

Sealed with the Official Seal of the Ministry of Public Security for Northern Ireland this 14th day of February, 1941, in the presence of

(L.S.)

W. A. B. Iliff,
Secretary.

THE FIRE PREVENTION (BUSINESS PREMISES) (NORTHERN IRELAND) (No. 2) ORDER, 1941, DATED 13TH NOVEMBER, 1941, MADE BY THE MINISTRY OF PUBLIC SECURITY FOR NORTHERN IRELAND UNDER REGULATION 27A OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1941. No. 188.

WHEREAS by the Delegation of Emergency Powers (Northern Ireland) Order, 1941 (a), made on January 23, 1941, by the Secretary of State under Regulation 102A (1) of the Defence (General) Regulations, 1939 (b), the Secretary of State delegated his powers as respects Northern Ireland under Regulation 27A of the said Regulations to the Ministry of Public Security for Northern Ireland :

Now, THEREFORE, the Ministry of Public Security for Northern Ireland, in pursuance of the powers so delegated to it and of all other powers enabling it in that behalf, hereby orders as follows :—

1.—This order shall apply to all business premises situated in any such area as may be prescribed, and to all such other business premises as may be prescribed :

Premises to which order applies.

Provided that this order shall not apply to any premises occupied by any person partly as his dwelling-house and partly for the purpose of his business, trade or profession, except premises occupied partly as a shop.

2.—(1) Subject to the provisions of this order, every occupier of premises to which this order applies shall make proper and adequate arrangements for the purpose of securing that fires occurring at the premises as the result of hostile attack will be immediately detected and combated.

Obligation of occupiers to make arrangements

(2) The occupiers of several premises to which this order applies, being adjoining or neighbouring premises or premises in the same building, may make joint arrangements for those premises.

(3) Where several premises to which this order applies are occupied by the same occupier, whether or not they are adjoining or neighbouring premises or premises in the same building, the occupier may make combined arrangements for those premises :

(a) S. R. & O., (U.K.) 1941, No. 102.

(b) S. R. & O., (U.K.) 1939, No. 927.

Provided that no person shall be required under the arrangements without his consent to perform fire prevention duties at any premises which are more than two miles from the premises at which he works.

Procedure
for making
and
approving
arrangements

3.—(1) Every occupier of premises to which this order applies shall consult with the persons working at the premises or with their representatives with respect to the arrangements to be made under this order for those premises and the manner in which the arrangements are to be carried out, and, in so far as any such persons have trade union representatives, they shall be entitled to be represented by those representatives.

(2) Every such occupier shall, within twenty-one days from the date on which this order applies to the premises, notify in writing to the appropriate authority the arrangements made by him for the premises under this order, and the notification shall include a statement by the occupier that he has complied with the last foregoing paragraph, and, in a case where he has consulted representatives, a list of the names of those representatives.

(3) On or before the date on which any such arrangements are notified to the appropriate authority, the occupier—

(a) in a case where he has consulted representatives, shall send or deliver to every representative a copy of the arrangements as so notified ;

(b) in a case where any of the persons working at the premises have not been represented by representatives, shall in addition to his obligation, if any, under the foregoing sub-paragraph cause copies of the arrangements to be displayed at the premises or otherwise made available for inspection at the premises by those persons ;

and representations with respect to the arrangements may be made in writing to the appropriate authority by any representative who has been consulted or by any person working at the premises who has not been represented by a representative.

(4) The appropriate authority may approve, with or without modifications, any such arrangements notified to it, or may disapprove any such arrangements, but the appropriate authority shall not approve or disapprove them before the expiration of seven days from the date on which the arrangements were notified to it and shall, before approving or disapproving the arrangements, consider any representations made to it under the last foregoing paragraph within the said period, and shall notify its approval or disapproval in writing to the occupier and to any persons who have made representations within the said period :

Provided that if, in a case where representations have been made to it within the said period, the appropriate authority considers it necessary

or expedient that the arrangements should be carried out forthwith, the authority may, before it has considered or fully considered the representations, provisionally approve the arrangements, with or without modifications, and notify its provisional approval in writing to the occupier and to the persons who have made the representations.

