



# Fire Services Act 1947

1947 CHAPTER 41 10 and 11 Geo 6

*Miscellaneous and General*

## **29 Central Fire Brigades Advisory Council.**

- (1) The Secretary of State shall constitute a Council to be called the Central Fire Brigade Advisory Council, for the purpose of advising him on any matters as to which he is required by this Act to consult the Council or any other matter arising, otherwise than under section seventeen of this Act, in connection with the operation of this Act which the Council have taken into consideration, whether on a reference from the Secretary of State or otherwise.
- (2) Subject to the provisions of the next following subsection, the Council shall consist of a chairman appointed by the Secretary of State and of such number of other persons so appointed as the Secretary of State may determine, being persons appointed as representing the interests of fire authorities and of persons employed as members of fire brigades maintained in pursuance of this Act.
- (3) In addition to the persons mentioned in the last foregoing subsection the Secretary of State may, if he thinks fit, appoint as members of the Council, either generally or for the consideration of any particular matter, such other persons appearing to him to have special qualifications as he may determine.
- (4) The procedure (including the quorum) of the Council shall, subject to any directions of the Secretary of State, be such as the Council may determine.
- (5) The Secretary of State may defray any expenses authorised by him with the consent of the Treasury to be incurred by the Council.

## **30 Powers of firemen and police in extinguishing fires.**

- (1) Any member of a fire brigade maintained in pursuance of this Act who is on duty, any member of any other fire brigade who is acting in pursuance of any arrangements made under this Act, or any constable, may enter and if necessary break into any premises or place in which a fire has or is reasonably believed to have broken out, or any premises or place which it is necessary to enter for the purposes of extinguishing a fire or of

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protecting the premises or place from acts done for fire-fighting purposes, without the consent of the owner or occupier thereof, and may do all such things as he may deem necessary for extinguishing the fire or for protecting from fire, or from acts done as aforesaid, any such premises or place or for rescuing any person or property therein.

- (2) Any person who wilfully obstructs or interferes with any member of a fire brigade maintained in pursuance of this Act who is engaged in operations for fire-fighting purposes shall be liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 3 on the standard scale].
- (3) At any fire the senior fire brigade officer present 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 premises, object or place where the fire is, or of adjoining premises, objects or places, against which the water is to be directed.
- (4) Any water undertakers shall, on being required by any such senior officer as is mentioned in the last preceding subsection to provide a greater supply and pressure of water for extinguishing a fire, take all necessary steps to enable them to comply with such requirement and may for that purpose shut off the water from the mains and pipes in any area; and no authority or person shall be liable to any penalty or claim by reason of the interruption of the supply of water occasioned only by compliance of the water undertakers with such a requirement.
- [<sup>F2</sup>(4A) Any water undertaker which, without reasonable excuse, fails to take any step which it is obliged to take by virtue of subsection (4) of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.]
- (5) The senior officer of police present at any fire, or in the absence of any officer of police the senior fire brigade officer present, may close to traffic any [<sup>F3</sup>street][<sup>F3</sup>road] or may stop or regulate the traffic in any [<sup>F3</sup>street][<sup>F3</sup>road] whenever in the opinion of that officer it is necessary or desirable to do so for fire-fighting purposes.
- (6) In this section the expression “senior fire brigade officer present,” in relation to any fire, means the senior officer present of the fire brigade maintained in pursuance of this Act in the area in which the fire originates, or, if any arrangements or reinforcement scheme made under this Act provided that any other person shall have charge of the operations for the extinction of the fire, that other person.

<sup>F4</sup>(7) .....

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 39, 46, **Sch. 3** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7D** and (S.)(1.4.1996) by 1995 c. 40, ss. 3, 6, Sch. 1 para. 10, Sch. 2 Pt. III, **Sch. 5**
- F2** S. 30(4A) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(1), 193(1), Sch. 25 para. 9(5), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F3** Word "road" substituted (S.) for "street" by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 34(4)**
- F4** S. 30(7) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**

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### 31 False alarms of fire.

- (1) Any person who knowingly gives or causes to be given a false alarm of fire to any fire brigade maintained in pursuance of this Act or to any member of such a brigade shall be liable on summary conviction to a fine not exceeding [<sup>F5</sup>level 4 on the standard scale] or to imprisonment for a term not exceeding three months or both such fine and such imprisonment.

