



Fire Services Act 1947

1947 CHAPTER 41

Miscellaneous and General.

29 Central Fire Brigades Advisory Council.

- (1) The Secretary of State shall constitute a Council to be called the Central Fire Brigades Advisory Council, for the purpose of advising him on any matters as to which he is required by this Act to consult the Council or any other matter arising, otherwise than under section seventeen of this Act, in connection with the operation of this Act which the Council have taken into consideration, whether on a reference from the Secretary of State or otherwise.
- (2) Subject to the provisions of the next following subsection, the Council shall consist of a chairman appointed by the Secretary of State and of such number of other persons so appointed as the Secretary of State may determine, being persons appointed as representing the interests of fire authorities and of persons employed as members of fire brigades maintained in pursuance of this Act.
- (3) In addition to the persons mentioned in the last foregoing subsection the Secretary of State may, if he thinks fit, appoint as members of the Council, either generally or for the consideration of any particular matter, such other persons appearing to him to have special qualifications as he may determine.
- (4) The procedure (including the quorum) of the Council shall, subject to any directions of the Secretary of State, be such as the Council may determine.
- (5) The Secretary of State may defray any expenses authorised by him with the consent of the Treasury to be incurred by the Council.

30 Powers of firemen and police in extinguishing fires.

- (1) Any member of a fire brigade maintained in pursuance of this Act who is on duty, any member of any other fire brigade who is acting in pursuance of any arrangements made under this Act, or any constable, may enter and if necessary break into any premises or place in which a fire has or is reasonably believed to have broken out, or any premises or place which it is necessary to enter for the purposes of extinguishing a fire or of

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protecting the premises or place from acts done for fire-fighting purposes, without the consent of the owner or occupier thereof, and may do all such things as he may deem necessary for extinguishing the fire or for protecting from fire, or from acts done as aforesaid, any such premises or place or for rescuing any person or property therein.

- (2) Any person who wilfully obstructs or interferes with any member of a fire brigade maintained in pursuance of this Act who is engaged in operations for fire-fighting purposes shall be liable on summary conviction to a fine not exceeding twenty-five pounds.
- (3) At any fire the senior fire brigade officer present shall have the sole charge and control of all operations for the extinction of the fire, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or the use of any water supply, and the selection of the parts of the premises, object or place where the fire is, or of adjoining premises, objects or places, against which the water is to be directed.
- (4) Any water undertakers shall, on being required by any such senior officer as is mentioned in the last preceding subsection to provide a greater supply and pressure of water for extinguishing a fire, take all necessary steps to enable them to comply with such requirement and may for that purpose shut off the water from the mains and pipes in any area; and no authority or person shall be liable to any penalty or claim by reason of the interruption of the supply of water occasioned only by compliance of the water undertakers with such a requirement.
- (5) The senior officer of police present at any fire, or in the absence of any officer of police the senior fire brigade officer present, may close to traffic any street or may stop or regulate the traffic in any street whenever in the opinion of that officer it is necessary or desirable to do so for fire-fighting purposes.
- (6) In this section the expression " senior fire brigade officer present, " in relation to any fire, means the senior officer present of the fire brigade maintained in pursuance of this Act in the area in which the fire originates, or, if any arrangements or reinforcement scheme made under this Act provide that any other person shall have charge of the operations for the extinction of the fire, that other person.
- (7) This section shall come into operation on the appointed day.

31 False alarms of fire.

- (1) Any person who knowingly gives or causes to be given a false alarm of fire to any fire brigade maintained in pursuance of this Act or to any member of such a brigade shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or both such fine and such imprisonment,
- (2) In relation to anything done before the appointed day references in the last foregoing subsection to a fire brigade maintained in pursuance of this Act shall be construed as references to the National Fire Service.
- (3) The False Alarms of Fire Act, 1895, and section sixty-one of the London County Council (General Powers) Act, 1909, shall cease to have effect as from the appointed day, and Regulation one of the Defence (General) Regulations, 1939 (which, so far as still in force, relates to false alarms of fire) is hereby revoked.

32 Members of police force not to be employed in fire brigade.

No member of a police force shall be employed as a member of a fire brigade maintained in pursuance of this Act.

33 Inquiries.

- (1) The Secretary of State may hold a public local inquiry into the manner in which any fire authority are performing their functions under this Act, or into the circumstances of, or the steps taken to deal with, any particular outbreak of fire.
- (2) Subsections (2), (3) and (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to evidence at local enquiries and to the making of orders as to payment of the costs incurred thereat by local authorities) shall apply to any inquiry held in pursuance of this Act.