(5) Where any such arrangements have been provisionally approved under the last foregoing paragraph, the appropriate authority shall without delay consider, or complete its consideration of, the said representations and shall, not later than the expiration of one month from the date on which it notified its provisional approval or of such further periods, not exceeding one month in any case, as it may from time to time notify in writing to the occupier and the persons who have made the said representations, finally approve, with or without modifications, or disapprove the arrangements and shall notify its approval or disapproval accordingly :

Provided that if the appropriate authority is a local authority and, at the expiration of two months from the date on which its provisional approval was notified, it has not notified its final approval or disapproval, the occupier of the premises or any of the persons who have made the said representations may make an application in writing to the Ministry and the Ministry may require the appropriate authority to refer the arrangements to it.

Where an application is made to the Ministry under this paragraph the person making the application shall, on the day on which he makes it, send or deliver a copy thereof to the appropriate authority.

(6) Where any such arrangements have been approved, otherwise than provisionally, by an appropriate authority which is a local authority, the occupier or any of the persons who made representations within the period mentioned in paragraph (4) of this article may, within seven days from the date on which he was notified of the approval, appeal by notice in writing to the Ministry, and shall, within the said period, send or deliver a copy of the notice to the appropriate authority.

(7) Where any such arrangements after being provisionally approved are referred to the Ministry, or an appeal is made to the Ministry from the final approval of any such arrangements, the Ministry shall either—

(a) finally approve the arrangements, whether in the form in which they were approved by the appropriate authority (provisionally or otherwise) or in a modified form ; or

(b) disapprove the arrangements ;

and shall notify its decision in writing to the appropriate authority, the occupier and any persons who made representations within the period mentioned in paragraph (4) of this Article.

(8) The appropriate authority or Ministry may, before reaching a final decision with respect to any such arrangements, refer the arrangements back, either generally or as respects particular matters, for further consultation between the occupier of the premises to which the arrangements relate and the persons working at the premises or their representatives, and may direct that a representative of the authority or of the Ministry, as the case may be, shall take part in the consultation, and the occupier may, as the result of the further consultation, amend the arrangements for the premises and notify them in writing as amended to the appropriate authority or to the Ministry, as the case may be, and paragraphs (3) to (7) of this Article shall apply in relation to the amended arrangements subject to the modification that, in a case where they are notified to the Ministry, for the references to the appropriate authority there shall be substituted references to the Ministry and the provisions relating to references and appeals to the Ministry shall not apply.

(9) Where any such arrangements have been approved by the appropriate authority under this Article (whether provisionally or finally), they shall come into force as from a date specified by the authority when notifying the approval to the occupier not being less than three days after the date on which it was so notified, and if the arrangements are subsequently disapproved or approved in a modified or amended form under this Article, the arrangements shall cease to be in force or, as the case may be, shall have effect in the modified or amended form, as from a date specified by the authority or the Ministry when notifying the approval or disapproval to the occupier not being less than three days after the date on which it was so notified.

(10) While any arrangements for any premises are for the time being in force under this order, the occupier of the premises shall cause copies thereof to be displayed at the premises or otherwise made available for inspection at the premises by the persons working at the premises.

(11) Arrangements approved under this Article for any premises shall not be deemed to be invalid on the ground that the persons working at the premises or their representatives were not consulted in accordance with this Article, if it is shown that the occupier of the premises took reasonable steps to obtain the views of those persons or their representatives with respect to the arrangements and the manner in which they were to be carried out, and that they refused or neglected to discuss or express any views on the matters aforesaid.

Obligations
of persons
working at
premises.