<sup>F6</sup>(2) .....

<sup>F7</sup>(3) .....

#### Textual Amendments

- F5** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#), and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#) and (S.) (1.4.1996) by [1995 c. 40, ss. 3, 6, Sch. 1 para. 3\(1\), Sch. 2 Pt. II, Sch. 5](#)
- F6** [S. 31\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. XI](#)
- F7** [Ss. 31\(3\), 39\(3\), Sch. 5](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. XI](#)

### 32 Members of police force not to be employed in fire brigade.

No member of a police force shall be employed as a member of a fire brigade maintained in pursuance of this Act.

### 33 Inquiries.

- (1) The Secretary of State may hold a public local inquiry into the manner in which any fire authority are performing their functions under this Act, or into the circumstances of, or the steps taken to deal with, any particular outbreak of fire.
- (2) [<sup>F8</sup>Subsections (2), (3) and (5) of section two hundred and fifty of the <sup>M1</sup>Local Government Act 1972] (which relate to evidence at local enquiries and to the making of orders as to payment of the costs incurred thereat by local authorities) shall apply to any inquiry held in pursuance of this Act.

#### Textual Amendments

- F8** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 272\(2\)](#)

#### Modifications etc. (not altering text)

- C1** [S. 33](#) extended (1.12.1999) by [S.I. 1999/1877](#), [regs. 1, 17](#), [Sch. para. 10\(6\)](#)
- C2** Reference to this Act in [s. 33\(1\)](#) to be read as including reference to [Fire Precautions Act 1971 \(c. 40\)](#): [ibid.](#), [s. 29](#)  
[S. 33\(1\)](#) modified (1.12.1997) by [1997/1840](#), [reg. 10\(6\)](#)

#### Marginal Citations

- M1** [1972 c. 70](#).

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**34 Expenses and receipts of Secretary of State.**

- (1) All expenses incurred by the Secretary of State by virtue of this Act shall be defrayed out of moneys provided by Parliament.
- (2) Any receipts of the Secretary of State under this Act shall be paid into the Exchequer.

**35 Regulations and orders to be laid before Parliament.**

- (1) Any regulations of the Secretary of State under this Act, and any order of the Secretary of State under section eleven or twenty-six thereof, shall be laid before Parliament forthwith after being made.
- (2) If either House of Parliament, within a period of forty days beginning with the day on which any such regulations or order as aforesaid are laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.
- (3) In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

**36 Application to Scotland.**

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to the Minister of Health there shall be substituted a reference to the Secretary of State; <sup>F9</sup>. . . ; for any reference to a combination scheme there shall be substituted a reference to an administration scheme; for any reference to statutory water undertakers there shall be substituted a reference to a [<sup>F10</sup>water authority] within the meaning of the Water (Scotland) Act [<sup>F11</sup>1980]; for references to the <sup>M2</sup>Water Act 1945, and to sections thirty-two to thirty-four [<sup>F12</sup>and thirty-six] of the Third Schedule thereto there shall be respectively substituted references to the Water (Scotland) Act [<sup>F13</sup>1980], and to sections nineteen to twenty-one and [<sup>F12</sup>twenty-three] of the [<sup>F13</sup>Schedule 4] thereto; for any reference to the <sup>M3</sup>Acquisition of Land (Authorisation Procedure) Act 1946, there shall be substituted a reference to the <sup>M4</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947; for any reference, in relation to a fire brigade, to the chief officer, there shall be substituted a reference to the firemaster; and any reference to a fire authority shall, unless the context otherwise requires, be construed as including a reference to a [<sup>F14</sup>joint board] constituted in pursuance of the provisions hereinafter contained.

<sup>F15</sup>(3) . . . . .

[<sup>F16</sup>(3A) If it appears to any two or more fire authorities that it is expedient that their areas should be combined for fire-fighting purposes, they may submit to the Secretary of State a scheme in that behalf (in this section referred to as an “administration scheme”) and the Secretary of State may by order approve any such scheme submitted to him.

