STATUTORY INSTRUMENTS

2006 No. 1254

The Fire and Rescue Services (Northern Ireland) Order 2006

PART II

FIRE AND RESCUE SERVICES

CHAPTER I

THE NORTHERN IRELAND FIRE AND RESCUE SERVICE BOARD

The Northern Ireland Fire and Rescue Service Board

3.—(1) There shall be a body corporate to be known as the Northern Ireland Fire and Rescue Service Board (in this Order referred to as "the Board").

(2) The Board shall be the fire and rescue authority for Northern Ireland.

(3) Schedule 1 (which makes further provision about the Board) shall have effect.

(4) The Fire Authority for Northern Ireland is hereby dissolved.

(5) Schedule 2 (which contains provisions for the transfer of the functions, assets, liabilities and staff of the Fire Authority for Northern Ireland to the Board and other supplementary provisions) shall have effect.

CHAPTER II

CORE FIRE AND RESCUE FUNCTIONS

Fire safety

4.—(1) The Board shall make provision for the purpose of promoting fire safety.

(2) In making provision under paragraph (1) the Board shall in particular, to the extent that it considers it reasonable to do so, make arrangements for–

(a) the provision of information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire; and

(b) the giving of advice, on request, about–

(i) how to prevent fires and restrict their spread in buildings and other property; and

(ii) the means of escape from buildings and other property in the event of fire.

Fire-fighting

5.—(1) The Board shall make provision for the purpose of–

(a) extinguishing fires; and

(b) protecting life and property in the event of fires.

(2) In making provision under paragraph (1) the Board shall in particular–

(a) secure the provision of personnel, services and equipment;

(b) secure the provision of training for personnel;

(c) make arrangements for dealing with calls for help and for summoning personnel;

(d) make arrangements for obtaining information required or likely to be required for the purpose mentioned in paragraph (1); and

(e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose mentioned in paragraph (1).

Road traffic accidents

6.—(1) The Board shall make provision for the purpose of–

(a) rescuing persons in the event of road traffic accidents; and

(b) protecting persons from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic accidents.

(2) In making provision under paragraph (1) the Board shall in particular–

(a) secure the provision of personnel, services and equipment;

(b) secure the provision of training for personnel;

(c) make arrangements for dealing with calls for help and for summoning personnel;

(d) make arrangements for obtaining information required or likely to be required for the purpose mentioned in paragraph (1); and

(e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose mentioned in paragraph (1).

Emergencies

7.—(1) The Department may by order confer on the Board functions relating to emergencies, other than fires and road traffic accidents in relation to which the Board has functions under Article 5 or 6.

(2) An order under this Article may make provision as to what the Board shall or may do for the purpose of a function conferred under this Article, and may in particular require or authorise the Board–

(a) to secure the provision of personnel, services and equipment;

(b) to secure the provision of training for personnel;

(c) to make arrangements for dealing with calls for help and for summoning personnel;

(d) to make arrangements for obtaining information required or likely to be required for the purpose of carrying out the function; and

(e) to make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from carrying out the function.

(3) Before making an order under this Article the Department shall consult the Board and any other persons it considers appropriate.

CHAPTER III

OTHER FUNCTIONS

Power to respond to other eventualities

8.—(1) The Board may take any action it considers appropriate–

(a) in response to an event or situation of a kind mentioned in paragraph (2); or

(b) for the purpose of enabling action to be taken in response to such an event or situation.

(2) The event or situation is one that causes or is likely to cause–

(a) a person to die, be injured or become ill; or

(b) harm to the environment (including the life and health of plants and animals and the fabric of buildings).

(3) The power conferred by paragraph (1) includes power to secure the provision of equipment.

Powers of Board in relation to external matters

9.—(1) The Board may liaise, co-operate and enter into arrangements with relevant persons outside Northern Ireland.

(2) In paragraph (1), "relevant persons" means persons carrying out functions which correspond to any of those of the Board or the Department under this Order.

General powers of the Board

10. The Board may–

(a) provide such accommodation for its employees as it considers appropriate to enable it to carry out its functions under this Order;

(b) pay to any persons who render services in connection with the carrying out of functions under this Order such rewards as it thinks fit, which in the case of a fire and rescue officer may be in addition to the remuneration of any such officer; and

(c) use fire and rescue officers or any fire engine, appliance or equipment for such purposes as it considers appropriate.

Acquisition and disposal of land by the Board

11.—(1) The Board may acquire, hold and dispose of land for the purpose of carrying out its functions under this Order.

(2) The power of the Board to acquire land includes power to acquire it compulsorily in accordance with paragraphs (3) and (4).

(3) Where the Board proposes to acquire land compulsorily, it may apply to the Department for an order ("a vesting order") vesting such land in the Board and, subject to paragraph (4), the Department shall have power to make such a vesting order.

