

## SCHEDULES

### SCHEDULE 1 **N.I.**

Article 3.

#### THE NORTHERN IRELAND FIRE AND RESCUE SERVICE BOARD

##### *Status*

- 1.—(1) The Board shall not be regarded—
  - (a) as the servant or agent of the Crown; or
  - (b) as enjoying any status, privilege or immunity of the Crown.
- (2) The property of the Board shall not be regarded as property of, or property held on behalf of, the Crown.
- (3) Subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) shall apply to the Board.

##### *Constitution*

- 2.—(1) The Board shall consist of the following members—
  - (a) a chairman appointed by the Department;
  - (b) the Chief Fire and Rescue Officer; and
  - (c) 10 other members appointed by the Department.
- (2) Persons appointed under sub-paragraph (1)(a) or (c) shall be referred to as “non-executive members”.
- (3) In the absence of the chairman, the Board may, with the approval of the Department, appoint one of the members mentioned in sub-paragraph (1)(c) as vice-chairman of the Board for such a period, not exceeding the remainder of his term as a non-executive member, as it may specify on appointing him.
- (4) Of the members appointed under sub-paragraph (1)(c), 4 shall be members of district councils—
  - (a) appointed from nominations made by such associations or bodies representative of district councils as appear to the Department to be desirable; or
  - (b) if the associations or bodies referred to in paragraph (a) fail to make such nominations within a reasonable time, appointed after consultation with such district councils as appear to the Department to be desirable.
- (5) In appointing a person to fill a casual vacancy in the non-executive membership of the Board, the Department shall, where the member being replaced was nominated under sub-paragraph (4) or appointed after such consultation as is mentioned in that sub-paragraph, appoint a person in accordance with that sub-paragraph.

##### *Term of office*

- 3.—(1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a non-executive member in accordance with the terms of his appointment.

**Status:** Point in time view as at 01/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006. (See end of Document for details)

(2) The non-executive members may not be appointed for a term of more than 4 years at a time, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place he is appointed.

(3) A person may at any time resign as a non-executive member by notice in writing to the Department.

(4) The Department may remove a person from office as a non-executive member if satisfied that—

- (a) he has been convicted of a criminal offence;
- (b) he has become bankrupt [<sup>F1</sup>or is the subject of a bankruptcy restrictions order][<sup>F2</sup>or has a debt relief order made in respect of him (under [<sup>F3</sup>Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986), or is the subject of a debt relief restrictions order][<sup>F4</sup> ...;
- (c) he has failed to comply with the terms of his appointment; or
- (d) he is otherwise unable or unfit to carry out his functions.

(5) Where a person ceases to be the Chief Fire and Rescue Officer, he ceases to be a member.

#### Textual Amendments

- F1** Words in Sch. 1 para. 3(4)(b) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 14(2)(a)**
- F2** Words in Sch. 1 para. 3(4)(b) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 3 para. 53** (with art. 7)
- F3** Words in Sch. 1 para. 3(4)(b) substituted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 21(2)**
- F4** Words in Sch. 1 para. 3(4)(b) omitted (21.4.2015) by virtue of [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 14(2)(b)**

#### *Remuneration and allowances of members*

4.—(1) The Board shall pay to the non-executive members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

#### *Staff, etc.*

5.—(1) The Board shall have—

- (a) a Chief Fire and Rescue Officer, with responsibility for securing that the functions of the Board are carried out efficiently and effectively; and
- (b) such other employees as the Board may appoint with the approval of the Department as to numbers.

(2) The person who is the Chief Fire Officer employed by the Fire Authority for Northern Ireland immediately before the appointed day shall be appointed by the Department as the first Chief Fire and Rescue Officer.

(3) Every subsequent Chief Fire and Rescue Officer shall be appointed by the non-executive members with the approval of the Department.

6.—(1) The Board shall pay to its employees such remuneration and allowances as it may, with the approval of the Department, determine.

(2) The Board shall—

- (a) pay, or make payments in respect of, such pensions or gratuities to or in respect of its employees or former employees as it may, with the approval of the Department and the Department of Finance and Personnel, determine; and
- (b) provide and maintain such schemes (whether contributory or not) as it may determine, with the approval of the Department and the Department of Finance and Personnel, for the payment of pensions or gratuities to or in respect of its employees or former employees.