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- (3B) A scheme under subsection (3A) above shall make provision with respect to the matters mentioned in paragraphs (c) and (d) of subsection (8A) below.
- (3C) The power to make an order under subsection (3A) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]
- (4) An administration scheme shall make provision with regard to the following matters:
- [<sup>F17</sup>(a) the dis-establishment of the fire brigades maintained by the several fire authorities, the establishment and maintenance of a combined fire brigade for the combined area, and the appointment, subject to any regulations made under this Act, of a firemaster of that combined brigade;]
  - (b) the constitution for the administration of the combined fire brigade of a [<sup>F18</sup>joint board] consisting of such number of members, being members of the fire authorities in the area, as may be specified in the scheme;
  - (c) the transfer to the [<sup>F18</sup>joint board] of the functions of the fire authorities (except the power to levy a rate and such other functions as may be specified in the administration scheme);
  - (d) the payment out of a fund constituted in accordance with the scheme of the expenses incurred by the [<sup>F18</sup>joint board] in the administration of the combined fire brigade;
  - [<sup>F19</sup>(e) the payment by the fire authorities into the aforesaid fund, for the purpose set out in subsection (4A) below, of contributions in such proportions as may be determined by or under the scheme;
  - (f) arrangements for the carry-forward from one financial year (the “carry-forward year”) to the next by the joint board of any money paid by way of contributions by the fire authorities in respect of the carry-forward year under provision made under paragraph (e) above and remaining unspent at the end of the carry-forward year.]
- [<sup>F20</sup>(4A) The purpose referred to in subsection (4)(e) above is that of meeting the expenses which the joint board estimates will be incurred by it in the administration of the combined fire brigade.
- (4B) Provision made under subsection (4)(f) above shall secure—
- (a) that the money carried forward by the joint board shall not exceed three per cent. of the total of the contributions paid into the fund by the fire authorities in respect of the carry-forward year; and
  - (b) that, in the case mentioned in subsection (4C) below, money shall be carried forward only with the consent of the Scottish Ministers.
- (4C) The case is where—
- (a) any money carried forward from previous carry-forward years by virtue of arrangements such as are mentioned in subsection (4)(f) above and remaining unspent at the end of the carry-forward year; and
  - (b) the money carried forward,
- would, taken together, amount to more than the maximum sum.
- (4D) In subsection (4C) above, “maximum sum”, in relation to a carry-forward year, means the amount equal to five per cent. of the total amount of the contributions paid into the fund by the fire authorities in respect of that year.

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- (4E) The Scottish Ministers may, by order, substitute for the percentage mentioned in—
- (a) subsection (4B)(a) above; or
  - (b) subsection (4D) above,
- such other percentage as they think fit.
- (4F) An order under subsection (4E) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4G) Paragraphs (e) and (f) of subsection (4) above are not to be taken as preventing the carrying forward of any money, being money already carried forward to a financial year under arrangements made under subsection (4)(f) above and remaining unspent at the end of that year, from that year to the next year and, if it remains unspent at the end of that next year, to the following year, and so on.]
- (5) An administration scheme may contain provision regarding—
- (a) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the fire authorities of any service connected with the administration of the combined fire brigade;
  - (b) the transfer to the [<sup>F21</sup>joint board] of property, rights or liabilities;
  - (c) the appointment of officers by the [joint board] and the transfer to the [<sup>F21</sup>joint board] of officers of any of the fire authorities;
  - (d) the settlement of differences between the fire authorities; and
  - (e) any other matters incidental to or consequential on any provision contained in the scheme.
- [<sup>F22</sup>(5A) Not later than 3 months before the date on which a scheme approved under subsection (3A) above or, as the case may be, made under subsection (8)(b) below is intended to come into effect, every fire authority in respect of whose area or combined area such a scheme has been approved or made shall prepare and submit to the Secretary of State for his approval an establishment scheme for their area or combined area under section 19 of this Act, and the Secretary of State may approve the scheme as submitted to him or subject to such modifications as he may direct.]
- <sup>F23</sup>(6) .....
- [<sup>F24</sup>(7) Where an administration scheme has been approved under subsection (3A) above [<sup>F25</sup>or an administration scheme made under section 147(4) of the Local Government (Scotland) Act 1973 (c.65)], the fire authorities affected by it may amend or revoke that scheme by a subsequent scheme submitted to the Secretary of State by them jointly and the Secretary of State may by order approve any such subsequent scheme submitted to him.
- (7A) A subsequent scheme under subsection (7) above may make provision with respect to any of the matters for which provision is required to be made, or may be made, by virtue of subsections (4), (5), (8)(b) and (8A) of this section.
- (7B) The power to make an order under subsection (7) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]
- [<sup>F26</sup>(8) The Secretary of State may by order—
- (a) vary or revoke an administration scheme [<sup>F27</sup>made under this section or an administration scheme made under section 147(4) of the Local Government (Scotland) Act 1973 (c.65)];