4.—(1) It shall be the duty of all male persons working at premises for which arrangements are in force under this order other than voluntary arrangements, being British subjects of the prescribed age, to perform such fire prevention duties as may be allotted to them under the arrangements :

Provided that—

- (a) any such person may, in accordance with any order under Regulation twenty-seven A of the Defence (General) Regulations, 1939, for the time being in force, apply to the tribunal mentioned in that order for exemption from all or any of the said duties on the ground that he is medically unfit to perform them, or that it would be an exceptional hardship for him to be required to perform them, and the tribunal may grant such exemption in accordance with the said order ;
- (b) any such person shall be exempted from the said duties if and so long as he works at any other premises for which arrangements are in force under this order and performs outside his working hours duties allotted to him under those arrangements to the extent of the periods of his performance of such duties ;
- (c) the following persons shall be exempted from the said duties, namely, members of the Ulster Home Guard, members of the Royal Ulster Constabulary and Ulster Special Constabulary and persons of such classes as may be prescribed ;
- (d) a fireman who holds a certificate from a local authority that, at the time when the certificate was issued, he was performing duties as a fireman for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from duties under this order so long as he continues to perform duties as a fireman for such periods ;
- (e) a person who holds a certificate from a local authority that on the first day of October, nineteen hundred and forty-one, he had undertaken to perform civil defence duties in the area of that authority and was performing those duties for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from the said duties so long as he continues to perform civil defence duties for such periods whether in that area or in the area of any other local authority ;
- (f) the appropriate authority may, by a direction given to the occupier of the premises, exempt from the said duties wholly or partly—
 - (i) persons who appear to that authority to be engaged upon vital work for exceptionally long hours ; and
 - (ii) persons engaged upon such duties as may be specified in the direction, being duties undertaken to forestall or mitigate hostile attacks on the premises ;
- (g) when it appears to any government department that any person ought, owing to the nature or length of hours of his work or any circumstances affecting the public interest, to be exempted

from the said duties, that department may grant to him a certificate of exemption, and any person who holds such a certificate shall be exempted from the said duties.

- (h) Where it appears to an appropriate authority that any person ought, in the public interest, to be exempted from the said duties, the authority may make representations accordingly to the Ministry, and the Ministry may, if it thinks fit, grant to that person a certificate of exemption and any person who holds such a certificate shall be exempted from the said duties.

(2) Where there are in force under this order for any premises arrangements the duties under which, in so far as they are to be performed by persons working at the premises, are to be performed by such of those persons as have voluntarily agreed to perform them (in this order referred to as "voluntary arrangements"), the last foregoing paragraph shall not apply to those premises.

(3) Where arrangements are in force under this order for any premises whether the arrangements are voluntary arrangements or not it shall be the duty of every person, whether or not he is working at those premises who has agreed to perform the duties allotted to him under the arrangements, to perform those duties, unless he has given not less than seven days' notice in writing determining his services and the said period has expired.

(4) For the purposes of this order a person shall be deemed to work at premises if, for the purposes of the business, trade or profession as carried on at those premises, he works wholly or partly within the prescribed area in which the premises are situated.

Particular
matters to
be secured
by
arrangements

5.—(1) All arrangements made under this order shall so far as practicable secure that—

- (a) an adequate number of persons for the purpose of discharging fire prevention duties at the premises are available at all times ;
- (b) there are allotted to those persons specified fire prevention duties, and they receive sufficient instruction to enable them to perform those duties ;
- (c) adequate equipment, including helmets, to enable the said duties to be discharged is at all times available at the premises.

(2) All arrangements made under this order, other than voluntary arrangements, shall, as respects the persons who are required by virtue of paragraph (1) of the last foregoing Article to perform fire prevention duties allotted to them under the arrangements, secure that—

- (a) the periods for which the said duties are required to be performed by any such person outside his working hours do not in the aggregate exceed forty-eight hours in each period of four weeks ;

- (b) the said duties are so far as possible shared equally among all such persons ;
- (c) the amount of any additional travelling expenses reasonably incurred by any such person in consequence of the arrangements is re-imbursed ;
- (d) subsistence allowances of the following amounts are paid to every such person—
 - (i) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period not exceeding twelve hours, three shillings ;
 - (ii) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding twelve hours but not exceeding eighteen hours, four shillings and sixpence ;
 - (iii) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding eighteen hours but not exceeding twenty-four hours, six shillings.

Provided that no subsistence allowances shall be payable under sub-paragraph (d) of this paragraph to any person unless the performance of the said duties requires that person to be absent from his usual place of residence.

