



Fire Precautions Act 1971

1971 CHAPTER 40

Miscellaneous and general

35 Power to apply Act to vessels and movable structures

The Secretary of State may by regulations apply any of the provisions of this Act, subject to such modifications as may be prescribed, to—

- (a) vessels remaining moored or on dry land for such periods or in such circumstances as may be prescribed; and
- (b) tents and other movable structures of any prescribed description.

36 Power of local authorities to make loans to meet expenditure on certain alterations to buildings occasioned by this Act

- (1) Where there is in force a notice under section 3 of this Act relating to any premises, any person proposing to incur expenditure in making to any part of the relevant building any structural or other alterations the making of which is requisite as being a step mentioned in a notice served in connection with those premises under section 5(4), 8(5) or 12(8)(b) of this Act, may apply for a loan to the local authority in whose area the premises are situated.
- (2) Subject to this section, if the local authority consider that the applicant—
 - (a) can reasonably be expected to meet obligations assumed by him in pursuance of this section in respect of a loan of the amount of the expenditure to which the application relates; or
 - (b) cannot reasonably be expected to meet obligations so assumed by him in respect of a loan of that amount, but can reasonably be expected to meet obligations so assumed by him in respect of a loan of a smaller amount,

the local authority may, if they think fit, offer to enter into a contract with the applicant for a loan by the local authority to the applicant of the appropriate amount, to be secured to the local authority by a mortgage of the applicant's interest in the relevant building or the part of it to which the application relates.

Status: This is the original version (as it was originally enacted).

In this subsection " the appropriate amount ", in a case falling within paragraph (a) above, means the amount of the expenditure to which the application relates, and in a case falling within paragraph (b) above means the smaller amount there referred to.

- (3) The local authority shall not make an offer under the foregoing provisions of this section unless they are satisfied—
- (a) that the applicant's interest in the relevant building or the part of it to which the application relates amounts to an estate in fee simple absolute in possession or an estate for a term of years absolute which will not expire before the date for final repayment of the loan; and
 - (b) that, according to a valuation made on behalf of the local authority, the amount of the principal of the loan does not exceed the value which it is estimated the mortgaged security will bear when the proposed alterations have been carried out.
- (4) Subject to subsection (5) of this section, every loan under this section shall bear interest at the rate which, on the date of the contract to make the loan, is the rate for the time being determined by the Treasury in accordance with section 5 of the National Loans Act 1968 in respect of local loans made on the security of local rates on that date and for the same period as that loan.

In this subsection " local loans " and " made on the security of local rates " have the same meanings as in section 6(2) of the National Loans Act 1968.

- (5) Where, on the date of a contract for a loan under this section, there are two or more rates of interest for the time being determined by the Treasury as mentioned in subsection (4) above, the reference in that subsection to the rate so determined shall be read as a reference to such one of those rates as may be specified in a direction given by the Treasury for the purposes of this section.
- (6) The Treasury shall cause any direction given under subsection (5) above to be published in the London and Edinburgh Gazettes as soon as may be after giving it.
- (7) Subject to the foregoing provisions of this section, the contract offered by the local authority under this section shall require proof of title and shall contain such other reasonable terms as the local authority may specify in their offer.
- (8) The local authority's offer may in particular include any such terms as are described in section 43(3)(c) of the Housing (Financial Provisions) Act 1958 (repayment of principal and interest), and provision for the advance being made by instalments from time to time as the alterations progress.
- (9) In its application to Scotland this section shall have effect subject to the following modifications—
- (a) in subsection (2), for the words " mortgage of " there shall be substituted the words " heritable security over "; and at the end there shall be inserted the words " and ' heritable security ' means any security capable of being constituted over any interest in land by disposition or assignation of that interest in security of any debt and of being recorded in the Register of Sasines ";
 - (b) in subsection (3)(a), for the words from " an estate in fee simple " to " years absolute " there shall be substituted the words " ownership or a lease ";
 - (c) in subsection (3)(b), for the words " mortgaged security " there shall be substituted the words " security subjects ";

- (d) in subsection (8), for the words " 43(3)(c) of the Housing (Financial Provisions) Act 1958 " there shall be substituted the words " 49(3)(c) of the Housing (Financial Provisions) (Scotland) Act 1968 ".

