



# Fire Services Act 1947

## 1947 CHAPTER 41

An Act to make further provision for fire services in Great Britain; to transfer fire-fighting functions from the National Fire Service to fire brigades maintained by the councils of counties and county boroughs; to provide for the combination of areas for fire service purposes; to make further provision for pensions and other awards in respect of persons employed in connection with the provision of fire services; and for purposes connected with the matters aforesaid. [31st July 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Provision of fire services.*

#### **1 Provision of fire services.**

- (1) It shall be the duty of every fire authority in Great Britain to make provision for fire-fighting purposes, and in particular every fire authority shall secure—
- (a) the services for their area of such a fire brigade and such equipment as may be necessary to meet efficiently all normal requirements;
  - (b) the efficient training of the members of the fire brigade;
  - (c) efficient arrangements for dealing with calls for the assistance of the fire brigade in case of fire and for summoning members of the fire brigade;
  - (d) efficient arrangements for obtaining, by inspection or otherwise, information required for fire-fighting purposes with respect to the character of the buildings and other property in the area of the fire authority, the available water supplies and the means of access thereto, and other material local circumstances;
  - (e) efficient arrangements for ensuring that reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fires in the area of the fire authority;

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- (f) efficient arrangements for the giving, when requested, of advice in respect of buildings and other property in the area of the fire authority as to fire prevention, restricting the spread of fires, and means of escape in case of fire.
- (2) For the purposes of such arrangements as are mentioned in paragraph (d) of the last foregoing subsection, any member of a fire brigade maintained in pursuance of this Act shall, if authorised in writing by the authority maintaining the brigade, have the like powers of entering premises as are conferred upon authorised officers of councils by section two hundred and eighty-seven of the Public Health Act, 1936; and accordingly that Act shall have effect as if the references in that section to an authorised officer of a council included references to a member of a fire brigade authorised as aforesaid, and as if among the purposes specified in subsection (1) of that section there were included the purposes of carrying out such arrangements as aforesaid.
- (3) The Secretary of State may, after consultation with the Central Fire Brigades Advisory Council constituted under this Act, make regulations prescribing standards of efficiency with respect to any of the matters mentioned in subsection (1) of this section, and the standards may vary according to the requirements of, and the facilities available in, different kinds of locality; and any fire authority whose services are of a standard so prescribed shall, as respects the matter for which the standard is prescribed, be deemed to have complied with the provisions of subsection (1) of this section.

## **2 Arrangements for mutual assistance.**

- (1) It shall be the duty of fire authorities, so far as practicable, to join in the making of schemes (hereafter in this section referred to as "reinforcement schemes") for securing the rendering of mutual assistance for the purpose of dealing with fires occurring in the areas of authorities participating in a reinforcement scheme where either—
  - (a) it is necessary to supplement the services provided under the last foregoing section by the authority in whose area the fire occurs, or
  - (b) reinforcements at any fire can be more readily obtained from the resources of other authorities participating ' in the scheme than from those of the authority in whose area the fire occurs.
- (2) Any reinforcement scheme made under the last foregoing subsection shall be notified to the Secretary of State, and the Secretary of State may direct that any such scheme notified to him shall have effect subject to such modifications as may be specified in the directions.
- (3) Where in the case of any fire authorities no reinforcement scheme has been made, or it appears to the Secretary of State that any such scheme is no longer satisfactory, the Secretary of State may, after affording an opportunity to all fire authorities appearing to him to be concerned to make representations to him, make a reinforcement scheme for the authorities in question.
- (4) A reinforcement scheme may make provision for apportioning between the fire authorities concerned, in such proportions as may be specified by or under the scheme, expenses incurred in taking measures to secure the efficient operation of the scheme.
- (5) A reinforcement scheme may contain such provisions requiring uniformity of equipment as appear to the Secretary of State to be necessary for the purpose of ensuring that the fire brigades affected will be able to render efficient assistance in pursuance of the scheme.

- (6) Where a reinforcement scheme has come into operation, it shall be the duty of the fire authorities to whom the scheme applies to carry it into effect.
- (7) Any reinforcement scheme may be varied by a subsequent such scheme made in the like manner and subject to the like provisions.
- (8) A fire authority may enter into arrangements with persons (not being other fire authorities) who maintain fire brigades to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the provision by those persons of assistance for the purpose of dealing with fires occurring in the area of the authority where either—
  - (a) it is necessary to supplement the services provided by the authority under the last foregoing section, or
  - (b) reinforcements at any fire occurring in the area of the authority can be more readily obtained from the resources of the said persons than from the resources of the authority.
- (9) The Secretary of State may, for the purposes of his functions under this section, hold such public local inquiries as he thinks fit.

### **3 Supplementary powers of fire authorities.**

- (1) The powers of a fire authority shall include power—
  - (a) to provide accommodation for the fire brigade for their area and its equipment, including housing and other accommodation for members of the brigade and furniture reasonably required for such accommodation ;
  - (b) to pay to persons, riot being members of a fire brigade maintained in pursuance of this Act, who render services for fire-fighting purposes such rewards as the authority think fit;
  - (c) to provide and maintain fire alarms in such positions in any street or public place as they think proper, and to affix any such fire alarm to any wall or fence adjoining a street or public place;
  - (d) to employ the fire brigade maintained by them, or use any equipment so maintained, outside their area;
  - (e) to employ the fire brigade maintained by them, or use any equipment so maintained, for purposes other than fire-fighting purposes for which it appears to the authority to be suitable and, if they think fit, to make such charge as they may determine for any services rendered in the course of such employment or use.
- (2) Before exercising the powers conferred by paragraph (c) of the last foregoing subsection in relation to any trunk road a fire authority shall obtain the consent of the Minister of Transport, and before exercising those powers in relation to any road maintained by a highway authority, other than the Minister of Transport or the fire authority, they shall obtain the consent of the highway authority maintaining the road; and—
  - (a) without prejudice to the foregoing provisions of this subsection the said powers shall not be exercised in a county district except after consultation with the council of the county district,
  - (b) the said powers shall not be exercised except after consultation with the chief officer of police for the area in which the fire alarms are to be placed,

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- (c) nothing in the said paragraph (c) shall affect any privilege conferred on the Postmaster General by the Telegraph Act, 1869.
- (3) Before making any standing arrangements for the exercise of the powers conferred by paragraph (e) of subsection (1) of this section, a fire authority shall obtain the approval of the Secretary of State to the proposed arrangements unless they have been approved by the Minister in charge of any other Government department.
- (4) Save as expressly provided in this Act, a fire authority shall not make any charge for services rendered by the authority.
- (5) A fire authority may be authorised by the Minister of Health to purchase compulsorily any land, whether situate within or without the area of the authority, which is required by them for the purposes of their functions under this Act, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if this Act had been in force immediately before the commencement of that Act:

Provided that section two of that Act (which confers temporary powers for speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this Act.