For the purposes of sub-paragraph (d) of this paragraph a person who performs the said duties outside his working hours for a continuous period exceeding twenty-four hours shall be deemed, after the completion of twenty-four hours, to perform the said duties on a new occasion.

(3) Save as is provided by the last foregoing paragraph, no such person as is referred to therein shall be entitled to any remuneration for the performance of the said duties outside his working hours.

(4) It shall be the duty of the occupier of any premises for which arrangements are in force under this order to provide and maintain at the premises, for persons performing outside their working hours fire prevention duties allotted to them under the arrangements, proper and adequate sleeping accommodation, bedding, sanitary conveniences and facilities for washing.

6.—The occupier of any premises to which this order applies may, within twenty-one days from the date on which this order applies to the premises, report in writing to the appropriate authority that he is unable to make arrangements for the premises under this order, stating the grounds of his inability, and, if the appropriate authority is satisfied that he is unable to make the said arrangements, it shall notify him in writing accordingly, and he shall thereupon be relieved from his obligation to make and notify arrangements for those premises under this order.

Powers of appropriate authority in default of occupier's arrangements

- 7.—(1) If the occupier of any premises to which this order applies—
- (a) fails, within twenty-one days from the date on which this order applies to the premises, to notify in writing to the appropriate authority arrangements for those premises, whether or not he reports inability to do so under the last foregoing Article ; or
 - (b) is notified in writing by the appropriate authority or the Ministry that arrangements notified by him, otherwise than under the next following Article, are disapproved ;

the appropriate authority may itself make for the premises the arrangements required by this order, and shall notify the arrangements in writing to the occupier of the premises and shall give such directions as to the manner of carrying out the arrangements as it considers necessary, and the arrangements shall come into force as from a date specified by the authority when notifying the arrangements to the occupier, not being less than three days after the date on which the arrangements are so notified.

(2) In exercising their powers under the last foregoing paragraph as respects several premises, being adjoining or neighbouring premises or premises in the same building, the appropriate authority may make joint arrangements for those premises.

(3) Nothing in this Article shall prejudice any criminal proceedings against any occupier of premises for any failure to make and notify arrangements for the premises in accordance with this order.

Amendment and substitution of arrangements

8.—(1) The occupier or occupiers of premises for which arrangements are in force under this order may at any time notify in writing to the appropriate authority amendments of the arrangements and, if that authority approves the amendments, whether with or without modifications, the arrangements shall be amended accordingly.

(2) The appropriate authority may at any time, by notice in writing served on the occupier or occupiers of premises for which arrangements are in force under this order, amend those arrangements.

(3) The occupier of any premises to which this order applies, whether single premises or several premises occupied by him, or the occupiers of several premises to which this order applies, being adjoining or neighbouring premises or premises in the same building, may at any time notify in writing to the appropriate authority arrangements for the single premises, or, as the case may be, combined or joint arrangements for the several premises, to take effect in substitution for any arrangements previously in force for the premises or any of the premises.

(4) The appropriate authority may at any time give a direction in writing to the occupiers of several premises to which this order applies, being adjoining or neighbouring premises or premises in the same building to make joint arrangements for those premises, in substitution for any arrangements previously in force for the premises or any of the

premises, and to notify the arrangements in writing to the authority within twenty-one days from the date of the direction, and, if the occupiers fail to notify the arrangements as aforesaid or if the arrangements are disapproved, the appropriate authority may itself make joint arrangements for the premises, in substitution for any arrangements previously in force for the premises or any of the premises, and shall notify the arrangements in writing to the occupiers thereof.

(5) The persons working at any premises for which arrangements are in force under this order, or the representatives of those persons, may represent to the occupier or occupiers of the premises that the arrangements ought to be amended, and the occupier or occupiers shall consider any such representations with a view to exercising his or their powers under this Article, and, if the occupier refuses or the occupiers refuse to amend the arrangements, the persons working at the premises or their representatives may make representations in writing to the appropriate authority that the arrangements ought to be amended, and the appropriate authority shall consider those representations with a view to exercising its powers under this Article.