34 Expenses and receipts of Secretary of State.

- (1) All expenses incurred by the Secretary of State by virtue of this Act shall be defrayed out of moneys provided by Parliament.
- (2) Any receipts of the Secretary of State under this Act shall be paid into the Exchequer.

35 Regulations and orders to be laid before Parliament.

- (1) Any regulations of the Secretary of State under this Act, and any order of the Secretary of State under section eleven or twenty-six thereof, shall be laid before Parliament forthwith after being made.
- (2) If either House of Parliament, within a period of forty days beginning with the day on which any such regulations or order as aforesaid are laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.
- (3) In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days,

36 Application to Scotland.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to the Minister of Health there shall be substituted a reference to the Secretary of State; for any reference to a county borough there shall be substituted a reference to a large burgh within the meaning of the Local Government (Scotland) Act, 1947, and any other burgh shall be deemed to be included within the county in which it is situate; the expressions " county " and " council " mean, in relation to counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the last mentioned Act, the combined county and the joint county council;

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for any reference to a county district there shall be substituted a reference to a small burgh within the meaning of the last mentioned Act; for any reference to a combination scheme there shall be substituted a reference to an administration scheme; for any reference to statutory water undertakers there shall be substituted a reference to a local water authority within the meaning of the Water (Scotland) Act, 1946; for references to the Water Act, 1945, and to sections thirty-two to thirty-four and thirty-six of the Third Schedule thereto there shall be respectively substituted references to- the Water (Scotland) Act, 1946, and to sections nineteen to twenty-one and twenty-three of the Fourth Schedule thereto; for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947; for any reference, in relation to a fire brigade, to the chief officer, there shall be substituted a reference to the firemaster; and any reference to a fire authority shall, unless the context otherwise requires, be construed as including a reference to a joint committee constituted in pursuance of the provisions hereinafter contained.

- (3) It shall be the duty of the councils of the counties and large burghs comprised in any one of the areas set forth in the Fourth Schedule to this Act to prepare and submit to the Secretary of State, before the first day of January nineteen hundred and forty-eight or such later date as the Secretary of State may in special circumstances allow, a scheme (hereinafter referred to as an " administration scheme ") for the provision in that area of the services required by section one of this Act, and the Secretary of State may by order approve any scheme so submitted to him.
- (4) An administration scheme shall make provision with regard to the following matters:
- (a) the establishment of a combined fire brigade for the area, and the appointment, subject to the provisions of this Act and of any regulations thereunder, of a firemaster of that brigade;
 - (b) the constitution for the administration of the combined fire brigade of a joint committee consisting of such number of members, being members of the fire authorities in the area, as may be specified in the scheme;
 - (c) the transfer to the joint committee of the functions of the fire authorities (except the power to levy a rate and such other functions as may be specified in the administration scheme);
 - (d) the payment out of a fund constituted in accordance with the scheme of the expenses incurred by the joint committee in the administration of the combined fire brigade;
 - (e) the payment into the aforesaid fund of contributions by the fire authorities in such proportions as may be determined by or under the scheme.
- (5) An administration scheme may contain provision regarding—
- (a) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the fire authorities of any service connected with the administration of the combined fire brigade;
 - (b) the transfer to the joint committee of property, rights or liabilities;
 - (c) the appointment of officers by the joint committee and the transfer to the joint committee of officers of any of the fire authorities;
 - (d) the settlement of differences between the fire authorities; and
 - (e) any other matters incidental to or consequential on any provision contained in the scheme.

- (6) If the councils of the counties and large burghs comprised in any one of the areas set forth in the Fourth Schedule to this Act fail to submit within the time limited by subsection (3) of this section an administration scheme for that area satisfactory to the Secretary of State, he may by order make a scheme therefor and the foregoing provisions of this section shall apply to any such scheme as they apply to schemes made under those provisions:

Provided that before making any such scheme the Secretary of State shall give to the councils concerned notice of the general nature of the proposed scheme, and unless those councils intimate their assent thereto, the Secretary of State shall publish in one or more newspapers circulating in the areas of the councils a notice of the general nature of the scheme, and shall cause a public local inquiry to be held by a person appointed by him, not being an officer of a fire authority or of any Government department.

