

1986 No. 354

FIRE SERVICES

**The Fire Services (1984 Order) (Modifications) Regulations
(Northern Ireland) 1986***Made* 9th December 1986*Coming into operation* 1st February 1987

The Department of the Environment in exercise of the powers conferred on it by Article 47(1) of the Fire Services (Northern Ireland) Order 1984(a) and of every other power enabling it in that behalf makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Fire Services (1984 Order) (Modifications) Regulations (Northern Ireland) 1986 and shall come into operation on 1st February 1987.

Interpretation

2. In these regulations—

“covered market place” shall be construed generally and not as limited to a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority;

“factory premises” means premises constituting, or forming part of, a factory within the meaning of section 175 of the Factories Act (Northern Ireland) 1965(b), and includes premises to which sections 121(1) and 122 of that Act (application to electrical stations and institutions, respectively) apply;

“office premises” means office premises to which the Office and Shop Premises Act (Northern Ireland) 1966(c) applies and includes premises which are treated by section 1(2) of that Act as forming part of such premises but does not include premises which are deemed by section 156(2) and (3) of the Mines Act (Northern Ireland) 1969(d) to form part of a mine for the purposes of that Act;

“shop premises” means shop premises to which the Office and Shop Premises Act (Northern Ireland) 1966 applies and includes premises which are treated by section 1(3) of that Act as forming part of such premises but does not include premises consisting of a covered market place wherein shop premises are aggregated;

“the Order of 1984” means the Fire Services (Northern Ireland) Order 1984.

Modifications of the Order of 1984

3.—(1) This regulation applies to factory premises, office premises and shop premises being (in each case) premises in respect of which a fire certificate is required by virtue of the Fire Services (Factory, Office and Shop Premises) Order (Northern Ireland) 1986(e) and either—

(a) S.I. 1984/1821 (N.I. 11)

(b) 1965 c. 20 (N.I.)

(c) 1966 c. 26 (N.I.)

(d) 1969 c. 6 (N.I.)

(e) S.R. 1986 No. 355

- (a) the premises are held under a lease or an agreement for a lease or under a licence and consist of part of a building all parts of which are in the same ownership; or
- (b) the premises consist of part of a building in which different parts are owned by different persons.

(2) In relation to premises to which this regulation applies—

- (a) for the references to the applicant in Article 26 of the Order of 1984 and for the references to the occupier of premises in Articles 27(5), (6); 28(1), 29(4) (except sub-paragraph (c)), (6), (7) and (9) and 30(5)(b) of the Order of 1984 there shall be substituted—

- (i) in the case of premises to which paragraph (1)(a) applies, references to the owner of the building;
- (ii) in the case of premises to which paragraph (1)(b) applies, references to the persons who between them own the building;

- (b) (i) Articles 27(9) and 28(7) of the Order of 1984 shall be modified by substituting for the words “a fire certificate” in each place where those words occur the words “a copy of the fire certificate”;

- (ii) Article 27(9) of the Order of 1984 shall be modified by inserting at the end of the paragraph the words “and the fire certificate shall be sent to the owner of the building or, as the case may be, the person who owns the part of the building of which the premises consist.”;

- (c) Article 29(4) of the Order of 1984 shall be modified by inserting after the word “Authority;” the words “and the occupier shall, before the carrying out of the proposals is begun, furnish to the persons responsible for giving notice of the proposals to the Authority any information in his possession which is relevant thereto;”.

(3) In the modifications (in paragraph (2)(a)) of Articles 28(1) and 29(9) and of the words after the last semi-colon in Article 29(4) of the Order of 1984 the expressions “owner of the building” and “the persons who between them own the building” shall not include the Crown.

4. In relation to factory premises Article 27(1) of the Order of 1984 shall be modified by adding after sub-paragraph (e) the following sub-paragraph—

- “(f) in the case of factory premises, particulars as to any explosive or highly flammable materials which may be stored or used in the premises,”.

5. In relation to factory premises Article 29 of the Order of 1984 shall be modified as follows—

- (a) for Article 29(4)(c) there shall be substituted the following sub-paragraph—

- “(c) in the case of factory premises the occupier of the premises proposes to begin to store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use,”;

- (b) in paragraph (5)—

- (i) for the words “any premises” there shall be substituted the words “any factory premises”, and
- (ii) for the words from “keep explosive” to “that kind” there shall be substituted the words “store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use,”.

6.—(1) Article 31(2)(a) of the Order of 1984 shall be modified by inserting after the word “applies” the following words—

“other than premises which are deemed by section 156(2) and (3) of the Mines Act (Northern Ireland) 1969 to form part of a mine for the purposes of that Act or which consist of a covered market place (which expression shall be construed generally and not as limited to a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority) wherein shop premises are aggregated;”.