(6) Where any arrangements are amended by the appropriate authority, or any new arrangements are made by the appropriate authority, under this Article, it shall give such directions as to the manner of carrying out the arrangements as it considers necessary and the amendments or new arrangements shall come into force as from a date specified by the appropriate authority when notifying the amendments or arrangements to the occupier not being less than three days after the date on which they are so notified.

(7) Where any new arrangements are made under this Article for any premises, any arrangements previously in force for those premises shall—

- (a) if they only applied to those premises, cease to be in force as from the date on which the new arrangements come into force ;
- (b) if they also applied to other premises, apply to those other premises only as from the said date.

(8) The occupier of any premises for which arrangements are in force under this order may at any time report in writing to the appropriate authority that he is unable either to carry out the arrangements or to notify any practicable amendments thereof or arrangements in substitution therefor, stating the ground of his inability, and, if the appropriate authority is satisfied as to his inability, it shall serve a notice in writing on the occupier stating that it is so satisfied ; and thereupon the arrangements shall cease to be in force, and the powers of the appropriate authority under the last foregoing Article shall be exercisable in like manner as if the occupier had failed to notify any arrangements for the premises under this order.

Procedure for amendment of arrangements or substitution of new arrangements and for exercise of default powers.

9.—(1) Article 3 of this order shall apply (so far as applicable) in relation to the making by the occupier or occupiers of premises of amendments of arrangements or new arrangements under the last foregoing Article, and to their approval or disapproval, in like manner as it applies in relation to the original making and approval or disapproval of arrangements under this order.

(2) Where arrangements for any premises are made under either of the last two foregoing Articles, or are amended under the last foregoing Article, by an appropriate authority which is a local authority the occupier of the premises or any person working at the premises or any representative of any such person may, within fourteen days from the date on which the arrangements or amendments were notified to the occupier, appeal by notice in writing to the Ministry, and the Ministry may, on any such appeal, approve the arrangements or amendments, with or without modifications, or may disapprove them, and shall notify its decision in writing to the appropriate authority and the occupier of the premises and, if the appeal was brought by any other person, to that person; and, if the arrangements or amendments are modified or disapproved, they shall have effect in the modified form or, as the case may be, shall cease to be in force, as from a date specified by the Ministry when notifying its decision to the occupier, not being less than three days after the date on which the decision was notified.

(3) Where a direction in writing is given under paragraph (4) of the last foregoing Article by an appropriate authority which is a local authority, the occupier of any of the premises affected may, within seven days from the date on which the direction was given, appeal by notice in writing to the Ministry, and the Ministry may, on any such appeal, confirm, revoke, or modify the direction, and shall notify its decision in writing to the appropriate authority and the occupier of the premises.

Obligation of occupiers to carry out arrangements

10.—(1) It shall be the duty of the occupier of any premises for which arrangements are in force under this order, to carry out those arrangements, whether or not they were made by him, and notwithstanding that he has been relieved from any obligation to make arrangements for the premises under this order; and, for the avoidance of doubt in cases where arrangements are made by the appropriate authority, it is hereby declared that the duty of the occupier includes the duty of providing equipment to be available at the premises, and providing and maintaining sleeping accommodation, bedding, sanitary conveniences and facilities for washing, in accordance with Article 5 of this order.

(2) It shall be the duty of the occupier of any premises for which arrangements are made or amended by the appropriate authority to comply with any directions given by the authority as to the manner in which the arrangements are to be carried out.

(3) Where joint arrangements are made for any premises by the appropriate authority, the authority may, in default of agreement between the occupiers of the several premises, give directions apportioning among those occupiers the expenses of carrying out the arrangements and providing and maintaining sleeping accommodation, bedding, sanitary conveniences and facilities for washing in accordance with Article 5 of this order.

(4) If the occupier of any premises fails to carry out any arrangements in force under this order for the premises or to provide and maintain sleeping accommodation, bedding, sanitary conveniences and facilities for washing in accordance with Article 5 of this order, the appropriate authority may itself carry out the arrangements and recover from the occupier summarily as a civil debt any expenses thereby incurred by the authority :

Provided that nothing in this paragraph shall prejudice any criminal proceedings for any such failure.

