

1942. No. 49.

The Ministry of Public Security for Northern Ireland (hereinafter referred to as "the Ministry") in pursuance of the powers conferred upon it by section 1 (1) of the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

PART I.

Preliminary.

1.—(1) These regulations may be cited as the National Fire Service (General) Regulations (Northern Ireland), 1942.

(2) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) Any reference in any document to these regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these regulations or to that regulation as amended by any subsequent regulations made under the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, either as originally enacted or as amended.

PART II.

Organization of the National Fire Service (Northern Ireland).

2.—(1) During the period of the present emergency there shall be a National Fire Service in Northern Ireland, to be set up and maintained by the Ministry for the extinction of fires, and the protection of life and property in case of fire. The said service shall be styled and known as the National Fire Service (Northern Ireland), and is hereinafter referred to as "the Service."

(2) The Service may also be employed

(a) for any rescue or salvage work for which their appliances are suitable ; and

(b) on the construction or improvement of buildings or works used or intended for the purposes of the Service or for other Civil Defence purposes or on work for forestalling or mitigating the effects of enemy action.

3.—(1) The Service shall be under the command of a Fire Service Commander, who, subject to the direction of the Ministry, shall be in control and shall be responsible for the working and efficiency of the Service, and shall in particular, but without prejudice to the generality of the foregoing words—

(a) determine the number and position of the stations and depots to be maintained for the purposes of the Service

and the number and nature of the personnel by which they are to be manned ;

- (b) post members of the Service to stations and depots so maintained, and assign them their duties ;
- (c) be responsible for the operations, training and welfare of the service ;
- (d) be responsible for the maintenance and care of equipment and appliances at the disposal of the Service.

(2) If it appears to be expedient by reason of a vacancy or for any other reason, the Ministry may direct that for such period as may be specified in the direction all or any of the functions of the Fire Service Commander shall be exercisable by some other person, whether or not a member of the Service.

(3) In the event of a vacancy in the post of Fire Service Commander or in the event of the Fire Service Commander being unable to act owing to illness or absence, his functions shall, unless there is some other person authorized and able to exercise them under paragraph (2) of this regulation, be exercisable by such officer of the Service as may have been designated as his deputy by the Ministry, or if there is no such officer or if he is unable to act, by the senior officer of the Service able to act.

(4) In these regulations, the Fire Service Commander means the Fire Service Commander or the person (whatever his rank, if any, in the Service) by whom the functions of the Fire Service Commander are for the time being exercisable under the foregoing provisions of this regulation.

4.—(1) Members of the Service may be employed either whole-time or part-time, and, whether whole-time or part-time, may be firemen or firewomen with ranks in the Service, or may be persons not holding any rank therein, and any references in these regulations to a fireman shall, unless the context otherwise requires, be construed as a reference to a member, whether male or female, of the Service holding a rank therein.

(2) The ranks of firemen shall be, in order of seniority, the following :—

Fire Service Commander	Company Officer
Deputy Fire Service Commander	Section Leader
Divisional Officer	Leading Fireman
Column Officer	Fireman
Senior Company Officer	

(3) The ranks of Firewomen shall be, in order of seniority, the following :—

Area Officer	Leading Firewoman
Group Officer	Firewoman
Assistant Group Officer	

(4) The Ministry may create such additional ranks as it considers necessary and assign to them their seniority.

(5) A fireman shall obey the orders—

(a) of any fireman of superior rank whether he belongs to the Service or to any other Fire Service ; and

(b) of any other person, whether or not a member of the Service, under whose orders he is placed by the Ministry, by the Fire Service Commander or by any other person competent to give him orders.

5.—(1) A person may be appointed a member of the Service—

(a) whether or not as a fireman, by the Ministry ;

(b) as a fireman by the Fire Service Commander.

