the said Article 2 :

Provided that any appropriate authority, other than a local authority, may direct that all or any of its powers under this Article shall, to such extent and subject to such conditions as may be specified in the directions, be exercised by the council of the county borough or county district in which the premises are situated, or if they are situated in the City of Belfast, the Belfast Civil Defence Authority, and the council or

the Belfast Civil Defence Authority, as the case may be, shall thereupon to such extent and subject to such conditions become the appropriate authority in relation to the said premises.

(2) In exercising its powers under the last foregoing paragraph as respects several premises, the appropriate authority may make such arrangements as could have been made by the occupiers thereof under paragraph (5) or Article 2 of this order, and, where such arrangements are made, paragraph (6) of that Article shall apply accordingly as if the arrangements had been made and approved under that Article.

(3) If the occupiers of several premises fail to comply with any directions given under sub-paragraph (c) of paragraph (2) of the last foregoing Article, the appropriate authority may itself make the arrangements required by the directions, and paragraph (6) of Article 2 of this order shall apply accordingly as if the arrangements had been made and approved under that Article.

(4) It shall be the duty of the occupier of any premises for which arrangements are made under this Article to take all steps necessary to carry out the arrangements and to comply with any directions given by the appropriate authority with respect thereto.

(5) Nothing in this Article shall prejudice any criminal proceedings for any such failure as is mentioned in paragraph (1) or paragraph (3) thereof.

Failure to
carry out
arrange-
ments.

6.—If the occupier of any premises fails to carry out any arrangements made for the premises under this order, whether by him or by the appropriate authority, the appropriate authority may itself carry out the arrangements and recover from the occupier summarily as a civil debt any expenses incurred by the authority in carrying out the arrangements :

Provided that nothing in this paragraph shall prejudice any criminal proceedings for any such failure.

Appropriate
authority.

7.—(1) Subject to the provisions of this Article, the appropriate authority for the purposes of this order shall be—

- (a) in relation to any local government premises, and to any factory premises or commercial premises forming part of any railway, canal, inland navigation, dock or harbour undertaking, electricity, gas or water undertaking, the Ministry ;
- (b) in relation to any factory premises or commercial premises as respects which any government department has assumed responsibility for passive air defence, that department ;
- (c) in relation to any factory premises or commercial premises other than those aforesaid, as respects which the Ministry designates a government department as the appropriate authority, that department ;
- (d) in relation to any factory premises in which more than thirty persons work, not being premises previously mentioned in this paragraph, the Ministry of Labour for Northern Ireland ;

- (e) in relation to any factory premises or commercial premises, not being premises previously mentioned in this paragraph, the council of the county borough or county district in which the premises are situated, or if they are situated in the City of Belfast, the Belfast Civil Defence Authority :

Provided that—

- (i) any arrangements made under paragraph (5) of Article 2 of this order for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, may be notified to any one of those authorities and, with the consent of the remainder of those authorities, approved by the authority to which they are notified ;
- (ii) any arrangements under paragraph (2) of Article 5 of this order for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, may be made by any one of those authorities with the consent of the remainder of those authorities ;
- (iii) directions may be given under sub-paragraph (c) of paragraph (2) of Article 4 of this order as respects several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, by any one of those authorities to which a report has been made under that paragraph, and arrangements may be made by that authority accordingly under paragraph (2) of Article 5 of this order ;
- (iv) the appropriate authority for any premises may, for the purpose of administrative efficiency, agree to the exercise by another authority mentioned in the foregoing provisions of this paragraph of functions in relation to any premises situated near premises as respects which that other authority is the appropriate authority.

(2) If any doubt or dispute arises as to which authority is the appropriate authority for any premises, it shall be referred to the Ministry, whose decision shall be final.

(3) Any appropriate authority other than a local authority may, to such extent and subject to such conditions as it thinks proper, delegate all or any of its functions under this order to any specified persons or class of persons.

(4) For the purposes of this Article—

- (a) the expression " commercial premises " means any business premises, not being factory premises or local government premises ;

1 Edw. 8,
21 Geo. 6.
c. 67.

- (b) the expression "factory premises" means any business premises being a factory within the meaning of Section one hundred and fifty-seven of the Factories Act (Northern Ireland), 1938, or a dock, wharf or warehouse to which any of the provisions of that Act apply, but does not include any local government premises ;
- (c) the expression "local government premises" means premises occupied by a local authority for the purpose of discharging any of its functions.