(5) In any criminal proceedings against the occupier of any premises for failing to carry out any such arrangements, it shall be a defence for him to prove—

- (a) that, before the institution of the proceedings, he made, under paragraph (8) of Article 8 of this order a report in writing to the appropriate authority of his inability to carry out the arrangements or to submit any practicable amendments thereof or new arrangements in substitution therefor ; and
- (b) either that he has been notified by the appropriate authority that it is satisfied as to his said inability or that he has not been notified by the said authority that it is not so satisfied.

11.—(1) Arrangements approved under this order or under the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, (a) shall not be treated as invalid by reason of the fact that they were notified to the appropriate authority after the expiration of the period specified in Article 3 of this order or, in the case of arrangements notified before the coming into operation of this order, the period specified in Article 2 of the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941.

(2) In any criminal proceedings under this order in relation to any premises, the production of a document purporting to be a copy of the arrangements for the time being in force under this order for those premises at the time specified in the document, and to be signed by or on behalf of the appropriate authority for those premises, shall be sufficient evidence that those arrangements were so in force at the time unless the contrary is shown.

(a) S. R. & O. of N.I., 1941, No. 34.

Power to
obtain
information.

12.—(1) The appropriate authority may from time to time by notice in writing require the occupier of any premises to which this order applies, to furnish such information as may be specified in the notice being information relating to arrangements in force for the premises or information required in connection with the making or amendment of arrangements for the premises, and in particular may require him to furnish the names and addresses of all male persons working at the premises, being British subjects of the prescribed age, and the numbers specified on the identity cards issued to those persons under the National Registration Act, 1939, and to state which of those persons are exempted under Article 4 of this order.

2 & 3 Geo. 6,
c. 91.

(2) It shall be the duty of all persons working at any premises to which this order applies to furnish to the occupier of the premises such information as he may require for the purpose of complying with any notice served on him under this Article.

Change of
occupation
of premises,
etc.

13.—(1) Where after the date on which this order applies to any premises, not being premises for which, in conjunction with other premises, joint arrangements are in force under this order, a new occupier comes into occupation of the premises, any arrangements in force for the premises under this order shall cease to be in force, and this order shall have effect in relation to those premises as if for any reference to the date on which it applies thereto there were substituted a reference to the date on which the new occupier comes into occupation:

Provided that the new occupier may, within seven days of coming into occupation of the premises, notify in writing to the appropriate authority that the change of occupation does not involve any substantial change in the use of the premises or in the persons working thereat, and, unless the appropriate authority otherwise directs any arrangements in force for those premises shall continue in force.

(2) Where a new occupier comes into occupation of any premises for which joint arrangements are in force under this order, the joint arrangements shall continue to apply to those premises, notwithstanding the change of occupation, but without prejudice to the provisions of this order relating to the amendment of arrangements and the substitution of new arrangements.

(3) Where any premises situated in an area prescribed under Article 1 of this order or Article 1 of the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, were not business premises at the date when the area was so prescribed but subsequently become business premises after the coming into operation of this order, this order shall apply to those premises as from the date on which they become business premises.

(4) Where this order or the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, has applied to any premises situated

in such an area as aforesaid but has ceased to apply by reason that the premises have ceased to be business premises, then, if the premises again become business premises after the coming into operation of this order, this order shall apply to those premises as from the date when they again become business premises.

(5) Where premises situated in an area prescribed under Article 1 of the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, were not business premises at the date when the area was prescribed, or subsequently ceased to be business premises, but are business premises at the date when this order comes into operation, this order shall apply to those premises as from the date when it comes into operation :

Provided that this paragraph shall not apply in a case where arrangements have been approved for the premises under the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, and are being carried out at the date of the coming into operation of this order, and the said arrangements shall have effect as if they had been made under this order.

14.—(1) Subject to the provisions of this Article, the appropriate authority for the purposes of this order shall be— Appropriate authority.