(3) References in this paragraph to pensions and gratuities include references to pensions or gratuities by way of compensation to or in respect of employees who suffer loss of employment or diminution of emoluments.

#### *Procedure*

7.—(1) The quorum for a meeting of the Board shall be 5.

(2) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.

(3) If—

- (a) the chairman is absent from a meeting and the Board has not appointed a vice-chairman under paragraph 2(3); or
- (b) both the chairman and the vice-chairman appointed by the Board under paragraph 2(3) are absent from a meeting,

the members present shall elect one of the non-executive members to act as chairman of the meeting.

(4) Subject to sub-paragraphs (1) to (3), the Board may regulate its own procedure.

#### *Validity of proceedings*

8. The validity of any proceedings of the Board, or of any of its committees, shall not be affected by—

- (a) any defect in the appointment of the members; or
- (b) any vacancy in the office of chairman or vice-chairman or among the other members.

#### *Seal*

9.—(1) The application of the seal of the Board shall be authenticated by the signatures of any two of the persons mentioned in sub-paragraph (2).

(2) The persons referred to in sub-paragraph (1) are—

- (a) the chairman;
- (b) the Chief Fire and Rescue Officer;
- (c) any other person who has been authorised by the Board (whether generally or specially) to act for that purpose.

#### *Contracts, etc.*

10. Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board to act for that purpose.

**Status:** Point in time view as at 01/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006. (See end of Document for details)

### *Evidence*

- 11.** A document purporting to be—
- (a) duly executed under the seal of the Board, or
  - (b) signed on behalf of the Board,

shall be received in evidence and, unless the contrary is proved, shall be taken to be so executed or signed.

### *Admission to meetings, general provisions*

**12.** Sections 23 to 27, 31, 48, 123, 126 and 127 of the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply to the Board and its members (and in the case of section 31 of that Act also to its employees) as if in those sections—

- (a) any reference to a council were a reference to the Board; or
- (b) any reference to a councillor or officer of the council were a reference to a member of the Board (and in the case of section 31, were a reference to a member or employee of the Board).

### *Committees*

**13.—(1)** The Board may—

- (a) constitute committees of such of its members as the Board may appoint; and
- (b) delegate to a committee so constituted any of the functions of the Board.

(2) The powers of any committee of the Board shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the Board.

### *Finance*

**14.—(1)** The Department may make payments to the Board out of money appropriated for this purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may, with the approval of the Department of Finance and Personnel, determine.

(3) Subject to sub-paragraph (4), the Board shall pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) shall not apply to such sums, or sums of such description, as the Department may, with the approval of the Department of Finance and Personnel, direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

(6) If the Department makes a direction under sub-paragraph (4), sums which are the subject of the direction shall be applied by the Board for the purposes of this Order, subject to such terms and conditions as the Department may determine.

**15.—(1)** The Board shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information;

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

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

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

(4) The Comptroller and Auditor General shall—

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

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

#### *Annual report*

16.—(1) As soon as practicable after the end of each financial year, the Board shall send to the Department a report on the carrying out of its functions during that year.

(2) The Department shall lay a copy of the report before the Assembly.

#### *The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

17. In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) there shall be inserted, at the appropriate place— “ The Northern Ireland Fire and Rescue Service Board ”.

#### *The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)*

<sup>F5</sup>18. ....

#### **Textual Amendments**

**F5** Sch. 1 para. 18 repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, Sch. 9

#### *The Freedom of Information Act 2000 (c. 36)*

19. In Part VII of Schedule 1 to the Freedom of Information Act 2000 (bodies, etc. which are public authorities for the purposes of the Act) there shall be inserted at the appropriate place— “ The Northern Ireland Fire and Rescue Service Board ”.

#### *Interpretation*

20. In this Schedule—

[<sup>F6</sup>“bankruptcy restrictions order” means an order made under Schedule 2A to the Insolvency (Northern Ireland) Order 1989 or Schedule 4A to the Insolvency Act 1986]

[<sup>F7</sup>“debt relief order” means an order made by the Official Receiver under Part 7A of the Insolvency (Northern Ireland) Order 1989, or Part 7A of the Insolvency Act 1986;]

“financial year” means—

- (a) the period beginning with the appointed day and ending on the next following 31st March; and
- (b) any subsequent period of twelve months ending on 31st March;

**Status:** Point in time view as at 01/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006. (See end of Document for details)

“member” means a member of the Board;

“non-executive member” has the meaning given by paragraph 2(2).