#### *Fire Authorities.*

#### **4 County and county borough councils to be fire authorities.**

As from the appointed day the Fire Brigades Act, 1938, and any other enactment passed before the passing of this Act in so far as it confers on the council of a county district functions for fire-fighting purposes, shall cease to have effect, and the council of every county and county borough shall, subject to the provisions of this Act, be the fire authority for the area of the council:

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.

#### **5 Voluntary schemes for combination of fire authorities.**

- (1) If it appears to any two or more fire authorities that it is expedient that their areas should be combined for fire-fighting purposes, they may submit to the Secretary of State a scheme in that behalf (hereafter in this Act referred to as a " combination scheme ") and the Secretary of State may by order approve any combination scheme submitted to him.
- (2) Subject to the provisions of this Act, a combination scheme shall make provision with respect to the following matters, that is to say—
- (a) the constitution of an authority as the fire authority for the combined area and the establishment of a fire brigade therefor, the transfer to that brigade of members of fire brigades maintained by the constituent authorities and the appointment as first chief officer of the brigade established by the scheme of such person as may be specified therein ;

- (b) the payment of the expenses of the fire authority constituted by the scheme out of a combined fire service fund constituted in accordance with the provisions of the scheme;
- (c) the payment into the combined fire service fund, out of the local funds of the constituent areas, of contributions assessed in accordance with the provisions of the scheme for meeting liabilities imposed on that fund by or under the scheme;
- (d) the transfer to the fire authority constituted by the scheme of such property, rights and liabilities of the constituent authorities (being property, rights and liabilities held or incurred in connection with the provision of fire services, as may be determined by or under the scheme, or the use by the fire authority constituted by the scheme of any such property) the appointment of officers of that fire authority (including a clerk to that authority and a treasurer of the combined fire service fund) and the transfer to that authority of such officers of the constituent authorities as may be determined by or under the scheme;
- (e) the payment, by such authority and subject to such provisions as may be provided by the scheme, of compensation to persons employed by any of the constituent authorities who in consequence of the scheme or anything done thereunder suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments ;
- (f) in the case of persons who, having immediately before the coming into operation of the scheme been chief officers of fire brigades maintained by any of the constituent authorities, do not on the coming into operation thereof become chief officer of the fire brigade established by the scheme, for the payment in lieu of compensation under the last foregoing paragraph of emoluments, and of pensions, gratuities or allowances, of such amounts, subject to such conditions, and by such authority as may be provided by the scheme,

and may provide for any other matters incidental to or consequential on the provisions of the scheme.

## **6 Power of Secretary of State to make combination schemes.**

- (1) Subject to the provisions of this section, if it appears to the Secretary of State that it is expedient in the interests of efficiency that a combination scheme should be made for the areas of any two or more fire authorities, and no scheme satisfactory to him has been submitted to him by the fire authorities for those areas under the last foregoing section, the Secretary of State may for that purpose by order make such, scheme as he considers expedient, and the provisions of subsection (2) of the last foregoing section shall apply in relation to any such scheme as they apply in relation to a scheme made under that section :

Provided that where the population of a county or county borough, as estimated by the Registrar General, is one hundred thousand or upwards, then except with the consent of the council of the county or borough no scheme shall be made by the Secretary of State under this section for the combination of the county or borough with any area or areas of a fire authority or authorities of which the population or aggregate population, as so estimated, exceeds that of the county or borough.

- (2) Where the Secretary of State proposes to make a scheme under this section, he shall give to the fire authorities concerned notice of the general nature of the proposed scheme; and unless those authorities give him notice that they assent thereto, he 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.

- (3) The Secretary of State shall lay before each House of Parliament a draft of any scheme proposed to be made by him under this section, and, where a local inquiry has been held under this section 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 scheme is laid before it resolves that the scheme be not made, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft scheme.

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.

## **7 Appointment of joint committees by fire authorities.**

- (1) A joint committee under section ninety-one of the Local Government Act, 1933, shall not be appointed for the purposes of this Act without the prior approval of the Secretary of State.
- (2) For the avoidance of doubt it is hereby declared that a combination scheme may be submitted and approved under section five of this Act or may be made under section six thereof notwithstanding that a joint committee under the said section ninety-one has been appointed for fire service purposes for all or some of the areas in respect of which the combination scheme is submitted or made.

## **8 Constitution and powers of fire authorities constituted by combination schemes.**

- (1) A fire authority constituted by a combination scheme shall consist of such representatives of each of the constituent areas as may be prescribed by the scheme, and every such authority shall be a body corporate by such name as may be prescribed by the scheme with a common seal and with power to hold land without licence in mortmain.
- (2) Provision may be made by a combination scheme for applying in relation to the constitution and proceedings of the fire authority thereby constituted, and in relation to the officers of that authority, any of the provisions of Parts II to IV of the Local Government Act, 1933 (which contain general provisions as to members, committees and officers of local authorities), subject to such modifications as may be prescribed by the scheme.
- (3) The Acquisition of Land (Authorisation Procedure) Act, 1946, and the provisions of the Local Government Act, 1933, with respect to the acquisition of land by agreement and the appropriation and disposal of land shall apply to fire authorities constituted by combination schemes as they apply to fire authorities being councils of counties or county boroughs, and accordingly references in the said Act of 1946 and the said provisions of the said Act of 1933 to local authorities shall include references to fire authorities constituted by combination schemes.
- (4) For the purposes of the discharge of their functions under a combination scheme, the fire authority constituted by the scheme shall have the powers of the council of a county or county borough in relation to the borrowing of money for fire service purposes, and the provisions of Part IX of the Local Government Act, 1933, and of any

other enactment relating to the borrowing of money by local authorities shall apply accordingly, subject to such adaptations and modifications as may be prescribed by the scheme.