- (7) An administration scheme made under subsection (3) or subsection (6) of this section may be amended or revoked by a subsequent scheme made under either of those subsections and the provisions of those subsections shall apply to any such amending or revoking scheme subject to any necessary modifications.
- (8) The Secretary of State may by order vary the areas specified in the Fourth Schedule to this Act and any such order may make provision with respect to any of the following matters.—
- (a) the making of a new administration or establishment scheme or such modification of an existing administration or establishment scheme relating to any area affected by the order as seems to the Secretary of State to be necessary;
 - (b) the transfer or retransfer to such fire brigade as may be determined by the order of the members of any fire brigade affected thereby;
 - (c) the transfer or retransfer to such fire authorities as may be determined by the order of any officers, property, rights or liabilities of any fire authority affected thereby;
 - (d) the payment, by such fire authority and subject to such provisions as may be determined by the order, of compensation to officers employed by any fire authority affected by the order who in consequence thereof or of anything done thereunder suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments ;
 - (e) in the case of any person who having immediately before the coming into operation of the order been the firemaster of any fire brigade affected by the order does not on the coming into operation of the order become the firemaster of any fire brigade established in consequence of the order, for the payment, in lieu of compensation under the last foregoing paragraph, of a pension, gratuity or allowance of such amount subject to such conditions and by such fire authority as may be provided by the order; and
 - (f) any other matters incidental to or consequential on any provision contained in the order:

Provided that—

- (i) unless the councils of the counties and burghs affected by any proposed order under this subsection assent to the making thereof, the Secretary of State shall publish in one or more newspapers circulating in the counties and burghs so

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affected a notice of the purport of the proposed order, and shall cause a public local inquiry to be held; and

- (ii) the Secretary of State shall lay before each House of Parliament a draft of any proposed order under this subsection and where an inquiry has been held with respect thereto shall lay together with the draft a copy of the report of the person by whom the inquiry was held; and if either House within the period of forty days beginning with the day on which the draft order is laid before it resolves that the order be not made, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (9) The Secretary of State may after consultation with the fire authorities concerned by order provide for the incorporation of a joint committee with a common seal and for conferring on such a committee power to hold land or to borrow money.
- (10) A fire authority and a joint committee which has power to borrow money by virtue of an order made under subsection (9) of this section may, subject to the provisions of Part XII of the Local Government (Scotland) Act, 1947, borrow such sums as may be required for the purposes of their functions under this Act to meet expenditure of a capital nature or the cost of executing any work, or providing any plant or equipment or doing any other thing where, having regard to the nature of the work, plant, equipment or thing, the cost ought to be spread over a period of years:

Provided that nothing in this subsection shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the Local Authorities Loans Act, 1945, of any Defence Regulation within the meaning of the Supplies and Services (Transitional Powers) Act, 1945, for the time being having effect by virtue of that Act, and of any orders for the time being in force made by the Treasury under section one of the Borrowing (Control and Guarantees) Act, 1946.

- (11) A joint committee which has power to borrow money by virtue of an order under subsection (9) of this section shall, for the purposes of the Local Authorities Loans Act, 1945, be deemed to be a local authority.
- (12) For the purposes of section nine of the Superannuation Act, 1935 (which makes provision for civil servants entering the service of a local authority and officers of a local authority becoming civil servants) a joint committee shall be deemed to be a local authority.
- (13) For the purposes of the Local Government Superannuation (Scotland) Act, 1937, the appropriate superannuation fund in relation to the contributory employees of a joint committee shall be the superannuation fund of such one of the councils of the counties and burghs comprised in the area of the joint committee as may be determined by or under the administration scheme.
- (14) Section one of this Act shall have effect as if for subsection (2) thereof the following subsection were substituted:—
- “(2) (a) Any member of a fire brigade maintained in pursuance of this Act authorised in writing by the authority maintaining the fire brigade shall, on producing, if so required, some duly authenticated document

showing his authority, have a right to enter any premises at all reasonable hours for the purpose of obtaining such information as is mentioned in paragraph (d) of the last foregoing subsection:

Provided that admission to any premises in which persons are employed otherwise than in domestic service, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

- (b) If it is shown to the satisfaction of a sheriff or a justice of the peace—
 - (i) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of entry; and
 - (ii) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the sheriff or justice may by warrant under his hand authorise the authority maintaining the fire brigade by any member thereof authorised as aforesaid to enter the premises, if need be by force:

Provided that such a warrant shall not be issued unless the sheriff or justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

- (c) A member of a fire brigade authorised as aforesaid entering any premises by virtue of this subsection, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.
- (d) Every warrant granted under this subsection shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (e) If any person who in compliance with the provisions of this subsection or of a warrant issued thereunder is admitted into any premises discloses to any person any information obtained by him therein with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.
- (f) A person who wilfully obstructs any person acting in the execution of this subsection or of any warrant issued thereunder shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction thereof.”

