

## 1993 No. 404

## FIRE SERVICES

**The Fire Services (1984 Order) (Modifications) Regulations  
(Northern Ireland) 1993**

*Made* . . . . . 29th September 1993

*Coming into operation* . . . . . : 15th November 1993

The Department of the Environment in exercise of the powers conferred on it by Articles 47(1) and 49(6) of the Fire Services (Northern Ireland) Order 1984(a) and of all other powers 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) 1993 and shall come into operation on 15th November 1993.

*Interpretation*

2. In these Regulations—

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

“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.

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(a) S.I. 1984/1821 (N.I. 11) as amended by S.I. 1993/1578 (N.I. 7); relevant amending Regulations are S.R. 1986 No. 354

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

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

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

*Modifications of the Order*

3.—(1) This regulation applies to premises put to a designated use which are factory premises, office premises or shop premises, and which—

- (a) 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) consist of part of a building in which different parts are owned by different persons.

(2) The Order shall have effect with the following modifications.

(3) For the references to the occupier of premises in Articles 26(2A), 26A(4), 26A(7), 26A(9), 26B(3), 26B(4), 26B(5), 27(5) and (6), 28(1), (3A) and (5), 29(4) (except sub-paragraph (c) and the insertion made by paragraph (6) of this regulation); (6), (7) and (9), 29A(1) and (2), 29B(1), 30(5)(b), 31(3), 31C(1) and 34(8)(b) of the Order(a), substitute—

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

(4) In Articles 27(9) and 28(7) of the Order, for “a fire certificate” in each place where those words occur, substitute “a copy of the fire certificate”.

(5) In Article 27(9) of the Order, at the end of the paragraph, insert 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.”.

(6) In Articles 29(4) and 29A(1) of the Order, after the word “Authority;” insert “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;”.

(7) In Article 29A(1) of the Order, for the references to the occupier (except the reference inserted by paragraph (6) of this regulation) substitute—

- (a) in the case of premises—
  - (i) to which paragraph (1)(a) of this regulation applies; and
  - (ii) in relation to which it is intended to carry out proposals falling within paragraph (2)(a) or (c) of that Article, references to the owner of the building; and
- (b) in the case of premises—

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(a) Articles 26A and 26B were inserted by Article 6(3) of S.I. 1993/1578 (N.I. 7); Article 28(3A) was inserted by Article 10(2) of S.I. 1993/1578 (N.I. 7); Article 28(5) was amended by Article 17 of S.I. 1993/1578 (N.I. 7); Article 29A was inserted by Article 7 of S.I. 1993/1578 (N.I. 7); Article 29B was inserted by Article 8 of S.I. 1993/1578 (N.I. 7); Articles 31 and 31C were inserted by Article 9(1) of S.I. 1993/1578 (N.I. 7)

- (i) to which paragraph (1)(b) of this regulation applies; and
  - (ii) in relation to which it is intended to carry out proposals falling within paragraph (2)(a) or (c) of that Article,
- references to the persons who between them own the building.

(8) The expressions “owner of the building” and “the persons who between them own the building” do not include the Crown in the modifications made—

- (a) by paragraph (3) of this regulation of Articles 28(1), 29(9) and 31(3) and of the word “occupier” in the third place where it occurs in Article 29(4); and
- (b) by paragraph (7) of this regulation of the word “occupier” in the second place where it occurs in Article 29A(1).

4. In Article 27(1) of the Order, as it has effect in relation to factory premises, after sub-paragraph (e) add 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 Article 29 of the Order, as it has effect in relation to factory premises—

- (a) for sub-paragraph (c) of paragraph (4) substitute the following sub-paragraph—

“(c) 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,”; and
- (b) in paragraph (5) for the words from “keep explosive” to “that kind” substitute “store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use,”.

6. In Article 29A(2) of the Order, as it has effect in relation to factory premises, for sub-paragraph (b) substitute the following sub-paragraph—

- “(b) on the part of the occupier of the premises 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;”.

7. Where any premises (“the relevant premises”)—

- (a) are premises for which a fire certificate is required, premises for which a fire certificate is in force, premises to which Article 31 of the Order applies or premises to which regulations under Article 34 of the Order apply, and
  - (b) are factory premises, office premises or shop premises,
- Article 45 of the Order shall apply to the premises or to any other premises comprised in the same building—

- (i) with the substitution of the foregoing words (omitting “of the Order” where it twice appears and reading “this Article” for “Article 45”) for paragraph (1);
- (ii) with the insertion, in sub-paragraph (2)(a), after “29(7)” of “31C(1)”; and
- (iii) with the substitution for sub-paragraph (2)(c) of the following—  
“(c) in order to secure compliance with Article 31 or 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 (Northern Ireland) 1929(b) is in force with respect to factory premises, office premises or shop premises, Article 46 of the Order 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 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, and to cover the use or uses to which those premises were being put immediately before a fire certificate becomes required by the Order 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; and
- (b) shall be treated as imposing in relation to the premises the like requirements as were previously imposed in relation thereto.

#### *Application to the Crown*

10. These Regulations, except regulation 3(8), shall bind the Crown.

#### *Revocation*

11. The Fire Services (1984 Order) (Modifications) Regulations (Northern Ireland) 1986(d) are revoked.

Sealed with the Official Seal of the Department of the Environment on  
29th September 1993.

(L.S.)

*Cliff Radcliffe*

Under Secretary

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(a) 1875 c. 17  
(b) 1929 c. 13 (N.I.)  
(c) S.I. 1978/1039 (N.I. 9)  
(d) S.R. 1986 No. 354

*(This note is not part of the Regulations.)*

These Regulations revoke and re-enact, with amendments, the Fire Services (1984 Order) (Modifications) Regulations (Northern Ireland) 1986. The Regulations modify the Fire Services (Northern Ireland) Order 1984 ("the Order") as amended by the Fire Services (Amendment) (Northern Ireland) Order 1993 ("the Amendment Order") in relation to factory premises, office premises and shop premises.

The principal changes relate to the modification of certain new provisions of the Order (as inserted by the Amendment Order). The modifications now apply to premises put to a designated use. Previously the modifications applied to premises in respect of which a fire certificate was required (regulation 3(1)).

Articles 26(2A), 26A, 26B, 28(3A), 29A, 29B, 31 and 31C of the Order are modified by substituting references to the owner of the building for references to the occupier of the premises (regulation 3(3) and (7)).

Articles 28, 29, 29A and 31 of the Order are modified so as to exclude the Crown from criminal liability as owner of a building (regulation 3(8)).

Articles 27, 29 and 29A of the Order are modified, in relation to factory premises, in respect of the storage or usage of explosive or highly flammable materials (regulations 4, 5 and 6).

Article 45 of the Order (power to modify agreement, etc) is modified so that it applies to certain factory, office or shop premises (regulation 7).

These Regulations (except regulation 3(8)) are binding on the Crown (regulation 10).