- (5) The accounts of every fire authority constituted by a combination scheme shall be subject to audit by a district auditor under Part X of the Local Government Act, 1933.
- (6) A fire authority constituted by a combination scheme may, if so authorised by the scheme, make arrangements with any constituent authority for the use by the fire authority of the services of officers and servants of the constituent authority and for the making of contracts and payments on behalf of the fire authority by the constituent authority.
- (7) The Local Government Superannuation Act, 1937, shall have effect as if a fire authority constituted by a combination scheme were included among the local authorities specified in Part I of the First Schedule to that Act, and in relation to contributory employees of such a fire authority the appropriate superannuation fund for the purposes of that Act shall be such fund as may be determined by or under the scheme.
- (8) For the purposes of section five 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 fire authority constituted by a combination scheme shall be deemed to be a local authority.

## **9 Amendment and revocation of combination schemes.**

- (1) A combination scheme approved or made under section five or section six of this Act may be amended or revoked by a subsequent scheme approved or made under those sections, and the foregoing provisions of this Act shall, so far as applicable, have effect in relation to any such amending or revoking scheme subject to any necessary modifications and to the following provisions of this section.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, provision may be made by any such subsequent scheme—
  - (a) for the division of the combined area into any two or more areas for the purposes of this Act, being either counties or county boroughs or combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of the area of any other fire authority;
  - (b) for the dissolution of any fire authority constituted by the original scheme, and the winding-up of any combined fire service fund established thereunder, or for the reconstitution of any such authority or fund;
  - (c) for the transfer or re-transfer to such fire brigades as may be determined by the subsequent scheme of members of the fire brigade established by the original scheme;
  - (d) for the transfer or re-transfer to such authorities as may be determined by the subsequent scheme of any officers, property, rights or liabilities of the fire authority constituted by the original scheme;
  - (e) for any other matters incidental to or consequential on the provisions of the subsequent scheme.
- (3) The authority or authorities by whom a scheme for the amendment or the revocation of a combination scheme or schemes may be submitted to the Secretary of State under subsection (1) of section five of this Act shall be the fire authority or authorities

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constituted by the scheme or schemes to be amended or revoked, together, in the case of an amending scheme which provides for the inclusion in a combined area of the area of a fire authority other than one constituted by a combination scheme, with that fire authority; and references to fire authorities in subsection (1) of section five of this Act shall be construed accordingly.

- (4) The authorities to whom, under subsection (2) of section six of this Act, notice must be given by the Secretary of State of a scheme proposed to be made by him for the amendment or revocation of a combination scheme or schemes shall be the authority or authorities by whom a scheme for that purpose might have been submitted by virtue of the last foregoing subsection, and the council of any county and the council of any county borough comprised in the combined area constituted by the original scheme or schemes.

## **10 Power to make schemes in advance of alterations of local government areas.**

If an order is made under the Local Government (Boundary Commission) Act, 1945, constituting any area as a new county or county borough as from a date specified in the order, a combination scheme may be made under this Act with respect to that area before that date but so as to come into operation on or after that date; and in relation to such a scheme the provisions of this Act shall apply subject to any necessary modifications and as if for references to the fire authority there were substituted references to the fire authority for any county, county borough or combined area of which the whole or any part is to be comprised in the new county or county borough.

## **11 Adaptation of local Acts relating to fire services.**

- (1) Where, by any local Act in force with respect to an area of any local authority which ceases to be a separate authority for fire-fighting purposes by virtue of this Act or of a scheme thereunder, provision is made for conferring or imposing special powers or duties on persons employed for such purposes by that authority, the Secretary of State may by order adapt the local Act so far as appears to him to be necessary or expedient for the purpose of the exercise or performance of those powers or duties by persons so employed by the fire authority for the county comprising that area, or for the combined area, as the case may be:

Provided that nothing in this subsection or in any order made in accordance therewith shall be construed as extending the area within which or the matters in relation to which any such powers or duties as aforesaid are authorised or required by the local Act to be exercised or performed.

- (2) As from the appointed day any reference in any enactment passed before the passing of this Act and for the time being in force to a fire brigade (by whatever name described) maintained by an authority which is an authority for fire-fighting purposes by virtue of this Act shall be construed as a reference to the brigade maintained by the authority in pursuance of this Act.
- (3) Any order under subsection (1) of this section may be varied or revoked by a subsequent order thereunder made in the like manner and subject to the like provisions.



## **12 Discharge of functions of fire authorities through other fire authorities or persons.**

- (1) A fire authority may make arrangements with any other fire authority or other persons who maintain a fire brigade so as to secure, by the provision of services by the other fire authority or persons, the discharge of all or any of the first-mentioned fire authority's functions under, this Act in respect of all or any part of its area, and arrangements under this subsection may make provision with respect to the terms as to payments or otherwise on which the services in question are to be provided:

Provided that no arrangements shall take effect under this subsection unless submitted to and approved by the Secretary of State.