#### Textual Amendments

**F6** Words in Sch. 1 para. 20 inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. para. 14(3)**

**F7** Words in Sch. 1 para. 20 inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 21(3)**

## SCHEDULE 2 **N.I.**

Article 3.

### TRANSFER OF FUNCTIONS, ASSETS, LIABILITIES AND STAFF OF FIRE AUTHORITY FOR NORTHERN IRELAND

#### *Interpretation*

1. In this Schedule “the Authority” means the Fire Authority for Northern Ireland.

#### *Transfer of functions*

2.—(1) The functions exercisable by the Authority immediately before the appointed day under any statutory provision, shall as from that day be exercisable by the Board.

(2) Sub-paragraph (1) applies only to provisions which have continuing effect.

#### *Transfer of assets and liabilities*

3.—(1) All property, rights and liabilities to which the Authority is entitled or subject immediately before the appointed day shall on that day be transferred to, and by virtue of this paragraph vest in, the Board.

(2) Sub-paragraph (1)—

(a) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the property, rights or liabilities otherwise than by that sub-paragraph; but

(b) does not apply to rights and liabilities under a contract of employment (which are dealt with by paragraph 4).

(3) A certificate issued by the Department that any property, rights or liabilities have been transferred to the Board under this paragraph shall be conclusive evidence of the transfer.

#### *Transfer of employed staff*

4.—(1) Subject to sub-paragraphs (2) and (3), this paragraph applies to a person who immediately before the appointed day is employed by the Authority.

(2) This paragraph does not apply to a person if his contract of employment terminates on the day immediately before the appointed day.

(3) Where a person—

(a) has, prior to the appointed day, entered into a contract of employment with the Authority which is to come into effect on or after that day, and

- (b) would, if the contract had come into effect before that day, have been a person to whom this paragraph applies,  
he shall be treated as if he were a person to whom this paragraph applies.
- (4) A contract of employment between a person to whom this paragraph applies and the Authority shall have effect from the appointed day as if originally made between that person and the Board.
- (5) Without prejudice to sub-paragraph (4)–
- (a) all the Authority's rights, powers, duties and liabilities under or in connection with the contract of employment are by virtue of this paragraph transferred to the Board on the appointed day; and
  - (b) anything done before that day by or in relation to the Authority in respect of that contract or the employee is to be treated from that day to have been done by or in relation to the Board.
- (6) If a person informs the Authority that he objects to the transfer of his contract of employment under this paragraph–
- (a) sub-paragraphs (4) and (5) do not apply in relation to him; and
  - (b) his contract of employment with the Authority is terminated immediately before the appointed day.
- (7) A person is not to be treated for the purposes of the Employment Rights (Northern Ireland) Order 1996 (NI 16) as having been dismissed by the Authority by reason of–
- (a) his transfer under this paragraph; or
  - (b) the termination of his contract of employment under sub-paragraph (6).
- (8) This paragraph does not prejudice any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right arises by reason only that, by virtue of this paragraph the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and to his detriment.

*References to, and acts, etc. done by, or in relation to, the Authority*

- 5.—(1) Any reference in any statutory provision or document to the Authority shall, in relation to any time after the appointed day, be construed as a reference to the Board.
- (2) Nothing in this Order affects the validity of anything done by, or in relation to, the Authority before the appointed day.
- (3) Anything which before the appointed day was done by or in relation to the Authority shall, if in effect immediately before that day, continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the Board.
- (4) Anything (including any legal proceedings) in the process of being done by or in relation to the Authority immediately before the appointed day may be continued by or in relation to the Board.

*Accounts: transitional arrangements*

- 6.—(1) In this paragraph “the relevant period” means the period–
- (a) beginning on 1st April 2006; and
  - (b) ending immediately before the appointed day.
- (2) The Board shall–
- (a) prepare a statement of accounts for the Authority in respect of the relevant period in such form and containing such information as the Department may direct;

**Status:** Point in time view as at 01/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the *The Fire and Rescue Services (Northern Ireland) Order 2006*. (See end of Document for details)

- (b) send copies of that statement to the Department and the Comptroller and Auditor General for Northern Ireland within such period after the end of the relevant period as the Department may direct.
- (3) The Comptroller and Auditor General shall—
  - (a) examine, certify and report on the statement of accounts received by him under subparagraph (2)(b); and
  - (b) send a copy of his report to the Department.
- (4) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

### SCHEDULE 3 N.I.

Article 63(1)

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Civil Defence Act (Northern Ireland) 1950 (c. 11)*

1. In section 9(1) (interpretation), in the definition of “public body”, for the words “the Fire Authority for Northern Ireland” substitute “ the Northern Ireland Fire and Rescue Service Board ”.