(2) For the reference to the occupier of the premises in Article 31(4) of the Order of 1984—

- (a) where the premises are held under a lease or an agreement for a lease or under a licence and consist of part of a building all parts of which are in the same ownership, there shall be substituted a reference to the owner of the building;
- (b) where the premises consist of part of a building in which different parts are owned by different persons there shall be substituted a reference to the persons who between them own the building.

(3) In the modifications (in paragraph (2)) of Article 31(4) of the Order of 1984 the expressions “owner of the building” and “the persons who between them own the building” shall not include the Crown.

7. In relation to factory premises, office premises and shop premises, Article 45 of the Order of 1984 shall be modified as follows—

- (a) for paragraph (1) there shall be substituted the following paragraph—

“(1) This Article applies to—

- (a) premises constituting, or forming part of, a factory within the meaning of section 175 of the Factories Act (Northern Ireland) 1965 and includes premises to which sections 121(1) and 122 of that Act (application to electrical stations and institutions, respectively) apply;

- (b) premises to which Article 31 applies;

in this Article referred to as “the relevant premises”.”;

- (b) for paragraph (2)(c) there shall be substituted the following sub-paragraph—

“(c) in order to secure compliance with Article 31 or with a provision of regulations under Article 34,”.

8. Where a licence issued under section 8 or 15 of the Explosives Act 1875(a) or section 2(2) of the Petroleum (Consolidation) Act 1929(b) is in force with respect to factory premises, office premises or shop premises, Article 46 of the Order of 1984 shall not have effect in relation to any term, condition or restriction imposed in connection with the issue, renewal, transfer or variation of such licence.

9. Where immediately before a fire certificate is required by virtue of an Order under Article 22(2)(f) of the Order of 1984 in respect of any premises a fire certificate issued under regulations under Article 17(2) of the Health and Safety at Work (Northern Ireland) Order 1978(c) (“1978 Order certificate”) is in force in respect of those premises, the 1978 Order certificate shall continue in force and shall be deemed to be a fire certificate issued under Part III of the Order of 1984, and to cover the use or uses to which those premises were being put immediately before a fire certificate becomes required by the Order of 1984 in respect of those premises; and without prejudice to the generality of the foregoing the 1978 Order certificate—

- (a) may be amended, replaced or cancelled in accordance with the provisions of the Order of 1984; and

(a) 1875 c. 17

(b) 1929 c. 13 (N.I.)

(c) S.I. 1978/1039 (N.I. 9)

(b) shall be treated as imposing in relation to the premises the like requirements as were previously imposed in relation thereto.

Sealed with the Official Seal of the Department of the Environment on 9th December 1986.

(L.S.)

J. M. Irvine

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations modify the Fire Services (Northern Ireland) Order 1984 (“the Order of 1984”) in relation to factory premises, office premises and shop premises (“the premises”) in consequence of The Fire Services (Factories) (Repeals) Order (Northern Ireland) 1986 and The Fire Services (Office and Shop Premises) (Repeals) Order (Northern Ireland) 1986.

The regulations preserve the effect of certain provisions of the Factories Act (Northern Ireland) 1965 and the Office and Shop Premises Act (Northern Ireland) 1966 which are repealed by the 1986 Orders mentioned above.

Where the premises form part of a building which is in single or plural ownership, regulations 3 and 6 modify certain provisions of the Order of 1984 by, in particular, substituting references to the owner of the building for references to the occupier of the premises.

The provisions modified by regulation 3(2)(a) and (c) relate to fire certificates — applications for, notices concerning, and contravention of requirements of such certificates.

The provisions modified by regulation 3(2)(b) concern the issue and custody of fire certificates.

The provision modified by regulation 6(2) relates to criminal liability for failing to provide suitable means of escape in case of fire.

Regulations 3(3) and 6(3) exclude the Crown from criminal liability as owner of a building.

Regulation 4 adds to Article 27(1) of the Order of 1984 provision requiring fire certificates issued in respect of factory premises to give details of any explosive or highly flammable materials stored or used in those premises.

Regulation 5 makes provision requiring the notification of any proposals to either begin to store or use explosive or highly flammable materials in factory premises or to materially increase such storage or use.

Regulation 7 extends the powers of a county court to modify agreements and leases and to apportion expenses in relation to the premises.

Regulation 8 preserves the effect of terms and conditions of licences issued under the Explosives Act 1875 and the Petroleum (Consolidation) Act (Northern Ireland) 1929 with respect to the premises.

For the purposes of fire certification under the Order of 1984 regulation 9 provides that fire certificates issued under regulations made under the Health and Safety at Work (Northern Ireland) Order 1978 are treated as having been issued under the Order of 1984.