(2) A fireman may be promoted—

(a) to be Divisional Officer, Column Officer, Senior Company Officer, Company Officer, Area Officer, Group Officer or Assistant Group Officer, by the Ministry ;

(b) to any rank below that of Company Officer or Assistant Group Officer, by the Fire Service Commander,

and any power conferred by this paragraph to promote to any rank includes power to reduce from that rank to any lower rank :

Provided that a fireman shall not be reduced from any rank to any lower rank except with his own consent or during his period of probation.

(3) Any member of the Service may be discharged—

(a) in the case of Divisional Officers, Column Officers, Senior Company Officers, Company Officers, Area Officers, Group Officers and Assistant Group Officers, by the Ministry ;

(b) in the case of ranks below Company Officer and Assistant Group Officer, by the Fire Service Commander :

Provided that a fireman who has not attained the age of sixty shall not be discharged by the Fire Service Commander without the concurrence of the Ministry, except with his own consent, or, in the case of a member other than a member transferred to the Service by virtue of these regulations, during his period of probation.

(4) Nothing in this regulation affects the provisions of the First Schedule to these regulations relating to dismissal or other punishment for disciplinary offences.

(5) In this regulation " period of probation " means, in relation to any fireman, the first six months of his service, together with such

further period or periods (not exceeding in all a further twelve months) as may at any time before the end of his period of probation be added thereto by direction of any person who has for the time being power under this regulation to discharge him.

6.—(1) Any fireman may be ordered to go, for any purpose connected with the execution of his duty, to any place in Northern Ireland :

Provided that, in the case of a part-time fireman, this paragraph shall have effect subject to the proviso to regulation 7 (4) of these regulations.

(2) The provisions of the First Schedule to these regulations (which relate to discipline) shall apply to firemen.

(3) Subject to the provisions of these regulations, the provisions of the Second Schedule to these regulations shall have effect as respects pay and other conditions of service of firemen.

(4) Any whole-time fireman who—

(a) disobeys any lawful order given to him as such ; or

(b) without reasonable excuse is absent from any place at a time when it is his duty as such to be there,

shall, on summary conviction, be liable to imprisonment for a term not exceeding one month, or to a fine not exceeding ten pounds, or to both such imprisonment and such fine.

PART III.

Transfer of Personnel and Property from Local Authorities.

7.—(1) Subject to the provisions of this regulation, on the appointed day all persons who immediately before that day were fire personnel employed by, or serving under the directions of, a local authority shall, by virtue of these regulations and without more, be transferred to and become members of the Service.

(2) Nothing in this regulation shall operate to transfer to the Service any person as respects whom the Ministry is satisfied that since 3rd September, 1939, he has been employed mainly on duties other than fire brigade duties.

(3) The Ministry may direct, in relation to any person who would otherwise have been transferred on the appointed day to the Service, that he shall be transferred thereto on such earlier day as may be specified in the direction and he shall be transferred accordingly.

(4) Persons transferred by virtue of these regulations to the Service shall become whole-time or part-time members thereof according as, before their transfer, they were whole-time or part-time fire personnel, and shall, if before their transfer they were members of a

fire brigade or of the Auxiliary Fire Service, become firemen in the Service :

Provided that a person so transferred who becomes a part-time member of the Service shall not be required, without his consent, to serve in any place where he could not have been so required to serve if the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, had not been passed.

8.—Notwithstanding his transfer to the Service every person transferred thereto by virtue of these regulations, otherwise than by the direction of the Ministry, shall, if he is a fireman, until a rank in the Service is assigned to him under these regulations, continue to hold the same rank and to receive the same pay, emoluments and allowances, and, unless the Fire Service Commander otherwise directs, to have the same duties, as immediately before his transfer, so however that every member of the Service shall be subject to the orders of the Fire Service Commander, and, if a fireman, to discipline as a member of the Service (including the liability to reduction in rank and stoppage of pay).

9.—(1) On the appointed day any obligations of a local authority to make provision for the extinction of fires and the protection of life and property in case of fire shall, save as provided in these regulations, be suspended during the period of the present emergency, and accordingly—

- (a) their rights against and obligations towards, such of the persons employed by them as have been transferred to the Service shall be similarly suspended ;
- (b) any contract made by the local authority with any person or any other local authority for the provision by the first mentioned local authority of the services of their fire brigade shall be treated as frustrated as from the appointed day.