- (a) in relation to any local government premises, and to any factory premises or commercial premises forming part of any railway, canal, inland navigation, dock or harbour undertaking, electricity, gas or water undertaking, the Ministry ;
- (b) in relation to any factory premises or commercial premises as respects which any government department has assumed responsibility for passive air defence, that department ;
- (c) in relation to any factory premises or commercial premises other than those aforesaid, as respects which the Ministry designates a government department as the appropriate authority, that department ;
- (d) in relation to any factory premises in which more than thirty persons work, not being premises previously mentioned in this paragraph, the Ministry of Labour for Northern Ireland ;
- (e) in relation to any factory premises or commercial premises, not being premises previously mentioned in this paragraph, the council of the county district in which the premises are situated, or if they are situated in the City of Belfast, the Belfast Civil Defence Authority, or if they are situated in the City of Londonderry, the Londonderry Civil Defence Authority ;

Provided that—

- (i) any joint or combined arrangements for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this

Article, may be notified to any one of those authorities and, with the consent of the remainder of those authorities, approved by the authority to which they are notified;

- (ii) arrangements may be made, and directions may be given, under Article 7 or Article 8 of this order, as respects several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, by any one of those authorities, with the consent of the remainder of those authorities ;
- (iii) a report may be made under paragraph (8) of Article 8 of this order as respects joint or combined arrangements for several premises, in relation to which different authorities are the appropriate authorities by virtue of the foregoing provisions of this Article, to that one of those authorities by which the arrangements were approved or made, and that authority may take any action required or authorised by this order to be taken on the report ;
- (iv) the appropriate authority for any premises may, for the purpose of administrative efficiency, agree to the exercise by another authority mentioned in the foregoing provisions of this paragraph of functions in relation to any premises.

(2) If any doubt or dispute arises as to which authority is the appropriate authority for any premises, it shall be referred to the Ministry whose decision shall be final.

(3) Any appropriate authority may, to such extent and subject to such conditions as it thinks proper, delegate all or any of its functions under this order to any specified persons or class of persons.

Provided that this paragraph shall not apply to any appropriate authority which is a local authority, without prejudice to any power of that authority to delegate any of its functions to a committee.

(4) Any appropriate authority, other than a local authority, may direct that all or any of its powers under Articles 7, 8, and 10 of this order shall, to such extent and subject to such conditions as may be specified in the directions, be exercised by the council of the county district in which the premises are situated, or if they are situated in the City of Belfast, the Belfast Civil Defence Authority, or if they are situated in the City of Londonderry, the Londonderry Civil Defence Authority, and the council or the authority, as the case may be, shall thereupon to such extent and subject to such conditions become the appropriate authority in relation to the said premises.

(5) In this Article—

- (a) the expression "commercial premises" means any business premises, not being factory premises or local government premises ;

(b) the expression "factory premises" means any business premises being a factory within the meaning of section one hundred and fifty-seven of the Factories Act (Northern Ireland) 1938, or a dock, wharf or warehouse to which any of the provisions of that Act apply, but does not include any local government premises ;

(c) the expression "local government premises" means premises occupied by a local authority for the purpose of discharging any of its functions.

15.—(1) In this order the following expressions have the meanings respectively assigned to them; that is to say :—

"local authority" has the meaning assigned to it by Regulation one hundred of the Defence (General) Regulations, 1939, and includes any person or persons to whom the civil defence functions of any local authority are transferred by direction under Regulation twenty-nine A of those Regulations ;

"business premises," "fire prevention duties" and "working hours" have the same meanings as in Regulation twenty-seven A of those Regulations ;

"civil defence duties" has the same meaning as in Regulation twenty-six A of those Regulations ;

"the Ministry" means the Ministry of Public Security for Northern Ireland ;

"period of four weeks" means the period of four weeks beginning at noon on the first day of December, nineteen hundred and forty-one, and any period of four weeks beginning with a date exactly four weeks, or an exact multiple of four weeks, after the first-mentioned time ;

"prescribed" means prescribed by directions given by the Ministry.

"Shop" has the same meaning as in The Shops Act, 1912. 2 & 3 Geo. 5,
c. 3.