##### *The Factories Act (Northern Ireland) 1965 (c. 20)*

2. In section 176(1) (general interpretation), in the definition of “fire authority”, for the words “the Fire Authority for Northern Ireland” substitute “ the Northern Ireland Fire and Rescue Service Board ”.

##### *The Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23)*

3. In section 43(1) (interpretation), in the definition of “public body”, for the words “the Northern Ireland Fire Authority” substitute “ the Northern Ireland Fire and Rescue Service Board ”.

##### *The Office and Shop Premises Act (Northern Ireland) 1966 (c. 26)*

4. In section 76(3) (expenses), for “the Fire Services (Northern Ireland) Order 1984” substitute “ the Fire and Rescue Services (Northern Ireland) Order 2006 ”.

5. In section 81(1) (interpretation), in the definition of “fire authority”, for the words “the Fire Authority for Northern Ireland” substitute “ the Northern Ireland Fire and Rescue Service Board ”.

##### *The Local Government Act (Northern Ireland) 1966 (c. 38)*

6. In section 12(7) (contracts of the Fire Authority for Northern Ireland) and in the heading to that section, for the words “the Fire Authority for Northern Ireland” substitute “ the Northern Ireland Fire and Rescue Service Board ”.

##### *The Pensions (Increase) Act (Northern Ireland) 1971 (c. 35)*

7. In section 12 (fire service pensions)—
  - (a) in subsection (1), for the words from “Article 10” to “that Order” substitute “ paragraph 6(2) of Schedule 1 to the Fire and Rescue Services (Northern Ireland) Order 2006 or payable by virtue of Article 60 of that Order ”;
  - (b) in subsection (2), for “the Fire Services (Northern Ireland) Order 1984” substitute “ the Fire and Rescue Services (Northern Ireland) Order 2006 ”; and
  - (c) in subsection (4)—



- (i) for “Article 10 of the Fire Services (Northern Ireland) Order 1984” substitute “ paragraph 6(2) of Schedule 1 to the Fire and Rescue Services (Northern Ireland) Order 2006 ”; and
- (ii) for “paragraph 1(b) of Schedule 4 to the said Order of 1984” substitute “ Article 60 of the said Order of 2006 ”.

**8.** For paragraph 16 of Schedule 2 substitute–

“**16.** A pension payable in accordance with any scheme under the Fire and Rescue Services (Northern Ireland) Order 2006 or payable by virtue of Article 60 of that Order.”.

*The Water and Sewerage Services (Northern Ireland) Order 1973 (NI 2)*

**9.** <sup>F8</sup> .....

**Textual Amendments**

**F8** Sch. 3 para. 9 repealed (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308(2), **Sch. 13** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

*The Rates (Northern Ireland) Order 1977 (NI 28)*

**10.** In Schedule 13 (hereditaments excluded from exemption), for the words “The Fire Authority for Northern Ireland” substitute “ The Northern Ireland Fire and Rescue Service Board ”.

*The Health and Safety at Work (Northern Ireland) Order 1978 (NI 9)*

**11.** In Article 25(5) (provisions supplementary to Articles 23 and 24 of that Order), for the words “the Fire Authority for Northern Ireland” substitute “ the Northern Ireland Fire and Rescue Service Board ”.

*The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)*

**12.** In Article 42(2)(a) (noise in streets), for the words “fire brigade” substitute “ fire and rescue ”.

**13.** In Article 67(5) (bye-laws as to pleasure fairs), for the words “the Fire Authority for Northern Ireland” substitute “ the Northern Ireland Fire and Rescue Service Board ”.

*The Road Traffic (Northern Ireland) Order 1981 (NI 1)*

**14.** In Article 31A(7) (approval of design, construction, etc. of motor vehicles), in the definition of “light passenger vehicle”, for the words from “the Fire Authority” to the end substitute “ the Northern Ireland Fire and Rescue Service Board for the purposes of its functions under the Fire and Rescue Services (Northern Ireland) Order 2006. ”.

