

## SCHEDULES

### SCHEDULE 3

Article 63(1)

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Civil Defence Act (Northern Ireland) 1950 (c. 11)*

1. In section 9(1) (interpretation), in the definition of “public body”, for the words “the Fire Authority for Northern Ireland” substitute “the Northern Ireland Fire and Rescue Service Board”.

##### *The Factories Act (Northern Ireland) 1965 (c. 20)*

2. In section 176(1) (general interpretation), in the definition of “fire authority”, for the words “the Fire Authority for Northern Ireland” substitute “the Northern Ireland Fire and Rescue Service Board”.

##### *The Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23)*

3. In section 43(1) (interpretation), in the definition of “public body”, for the words “the Northern Ireland Fire Authority” substitute “the Northern Ireland Fire and Rescue Service Board”.

##### *The Office and Shop Premises Act (Northern Ireland) 1966 (c. 26)*

4. In section 76(3) (expenses), for “the Fire Services (Northern Ireland) Order 1984” substitute “the Fire and Rescue Services (Northern Ireland) Order 2006”.

5. In section 81(1) (interpretation), in the definition of “fire authority”, for the words “the Fire Authority for Northern Ireland” substitute “the Northern Ireland Fire and Rescue Service Board”.

##### *The Local Government Act (Northern Ireland) 1966 (c. 38)*

6. In section 12(7) (contracts of the Fire Authority for Northern Ireland) and in the heading to that section, for the words “the Fire Authority for Northern Ireland” substitute “the Northern Ireland Fire and Rescue Service Board”.

##### *The Pensions (Increase) Act (Northern Ireland) 1971 (c. 35)*

7. In section 12 (fire service pensions)–

- (a) in subsection (1), for the words from “Article 10” to “that Order” substitute “paragraph 6(2) of Schedule 1 to the Fire and Rescue Services (Northern Ireland) Order 2006 or payable by virtue of Article 60 of that Order”;
- (b) in subsection (2), for “the Fire Services (Northern Ireland) Order 1984” substitute “the Fire and Rescue Services (Northern Ireland) Order 2006”; and
- (c) in subsection (4)–

*Status: This is the original version (as it was originally made).*

- (i) for “Article 10 of the Fire Services (Northern Ireland) Order 1984” substitute “paragraph 6(2) of Schedule 1 to the Fire and Rescue Services (Northern Ireland) Order 2006”; and
- (ii) for “paragraph 1(b) of Schedule 4 to the said Order of 1984” substitute “Article 60 of the said Order of 2006”.

8. For paragraph 16 of Schedule 2 substitute—

“16. A pension payable in accordance with any scheme under the Fire and Rescue Services (Northern Ireland) Order 2006 or payable by virtue of Article 60 of that Order.”.

*The Water and Sewerage Services (Northern Ireland) Order 1973 (NI 2)*

9. In Article 35(1) (water for fire fighting), for the words “the Fire Authority for Northern Ireland” substitute “the Northern Ireland Fire and Rescue Service Board”.

*The Rates (Northern Ireland) Order 1977 (NI 28)*

10. In Schedule 13 (hereditaments excluded from exemption), for the words “The Fire Authority for Northern Ireland” substitute “The Northern Ireland Fire and Rescue Service Board”.

*The Health and Safety at Work (Northern Ireland) Order 1978 (NI 9)*

11. In Article 25(5) (provisions supplementary to Articles 23 and 24 of that Order), for the words “the Fire Authority for Northern Ireland” substitute “the Northern Ireland Fire and Rescue Service Board”.

*The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)*

12. In Article 42(2)(a) (noise in streets), for the words “fire brigade” substitute “fire and rescue”.

13. In Article 67(5) (bye-laws as to pleasure fairs), for the words “the Fire Authority for Northern Ireland” substitute “the Northern Ireland Fire and Rescue Service Board”.

*The Road Traffic (Northern Ireland) Order 1981 (NI 1)*

14. In Article 31A(7) (approval of design, construction, etc. of motor vehicles), in the definition of “light passenger vehicle”, for the words from “the Fire Authority” to the end substitute “the Northern Ireland Fire and Rescue Service Board for the purposes of its functions under the Fire and Rescue Services (Northern Ireland) Order 2006.”.

*The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (NI 15)*

15. In Schedule 1 (licensing places of entertainment)—

- (a) in paragraphs 5(8), 11, 12(3) and 14, for the words “Fire Authority” in each place where they occur substitute “Fire and Rescue Service Board”; and
- (b) in paragraph 17(a) (interpretation), for the definition of “the Fire Authority” substitute ““the Fire and Rescue Service Board” means the Northern Ireland Fire and Rescue Service Board;”.

*The Cinemas (Northern Ireland) Order 1991 (NI 12)*

16. In Article 2(2) (interpretation), for the definition of “the Fire Authority” substitute ““the Fire and Rescue Service Board” means the Northern Ireland Fire and Rescue Service Board;”.