37 General provisions as to regulations

- (1) Any power of the Secretary of State to make regulations under this Act shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any power conferred by this Act to make regulations includes power to make different provision in relation to different circumstances.
- (3) Regulations made under this Act may grant or provide for the granting of exemptions from any of the provisions of the regulations, either unconditionally or subject to conditions.

38 Service of documents

- (1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.
- (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3) For the purposes of this section, and of section 26 of the Interpretation Act 1889 in its application to this section, the proper address of any person, in the case of the secretary or clerk of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm, shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.
- (4) If the name or the address of any owner or occupier of premises on whom any such notice or other document as aforesaid is to be served cannot after reasonable inquiry be ascertained by the person seeking to serve it, the document may be served by addressing it to the person on whom it is to be served by the description of " owner " or " occupier " of the premises (describing them) to which the notice relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

39 Expenses

There shall be paid out of moneys provided by Parliament any expenditure incurred by the Secretary of State under or by virtue of this Act and any increase attributable to any provision of this Act in the sums payable under any other enactment out of moneys so provided.

40 Application to Crown, etc.

- (1) Subject to the provisions of this section—

Status: This is the original version (as it was originally enacted).

- (a) the following provisions of this Act, namely sections 1, 2, 3 (except subsection (5)), 4, 6 and 12(1) to (3) and (4) (a) and (b), shall apply to premises occupied by the Crown; and
 - (b) the following provisions of this Act, namely sections 1, 2, 3 (except subsection (5)), 4 to 8, 10, 12, 19 to 21 and 32, shall apply to premises owned by the Crown but not occupied by it.
- (2) No fire certificate shall by virtue of subsection (1) above be required in respect of premises of any of the following descriptions, that is to say—
- (a) any premises constituting, or forming part of, a prison within the meaning of the Prison Act 1952 or constituting, or forming part of, a remand centre, detention centre or Borstal institution provided by the Secretary of State under section 43 of that Act;
 - (b) any premises constituting, or forming part of, a prison within the meaning of the Prisons (Scotland) Act 1952 or constituting, or forming part of, a remand centre, detention centre, Borstal institution or young offenders institution provided by the Secretary of State under section 31 of that Act;
 - (c) any premises constituting, or forming part of, a special hospital within the meaning of the Mental Health Act 1959 or a State hospital within the meaning of the Mental Health (Scotland) Act 1960 ;
 - (d) any premises occupied solely for purposes of the armed forces of the Crown.
- (3) Any provision of this Act which, by virtue of subsection (1) above, applies to premises occupied or owned by the Crown shall, in its application to any such premises, have effect with the substitution, for any reference to the fire authority, of a reference to a fire inspector or any person authorised by the Secretary of State to act for the purposes of this section.
- (4) As regards any premises falling within subsection (1)(a) above, any power exercisable by virtue of subsection (3) above by a fire inspector shall be exercisable also by an officer of the fire brigade maintained by the fire authority if and so far as he is authorised in writing by such an inspector to exercise that power ; but a fire inspector shall not authorise an officer of a fire brigade under this subsection except with the consent of the fire authority who maintain that brigade.
- (5) If a person with intent to deceive pretends to be a person by whom any powers exercisable by a fire inspector by virtue of subsection (3) above are exercisable by virtue of subsection (4) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (6) In relation to any premises falling within subsection (1)(b) above section 20(1) of this Act shall have effect as if for the reference to an officer of the fire brigade maintained by the fire authority there were substituted a reference to any person.
- (7) Section 341 of the Public Health Act 1936 (power to apply provisions of that Act to Crown property) shall have effect as if sections 11 and 15 of this Act were contained in that Act.
- (8) To such extent, if any, as they so provide, regulations under section 35 of this Act shall bind the Crown.
- (9) Nothing in this Act shall be taken to authorise the entry of premises occupied by the Crown.