*The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15)*

**15.** In Schedule 1 (licensing places of entertainment)–

- (a) in paragraphs 5(8), 11, 12(3) and 14, for the words “Fire Authority” in each place where they occur substitute “ Fire and Rescue Service Board ”; and
- (b) in paragraph 17(a) (interpretation), for the definition of “the Fire Authority” substitute “ “the Fire and Rescue Service Board” means the Northern Ireland Fire and Rescue Service Board; ”.

**Status:** Point in time view as at 01/04/2019.

**Changes to legislation:** There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006. (See end of Document for details)

*The Cinemas (Northern Ireland) Order 1991 (NI 12)*

16. In Article 2(2) (interpretation), for the definition of “the Fire Authority” substitute “ “the Fire and Rescue Service Board” means the Northern Ireland Fire and Rescue Service Board; ”.

17. In Articles 5, 9, 10, 15 and 16, for the words “Fire Authority” in each place where they occur substitute “ Fire and Rescue Service Board ”.

*The Housing (Northern Ireland) Order 1992 (NI 15)*

<sup>F9</sup>18. ....

**Textual Amendments**

**F9** Sch. 3 para. 18 repealed (1.4.2019) by Houses in Multiple Occupation Act (Northern Ireland) 2016 (c. 22), s. 90(2), Sch. 8; S.R. 2019/39, art. 2 (with art. 3)

*The Environment and Safety Information (Northern Ireland) Order 1993 (NI 14)*

19. In Schedule 1 (relevant notices and enforcing authorities)–

(a) for “A notice under Article 33 of the Fire Services (Northern Ireland) Order 1984” substitute “ A notice under Article 36, 37 or 38 of the Fire and Rescue Services (Northern Ireland) Order 2006 ”; and

(b) for “The Fire Authority for Northern Ireland” substitute “ The Northern Ireland Fire and Rescue Service Board. ”.

*The Vehicle Excise and Registration Act 1994 (c. 22)*

20. In Schedule 2 (exempt vehicles)–

(a) in paragraph 4(2) (fire engines), for paragraph (b) substitute–

“(b) is used solely for purposes in relation to which the Northern Ireland Fire and Rescue Service Board established under the Fire and Rescue Services (Northern Ireland) Order 2006 has functions (whoever uses it for those purposes);” and

(b) in paragraph 5 (other vehicles kept by fire authority)–

(i) for “a fire authority” substitute “ the Northern Ireland Fire and Rescue Service Board ”.

(ii) for “authority's fire brigade service” substitute “ Board's functions ”.

*The Merchant Shipping Act 1995 (c. 21)*

21. In section 135(1) of the Merchant Shipping Act 1995 (restrictions on transfer of oil at night), for “fire brigade” substitute “ the Northern Ireland Fire and Rescue Service Board or other employer of fire-fighters ”.

*The Gas (Northern Ireland) Order 1996 (NI 2)*

22. In Article 60 (fire authority etc. to be notified of certain pipe-line accidents), in paragraph (1), for the words “the Fire Authority for Northern Ireland”, and in paragraph (2) for the words “the Fire Authority”, substitute “ the Northern Ireland Fire and Rescue Service Board ”.

*The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)*

23. In Article 42(1) (exemption for fire engines, etc.) for the words “fire brigade,” substitute “ fire and rescue, ”.

*The Capital Allowances Act 2001 (c. 2)*

24. <sup>F10</sup> .....

**Textual Amendments**

**F10** Sch. 3 para. 24 omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\), s. 72\(3\)\(b\)](#)

*The Safety of Sports Grounds (Northern Ireland) Order 2006*

25. In Article 2(2) (interpretation), for the definition of “the Fire Authority” substitute “ “the Fire and Rescue Service Board” means the Northern Ireland Fire and Rescue Service Board ”.

26. In Article 5 (contents of safety certificates) after paragraph (3) insert–

“(3A) No condition of a safety certificate shall require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.”.

27. In Articles 6 to 10, 15 to 17 and 23, for the words “Fire Authority” in each place where they occur substitute “ Fire and Rescue Service Board ”.

28. In Article 7 (amendment etc. of certificates)–

(a) after paragraph (1) insert–

“(1A) The council shall, if it appears to the council that a safety certificate would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it, amend the safety certificate by notice to its holder; but nothing in this paragraph shall be taken to require the council to take any action unless it is aware of any such inconsistency between a safety certificate and that Part.”;

(b) in paragraph (4) after “(1)(a)” insert “ or (1A) ”.