17. In Articles 5, 9, 10, 15 and 16, for the words “Fire Authority” in each place where they occur substitute “Fire and Rescue Service Board”.

*The Housing (Northern Ireland) Order 1992 (NI 15)*

18. In Schedule 4 (houses in multiple occupation: means of escape from fire), in paragraph 8, for the words “Fire Authority” in the heading and the words “Fire Authority for Northern Ireland” substitute “Northern Ireland Fire and Rescue Service Board”.

*The Environment and Safety Information (Northern Ireland) Order 1993 (NI 14)*

19. In Schedule 1 (relevant notices and enforcing authorities)–

(a) for “A notice under Article 33 of the Fire Services (Northern Ireland) Order 1984” substitute “A notice under Article 36, 37 or 38 of the Fire and Rescue Services (Northern Ireland) Order 2006”; and

(b) for “The Fire Authority for Northern Ireland” substitute “The Northern Ireland Fire and Rescue Service Board.”.

*The Vehicle Excise and Registration Act 1994 (c. 22)*

20. In Schedule 2 (exempt vehicles)–

(a) in paragraph 4(2) (fire engines), for paragraph (b) substitute–

“(b) is used solely for purposes in relation to which the Northern Ireland Fire and Rescue Service Board established under the Fire and Rescue Services (Northern Ireland) Order 2006 has functions (whoever uses it for those purposes);” and

(b) in paragraph 5 (other vehicles kept by fire authority)–

(i) for “a fire authority” substitute “the Northern Ireland Fire and Rescue Service Board”;

(ii) for “authority’s fire brigade service” substitute “Board’s functions”.

*The Merchant Shipping Act 1995 (c. 21)*

21. In section 135(1) of the Merchant Shipping Act 1995 (restrictions on transfer of oil at night), for “fire brigade” substitute “the Northern Ireland Fire and Rescue Service Board or other employer of fire-fighters”.

*The Gas (Northern Ireland) Order 1996 (NI 2)*

22. In Article 60 (fire authority etc. to be notified of certain pipe-line accidents), in paragraph (1), for the words “the Fire Authority for Northern Ireland”, and in paragraph (2) for the words “the Fire Authority”, substitute “the Northern Ireland Fire and Rescue Service Board”.

*The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)*

23. In Article 42(1) (exemption for fire engines, etc.) for the words “fire brigade,” substitute “fire and rescue.”

*The Capital Allowances Act 2001 (c. 2)*

24. In section 29 (allowances for fire safety)–

- (a) omit subsections (2) to (6); and
- (b) after subsection (1) insert–

“(1A) In relation to Northern Ireland, a person takes required fire precautions in respect of premises if–

- (a) he has been served with a notice under Article 36 of the Fire and Rescue Services (Northern Ireland) Order 2006 (prohibition notices) in respect of the premises specifying matters giving rise to a risk of a kind mentioned in paragraph (2) of that Article, and
- (b) he takes steps to remedy the matters specified in the prohibition notice.”.

*The Safety of Sports Grounds (Northern Ireland) Order 2006*

25. In Article 2(2) (interpretation), for the definition of “the Fire Authority” substitute ““the Fire and Rescue Service Board” means the Northern Ireland Fire and Rescue Service Board”.

26. In Article 5 (contents of safety certificates) after paragraph (3) insert–

“(3A) No condition of a safety certificate shall require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.”.

27. In Articles 6 to 10, 15 to 17 and 23, for the words “Fire Authority” in each place where they occur substitute “Fire and Rescue Service Board”.

28. In Article 7 (amendment etc. of certificates)–

- (a) after paragraph (1) insert–

“(1A) The council shall, if it appears to the council that a safety certificate would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it, amend the safety certificate by notice to its holder; but nothing in this paragraph shall be taken to require the council to take any action unless it is aware of any such inconsistency between a safety certificate and that Part.”;

- (b) in paragraph (4) after “(1)(a)” insert “or (1A)”.

29. After Article 7 insert–

“Safety certificates: fire safety

7A. A safety certificate has no effect to the extent that it would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.”.

30. In Article 14 (contents of safety certificates for stands) after paragraph (3) insert–

“(3A) No condition of a safety certificate shall require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.”.

**31.** In Article 16 (amendment etc. of certificates)–

(a) after paragraph (1) insert–

“(1A) The council shall, if it appears to the council that a safety certificate would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it, amend the safety certificate by notice to its holder; but nothing in this paragraph shall be taken to require the council to take any action unless it is aware of such an inconsistency between a safety certificate and that Part.”;

(b) in paragraph (4) after “(1)(b)” insert “or (1A)”.

**32.** After Article 16 insert–

“Safety certificates: fire safety

**16A.** A safety certificate has no effect to the extent that it would require a person to contravene any provision of Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 or regulations made under it.”.

**33.** In Article 21(3) (exclusion of other statutory requirements)–

(a) omit sub-paragraph (b); and

(b) in sub-paragraph (c) for “those terms and conditions” substitute “the terms and conditions of the safety certificate”.