(2) Unless and until arrangements to the contrary are made between the local authority and the Ministry, all property which—

- (a) immediately before the appointed day was used or intended for use by the local authority for the purposes of their fire brigade ; or
- (b) is acquired by them after that date under a contract entered into for those purposes before that date ;

shall as from the appointed day or the acquisition thereof, as the case may be, be taken for the purposes of the Service and may be used and dealt with in connection with the Service as if it were the property of the Ministry :

Provided that—

in the case of buildings which are under construction or under active repair when taken under this paragraph the local

authority shall, unless the Ministry otherwise directs, complete the works which it has initiated.

(3) Without prejudice to the foregoing provisions of this regulation, any local authority may at any time after the making of this regulation make with the Ministry arrangements for the performance by the local authority or their officers, as agents for the Ministry, of such functions in connection with the Service as may be specified in the arrangements, or for rendering any property of the local authority available for the purposes of the Service, irrespective of the purpose for which that property was acquired by them, and notwithstanding any restriction imposed on the use thereof, whether by any Act or instrument or otherwise.

(4) Nothing in this regulation shall be construed so as to authorise the taking of any ambulance provided under any enactment (including any enactment in a local Act) by a local authority in connection with their fire brigade service, or as affecting the power of the authority to provide an ambulance under any such enactment.

10.—The Ministry may give directions to any local authority requiring the local authority to perform such functions as the Ministry may consider necessary in connection with the fighting of fires and the making of provision for facilitating the fighting thereof, whether within the area of that authority or elsewhere.

PART IV.

Miscellaneous.

11.—Any enactment under which a local authority may require payments to be made to them by the owners, occupiers or insurers of property on which fires occur, in respect of the expenses of a fire brigade in attending those fires, shall be suspended during the continuance in force of these regulations and no charges in respect of such attendances by the Service shall be made.

12.—The following persons, that is to say—

- (a) all members of the Service; and
- (b) all persons employed by a local authority for the purposes of a fire brigade wholly on duties connected with the repair or maintenance of fire engines, or of vehicles, appliances or equipment used for fire brigade purposes, are hereby declared to be fire personnel for the purposes of the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942.

13.—The provisions of the Third Schedule to these regulations shall apply in relation to the Service and to the members thereof.

14.—During the period of the present emergency the provisions of sections thirty-eight, thirty-nine and forty-three of the Waterworks Clauses Act, 1847 (which require undertakers to provide and maintain fire hydrants) as incorporated with or applied by any enactment, with or without modifications, shall have effect as if for the references to the town commissioners there were substituted references to the Ministry, and as if the distances and places at which fire hydrants are to be required to be placed were to be determined by the Ministry; and nothing in these regulations shall affect the obligations of a local authority to provide fire plugs under section 76 of the Public Health (Ireland) Act, 1878, or under that section as in operation under section 1 of the Public Health (Ireland) Act, 1896.

15.—Where the Ministry is satisfied that a person employed by a local authority, not being a person transferred by virtue of these regulations to the Service, has, by reason of these regulations, suffered a loss of emoluments, the Ministry may make to him a periodical payment or a lump sum in respect of that loss.

16.—In these regulations, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them, that is to say :—

“ the appointed day ” means such day as the Ministry may fix either generally or in relation to the area of any local authority.

“ fire brigade ” means any fire brigade maintained by a local authority, and includes any part of the Auxiliary Fire Service organised by that authority.

“ fire personnel,” “ local authority ” and “ period of the present emergency ” have the meanings assigned to those expressions by Section 4 of the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942.

Sealed with the Official Seal of the Ministry of Public Security
for Northern Ireland this first day of April, one thousand
nine hundred and forty-two.

(L.S.)

E. W. Scales,
Secretary.

FIRST SCHEDULE.

CODE OF DISCIPLINE.

PART I.

Code of Offences against Discipline.