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- (b) make a new administration scheme which includes provision—
- (i) for the division of the original combined area into any two or more areas, being either areas of fire authorities comprised in such combined area or new combined areas constituted by such scheme;
  - (ii) for the inclusion in the combined area of any additional areas,
- and such an order may make provision with respect to any of the matters for which provision is required to be made, or may be made, by virtue of subsections (4), (5) and (8A) of this section.
- (8A) An order under subsection (8) above may make provision with respect to any of the following matters—
- (a) the transfer or retransfer to such fire brigade as may be determined by the order of the members of any fire brigade affected by the order;
  - (b) the transfer or retransfer to such fire authorities as may be determined by the order of any officers, property, rights or liabilities of any fire authority affected by the order;
  - (c) the payment, by such fire authority and subject to such provisions as may be determined by the order, of compensation to officers employed by any fire authority affected by the order who in consequence of it or of anything done under it suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments;
  - (d) in the case of any person who having immediately before the coming into operation of the order been the firemaster of any fire brigade affected by the order does not on the coming into operation of the order become the firemaster of any fire brigade established in consequence of the order, for the payment, in lieu of compensation under paragraph (c) above, of a pension, gratuity or allowance of such amount, subject to such conditions and by such fire authority as may be specified in the order; and
  - (e) any other matters incidental to or consequential on any provision contained in the order.
- (8B) Before making an order under subsection (8) above which contains provision that two or more local government areas should form a combined area for the provision in the combined area of the services mentioned in section 1 of this Act, the Secretary of State shall—
- (a) consult such fire authorities as appear to him to be affected by the order; and
  - (b) where any such authority submit objections to the order, inform that authority in writing whether he accepts the objections and, if he does not, why he does not.
- (8C) The power to make an order under subsection (8) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]
- [<sup>F28</sup>(9) An order made by the Secretary of State under this section shall provide for the incorporation of a joint board with a common seal and shall confer on such a board power to hold land and to borrow money.]
- (10) A fire authority and a [<sup>F29</sup>joint board] which has power to borrow money by virtue of an order made under subsection (9) of this section [<sup>F30</sup>or section 147(4) of the <sup>M5</sup>Local Government (Scotland) Act 1973] may, subject to the provisions of [<sup>F31</sup>section sixteen of, and Schedule 3 to, the <sup>M6</sup>Local Government (Scotland) Act 1975], borrow such sums as may be required for the purposes of their functions under this Act to meet

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expenditure of a capital nature or the cost of executing any work, or providing any plant or equipment or doing any other thing where, having regard to the nature of the work, plant, equipment or thing, the cost ought to be spread over a period of years:

Provided that nothing in this subsection shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the <sup>M7</sup>Local Authorities Loans Act 1945, <sup>F32</sup> . . . and of any orders for the time being in force made by the Treasury under section one of the <sup>M8</sup>Borrowing (Control and Guarantees) Act 1946.

- (11) A [<sup>F33</sup>joint board] which has power to borrow money by virtue of an order under subsection (9) of this section [<sup>F34</sup>or section 147(4) of the Local Government (Scotland) Act 1973] shall, for the purposes of the <sup>M9</sup>Local Authorities Loans Act 1945, be deemed to be a local authority.

<sup>F35</sup>(12) . . . . .

- (13) [<sup>F36</sup>For the purposes of the Local Government Superannuation (Scotland) Regulations 1974], the appropriate superannuation fund in relation to the [<sup>F36</sup>pensionable employees] of a [<sup>F37</sup>joint board] shall be the superannuation fund of such one of the [<sup>F38</sup>councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 whose area is comprised] in the area of the joint committee as may be determined by or under the administration scheme.

- (14) Section one of this Act shall have effect as if for subsection (2) thereof the following subsection were substituted:—

“(2) (a) Any member of a fire brigade maintained in pursuance of this Act authorised in writing by the authority maintaining the fire brigade shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours for the purpose of obtaining such information as is mentioned in paragraph (d) of the last foregoing subsection:

Provided that admission to any premises in which persons are employed otherwise than in domestic service, shall not be demanded as of right unless twenty-four hours’ notice of the intended entry has been given to the occupier.