(4) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply for the purposes of the acquisition of land by means of a vesting order made under paragraph (3) in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications–

(a) for any reference to the council there shall be substituted a reference to the Board;

(b) for any reference to the Department concerned there shall be substituted a reference to the Department;

(c) for any reference to that Act there shall be substituted a reference to this Order;

(d) in paragraph 6(2) for the words from "the fund" onwards there shall be substituted " funds of the Board (in this Schedule referred to as "the compensation fund "), and shall be discharged by payments out of the compensation fund."; and

(e) in paragraph 12(2) for "the clerk of the council" there shall be substituted " such person as may be designated for the purposes of this Schedule by the Board ".

Arrangements with others for assistance

12.—(1) Subject to paragraph (2), the Board may enter into arrangements with a person for securing the provision by that person of assistance for the purpose of the carrying out by the Board of a function conferred on it under Articles 4 to 8 or 33.

(2) The Board may only enter into arrangements with a person under paragraph (1) for the securing of assistance for the purpose of extinguishing fires if the person employs fire-fighters.

(3) Arrangements under this Article may include provision as to the terms on which assistance is to be provided (including provision as to payment).

Arrangements for carrying out of functions by others

13.—(1) Subject to paragraph (2), the Board may enter into arrangements with a person for the carrying out to any extent by that person of a function conferred on the Board under Articles 4 to 8 or 33.

(2) The Board may only enter into arrangements with a person under paragraph (1) in relation to its function of extinguishing fires if the person employs fire-fighters.

(3) Arrangements under this Article may include provision as to the terms on which any function is to be carried out (including provision as to payment).

Charging

14.—(1) The Department may by order authorise the Board to charge a person of a description specified in the order for any action so specified taken by the Board.

(2) An order under paragraph (1) may authorise charging for extinguishing fires, or protecting life and property in the event of fires, only in respect of fires which are–

(a) outside Northern Ireland; or

(b) at sea.

(3) The power in paragraph (1) includes power to authorise a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by the Board.

(4) The power in paragraph (1) includes power to specify that, in setting the amount of a charge, the Board shall secure that, taking one financial year with another, the Board's income from charges does not exceed the cost to the Board of taking the action for which the charges are imposed.

(5) If the Board is authorised by an order under paragraph (1) to charge for taking action of a particular description and the Board decides to do so, then subject to paragraph (4)–

(a) the amount of the charge is to be set by the Board; and

(b) the Board may charge different amounts in different circumstances (and may charge nothing).

(6) Before making an order under this Article the Department shall consult the Board and any other persons it considers appropriate.

CHAPTER IV

WATER SUPPLIES, ETC.

Supply and use of water

Duty to secure water supply

15.—(1) The Board shall take all reasonable measures for securing that an adequate supply of water will be available for the Board's use for the purposes specified in paragraph (2).

(2) The purposes referred to in paragraph (1) are–

(a) extinguishing fires;

(b) protecting life and property in the event of fires;

(c) rescuing persons in the event of road traffic accidents;

(d) protecting persons from serious harm in the event of road traffic accidents;

(e) carrying out any function conferred on the Board by an order under Article 7; and

(f) complying with any directions given to the Board under Article 56.

Use of water

16.—(1) The Board may use any convenient or suitable supply of water for the purposes specified in Article 15(2).

(2) Subject to **[**[F1]—

(a) an agreement under Article 16A; and

(b) Article 207 of the Water and Sewerage Services (Northern Ireland) Order 2006,**]**

, the Board shall pay reasonable compensation for water used by virtue of paragraph (1).

Textual Amendments

F1 Words in art. 16(2) substituted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 49(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

[[F2]**Supply of water by water undertakers**

16A.—(1) The Board may enter into an agreement with a water undertaker for the purposes of Article 15.

(2) An agreement under paragraph (1) may include terms as to payment to be made to the undertaker, subject to Article 207 of the Water and Sewerage Services (Northern Ireland) Order 2006.

(3) A water undertaker shall enter into any agreement reasonably proposed by the Board under paragraph (1).

(4) An obligation of a water undertaker under an agreement under paragraph (1), or under paragraph (3), is enforceable by the Department for Regional Development under Article 30 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Textual Amendments

F2 Arts. 16A, 16B inserted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 49(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Emergency supply by water undertakers

16B.—(1) If the Board requests a water undertaker to provide a supply and pressure of water for the purposes of extinguishing a fire that is greater than the undertaker would otherwise provide, the undertaker shall take all necessary steps in order to do so.

(2) For the purposes of complying with its obligation under paragraph (1) a water undertaker may shut off the water from the mains and pipes in any area.

(3) No authority or person shall be liable to any penalty or claim arising because of anything done by a water undertaker in complying with its obligation under paragraph (1).

(4) A water undertaker commits an offence if, without reasonable excuse, it fails to take any step which it is obliged to take under paragraph (1).

(5) A water undertaker guilty of an offence under paragraph (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.**]**

Textual Amendments

F2 Arts. 16A, 16B inserted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 49(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Fire hydrants

Fire hydrants

[[F3]**17.**—(1) A water undertaker shall cause the location of every fire hydrant provided by it to be clearly indicated by a notice or distinguishing mark.