- (2) Where any fire authority have requested another fire authority to enter into arrangements under the last foregoing subsection, and the other fire authority are unwilling to do so, or the authorities cannot agree as to the extent of the services to be provided under such arrangements or the terms on which they are to be provided, the first-mentioned authority may request the Secretary of State to determine what arrangements, if any, should be made for the provision of services by the other fire authority.
- (3) Where in the case of any fire authority no arrangements approved by the Secretary of State under subsection (1) of this section are in force and it appears to the Secretary of State expedient with a view to securing greater efficiency or economy that it is for consideration whether such arrangements should be entered into with any other authority, he may give notice to the authorities accordingly.
- (4) Where a request is made to the Secretary of State under subsection (2) of this section, or notice is given by the Secretary of State under the last foregoing subsection, he shall afford an opportunity to the fire authorities concerned to make representations and, if he thinks fit or if any of those authorities request him so to do, shall cause a public local inquiry to be held.
- (5) If the Secretary of State is satisfied, after considering any representations made under the last foregoing subsection and, if an inquiry is held, the report of the person by whom the inquiry was held, that it is expedient with a view to securing greater efficiency or economy that arrangements should be made for the provision of services as mentioned in subsection (1) of this section, he may direct that the fire authorities shall enter into such arrangements as may be specified in the direction.

### *Supply of water for fire-fighting.*

## **13 Duty of fire authorities to ensure supply of water for firefighting.**

A fire authority shall take all reasonable measures for ensuring the provision of an adequate supply of water, and for securing that it will be available for use, in case of fire.

## **14 Supply of water by statutory undertakers.**

- (1) For the purposes of the last foregoing section, a fire authority may enter into an agreement with statutory water undertakers for the taking by the undertakers, on such terms as to payment or otherwise as may be specified in the agreement, of such measures as may be so specified for securing that an adequate supply of water will be

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available in case of fire; and no water undertakers shall unreasonably refuse to enter into any agreement proposed by a fire authority under this subsection.

Any question whether statutory water undertakers have unreasonably refused to enter into an agreement under this subsection shall be determined by the Minister of Health.

- (2) Without prejudice to the generality of the last foregoing subsection, a fire authority, if satisfied that the existing supply of water provided by any statutory water undertakers for domestic and industrial purposes would be likely to be inadequate in case of fire, may enter into an agreement with the undertakers under the last foregoing subsection for the provision of such additional supply of water as may be specified in the agreement.
- (3) Sections thirty-two to thirty-four of the Third Schedule to the Water Act, 1945 (which require undertakers at the expense of the fire authority to provide hydrants) shall apply to all statutory water undertakers, and shall so apply in substitution for any other provision having effect for the purposes of those sections by virtue of any enactment; and—
  - (a) undertakers shall at the expense of the fire authority cause the situation of every fire hydrant provided by the undertakers to be plainly indicated by a notice or distinguishing mark, which may be placed on any wall or fence adjoining a street or public place;
  - (b) where any such hydrant is damaged as the result of any use made of it, with the authority of the undertakers, not being a use for fire-fighting purposes or for any other purposes of a fire brigade maintained in pursuance of this Act, the fire authority shall not be liable for the cost of repairing or replacing the hydrant incurred as the result of the damage
- (4) Section thirty-eight of the Third Schedule to the Water Act, 1945 (which provides for penalties for breaches of obligations under Part VIII of that Schedule) shall apply to any breach of an obligation of undertakers under subsection (1) or (3) of this section or under an agreement entered into in pursuance of the said subsection (1).
- (5) Any person who uses a fire hydrant, otherwise than for fire-fighting purposes or for any other purposes of a fire brigade maintained in pursuance of this Act or for any purpose authorised by the undertakers or other persons to whom the hydrant belongs, or who damages or obstructs any fire hydrant, otherwise than in consequence of its use for any such purpose as aforesaid, shall be liable on summary conviction to a fine not exceeding ten pounds.
- (6) The Secretary of State may, after consultation with the Central Fire Brigades Advisory Council constituted under this Act, make regulations providing for uniformity in fire hydrants provided by statutory water undertakers and in the notices or marks indicating their situation; and in any case to which regulations under this subsection apply such undertakers shall not be deemed to have complied with their obligations under subsection (3) of this section and the enactments therein referred to unless the hydrants, notices or marks provided by them conform with the regulations.
- (7) In this and the next following section the expression " statutory water undertakers " has the same meaning as in the provisions of the Water Act, 1945, other than Part II thereof; and references in this section to any provision of the Third Schedule to that Act shall include references to any other provision of that Schedule (whether as to the giving of notices, the enforcement of obligations, or otherwise) ancillary thereto.

## **15 Provision of water supply otherwise than by statutory undertakers.**

- (1) A fire authority shall for the purposes of the last but one foregoing section have power by agreement—
- (a) to secure the use, in case of fire, of water under the control of any person other than statutory water undertakers;
  - (b) to improve the access to any such water;
  - (c) to lay and maintain pipes and to carry out other works in connection with the use of such water in case of fire.
- (2) Subject to any agreement under the last foregoing subsection, a fire authority may use for fire-fighting purposes any convenient and suitable supply of water, but shall be liable to pay reasonable compensation therefor:

Provided that nothing in this subsection shall affect the duty of undertakers to whom section forty-two of the Waterworks Clauses Act, 1847 or section thirty-six of the Third Schedule to the Water Act, 1945, applies to supply water for the said purposes without compensation or payment.

## **16 Notice to be given of proposed works affecting water supply and fire hydrants.**

- (1) Where a person proposes to carry out any works for the purpose of supplying water to any part of the area of a fire authority, he shall give notice in writing thereof to the fire authority, and the notice shall be given—
- (a) not less than fourteen days before the works are begun, in any case where the works are proposed to be carried out to comply with a requirement imposed under any enactment other than the Water Act, 1945;
  - (b) not less than six weeks before the works are begun, in any other case.
- (2) At least seven days before any works which affect any fire hydrant are begun, the authority or person by whom the works are to be executed shall give notice in writing to the fire authority:

Provided that where in a case of emergency it is not practicable for notice to be given at the time required by the foregoing provisions of this subsection, those provisions shall be deemed to have been complied with if the notice is given as early as may be.

