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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

The Fire and Rescue Services (Northern Ireland) Order 2006

PART III

FIRE SAFETY

CHAPTER II

ENFORCEMENT

**Powers of authorised officers**

**34.**—(1) An authorised officer may do anything necessary for the purpose mentioned in Article 33(3).

(2) An authorised officer may in particular under paragraph (1)—

- (a) at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time), enter relevant premises and inspect the whole or part of the relevant premises and anything in them;
- (b) take onto the relevant premises any other persons, and any equipment, that he considers necessary;
- (c) require a person on the relevant premises who is subject to any of the fire safety duties to provide him with any—
  - (i) facilities, information, documents or records; or
  - (ii) other assistance,which relate to those duties and which he may reasonably request;
- (d) inspect and copy any documents or records on the relevant premises or remove them from the relevant premises;
- (e) carry out any inspections, measurements and tests in relation to the relevant premises or an article or substance found on the relevant premises, that he considers necessary;
- (f) take samples of an article or substance found on the relevant premises for the purpose of ascertaining its fire resistance or flammability;
- (g) if an article found on the relevant premises appears to him to have caused or to be likely to cause danger to the safety of a relevant person in the event of fire, dismantle the article (but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the inspection); and
- (h) take possession of an article or substance found in the relevant premises and retain it for as long as is necessary for the purpose of—
  - (i) examining it and doing anything he has power to do under sub-paragraph (e) or (g);
  - (ii) ensuring that it is not tampered with before his examination of it is completed; and

(iii) ensuring that it is available for use as evidence in proceedings for an offence relevant to the inspection.

(3) An authorised officer exercising the power in paragraph (2)(a) shall, if so required, produce evidence of his authorisation under Article 33(3)—

- (a) before entering the premises; or
- (b) at any time before leaving the premises.

(4) If an authorised officer exercises the power in paragraph (2)(f), he shall—

- (a) leave a notice at the relevant premises with a person who is subject to any of the fire safety duties in relation to the relevant premises (or, if that is impracticable, fix the notice in a prominent position at the relevant premises) giving particulars of the article or substance and stating that he has taken a sample of it; and
- (b) if it is practicable to do so, give such a person at the relevant premises a portion of the sample marked in a manner sufficient to identify it.

(5) Before exercising the power in paragraph (2)(g), an authorised officer shall consult such persons as appear to him to be appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under that power.

(6) If requested to do so by a person present in the relevant premises who is subject to any of the fire safety duties in relation to the relevant premises, an authorised officer shall cause—

- (a) anything which the officer proposes to do on the relevant premises under the power in sub-paragraph (d) or (e) of paragraph (2); or
- (b) anything which the officer proposes to do under the power in sub-paragraph (g) of that paragraph,

to be done in the presence of that person.

(7) If an authorised officer exercises the power in paragraph (2)(h), he shall leave a notice at the relevant premises with a person who is subject to any of the fire safety duties in relation to the relevant premises (or, if that is impracticable, fix the notice in a prominent position at the relevant premises) giving particulars of the article or substance and stating that he has taken possession of it.