29. After Article 7 insert–

**“Safety certificates: fire safety**

7A. A safety certificate has no effect to the extent that it would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.”.

30. In Article 14 (contents of safety certificates for stands) after paragraph (3) insert–

“(3A) No condition of a safety certificate shall require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.”.

31. In Article 16 (amendment etc. of certificates)–

(a) after paragraph (1) insert–

“(1A) The council shall, if it appears to the council that a safety certificate would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it, amend the safety certificate by notice to its holder; but nothing in this paragraph shall be taken to require the council to take any action unless it is aware of such an inconsistency between a safety certificate and that Part.”;

(b) in paragraph (4) after “(1)(b)” insert “ or (1A) ”.

*Status: Point in time view as at 01/04/2019.*

*Changes to legislation: There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006. (See end of Document for details)*

**32.** After Article 16 insert–

**“Safety certificates: fire safety**

**16A.** A safety certificate has no effect to the extent that it would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.”.

**33.** In Article 21(3) (exclusion of other statutory requirements)–

- (a) omit sub-paragraph (b); and
- (b) in sub-paragraph (c) for “those terms and conditions” substitute “ the terms and conditions of the safety certificate ”.

SCHEDULE 4 **N.I.**

Article 63(2)

REPEALS

**Commencement Information**

- II** [Sch. 4](#) wholly in operation at 15.11.2010; [Sch. 4](#) not in operation at date of making see [art. 1\(3\)](#); [Sch. 4](#) in operation for certain purposes at 1.7.2006 by [S.R. 2006/257](#), [art. 2](#); [Sch. 4](#) in operation at 15.11.2010 in so far as not already in operation by [S.R. 2010/328](#), [art. 2](#)

<i>Short Title</i>	<i>Extent of repeal</i>
The Northern Ireland Assembly Disqualification Act 1975 (c. 25).	In Part II of Schedule 1, the entry relating to the Fire Authority for Northern Ireland.
The Fire Services (Northern Ireland) Order 1984 (NI 11).	The whole Order.
The Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (NI 11).	In Article 2(2), the definition of “fire certificate”. Article 12(4)(e). In Article 14– (a) in paragraph (4)(b), the words “and (e)”; (b) paragraph (7)(b). Article 18(4)(b). Article 19(2)(c). Article 23(6)(d). Article 26(2)(c). Article 28(1)(f). Article 37(3)(a). In Article 39– (a) in paragraph (2)(b), the words from “and” to the end; (b) in paragraph (4), the words from “and” to the end. Article 63(4)(e). Article 65– (a) in paragraph (4)(b), the words “and (e)”; (b) paragraph (7)(b).

	Article 67(4)(b).
	Article 68(2)(d).
	Article 72(1)(i).
	Article 111(3)(d).
	In Article 113–
	(a) in paragraph (2)(b), the words from “and” to the end;
	(b) in paragraph (4), the words from “and” to the end.
	In Article 115, paragraphs (3)(d) and (5)(c).
	Article 157(3)(c).
	In Article 159–
	(a) in paragraph (2)(b), the words from “and” to the end;
	(b) in paragraph (4), the words from “and” to the end.
	Article 161(2)(c).
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15).	In Schedule 1, paragraph 16(b).
The Cinemas (Northern Ireland) Order 1991 (NI 12).	Article 18. Schedule 1.
The Fire Services (Amendment) (Northern Ireland) Order 1993 (NI 7).	The whole Order.
The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7).	In Schedule 2, the entry relating to the Fire Authority for Northern Ireland.
The Fire Services (Amendment) (Northern Ireland) Order 1998 (NI 11).	The whole Order.
The Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 (NI 18).	In Schedule 1, paragraph 21.
The Freedom of Information Act 2000 (c. 36).	In Part VII of Schedule 1, the entry relating to the Fire Authority for Northern Ireland.
F11	F11
...	...
The Audit and Accountability (Northern Ireland) Order 2003 (NI 5).	In Schedule 1, paragraph 3.
The Safety of Sports Grounds (Northern Ireland) Order 2006 (NI ).	Article 21(3)(b).

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#### Textual Amendments

**F11** Sch. 4 entry omitted (21.7.2008) by virtue of Finance Act 2008 (c. 9), s. 72(3)(b)

**Status:**

Point in time view as at 01/04/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006.