### *Administrative provisions.*

## **17 Conditions of service.**

- (1) The Secretary of State may, subject to the provisions of this section, make regulations as to the conditions of service of persons employed as members of fire brigades maintained in pursuance of this Act, and in particular—
- (a) as to ranks, pay and allowances;
  - (b) as to hours of duty and leave;
  - (c) as to the maintenance of discipline;
  - (d) as to appeals against dismissal or disciplinary action (including dismissal on disciplinary grounds). References in this section to the conditions of service of persons employed as aforesaid include references to welfare arrangements for such persons.

- (2) Where—
- (a) the Secretary of State is satisfied that proper arrangements are in force for the consideration, by persons representing the interests of fire authorities and of persons employed as members of fire brigades maintained in pursuance of this Act, or any class of persons so employed, of questions arising as to the conditions of service of persons so employed or of the class of persons in question, as the case may be; and
  - (b) a recommendation is made in accordance with the arrangements as to any matter falling within the last foregoing subsection,
- then if the Secretary of State approves the recommendation he may by regulations under this section give effect thereto.
- (3) Where the Secretary of State does not approve any recommendation made as mentioned in the last foregoing subsection he shall refer the recommendation for further consideration in accordance with the arrangements, and for the making in accordance with the arrangements of a report thereon within such period not less than twenty-one days as he may specify, and shall take into consideration any report so made before proceeding to make regulations under this section as to any matter to which the recommendation relates.
- (4) Where, without any such recommendation as aforesaid in that behalf having been made, the Secretary of State proposes to make regulations under, this section, then, if such arrangements as aforesaid are in force as respects the persons to whom the regulations are to relate, he shall before making the regulations refer his proposals—
- (a) for consideration in accordance with the arrangements; and
  - (b) for the making in accordance with the arrangements of a report on the proposals within such period not less than twenty-one days as the Secretary of State may specify,
- and where a report is so made then if the Secretary of State approves the recommendations in the report he may by regulations under this section give effect thereto, but if he does not approve the recommendations the last foregoing subsection shall apply as it applies where he does not approve recommendations made as mentioned in subsection (2) of this section.
- (5) In the proviso to subsection (1) of section nineteen of the Wages Councils Act, 1945 (which excludes from the operation of Part III of that Act workers whose remuneration is fixed under other enactments), after the words " the Education Act, 1944," there shall be inserted the words " the Fire Services Act, 1947. "

## **18 Procedure and qualifications for appointments and promotions.**

- (1) The Secretary of State may, after consultation with the Central Fire Brigades Advisory Council constituted under this Act, make regulations as to any of the following matters, that is to say—
- (a) the method of appointment of chief officers of fire brigades maintained in pursuance of this Act;
  - (b) the procedure for the appointment by a fire authority of members, other than the chief officer, of any such brigade;
  - (c) the qualifications for appointment to any such brigade or to any rank therein, and for promotion into any such rank; and
  - (d) the procedure for such promotion.

- (2) Nothing in the last foregoing section shall apply to the matters specified in subsection (1) of this section.

**19 Fire brigade establishments to be determined in accordance with approved schemes.**

- (1) The establishment of members of a fire brigade of different descriptions and ranks, and of fire stations and equipment of different descriptions, to be maintained by a fire authority in pursuance of the foregoing provisions of this Act shall be determined in accordance with the provisions of a scheme made by the authority under this section (hereafter in this Act referred to as an " establishment scheme ") and for the time being in force.
- (2) An establishment scheme shall provide that the chief officer of the fire brigade to which the scheme relates shall be directly responsible to the fire authority maintaining the brigade or to a committee thereof.
- (3) An establishment scheme shall be submitted to the Secretary of State, and shall come into force when approved by him, either as submitted or subject to such modifications as he may direct.
- (4) An establishment scheme may be varied by a subsequent scheme made in like manner and subject to the like provisions as the scheme varied.
- (5) If as respects the area of any fire authority—
- (a) 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, no establishment scheme has been submitted to the Secretary of State, or
  - (b) at any time it appears to the Secretary of State that the establishment scheme in force is not satisfactory,
- the Secretary of State may, after affording to the fire authority an opportunity of making representations to him, make a scheme.
- (6) The provisions of subsections (1), (2), (4) and (5) of this section shall apply to a scheme made under the said subsection (5) as if it were an establishment scheme submitted to and approved by the Secretary of State.
- (7) In the case of a fire authority, other than the London County Council, which is the council of a county, the foregoing provisions of this section shall have effect subject to the provisions of the First Schedule to this Act.
- (8) The Secretary of State may, for the purposes of his functions under this section, hold such public local inquiries as he thinks fit; and if in connection with the making of a scheme under paragraph (b) of subsection (5) of this section the fire authority so requires, the Secretary of State shall cause a public local inquiry to be held before he makes the scheme.
- (9) The provisions in that behalf of the Second Schedule to this Act shall have effect for the purposes of this section in the case of fire authorities constituted by combination schemes.
- (10) In relation to any period before the appointed day the foregoing provisions of this section and the provisions ancillary thereto of the said First and Second Schedules

shall apply with the substitution for references to a fire authority of references to an authority which on the appointed day will become a fire authority.