(2) A water undertaker may place such a notice or mark on a wall or fence adjoining a road or public place.

(3) The expenses incurred by a water undertaker under paragraph (1) in relation to a fire hydrant shall be borne by the Board.

(4) The Department may make regulations providing for uniformity in fire hydrants provided by water undertakers and in notices or marks indicating their location.

(5) An obligation of a water undertaker under paragraph (1), or regulations under paragraph (4), shall be enforceable by the Department for Regional Development under Article 30 of the Water and Sewerage Services (Northern Ireland) Order 2006.

(6) A person commits an offence if he uses a fire hydrant otherwise than—

(a) for the purposes of extinguishing fires; or

(b) for any other purpose specified in Article 15(2); or

(c) for any purpose authorised by the water undertaker or other person to whom the hydrant belongs.

(7) A person commits an offence if he damages or obstructs a fire hydrant, otherwise than in consequence of use for the purposes mentioned in paragraph (6).

(8) A person guilty of an offence under paragraph (6) or (7) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.**]**

Textual Amendments

F3 Arts. 17, 17A substituted for art. 17 (1.1.2007 for art. 17 for certain purposes, otherwise 1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2)(3)(e), 308(1), **Sch. 12 para. 49(3)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

[[F4]Notice of works affecting water supply and fire hydrants

17A.—(1) A person who proposes to carry out works for the purpose of supplying water shall give at least 6 weeks' notice in writing to the Board.

(2) A person who proposes to carry out works affecting a fire hydrant shall give at least 7 days' notice in writing to the Board.

(3) If it is not practicable for a person to give notice as required by paragraph (1) or (2), he shall be regarded as having given the notice required by that paragraph if he gives it as soon as practicable.

(4) A person commits an offence if, without reasonable excuse, he fails to give notice as required by paragraph (1) or (2).

(5) A person guilty of an offence under paragraph (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.**]**

Textual Amendments

F4 Arts. 17, 17A substituted for art. 17 (1.1.2007 for art. 17 for certain purposes, otherwise 1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2)(3)(e), 308(1), **Sch. 12 para. 49(3)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

CHAPTER V

POWERS OF FIRE AND RESCUE OFFICERS

Powers in the event of emergency, etc.

Powers of fire and rescue officers in an emergency, etc.

18.—(1) A fire and rescue officer being on duty, may do anything he reasonably believes to be necessary–

(a) if he reasonably believes a fire to have broken out or to be about to break out, for the purpose of extinguishing or preventing the fire or protecting life or property;

(b) if he reasonably believes a road traffic accident to have occurred, for the purpose of rescuing persons or protecting them from serious harm;

(c) if he reasonably believes an emergency of another kind to have occurred, for the purpose of carrying out any function conferred on the Board in relation to the emergency; and

(d) for the purpose of preventing or limiting damage to property resulting from action taken as mentioned in sub-paragraph (a), (b) or (c).

(2) In particular, a fire and rescue officer may under paragraph (1)–

(a) enter premises, by force if necessary, without the consent of the owner or occupier of the premises;

(b) move or break into a vehicle without the consent of its owner;

(c) close a road;

(d) stop and regulate traffic; and

(e) restrict the access of persons to premises.

Modifications etc. (not altering text)

C1 Art. 18 applied (with modifications) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), **18(2)**

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.

Modifications etc. (not altering text)

C2 Art. 19 applied (with modifications) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), **18(3)**

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.

Modifications etc. (not altering text)

C3 Arts. 20-22 applied (with modifications) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), **18(5)**, (6)

C4 Art. 20 applied (with modifications) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), **18(3)**, (4)

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.

Modifications etc. (not altering text)

C3 Arts. 20-22 applied (with modifications) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), **18(5)**, (6)

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.

Modifications etc. (not altering text)

C3 Arts. 20-22 applied (with modifications) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), **18(5)**, (6)

C5 Art. 22 applied (with modifications) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), arts. 1(2), **18(3)**

CHAPTER VI

MISCELLANEOUS

False alarms

23.—(1) A person who knowingly gives or causes to be given to a person acting on behalf of the Board a false alarm of–

(a) fire;

(b) a road traffic accident; or

(c) an emergency of another kind,

shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

Interpretation of Part II

24. In this Part–

"emergency" means an event or situation that causes or is likely to cause–

(a) a person to die, be seriously injured or become seriously ill, or

(b) serious harm to the environment (including the life and health of plants and animals and the fabric of buildings);

"premises" includes any place and, in particular includes–

(a) any vehicle, ship or aircraft,

(b) any installation on land, any offshore installation and any other installation, and

(c) any tent or movable structure;

"road" has the meaning given by Article 2(2) of the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2);

"ship" includes every description of vessel used in navigation.

Status:
Point in time view as at 01/04/2013.

Changes to legislation:
There are currently no known outstanding effects for the The Fire and Rescue Services (Northern Ireland) Order 2006, PART II.