Definitions. 8.—For the purposes of this order—

- (a) the expression "local authority" has the meaning assigned to it by Regulation 100 of the Defence (General) Regulations, 1939, and includes any person or persons to whom the civil defence functions of any local authority are transferred by direction under Regulation 29A of those Regulations ;
- (b) the expressions "business premises," "fire prevention duties" and "working hours" have the same meanings as in Regulation twenty-seven A of these Regulations (a) ;
- (c) the expression "civil defence duties" has the same meaning as in Regulation twenty-six A of these Regulations (b) ;
- (d) the expression "the Ministry" means the Ministry of Public security for Northern Ireland ;
- (e) the expression "prescribed" means prescribed by directions given by the Ministry.

Short title.

9.—(1) This order may be cited as the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941.

(2) The Fire Watchers Order (Northern Ireland), 1941, is hereby revoked, as respects any premises to which this order applies, as from the date on which arrangements are approved or made for those premises by the appropriate authority under this order.

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- (a) The following are the meanings as defined in Regulation twenty-seven A—
 - "business premises" means any premises occupied wholly or partly for the purpose of any business, trade or profession ;
 - "fire prevention duties" means the duties of keeping a watch for the fall of incendiary bombs, taking such steps as are immediately practicable to combat a fire caused by such bombs and summoning such assistance as may be necessary, and includes the duty of being in readiness to perform any such duties as aforesaid ;
 - "working hours," in relation to any person working at any business premises, means any period during which that person is engaged in, or employed for the purposes of, the business, trade or profession carried on at those premises.
 - (b) Regulation twenty-six A defines "civil defence duties" as duties the performance of which a local authority is required or authorised to organise in the discharge of functions conferred or imposed on it by the Air Raid Precautions Act (Northern Ireland), 1938, or the Civil Defence Act (Northern Ireland), 1939, or Part II of these Regulations, or any functions relating to the extinction of fires whether exercisable under those Acts or Part II of these Regulations or otherwise.

Sealed with the Official Seal of the Ministry of Public Security for Northern Ireland this 14th day of February, 1941, in the presence of

(L.S.)

W. A. B. Iliff,
Secretary.

THE FIRE PREVENTION (BUSINESS PREMISES) (NORTHERN IRELAND) (No. 2) ORDER, 1941, DATED 13TH NOVEMBER, 1941, MADE BY THE MINISTRY OF PUBLIC SECURITY FOR NORTHERN IRELAND UNDER REGULATION 27A OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1941. No. 188.

WHEREAS by the Delegation of Emergency Powers (Northern Ireland) Order, 1941 (a), made on January 23, 1941, by the Secretary of State under Regulation 102A (1) of the Defence (General) Regulations, 1939 (b), the Secretary of State delegated his powers as respects Northern Ireland under Regulation 27A of the said Regulations to the Ministry of Public Security for Northern Ireland :

Now, THEREFORE, the Ministry of Public Security for Northern Ireland, in pursuance of the powers so delegated to it and of all other powers enabling it in that behalf, hereby orders as follows :—

1.—This order shall apply to all business premises situated in any such area as may be prescribed, and to all such other business premises as may be prescribed :

Provided that this order shall not apply to any premises occupied by any person partly as his dwelling-house and partly for the purpose of his business, trade or profession, except premises occupied partly as a shop.

2.—(1) Subject to the provisions of this order, every occupier of premises to which this order applies shall make proper and adequate arrangements for the purpose of securing that fires occurring at the premises as the result of hostile attack will be immediately detected and combated.

(2) The occupiers of several premises to which this order applies, being adjoining or neighbouring premises or premises in the same building, may make joint arrangements for those premises.

(3) Where several premises to which this order applies are occupied by the same occupier, whether or not they are adjoining or neighbouring premises or premises in the same building, the occupier may make combined arrangements for those premises :

(a) S. R. & O., (U.K.) 1941, No. 102.

(b) S. R. & O., (U.K.) 1939, No. 927.