A fireman commits an offence against discipline if he is guilty of :—

- (1) Disobedience to orders, that is to say, if he disobeys, or without sufficient cause fails to carry out, any lawful order, whether in writing or not ;

- (2) Insubordination, that is to say, if he is insubordinate to an officer of the Service ;
- (3) Abuse of authority, that is to say, if he abuses his authority by oppressive conduct towards a fireman of lower rank ;
- (4) Neglect of duty, that is to say, if he—
 - (a) without sufficient cause fails to attend to, or carry out, his duty promptly and diligently ; or
 - (b) by carelessness or neglect suffers any loss, damage or injury to occur to any person or property ; or
 - (c) without permission or sufficient cause leaves his station or place of duty ; or
 - (d) fails to report any matter which it is his duty to report ; or
 - (e) fails to make an entry, which it is his duty to make, in any book or document ;
- (5) Falsehood, that is to say, if he—
 - (a) knowingly makes any false or misleading statement, whether in writing or not, in the course of his duty ; or
 - (b) without sufficient cause, destroys or mutilates any official book or document or alters or erases any entry therein ;
- (6) Breach of confidence, that is to say, if he divulges any matter which it is his duty to keep secret ;
- (7) Corrupt practice, that is to say, if he—
 - (a) improperly uses his position as a member of the Service for his private advantage ; or
 - (b) fails to account for, or to make a prompt and true return of, any money or property which comes into his possession in the course of his duties ;
- (8) Absence from duty, that is to say, if he, without reasonable excuse, is absent from duty or is late for any parade, drill or other attendance ;
- (9) Damage to clothing or personal equipment, that is to say, if he—
 - (a) wilfully or negligently damages any article of clothing or personal equipment with which he has been provided or entrusted or fails to take proper care thereof ; or
 - (b) fails to report any damage to or loss of any article of clothing or personal equipment, however caused ;
- (10) Drunkenness, that is to say, if, when on duty or liable to be called upon for duty, he is unfit for duty through drink ; or
- (11) Discreditable or disorderly conduct, that is to say, if he—
 - (a) acts in a disorderly manner or in any manner prejudicial to discipline ; or
 - (b) while on duty or while off duty in uniform in a public place, is without reasonable excuse dirty or untidy in his person, clothing or personal equipment ; or
 - (c) acts in a manner likely to bring discredit on the reputation of the Service.

PART II.

Rules of Procedure and Punishments.

1.—Where, on consideration of a complaint or otherwise, the Fire Service Commander decides that a fireman in the Service should be charged with an offence against discipline, being an offence as defined in the code set out in Part I of this Schedule, the Fire Service Commander shall as soon as possible cause him to be informed in writing of the charge together with such particulars, including details as to time and place, as will leave him under no misapprehension regarding the allegations against him.

2.—(1) The accused shall be ordered to state in writing whether he admits or denies the charge, and shall be allowed to give in writing any explanation which he may wish to offer.

(2) The accused shall be allowed to state the names and addresses of any witnesses to material facts whom he may desire to give evidence at the hearing of the charge.

(3) Any such witness who is a member of the Service shall be ordered to attend at the hearing of the charge, and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

3.—(1) If the accused denies the charge, he shall, unless the Fire Service Commander is satisfied with the explanation which he has offered, be ordered to appear before the Fire Service Commander at the hearing of the charge.

(2) The accused shall be entitled to hear the evidence given against him and to have an opportunity of cross-examining the witnesses and of calling witnesses in his defence.

4.—An offence against discipline may be punished with—

- (1) dismissal ;
- (2) reduction in rank ;
- (3) stoppage of pay ;
- (4) additional duty ; or
- (5) reprimand :

Provided that—

- (a) a stoppage of pay in respect of any one offence shall not continue after the expiration of three months from the date of the award of the punishment or of the decision of any appeal therefrom, as the case may be, and the amounts of any stoppages (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender ; and
- (b) additional duty in respect of any one offence shall not exceed forty-eight hours, and in respect of one or more offences shall not exceed in any week twelve hours.