- (10) This Act shall apply to premises in Scotland occupied by a Regional Hospital Board or the Board of Management of a hospital or group of hospitals as if they were premises occupied by the Crown.
- (11) Any premises used for the purposes of a visiting force or of a headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 shall be exempt from the operation of this Act to the extent to which the premises would be exempt therefrom if the premises were occupied by the Crown solely for purposes of the armed forces of the Crown.

In this subsection " visiting force " means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952.

41 Application to premises occupied by U.K. Atomic Energy Authority

Sections 17, 18, 30, 31 and 36 of this Act shall not apply to any premises occupied by the United Kingdom Atomic Energy Authority, and in the application of other provisions of this Act to any such premises—

- (a) for any reference to the fire authority there shall be substituted a reference to a fire inspector or any person authorised by the Secretary of State to act for the purposes of this section ; and
- (b) for the reference in section 20(1) to an officer of the fire brigade maintained by the fire authority there shall be substituted a reference to any person.

42 Powers of Parliament of Northern Ireland

Notwithstanding anything in the Government of Ireland Act 1920 the Parliament of Northern Ireland shall have power to make laws for purposes similar to the purposes of any of the following provisions of this Act, that is to say section 40 and so much of section 35 as relates to vessels.

43 Interpretation

(1) In this Act—

" building " includes a temporary or movable building and also includes any permanent structure and any temporary structure other than a movable one;

" building regulations " means regulations under section 4 of the Public Health Act 1961;

" contravention " includes failure to comply, and " contravene " has a corresponding meaning ;

" the court ", except in section 28 of this Act and the Schedule thereto, means, in relation to premises in England or Wales, a magistrates' court acting for the petty sessions area in which they are situated and, in relation to premises in Scotland, the sheriff within whose jurisdiction they are situated ;

" designated use " has the meaning assigned by section 1(1) of this Act;

" fire authority ", in relation to any premises or proposed premises, means the authority discharging in the area in which the premises are or are to be situated the functions of fire authority under the Fire Services Act 1947;

" fire certificate " has the meaning assigned by section 1(1) of this Act;

Status: This is the original version (as it was originally enacted).

" fire inspector " means an inspector or assistant inspector appointed under section 24 of the Fire Services Act 1947;

" furniture " includes furnishings (including wall-coverings and ceiling-coverings of all sorts, as well as floor-coverings) ;

" local authority " means—

(a) as respects England and Wales, the council of a county borough, London borough or county district, the Common Council of the City of London or the Council of the Isles of Scilly ;

(b) as respects Scotland, the council of a county or the town council of a burgh;

" notice " means a notice in writing;

" the notified person " and " the specified position " have the meanings assigned by section 3(8) of this Act;

" owner "—

(a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent; and

(b) as respects Scotland, means the person for the time being entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises in connection with which the word is used and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted;

" premises " means building or part of a building;

" prescribed " means prescribed by regulations made under this Act by the Secretary of State ; " the relevant building ", in relation to—

(a) any premises in relation to which a notice under section 3 of this Act is in force; or

(b) any premises which are the subject of an application for a fire certificate ;
or

(c) any premises with respect to which a fire certificate is in force, means the building constituting or comprising the premises in question.

(2) Except in so far as this Act otherwise expressly provides, the provisions of this Act shall not be construed as affecting any requirement or restriction imposed by or under any other enactment, whether contained in a public general Act or in a local or private Act.

(3) Except in so far as the context otherwise requires, any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.

44 Short title, extent and commencement

(1) This Act may be cited as the Fire Precautions Act 1971.

(2) This Act, except section 42, does not extend to Northern Ireland.

- (3) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different dates may be appointed under this subsection for different purposes.