(b) If it is shown to the satisfaction of a sheriff or a justice of the peace—

(i) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of entry; and

(ii) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the sheriff or justice may by warrant under his hand authorise the authority maintaining the fire brigade by any member thereof authorised as aforesaid to enter the premises, if need be by force:

Provided that such a warrant shall not be issued unless the sheriff or justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.



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- (c) A member of a fire brigade authorised as aforesaid entering any premises by virtue of this subsection, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.
- (d) Every warrant granted under this subsection shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (e) If any person who in compliance with the provisions of this subsection or of a warrant issued thereunder is admitted into any premises discloses to any person any information obtained by him therein with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding [<sup>F39</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months.
- (f) A person who wilfully obstructs any person acting in the execution of this subsection or of any warrant issued thereunder shall be liable on summary conviction to a fine not exceeding [<sup>F40</sup>level 1 on the standard scale] and to a further fine not exceeding five pounds for each day on which the offence continues after conviction thereof.”

[<sup>F41</sup>(15) For section 4 of this Act there shall be substituted the following section—

Subject to the provisions of this Act, with effect from 1st April 1996 the fire authority shall be a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994”]

- (16) Section eleven of this Act shall have effect as if for references to such a local authority and such a fire authority as are therein mentioned there were respectively substituted references to the [<sup>F42</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 whose area is comprised] in any area for which a [<sup>F43</sup>joint board] is appointed and to that [<sup>F43</sup>joint board].

[<sup>F44</sup>(16A) In section 19—

- (a) for subsection (3) there shall be substituted the following subsection—

“(3) Every fire authority shall, on such dates as the Secretary of State may by regulations prescribe, notify him of the establishment scheme in force in their area on such dates as he may so prescribe.”; and

- (b) after subsection (8) there shall be inserted—

“(8A) Regulations made under subsection (3) above shall be made by statutory instrument; and such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”]

[<sup>F45</sup>(16B) For section 24 there is substituted—

For the purpose of obtaining information as to the manner in which fire authorities are performing their functions under this Act and as to technical matters relating to those functions—

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- (a) Her Majesty may appoint a Chief Inspector of Fire Services for Scotland and Inspectors of Fire Services for Scotland; and
- (b) the Scottish Ministers may appoint Assistant Inspectors of Fire Services for Scotland.”]

[<sup>F46</sup>(16C) In section 34 (expenses and receipts of Secretary of State), after subsection (1) there is inserted the following:—

“(1A) The Scottish Ministers may make payments to the Fire Services Examinations Board, or in respect of that Board, in relation to the exercise by it of its functions in or as regards Scotland.”]

<sup>F47</sup>(17) .....

(18) There shall be appointed a separate Central Fire Brigades Advisory Council for Scotland to be called the Scottish Central Fire Brigades Advisory Council, and the provisions of this Act with regard to the Central Fire Brigades Advisory Council shall apply to the said Scottish Council [<sup>F48</sup>but with the substitution for section 29(5) of the following—

“(5) The Scottish Ministers may defray any expenses authorised by them to be incurred by the Scottish Council.”.]

[<sup>F49</sup>(19) Any inquiry which the Secretary of State is under this Act required or authorised to hold shall be held in public, and the provisions of subsections (3) to [<sup>F50</sup>(8) of section 210 of the <sup>M10</sup>Local Government (Scotland) Act 1973], shall have effect in relation thereto.]

(20) A fire authority and a [<sup>F51</sup>joint board] which has power to hold land by virtue of an order under subsection (9) of this section [<sup>F52</sup>or section 147(4) of the <sup>M11</sup>Local Government (Scotland) Act 1973], may, with the consent of the Secretary of State, sell or otherwise dispose of any land vested in them and no longer required by them.

(22) The following provisions of this Act—

- (a) sections five to ten,
- (b) subsection (4) and, (so far as it defines the expression “statutory water undertakers”), subsection (7) of section fourteen,

<sup>F53</sup>(c) .....

- (d) subsection (2) of section thirty-three,

<sup>F53</sup>(e) .....

shall not apply to Scotland.