5.—The Fire Service Commander shall, as soon as may be after the determination of a charge by him, cause his decision to be notified in writing to the accused and, except as otherwise provided in this Part of this Schedule, his decision shall be final.

6.—(1) Where a fireman is, by a decision of the Fire Service Commander for an offence against discipline, dismissed or reduced in rank, he shall, on giving notice in writing to the Fire Service Commander within seven days of the decision being notified to him, be entitled to appeal to the Ministry against the decision.

(2) The Ministry shall, unless it appears to it that the case is of such a nature that it can properly be determined without taking oral evidence, and may in any case, appoint one or more persons to hold an inquiry and report to it, and shall, after considering, where an inquiry has been held, the report of the person or persons who held the inquiry, either—

- (a) allow the appeal ;
- (b) dismiss the appeal ; or
- (c) vary the punishment by substituting some greater or less punishment :

Provided that the Ministry may at any time remit a case for further consideration by the Fire Service Commander or, if an inquiry has been held, for further investigation by the person or persons who held the inquiry.

(3) Where an inquiry is held under this paragraph, the accused shall be entitled to have a person selected by himself (who need not be a member of the Service) to assist him in presenting his case.

(4) Any inquiry held under this paragraph shall be by way of re-hearing, and the procedure thereat shall, subject to the provisions of this Part of this Schedule and to any directions given by the Ministry, be such as the person holding the inquiry or, if there are two or more such persons, the person presiding at the inquiry, may determine, and in particular any such inquiry may be held in private, and may be proceeded with in the absence of any party to the appeal so long as that party has had not less than seven days' notice of the time and place fixed for the holding of the inquiry.

7.—(1) The Fire Service Commander may delegate all or any of his functions under the foregoing provisions of this Part of this Schedule, either generally or in a particular case, to another officer of the Service, not below the rank of Divisional Officer (or,

where the accused is a woman, not below the rank of Area Officer) or (in either case) to a board consisting of two or more such officers :

Provided that the powers of punishment of an officer or board to whom functions are delegated under this paragraph shall be subject to the following restrictions :—

- (i) no punishment shall be imposed other than—
 - (a) stoppage of pay ;
 - (b) additional duty ; or
 - (c) reprimand ;
- (ii) the amount of any stoppage of pay imposed on an offender on the same occasion in respect of one or more offences shall not exceed twenty shillings, and the amount of additional duty imposed on an offender on the same occasion in respect of one or more offences shall not exceed twenty-four hours ; and
- (iii) any punishment imposed shall not be carried out until it has been confirmed, with or without modifications, by the Fire Service Commander, and for the purpose of proviso (a) to paragraph 4 of this Part of this Schedule the date of the confirmation shall be deemed to be the date of the award of the punishment.

(2) Any fireman who feels aggrieved by a decision of an officer or board to whom functions have been delegated under this paragraph awarding punishment shall, on giving notice in writing to the Fire Service Commander within three clear days of the decision having been notified to him, be entitled to appear before the Fire Service Commander to make representations against the confirmation of the punishment.

(3) Where a notice is given under sub-paragraph (2) of this paragraph, the power of the Fire Service Commander to confirm the punishment with modifications shall extend to increasing it ; and where the punishment is increased to dismissal or reduction in rank, the fireman shall have the same rights of appeal under paragraph 6 of this Part of this Schedule as he would have had if the case had been dealt with in the first instance by the Fire Service Commander.

8.—A fireman shall be allowed to have another member of the Service, selected by himself, to assist in presenting his case at the hearing of a charge against him or in making representations under the last foregoing paragraph against the confirmation of a punishment :

Provided that the member selected by a fireman to assist him in presenting his case at the hearing of a charge shall not be an officer of a rank equal or superior to that of the officer, or any of the officers, hearing the charge.

9.—If a fireman refuses or without sufficient cause fails to attend at the time and place appointed for the hearing of any charge or for making representations against the confirmation of a punishment, or if at that time he is serving a term of penal servitude or imprisonment or is otherwise in legal custody, the matter may be decided in his absence.