## **20 Fire brigade committees in counties.**

- (1) Every fire authority (other than the London County Council) which is the council of a county shall constitute a fire brigade committee in accordance with the following provisions of this section, and—
  - (a) shall refer to the fire brigade committee for report and recommendation all matters relating to the authority's functions under this Act, except such matters as the authority may with the approval of the Secretary of State determine, and shall unless in their opinion the case is urgent receive and consider the report of the committee with respect to any matters referred to the committee before taking action in relation to those matters;
  - (b) may delegate to the fire brigade committee, either with or without conditions or restrictions, any of the authority's functions under this Act other than powers of raising a rate or borrowing money.
- (2) Until the coming into force in accordance with the provisions of this Act of a scheme (hereafter in this Act referred to as a " management scheme ") determining the constitution of a fire brigade committee under this section, the constitution thereof shall be such as may be determined by the fire authority, and thereafter such as may be determined by such a scheme.
- (3) As soon as may be after the appointed day every such fire authority as aforesaid shall make a management scheme in accordance with the provisions in that behalf of the First Schedule to this Act.
- (4) A management scheme shall provide for the appointment to a fire brigade committee by the fire authority of such number of members of that authority as may be specified in the scheme, and for the appointment to the committee by or on behalf of councils of county districts comprised in the area of the fire authority of such less number of persons representing those councils as may be so specified.
- (5) A management scheme shall be submitted to the Secretary of State, and shall come into force when approved by him, either as submitted or subject to such modifications as he may direct.
- (6) A management scheme may be varied by a subsequent scheme made in the like manner and subject to the like provisions as the scheme varied.
- (7) If as respects the area of any fire authority such as is mentioned in subsection (1) of this section—
  - (a) before the expiration of three months from the appointed day, or such later date as the Secretary of State may in special circumstances allow, no management scheme has been submitted to the Secretary of State, or
  - (b) at any time it appears to the Secretary of State, whether on the representations of the council of any county district comprised in the area of the fire authority or otherwise, that the management scheme in force is not satisfactory,the Secretary of State may, after affording to the fire authority and to every such council as aforesaid an opportunity of making representations to him, make a scheme.

- (8) The provisions of subsections (4), (6) and (7) of this section shall apply to a scheme made under the said subsection (7) as if it were a management scheme submitted to and approved by the Secretary of State.
- (9) The foregoing provisions of this section shall, subject to the provisions of the Second Schedule to this Act, apply to a fire authority—
- (a) which is constituted by a combination scheme,
  - (b) the area of which includes one or more counties, other than the County of London,
- as they apply to such authorities as are mentioned in subsection (1) of this section.

## **21 Standards of training and equipment.**

The Secretary of State may, after consultation with the Central Fire Brigades Advisory Council constituted Under this Act, by regulations provide for the observance by fire authorities of such requirements with respect to—

- (a) standards of training for members of fire brigades maintained in pursuance of this Act;
  - (b) design or performance of equipment for such brigades,
- as appear to him to be necessary to secure efficient fire services.

## **22 Provision by Secretary of State of equipment.**

The Secretary of State may in accordance with arrangements approved by the Treasury provide, for purchase by any fire authority desiring to avail themselves of the arrangements, equipment for the- discharge of the functions of fire authorities under this Act.

## **23 Training centres.**

- (1) The Secretary of State may establish and maintain—
- (a) a central training institution; and
  - (b) one or more local training centres,
- for providing courses of instruction in matters relating to fire services.
- (2) The arrangements to be made for the central training institution established under this section shall secure that the institution shall be under the general direction of a board—
- (a) consisting as to half of persons appointed by the Secretary of State and as to the remainder of persons appointed by such bodies as appear to the Secretary of State to represent the interests of fire authorities, and
  - (b) having as chairman such. member of the board as may be selected by the other members with the approval of the Secretary of State,
- and that before appointing the person having control of the administration of the institution the Secretary of State shall consult the board.
- (3) A fire authority may establish and maintain training centres for providing courses of instruction for members of their own or other fire brigades and for training persons for service in fire brigades.

**24 Inspectors of Fire Brigades.**

- (1) For the purpose of obtaining information as to the manner in which fire authorities are performing their functions under this Act and as to technical matters relating to those functions, inspectors may be appointed by His Majesty, and the Secretary of State may appoint assistant inspectors and other officers.
- (2) The Secretary of State may pay to persons appointed under this section such remuneration as he may with the approval of the Treasury determine.

**25 Grants to fire authorities.**

- (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 county boroughs, and to authorities constituted by combination 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 the expenditure.
- (2) Regulations made under the last foregoing subsection may make provision whereby the payment of grants in pursuance thereof is dependent upon the fulfilment of such conditions as may be determined by or under the regulations.
- (3) Regulations made as aforesaid may provide for the deduction from grants to any authority, of amounts not exceeding the appropriate fraction of so much of the expenditure incurred by the Secretary of State under section twenty-three of this Act as is apportioned to the authority in accordance with the

In this subsection the expression " appropriate fraction " means the fraction of any expenditure of an authority incurred by them in the exercise of their functions under this Act which, after allowing for the grants provided under subsection (1) of this section but not for the deductions therefrom under this subsection, would fall ultimately to be borne by the authority.

*Pensions etc..*

**26 Firemen's Pension Scheme.**

- (1) The Secretary of State may by order bring into operation a scheme, to be known as the Firemen's Pension Scheme, whereby provision is made, subject to the provisions of this section and of the Scheme, for the payment by fire authorities and such other authorities as may be specified in the Scheme of pensions, allowances and gratuities to persons employed as members of fire brigades maintained in pursuance of this Act who retire from such employment on or after the appointed day or die on or after the appointed day while so employed, and to their widows, children and dependants.
- (2) The Firemen's Pension Scheme (hereafter in this and the next following section referred to as " the Scheme ") may include provision—
  - (a) for defining the classes of persons employed as aforesaid in respect of whose service awards, or awards of any class specified in the Scheme, may be made under the Scheme-, and in particular for excluding in relation to any such awards or class of awards persons who are not wholly and permanently so employed or who are so employed on such ancillary duties as may be specified in the Scheme, and for treating, for all or any of the purposes of the Scheme, employment in Great Britain or elsewhere on duties connected with



the provision of fire services, being employment (otherwise than as a member of a fire brigade maintained in pursuance of this Act), of such classes as may be specified in the Scheme, as if it were employment as a member of such a brigade;