(2) For the purposes of this order, where joint arrangements or combined arrangements are in force under this order for several premises, all those premises shall be treated as if they were single premises, and in the case of joint arrangements each of the occupiers thereof shall be treated as if he were the occupier of all the said premises, and any reference in this order to the occupier of premises to which arrangements relate shall, unless the context otherwise requires, be construed as a reference to all the said occupiers.

16.—(1) Any arrangements made under the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, and in force immediately before the coming into operation of this order shall be deemed

to have been made and approved under this order and shall continue in force accordingly, and in the case of arrangements other than voluntary arrangements shall, without prejudice to the powers of amendment conferred by this order, be deemed to provide for the matters mentioned in sub-paragraphs (c) and (d) of paragraph 2 of Article 5 of this order except in so far as those matters are already otherwise provided for.

(2) Where any arrangements have been notified under the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, but have not been approved or disapproved at the date of the coming into operation of this order, paragraphs (3) to (7) of Article 3 of this order shall apply thereto subject to the following modifications, namely, that the occupier of the premises to which the arrangements relate shall comply with paragraph (3) of the said Article within seven days from the date on which this order comes into operation, and for the period mentioned in paragraph (4) thereof within which representations may be made there shall be substituted the period of fourteen days from the said date.

(3) Any approval, disapproval, notification, report, direction, exemption, application, certificate, delegation, or designation, given, made or effected under the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, shall be deemed to have been given, made or effected under the corresponding provisions of this order, and any direction applying the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, to business premises situated in any area or to any other business premises shall be deemed to apply this order to those premises :

Provided that no right of appeal under Article 3 of this order shall be exercisable in the case of arrangements approved under the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941.

(4) Where the appropriate authority has, at the date of the coming into operation of this order, power to make arrangements for any premises by reason of the failure of the occupier to make and notify arrangements for the premises within the period specified in Article 2 of the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, the said power shall be exercisable notwithstanding the revocation of that order; but subject to the like right of appeal as in the case of arrangements made by an appropriate authority under this order.

(5) References in any document to the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, or to any provision thereof shall be construed as references to this order or the corresponding provision thereof.

Short title. . . 17.—(1) This order may be cited as the Fire Prevention (Business Premises) (Northern Ireland) (No. 2) Order, 1941.

(2) This order shall come into operation on the first day of December, nineteen hundred and forty-one.

(3) The Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, (a) is revoked as from the date specified in sub-paragraph (2) of this Article.

(4) The Fire Watchers Order (Northern Ireland), 1941, (b) is hereby revoked in respect of any area prescribed under the Fire Prevention (Business Premises) (Northern Ireland) Order, 1941, and as respects any area prescribed under this order will cease to have effect as from the date on which such area is prescribed.

Sealed with the Official Seal of the Ministry of Public Security
this thirteenth day of November, nineteen hundred and
forty-one in the presence of

(L.S.)

W. A. B. Iliff,

Secretary.

Fire Watchers.

THE FIRE WATCHERS ORDER (NORTHERN IRELAND), 1941, MADE BY THE
MINISTRY OF PUBLIC SECURITY UNDER REGULATION 27A OF THE
DEFENCE (GENERAL) REGULATIONS, 1939.

1941. No. 8.

In pursuance of the powers conferred upon it by Regulation 27A of the Defence (General) Regulations, 1939, and by the Delegation of Emergency Powers (Northern Ireland) Order, 1940, the Ministry of Public Security for Northern Ireland hereby orders as follows:—

1.—(1) The occupier of any premises or any part of any premises to which this Order applies, situated in any of the areas specified in the Schedule to this Order, shall as hereinafter provided appoint a person or persons to act as fire watchers, and shall secure that a fire watcher or watchers, as the case may be, shall at all times be present on those premises or that part, as the case maybe, and be given equipment and all proper facilities for discharging the obligations imposed by Article 2 of this Order:

Provided that, if any two or more occupiers of different parts of the same premises so arrange, they may treat all the parts of the premises occupied by them, for the purposes of this Article, as if they were jointly occupied by all of them.

(a) S. R. & O. of N.I., 1941, No. 34.

(b) S. R. & O. of N.I., 1941, No. 8.