10.—Nothing in the provisions of this Part of this Schedule shall prejudice any right apart from those provisions—

- (a) to discharge any fireman or reduce him in rank ; or
- (b) to cause any fireman to be prosecuted for an offence without proceedings having been taken in accordance with this Part of this Schedule.

11.—If in any particular case the Ministry so directs, the functions of the Fire Service Commander under this Part of this Schedule as respects the hearing and determination of charges or the confirmation of punishments shall be exercised by such other member of the Service (whether a fireman or not) as may be specified in the direction, and references to the Fire Service Commander in this Part of this Schedule shall be construed accordingly.

PART III.

Provisions as to Suspension.

1.—The Fire Service Commander, if it appears to him that an offence against discipline or a criminal offence may have been committed by a fireman, may suspend that fireman from duty.

2.—Where a fireman is suspended from duty under this Part of this Schedule, the period of suspension shall continue until disciplinary or criminal proceedings in respect of that offence have been concluded or until it has been decided that such proceedings shall not be taken or shall be discontinued.

3.—A fireman who has been suspended from duty shall not be entitled in respect of the period of suspension to any pay but shall be paid such suspension allowance as may be directed by the Fire Service Commander, not being less than half his pay :

Provided that—

- (a) if the suspension of a fireman under this Part of this Schedule terminates without his having been found guilty of an offence against discipline or convicted of a criminal offence, he shall receive, in respect of the period of suspension, the pay which he would, but for the suspension, have received, less the amount of any sums paid to him by way of suspension allowance :
- (b) where a fireman is found guilty of an offence against discipline, the award in respect of the offence may contain a direction that the fireman shall be treated as having been suspended only for a specified part of the period of his suspension under this Part of this Schedule, and where a fireman is convicted of a criminal offence, the Fire Service Commander may give a similar direction ; and where such a direction is given, the fireman shall receive, in respect of the remainder of that period of suspension, the sum which he would have received in respect thereof if he had not been found guilty or convicted.

SECOND SCHEDULE.

CONDITIONS OF SERVICE.

1.—(1) The rate of pay of whole-time male firemen shall be in accordance with the scale following :—

	£	s	d	
Divisional Officer	600	0	0	per annum
Column Officer	500	0	0	„
Senior Company Officer	400	0	0	„
Company Officer	350	0	0	„
Section Leader	5	19	0	per week
Leading Fireman	4	4	0	„
Fireman, aged twenty or over	3	14	0	„
„ aged nineteen to twenty	3	0	0	„
„ aged eighteen to nineteen	2	10	0	„

(2) The rates of pay of whole-time firewomen shall be in accordance with the scale following :—

	£	s	d	
Group Officer	250	0	0	per annum
Assistant Group Officer	3	5	0	per week
Leading Firewoman	2	19	0	„
Firewoman, aged eighteen or over	2	12	0	„

(3) Whole-time firemen (or firewomen) under the age of eighteen shall receive pay at the same rates as if they were civil defence volunteers not in the National Fire Service, and whole-time firemen (or firewomen) who are officers holding ranks other than those hereinbefore specified shall be paid at such rates as the Ministry may determine.

(4) Part-time firemen shall receive compensation for remunerative time actually lost by reason of their duties as firemen at a rate not exceeding, in the case of men, 12s per day or 70s per week, or, in the case of women, 8s per day or 47s per week.

2.—Firemen may be paid allowances in such circumstances, and on such conditions and at such rates as the Ministry may from time to time determine.

3.—Subject to any general or special directions of the Ministry, the hours of duty of whole-time firemen shall be—

- (a) in the case of whole-time male firemen aged eighteen or over, not less than seventy-two in any week ;

(b) in the case of whole-time firewomen and of whole-time male firemen who have not attained the age of eighteen, not less than sixty in any week ; but any whole-time fireman shall be liable to be called on duty at any time :

Provided that (subject to the provisions of Part II of the First Schedule to these Regulations relating to additional duty) a whole-time fireman shall be entitled in every week, or, if his hours of duty require him to be continuously on duty for periods of forty-eight hours, then in every period of three days, to a continuous rest period of twenty-four hours during which he shall not be liable to be called on duty except in an emergency.

