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STATUTORY INSTRUMENTS

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**2006 No. 1254**

**The Fire and Rescue Services (Northern Ireland) Order 2006**

**PART III**

**FIRE SAFETY**

**CHAPTER II**

**ENFORCEMENT**

**Determination of disputes**

**39.**—(1) Where—

- (a) the Board considers that a person has failed to comply with any of the fire safety duties; and
- (b) in relation to the duty in question the person and the Board cannot agree on what (or whether any) action requires to be taken to comply with the duty,

the person and the Board may agree to refer the matter to the Department for determination in accordance with paragraph (2).

(2) On a reference under this Article, the matter shall be determined by the Department or, if the Department thinks fit and the person referred to in paragraph (1) agrees, by a person appointed by the Department.

(3) The Department may by regulations make provision about references and determinations under this Article.

(4) Subject to paragraph (5), where a determination is made by virtue of paragraph (2), the Board may not—

- (a) serve an enforcement notice; or
- (b) include in such a notice directions,

if the notice or, as the case may be, the directions would conflict with the determination.

(5) Paragraph (4) shall not apply if, after the date of the determination, the risk to relevant persons significantly increases because a change is made to—

- (a) the relevant premises; or
- (b) the use to which they are put.

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**Modifications etc. (not altering text)**

- C1** Art. 39(1)(a) modified (15.11.2010) by [Fire Safety Regulations \(Northern Ireland\) 2010 \(S.R. 2010/325\)](#), [reg. 24\(3\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006, Section 39.