- (b) for reckoning, for all or any of the purposes of the Scheme, such employment, whether before or after the appointed day (other than employment as a member of a fire brigade maintained in pursuance of this Act) as may be specified in the Scheme as if it were employment as a member of such a brigade, either unconditionally or subject to such conditions as may be so specified and either as respects the whole of service in employment so specified or as respects such fraction thereof as may be so specified;
- (c) for the making by persons in respect of whose service awards may be made under the Scheme of such contributions as may be specified by the Scheme, and, in such circumstances as may be so specified, for the repayment of contributions so made or their application in such manner and for the benefit of such persons as may be so specified;
- (d) for substituting, for all or any of the purposes of the Scheme, the Secretary of State for a fire authority in relation to any employment specified under paragraph (b) of this subsection;
- (e) for the making to a fire authority by the Secretary of State or another fire authority, or by any other authority by which a person has been employed in employment specified under paragraph (b) of this subsection or which has incurred any liability in respect of the payment of a pension in the event of a person's retirement from employment so specified of payments in respect of previous service (whether before or after the appointed day) on a person's entry on employment with the fire brigade maintained by the first-mentioned fire authority, and for the making to the Secretary of State by a fire authority or any such other authority as aforesaid of payments in respect of previous service (whether before or after the appointed day) on a person's entry on employment specified under paragraph (b) of this subsection;
- (f) for the reimbursement of payments under the last foregoing paragraph out of any superannuation fund to which contributions have been made in respect of the previous service to which the payments related;
- (g) for the making, where a person enters on employment with a fire authority in a case where no payment falls to be made under paragraph (e) of this subsection, of payments in respect of previous service with that authority out of any superannuation fund to which contributions have been made in respect of the previous service;
- (h) for the conditions as to evidence or otherwise subject to which any award under the Scheme may be made, for the manner in which any question specified in the Scheme arising under the Scheme is to be determined, and for appeals from determinations of any such question ;
- (i) for excluding or modifying, in the case of an injury in respect of which an award is made under the Scheme, being an injury sustained in the execution of duty in such circumstances as may be specified in the Scheme, any other right against the Crown or other authority in whose employment the injury occurred to compensation or damages in respect of the injury or the consequences thereof, so however that no provision made by virtue of this paragraph shall affect any right under the National Insurance (Industrial Injuries) Act, 1946, or the National Insurance Act, 1946;

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- (j) for such incidental and supplemental matters as appear to the Secretary of State expedient for the purposes of the Scheme, including provisions as to funds for defraying liabilities under the Scheme and provision for the like purposes as under the enactments in the Fire Brigade Pensions Act, 1925, specified in the first column of the Third Schedule to this Act (which relate to the matters specified in the second column of that Schedule) was made in relation to awards under the said Act of 1925.

In this section the expression " employment " includes engagement in any service.

- (3) The maximum pension under the Scheme shall not be provided for a person unless he has been engaged in service which is to be reckoned for the purpose of his pension under the Scheme for a period of not less than thirty years, and no pension shall be provided under the Scheme for any person on retirement unless—
  - (a) he has been engaged in such service as aforesaid for a period of not less than twenty-five years; or
  - (b) his retirement is caused by such incapacity or infirmity of mind or body (occasioned otherwise than as mentioned in the next following paragraph) as may be specified in the Scheme, and he has been engaged in such service for a period of not less than ten years; or
  - (c) his retirement is caused through incapacity of mind or body occasioned by an injury received in the execution of his duty without his own default or in such circumstances that the Scheme applies in like manner as if it had been occasioned by an injury so received; or
  - (d) he is compelled to retire on the ground of age.
- (4) If a person obtains or attempts to obtain for himself or any other person—
  - (a) any award under the Scheme, or
  - (b) any sum in respect of the repayment or application of contributions made under the Scheme,

by means of any false declaration, false certificate, false representation, false evidence or personation or by malingering or feigning disease or infirmity or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, and (without prejudice to the provisions of paragraph (j) of subsection (2) of this section) the Scheme may authorise, in the case of a person who has been convicted of an offence under this subsection, the forfeiture, in whole or in part, of any award or sum so obtained.
- (5) The Scheme may be varied by a subsequent order of the Secretary of State under this section.
- (6) Any order under this section shall be made with the approval of the Treasury, and after consultation with the Central Fire Brigades Advisory Council.

## **27 Firemen's Pension Scheme to supersede other statutory schemes.**

- (1) As respects any person retiring on or after the appointed day from employment as, or employment which for the purposes of the Scheme is to be treated as employment as, a member of a fire brigade maintained in pursuance of this Act, or dying on or after the appointed day while in such employment, the Scheme shall, subject to the

provisions of this section, have effect to the exclusion of any other provision for pension, allowance or gratuity in respect of such employment contained in or in force under any enactment.

(2) Where—

- (a) immediately before the appointed day there are in operation by virtue of any enactment (other than an enactment contained in the Fire Brigade Pensions Act, 1925), any arrangements for the grant of pensions, allowances or gratuities in respect of members of a fire brigade maintained in pursuance of the Fire Brigades Act, 1938 (in this subsection referred to as the former brigade " "); and
- (b) the Government Actuary certifies that the Scheme, if modified by reference to the arrangements so as to have effect subject to such modifications as are mentioned in the next following subsection, would be on the whole not less favourable than the Scheme not so modified,

then if any person—

- (i) who was a member of the former brigade immediately before the eighteenth day of August, nineteen hundred and forty-one; or
- (ii) who by virtue of having been a member of the former brigade was designated under paragraph (1)(b) of regulation 3 of the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941, as a person in whose case those regulations should have effect; or
- (iii) who immediately before the said eighteenth day of August was engaged in service or work in such circumstances that under the Police and Firemen (War Service) Act, 1939, his service or work fell to be treated as a period of approved service in the former brigade; and
- (iv) who in any case becomes on the appointed day or on the termination thereafter of such service or work as aforesaid a member of the former brigade,

gives notice in that behalf to such authority and within such period as may be specified by the Scheme, the Scheme shall have effect in his case, so long as he remains a member of the former brigade, subject to the said modifications.

(3) The modifications referred to in the last foregoing subsection are such modifications as will secure that subject to the following provisions of this section—

- (a) as respects superannuation awards, the Scheme contains the like provisions in respect of the persons entitled to awards, the conditions entitling persons to awards, and the amounts of awards, as the arrangements mentioned in paragraph (a) of the last foregoing subsection;
- (b) as respects injury awards, an authority making an award under the Scheme may, in any case in which it appears to them that an award under the said arrangements would have exceeded the award under the Scheme, increase the award under the Scheme by an amount not greater than the excess, as estimated by the authority;
- (c) as respects the rates of contributions to be made by persons in respect of whose service awards may be made, the rates shall be the same as under the said arrangements, subject to such abatement as may be provided by the Scheme for off setting any provisions of the Scheme having effect by virtue of subsection (5) or (6) of this section in cases where those provisions apply.