4.—Firemen shall have the same rights as respects sick leave, medical attention and hospital treatment as if they were civil defence volunteers not in the Service.

5.—A Whole-time fireman shall be subject to such restrictions as to his place of residence and as to the undertaking of work outside his employment in the Service as may, in the interests of his efficiency as a fireman, be imposed upon him by or by the authority of the Fire Service Commander.

6.—A fireman may be ordered to undergo at any time medical examination by a duly qualified medical practitioner appointed by or on behalf of the Ministry.

7.—Articles of clothing, uniform or personal equipment issued to a fireman for the purpose of the service shall not become his property and must be used by him only in the execution of his duty as a fireman and be returned by him when required or when he leaves the Service, and a fireman may be required to make good any loss of, or damage to, any such article unless the loss or damage occurred without his default.

8.—(1) The foregoing provisions of this Schedule shall apply to persons transferred by virtue of these Regulations to the Service, who immediately before their transfer were members of a fire brigade subject to the modifications contained in this paragraph.

(2) The rate of pay for leading firemen shall be £5 5s per week, or, in special cases, such higher rate as the Ministry may determine.

(3) The pay of a whole-time fireman shall not in any case be less than the pay to which he would have been entitled if he had remained a member of his brigade and, where in that case he would have been entitled, in addition to his pay, to emoluments of any class, he shall receive the emoluments of that class approved by the Ministry as appropriate to his rank in the Service :

Provided that this sub-paragraph, so far as it relates to pay, shall cease to apply to any fireman who, at any time after he has become a fireman in the Service, is reduced in rank for an offence against discipline.

In this sub-paragraph the expression " emoluments " means emoluments of one of the following classes :—

(a) free quarters, or an allowance in lieu thereof, or an allowance towards the cost of rent ;

(b) light, or an allowance in lieu thereof ;

(c) fuel, or an allowance in lieu thereof ;

and the pay to which a fireman would have been entitled as aforesaid shall be taken to be the pay to which he would have been so entitled if he had been actually provided with free quarters, light and fuel and if the appropriate deductions, if any, had been made from his pay in respect thereof, and the amount of any such deductions shall be treated as emoluments to which he would have been entitled in addition to his pay.

(4) There shall be paid to part-time firemen who immediately before their transfers were part-time regular firemen such sums, whether by way of pay or compensation for loss of time, as the Ministry may determine.

(5) A fireman, so long as he remains in the Service, shall be entitled, while incapacitated for duty by sickness or injury contracted or incurred without his default to receive his full pay, less the amount of any sums which he receives or is entitled to claim under the National Health Insurance Acts (Northern Ireland), 1936 to 1939, or under the Personal Injuries (Emergency Provisions) Act, 1939, in respect of that incapacity, and paragraph 4 of this Schedule shall not apply to him :

Provided that this sub-paragraph shall not apply to a fireman who immediately before his transfer was a temporary fireman, except as respects periods of sick leave equal to the periods of sick leave, if any, during which he would have been entitled, if he had remained a member of his brigade, to receive his full pay as such a member.

(6) A fireman shall, while so incapacitated for duty as aforesaid, be entitled to receive, whether in hospital or otherwise, free medical attendance (including the supply of necessary medicines and drugs), so long as he remains in the Service :

Provided that where the fireman is being treated in hospital and the incapacity did not result from a war injury or war service injury as defined by the Personal Injuries (Emergency Provisions) Act, 1939, he shall contribute one shilling a day towards the cost of his maintenance and the amount of that contribution may be deducted from his pay.

