
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Fire and Rescue Services (Northern Ireland) Order 2006

PART II

FIRE AND RESCUE SERVICES

CHAPTER V

POWERS OF FIRE AND RESCUE OFFICERS

Obtaining information

Powers of authorised officers in relation to obtaining information

19.—(1) Subject to paragraph (3), an authorised officer may at any reasonable time enter premises for the purpose of obtaining information needed for the carrying out of the Board’s functions under Article 5, 6 or 7.

(2) In this Article and Articles 20 to 22, “authorised officer” means a fire and rescue officer who is authorised in writing by the Chief Fire and Rescue Officer for the purposes of this Article and Article 20.

(3) An authorised officer may not under paragraph (1)—

- (a) enter premises by force; or
- (b) demand admission to premises occupied as a private dwelling unless 24 hours' notice in writing has first been given to the occupier of the dwelling.

(4) If, on the application of an authorised officer, a lay magistrate is satisfied—

- (a) that—
 - (i) it is necessary for the officer to enter premises for the purposes of paragraph (1); and
 - (ii) the officer is unable to do so, or is likely to be unable to do so, otherwise than by force,

he may issue a warrant authorising the officer to enter the premises by force at any reasonable time; or

- (b) that it is necessary for the officer to enter premises for the purposes of paragraph (1) without giving notice as required by paragraph (3)(b), he may issue a warrant authorising the officer to enter the premises at any time (by force if necessary).

(5) If an authorised officer exercises a power of entry by virtue of this Article, he may—

- (a) take onto the premises any other persons, and any equipment, that he considers necessary; and
- (b) require a person present on the premises to provide him with any facilities, information, documents or records, or other assistance, that he may reasonably request.

(6) An authorised officer exercising a power of entry by virtue of this Article shall, if so required, produce evidence of his authorisation under paragraph (2), and any warrant under paragraph (4)(a) or (b)—

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

Powers of authorised officers in relation to investigating fires

20.—(1) An authorised officer may, at any reasonable time (by force if necessary), enter premises in which there has been a fire for the purpose of investigating—

- (a) what caused the fire; or
- (b) why it progressed as it did.

(2) If an authorised officer exercises a power of entry by virtue of this Article, he may—

- (a) take onto the premises any other persons, and any equipment, that he considers necessary;
- (b) inspect and copy any documents or records on the premises or remove them from the premises;
- (c) carry out any inspections, measurements and tests in relation to the premises or an article or substance found on the premises, that he considers necessary;
- (d) take samples of an article or substance found on the premises (but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation);
- (e) dismantle an article found on the premises (but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation);
- (f) take possession of an article or substance found on the 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 (c) or (e);
 - (ii) ensuring that it is not tampered with before his examination of it is completed; or
 - (iii) ensuring that it is available for use as evidence in proceedings for an offence relevant to the investigation; and
- (g) require a person present on the premises to provide him with any facilities, information, documents or records, or other assistance, that he may reasonably request.

(3) An authorised officer exercising a power of entry by virtue of this Article shall, if so required, produce evidence of his authorisation under Article 19(2)—

- (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)(d), he shall—

- (a) leave a notice at the premises with a responsible person (or, if that is impracticable, fix the notice in a prominent position at the 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 to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

(5) If an authorised officer exercises the power in paragraph (2)(f), he shall leave a notice at the premises with a responsible person (or, if that is impracticable, fix the notice in a prominent position at the premises) giving particulars of the article or substance and stating that he has taken possession of it.

Exercise of powers under Articles 19 and 20: securing of premises

21. An authorised officer who, by virtue of Article 19 or 20, enters premises—

- (a) which are unoccupied; or
- (b) from which the occupier is temporarily absent,

shall on departure ensure that all reasonable measures have been taken to leave the premises as effectively secured against unauthorised entry as he found them.

Articles 18 to 21: offences

22.—(1) If, without reasonable excuse, a person fails to comply with any requirement under Article 19(5)(b) or 20(2)(g), he shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If a person falsely pretends to be a fire and rescue officer or an authorised officer he shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (3) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.