#### Textual Amendments

- F9** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F10** Words substituted by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 112, **Sch. 10 Pt. II**
- F11** Words substituted by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 112, **Sch. 10 Pt. II**
- F12** Words in s. 36 repealed (S.)(4.1.1995) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 27(3)(a)(i), **Sch. 14**; S.I. 1994/2850, **art. 3(c)(iii)**
- F13** Words substituted by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 112, **Sch. 10 Pt. II**
- F14** Words in s. 36(2) substituted (S.)(1.4.1996) by 1993 c. 39, s. 180(1), **Sch. 13 para. 27(3)(a)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F15** S. 36(3) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 27(3)(b), **Sch. 14**; S.I. 1996/323, **art. 4(1)(d)**, **Sch. 2**

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- F16** S. 36(3A)-(3C) inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(c)**; S.I. 1996/323, **art. 4(1)(c)**
- F17** S. 36(4)(a) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(d)(i)**; S.I. 1994/323, **art. 4(1)(c)**
- F18** Words in s. 36(4) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13**, para. 27(3)(d)(ii); S.I. 1996/323, **art. 4(1)(c)**
- F19** S. 36(4)(e)(f) substituted (11.3.2002) for s. 36(4)(e) by 2001 asp 15, s. 2(a); S.S.I. 2002/84, **art. 2**
- F20** S. 36(4A)-(4G) inserted (11.3.2002) by 2001 asp 15, s. 2(b); S.S.I. 2002/84, **art. 2**
- F21** Words in s. 36(5) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(e)**; S.I. 1996/323, **art. 4(1)(c)**
- F22** S. 36(5A) inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(f)**; S.I. 1996/323, **art. 4(1)(c)**
- F23** S. 36(6) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 27(3)(g)**, **Sch. 14**; S.I. 1996/323, **art. 4(1)(d)**, **Sch. 2**
- F24** S. 36(7)-(7B) substituted for s. 36(7) (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(h)**; S.I. 1996/323, **art. 4(1)(c)**
- F25** Words in s. 36(7) inserted (11.3.2002) by 2001 asp 15, s. 2(c); S.S.I. 2002/84, **art. 2**
- F26** S. 36(8)-(8C) substituted for s. 36(8) (S.) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F27** Words in s. 36(8)(a) inserted (11.3.2002) by 2001 asp 15, s. 2(d); S.S.I. 2002/84, **art. 2**
- F28** S. 36(9) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(j)**; S.I. 1996/323, **art. 4(1)(c)**
- F29** Words in s. 36(10) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(k)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F30** Words in s. 36(10) inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(k)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F31** Words substituted by virtue of **Local Government (Scotland) Act 1973 (c. 65), s. 237(2)**
- F32** Words repealed by **Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XIII**
- F33** Words in s. 36(11) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(l)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F34** Words in s. 36(11) inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(l)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F35** Ss. 8(7)(8), 36(12) repealed by **Superannuation Act 1972 (c. 11), s. 29(4), Sch. 8**
- F36** Words substituted by **S.I. 1974/812, Sch. 16 Pt. I para. 1**
- F37** Words in s. 36(13) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(m)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F38** Words in s. 36(13) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(m)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F39** Words substituted by virtue of **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and 457A**
- F40** Words substituted by virtue of **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G**
- F41** S. 36(15) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(n)**; S.I. 1996/323, **art. 2(1)(c)**
- F42** Words in s. 36(16) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13**, para. 27(o)(i); S.I. 1996/323, **art. 4(1)(c)**
- F43** Words in s. 36(16) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13**, para. 27(o)(ii); S.I. 1996/323, **art. 4(1)(c)**
- F44** S. 36(16A) inserted (S.) (6.4.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(p)**; S.I. 1995/702, **art. 4(1), Sch. 2 para. 36(a)**
- F45** S. 36(16B) inserted (1.7.1999) by S.I. 1999/1042, arts. 1(2)(c), 5, **Sch. 3 Pt. I para. 1(a)**
- F46** S. 36(16C) inserted (14.12.2000) by S.I. 2000/3251, arts. 1, 2, **Sch. 5 Pt. II para. 2(2)** (with art. 4)
- F47** S. 36(17) repealed by **Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (c. 64), Sch. 6 Pt. III**