9.—Paragraph 8 of this Schedule shall apply also to persons becoming members of the Service otherwise than by virtue of a transfer under these Regulations if at any time since the beginning of September, 1939, they were members of a fire brigade and, when they became members of the National Fire Service, were such persons as are mentioned in section one of the Local Government Staffs (War Service) Act (Northern Ireland), 1939 ; but as if any reference to transfer to the National Fire Service were a reference to ceasing to serve in a fire brigade.

10.—In computing, for the purposes of this Schedule, the pay to which a whole-time fireman would have been entitled if he had remained a member of his brigade or force it shall be assumed—

- (a) that he would have continued to hold the same rank as that which he held when he ceased to be a member of his brigade or force ; and
- (b) that his rate or scale of pay would have remained the same ; and
- (c) that all necessary certificates as to efficiency and conduct would have been granted ; and
- (d) that he would have received any increments for long service which could have been granted to him but not any other discretionary increments :

Provided that where the local authority have, since he ceased to be a member of the brigade or force, increased the pay of any class of persons employed or paid by them, any resulting increase of pay which any such fireman as aforesaid would have received on the assumptions aforesaid as a member of that class, shall, to such extent, if any, as the Ministry may direct, be taken into account.

THIRD SCHEDULE.

1.—The Fire Service Commander or any officer authorised in writing by him shall, for the purpose of obtaining information required for the purposes of the Service with respect to the character of any buildings or other property, the available water supplies and the means of access thereto, and other material local circumstances, have the powers of entry to premises which are contained in Section 65 of the Civil Defence Act (Northern Ireland), 1939, and accordingly that Section shall have effect as if sub-section (1) included a reference to such an officer as aforesaid and as if among the purposes specified in that sub-section there were included the aforesaid purpose.

2.—Any member of the Service being on duty 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, without the consent of the owner or occupier thereof, and may do all such acts and things as he may deem necessary for extinguishing fire or for protecting from fire any such premises or places or rescuing any person or property therein.

3.—Any person who wilfully obstructs or interferes with any member of the Service engaged in operations for the extinction of a fire or the protection or rescue of any person or property from fire, shall be liable on summary conviction to a fine not exceeding ten pounds.

4.—The officer of the Service who has charge of the operations for the extinction of a fire may require water to be shut off from the mains or pipes in any area in order to give a greater supply and pressure of water for extinguishing the fire, and no authority or person shall be liable to any penalty or claim by reason of the interruption of a supply of water occasioned only by compliance with a request or requirement of an officer of the Service that the water shall be shut off from the mains and pipes in any area in order to give a greater supply and pressure of water for extinguishing a fire.

5.—Without prejudice to any other powers exercisable by him or by any other person, whether by virtue of any enactment or otherwise the Fire Service Commander may authorize the placing on any wall or fence adjoining a street or public place, or elsewhere, of a notice or distinguishing mark indicating the situation of any fire hydrant or static water supply.

6.—The Service may use for the purposes of extinguishing fires any convenient or suitable supply of water.

National Fire Service.

Preservation of Pensions.

REGULATIONS, DATED 28TH OCTOBER, 1942, MADE BY THE MINISTRY OF PUBLIC SECURITY UNDER SECTION 1 (1) OF THE FIRE SERVICE (EMERGENCY PROVISIONS) ACT, (NORTHERN IRELAND), 1942.

1942. No. 173.

The Ministry of Public Security for Northern Ireland (hereinafter referred to as "the Ministry") in pursuance of the powers conferred upon it by sub-section (1) of section one of the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the National Fire Service (Preservation of Pensions) Regulations (Northern Ireland), 1942.

2. The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

3. In these regulations the following expressions have the meanings hereby assigned to them, that is to say :—

"the certifying authority" means in relation to a person holding the rank of fireman, leading fireman or section leader, the Fire Service Commander, and in relation to a person holding any other rank, the Ministry;

"the local Act" means any enactment in a local Act under which a local authority may award a pension to a member of its fire brigade;

"the local brigade" and "the local authority" mean respectively, in relation to any person, the fire brigade from which he was transferred, and the local authority who maintained that fire brigade;

"the Fire Service" means the National Fire Service (Northern Ireland);