(15) For section four of this Act there shall be substituted the following section—

As from the appointed day the county council of every county and the town council of every large burgh within the meaning of the Local Government (Scotland) Act, 1947, shall be the fire authority for such county or burgh, and the Fire Brigades Act, 1938, and any other enactment passed before the

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commencement of this Act in so far as it confers functions for fire fighting purposes on any council other than as aforesaid shall cease to have effect:

Provided that nothing in this section shall affect any functions relating to fire prevention, restricting the spread of fires, or means of escape in case of fire, being functions conferred on a council otherwise than as an authority maintaining a fire brigade.”

- (16) Section eleven of this Act shall have effect as if for references to such a local authority and such a fire authority as are therein mentioned there were respectively substituted references to the council of a county or burgh comprised in any area for which a joint committee is appointed and to that joint committee.
- (17) Section twenty-five of this Act shall have effect as if for subsection (1) there were substituted the following subsection:—
- “(1) The Secretary of State may with the consent of the Treasury make regulations providing for the payment by him to the councils of counties and large burghs, or to joint committees constituted by administration schemes, of annual grants in respect of expenditure incurred by them in connection with the provision of fire services of amounts not exceeding twenty-five per cent. of such expenditure.”
- (18) There shall be appointed a separate Central Fire Brigades Advisory Council for Scotland to be called the Scottish Central Fire Brigades Advisory Council, and the provisions of this Act with regard to the Central Fire Brigades Advisory Council shall apply to the said Scottish Council.
- (19) The provisions of the Second Schedule to the Police (Scotland) Act, 1946, shall, with the substitution of a reference to a fire authority for any reference to a police authority and with any other necessary modifications, apply to any inquiry which the Secretary of State is under this Act required or authorised to hold.
- (20) A fire authority and a joint committee which has power to hold land by virtue of an order under subsection (9) of this section, may, with the consent of the Secretary of State, sell or otherwise dispose of any land vested in them and, no longer required by them.
- (22) The following provisions of this Act—
- (a) sections five to ten,
 - (b) subsection (4) and, (so far as it defines the expression " statutory water undertakers "), subsection (7) of section fourteen,
 - (c) section twenty,
 - (d) subsection (2) of section thirty-three, and
 - (e) paragraph 2 of the Second Schedule,
- shall not apply to Scotland.

37 Application to Isles of Scilly.

This Act shall apply to the Isles of Scilly as if they were an administrative county and as if the Council of those Isles were the council of the county.

38 Interpretation.

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—
 - " appointed day " means such day as the Secretary of State may by order appoint;
 - " chief officer of police ", " police area ", " police authority " and " police force " have the same meanings respectively as in the Police Pensions Act, 1921;
 - " equipment " includes fire engines and other vehicles and appliances and other apparatus, and also uniforms and badges of rank;
 - " fire authority " means an authority which for the time being is constituted a fire authority by this Act or any combination scheme made thereunder;
 - " fire-fighting purposes " means the purposes of the extinction of fires and the protection of life and property in case of fire;
 - " street " includes any highway, including a highway over any bridge and any road, lane, footway, square, court, alley or passage whether a thoroughfare or not.
- (2) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.
- (3) References in this Act to a fire authority under the Fire Brigades Act, 1938, and to a fire brigade maintained in pursuance of that Act respectively include references to the London County Council and the London Fire Brigade.

39 Short title, extent, transitional provisions, repeals and savings.

- (1) This Act may be cited as the Fire Services Act, 1947
- (2) This Act shall not extend to Northern Ireland.
- (3) The transitional provisions specified in the Fifth Schedule to this Act shall have effect in relation to the matters specified in that Schedule.
- (4) As from the appointed day the enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (5) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), save as provided in the Fifth Schedule to this Act, nothing in this Act shall affect—
 - (a) the operation of any pension scheme in relation to persons retiring before the appointed day from employment as members of fire brigades or the National Fire Service, or dying before that date while in such employment; or
 - (b) the operation of any pension scheme, the Police and Firemen (War Service) Act, 1939, or any scheme under section seven of that Act in relation to a person to whom section one of that Act or any scheme under the said section seven applies, unless and until the said person becomes a member of a fire brigade maintained in pursuance of this Act or becomes engaged in such other employment in connection with the provision of fire services as may for the purposes of this paragraph be specified in the Firemen's Pension Scheme.

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In this subsection the expression " pension scheme " means the Fire Brigade Pensions Act, 1925, or any other scheme for the grant of pensions, allowances or gratuities on the retirement or death of persons employed as members of fire brigades.