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- F48** Words in s. 36(18) inserted (1.7.1999) by S.I. 1999/1042, arts. 1(2)(c), 5, **Sch. 3**, Pt. I para. 1(b)
- F49** S. 36(19) substituted by **Fire Services Act 1959 (c. 44), s. 11**
- F50** Words substituted by **Local Government (Scotland) Act 1973 (c. 65), s. 147(5)(f)**; and that substitution was continued by S.I. 1995/702, **art. 7**
- F51** Words in s. 36(20) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(q)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F52** Words in s. 36(20) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 27(3)(q)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F53** S. 36(22)(c)(e) and word "and" preceding para. (e) repealed by **Fire Services Act 1959 (c. 44), Sch.**

#### Modifications etc. (not altering text)

- C3** References to Secretary of State substituted in ss. 3(5), 14(1), Sch. 5 para. 9(3) for references (as originally enacted) to Minister of Health

#### Marginal Citations

- M2** 1945 c. 42.
- M3** 1946 c. 49.
- M4** 1947 c. 42.
- M5** 1973 c. 65.
- M6** 1975 c. 30.
- M7** 1945 c. 18.
- M8** 1946 c. 58.
- M9** 1945 c. 18.
- M10** 1973 c. 65.
- M11** 1973 c. 65.

### 37 Application to Isles of Scilly.

This Act shall apply to the Isles of Scilly as if they were [<sup>F54</sup>a county] and as if the Council of those Isles were the council of the county.

#### Textual Amendments

- F54** Words substituted by virtue of **Local Government Act 1972 (c. 70), s. 179(2)**

### 38 Interpretation. **E+W**

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“appointed day” means such day as the Secretary of State may by order appoint;

[<sup>F55</sup>“combined area”, in relation to Scotland, means an area for which a combined fire brigade is established by an administration scheme under section 36 of this Act;]

<sup>F56</sup>

“equipment” includes fire engines and other vehicles and appliances and other apparatus, and also uniforms and badges of rank;

“fire authority” means an authority which for the time being is constituted a fire authority by this Act or any combination scheme made thereunder;

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*Changes to legislation: There are currently no known outstanding effects for the Fire Services Act 1947, Cross Heading: Miscellaneous and General. (See end of Document for details)*

“fire-fighting purposes” means the purposes of the extinction of fires and the protection of life and property in case of fire;

[<sup>F57</sup>“Fire Services Examinations Board” means the Board established by regulation 3 of the Fire Services (Examinations) Regulations 1985 <sup>F58</sup>]

[<sup>F59</sup>“highway authority” has the same meaning as in the Highways Act 1980;]

“street” includes any highway, including a highway over any bridge and any road, lane, footway, square, court, alley or passage whether a thoroughfare or not.

- (2) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.
- (3) References in this Act to a fire authority under the <sup>M12</sup>Fire Brigades Act 1938, and to a fire brigade maintained in pursuance of that Act respectively include references to the London County Council and the London Fire Brigade.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F55** Definition inserted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 147\(6\)](#); and that insertion was continued by [S.I. 1995/702, art. 2](#)
- F56** Definitions repealed by (E.W.) [Police Act 1964 \(c. 48\), Sch. 10 Pt. I](#) and (S.) [Police \(Scotland\) Act 1967 \(c. 77\), Sch. 5 Pts. I, II](#)
- F57** Definition of "Fire Services Examinations Board" in s. 38(1) inserted (14.12.2000) by [S.I. 2000/3251, arts. 1, 2, Sch. 5 Pt. II para. 2\(3\)](#) (with art. 4)
- F58** [S.I. 1985/1176](#).
- F59** Words in s. 38(1) inserted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 Pt. IV para. 99\(3\)\(a\)](#); [S.I. 1991/2288, art. 3, Sch.](#)

#### Marginal Citations

- M12** [1938 c. 72](#).

## 38 Interpretation. **S**

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“appointed day” means such day as the Secretary of State may by order appoint;

[<sup>F62</sup>“combined area”, in relation to Scotland, means an area for which a combined fire brigade is established by an administration scheme under section 36 of this Act [<sup>F63</sup>or section 147 of the <sup>M16</sup>Local Government (Scotland) Act 1973];]

<sup>F64</sup>

“equipment” includes fire engines and other vehicles and appliances and other apparatus, and also uniforms and badges of rank;

“fire authority” means an authority which for the time being is constituted a fire authority by this Act or any combination scheme made thereunder;

*Status: Point in time view as at 11/03/2002.*

*Changes to legislation: There are currently no known outstanding effects for the Fire Services Act 1947, Cross Heading: Miscellaneous and General. (See end of Document for details)*

“fire-fighting purposes” means the purposes of the extinction of fires and the protection of life and property in case of fire;

[<sup>F65</sup>“Fire Services Examinations Board” means the Board established by regulation 3 of the Fire Services (Examinations) Regulations 1985 <sup>F66</sup>]

[<sup>F67</sup>“highway authority” has the same meaning as in the Highways Act 1980;]

[<sup>F68</sup>“road” has the same meaning as in the [<sup>F69</sup>Part IV of the New Roads and Street Works Act 1991]; and

“roads authority” has the same meaning as in the Roads (Scotland) Act 1984;]

- (2) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.
- (3) References in this Act to a fire authority under the <sup>M17</sup>Fire Brigades Act 1938, and to a fire brigade maintained in pursuance of that Act respectively include references to the London County Council and the London Fire Brigade.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

#### Textual Amendments

- F62** Definition inserted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 147\(6\)](#); and that insertion was continued by [S.I. 1995/702, art. 7](#)
- F63** [S. 38\(1\)](#): Words in definition inserted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 27\(4\)](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)
- F64** Definitions repealed by (E.W.) [Police Act 1964 \(c. 48\), Sch. 10 Pt. I](#) and (S.) [Police \(Scotland\) Act 1967 \(c. 77\), Sch. 5 Pts. I, II](#)
- F65** Definition of "Fire Services Examinations Board" in [s. 38\(1\)](#) inserted (14.12.2000) by [S.I. 2000/3251, arts. 1, 2, Sch. 5 Pt. II para. 2\(3\)](#) (with [art. 4](#))
- F66** [S.I. 1985/1176](#).
- F67** Words in [s. 38\(1\)](#) inserted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8 Pt. IV para. 99\(3\)\(a\)](#); [S.I. 1991/2288, art. 3, Sch.](#)
- F68** Definitions substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 34\(5\)](#)
- F69** Words in [s. 38\(1\)](#) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22\), s. 168\(1\), Sch. 8 Pt. IV para. 99\(3\)\(b\)](#); [S.I. 1992/2990, art. 2\(2\), Sch. 2](#).

#### Marginal Citations

- M16** [1973 c. 65](#).
- M17** [1938 c. 72](#).

### 39 Short title, extent, transitional provisions and savings.

- (1) This Act may be cited as the Fire Services Act 1947.
- (2) This Act shall not extend to Northern Ireland.

<sup>F60</sup>(3) .....

<sup>F61</sup>(4) .....

*Status: Point in time view as at 11/03/2002.*

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- (5) Without prejudice to the provisions of section thirty-eight of the <sup>M13</sup>Interpretation Act 1889 (which relates to the effect of repeals), save as provided in the Fifth Schedule to this Act, nothing in this Act shall affect—
- (a) the operation of any pension scheme in relation to persons retiring before the appointed day from employment as members of fire brigades or the National Fire Service, or dying before that date while in such employment; or
  - (b) the operation of any pension scheme, the <sup>M14</sup>Police and Firemen (War Service) Act, 1939, or any scheme under section seven of that Act in relation to a person to whom section one of that Act or any scheme under the said section seven applies, unless and until the said person becomes a member of a fire brigade maintained in pursuance of this Act or becomes engaged in such other employment in connection with the provision of fire services as may for the purposes of this paragraph be specified in the Firemen's Pension Scheme.

In this subsection the expression “pension scheme” means the <sup>M15</sup>Fire Brigade Pensions Act 1925, or any other scheme for the grant of pensions, allowances or gratuities on the retirement or death of persons employed as members of fire brigades.

#### Textual Amendments

**F60** Ss. 31(3), 39(3), Sch. 5 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. XI](#)

**F61** S. 39(4), Sch. 6 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

#### Marginal Citations

**M13** 1889 c. 63.

**M14** 1939 c. 103.

**M15** 1925 c. 47.

**Status:**

Point in time view as at 11/03/2002.

**Changes to legislation:**

There are currently no known outstanding effects for the Fire Services Act 1947, Cross Heading: Miscellaneous and General.