In this subsection the expression " injury award " means a pension, allowance or gratuity in respect of death or incapacity of mind or body occasioned either by an injury received in the execution of duty without the default of the person injured

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or in such circumstances that the Scheme, apart from the foregoing modifications, applies in like manner as if it had been occasioned by an injury so received; and "superannuation award" means a pension, allowance or gratuity other than an injury award.

- (4) For the purposes of subsection (2) of this section, a fire brigade maintained in pursuance of the Fire Brigades Act, 1938, for any area and a fire brigade maintained in pursuance of this Act for that area, or an area including that area, shall be treated as one.
- (5) Nothing in subsection (1) of this section shall affect the operation of the National Insurance (Industrial Injuries) Act, 1946, or the National Insurance Act, 1946, but the Scheme may provide for the reduction or withholding of awards under the Scheme in cases where awards are provided for in respect of the same matters under either of the said Acts.
- (6) The Secretary of State may by regulations provide, in the event of the appointed day for the purposes of the National Insurance (Industrial Injuries) Act, 1946, falling earlier than the appointed day for the purposes of this Act, for the reduction or withholding of awards under the Fire Brigade Pensions Act, 1925, or any such arrangements as are mentioned in paragraph (a) of subsection (2) of this section in cases where awards are provided for in respect of the same matters under the said Act of 1946.

## **28 Supplementary provisions as to preservation of pensions etc..**

- (1) The Secretary of State may by regulations, applying to such classes of persons as may be specified in the regulations.—
  - (a) being pensionable members of fire brigades who whether before or after the passing of this Act entered or enter on employment in the civil service of the Crown or other pensionable employment under a local authority or any police authority not being a local authority, or
  - (b) being persons (other than pensionable members of fire brigades) employed in the National Fire Service who on the appointed day enter on employment in the civil service of the Crown or, otherwise than as members of fire brigades, on pensionable employment under a local authority or any such police authority as aforesaid,make provision for securing that their former employment shall, to such extent and subject to such conditions as may be specified in the regulations, be treated for pension purposes as if it were the employment on which they entered or enter as mentioned in either of the two foregoing paragraphs.
- (2) In the case of persons transferring from one employment to another in such circumstances that under the last foregoing subsection service in the former employment is treated for pension purposes as if it were service in the latter employment, regulations under this section may provide for the making of payments in respect of previous service—
  - (a) by the authority by whom any such person was employed in the former employment, to the authority to whose employment he was transferred or to a pension fund out of which awards may be made to him in respect of his service in the employment to which he was transferred; or
  - (b) out of a pension fund from which, apart from the transfer, awards might have been made to him in respect of his service in the former employment, to the

authority to whose employment he was transferred or to such a fund as is mentioned in paragraph (a) of this subsection.

(3) In this section—

the expression " pensionable members of fire brigades " means persons in whose case provision for pension purposes is made by or under any enactment in respect of their employment as members of fire brigades, including employment which for pension purposes is treated as employment as members of fire brigades;

the expression " pensionable employment " means employment in service in respect of which provision for pension purposes is made by or under any enactment;

the expression " pension purposes ", in relation to any employment, means the purposes of authorising pensions, gratuities or other awards in respect of that employment.

#### *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 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

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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.

## SCHEDULES.

### FIRST SCHEDULE

Section 8.

#### MAKING, APPROVAL AND VARIATION OF ESTABLISHMENT SCHEMES AND MANAGEMENT SCHEMES FOR COUNTIES.

- 1 (1) A fire authority proposing to make an establishment scheme to which this Schedule applies or a management scheme shall, before making the scheme send to the council of every county district comprised in the area of the authority a copy of a draft of the proposed scheme and shall take into consideration any representations made by the council of any such county district before the expiration of one month from the sending of the copy to that council.
- (2) A scheme made in accordance with the last foregoing sub-paragraph may be made either in terms of the draft therein referred to or with such modifications as appear to the fire authority expedient having regard to any representations duly made, and on the submission of any such scheme to the Secretary of State for his approval the fire authority shall forward with the scheme any such representations as aforesaid.
- 2 Before approving any scheme submitted in accordance with the last foregoing paragraph the Secretary of State shall consider any representations of the council of a county district which have been forwarded to him with the scheme, and any observations he has received from that council or from the fire authority relating thereto.
- 3 In relation to a fire authority (other than the London County Council) which is the council of a county, subsection (5) of section nineteen of this Act shall have effect—
- (a) as if in paragraph (b) thereof after the words " the Secretary of State " there were inserted the words " whether on the representations of the council of any county district comprised in the area of the fire authority or otherwise ; "
  - (b) as if after the words " after affording to the fire authority " there were inserted the words " and to the council of any such county district as aforesaid. "

### SECOND SCHEDULE

Section 19.

#### APPLICATION TO COMBINED FIRE AUTHORITIES OF PROVISIONS AS TO ESTABLISHMENT SCHEMES AND MANAGEMENT SCHEMES.

- 1 (1) In the case of a fire authority constituted by a combination scheme, provision for the matters to which establishment schemes relate (hereafter in this Schedule referred to as " establishment matters ") or to which management schemes relate (hereafter in this Schedule referred to as " management matters ") shall be made by the combination scheme and not by an establishment scheme or management scheme, as the case may be, and may be varied or revoked accordingly:

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Provided that in the case of an authority constituted by a combination scheme so as to become a fire authority on the appointed day, provision for management matters may be made either in the scheme constituting the authority or by the variation of that scheme as soon as may be after the appointed day.

- (2) In this Schedule references to a fire authority constituted by a combination scheme shall be construed, in relation to management matters, as references to such an authority the area of which consists of or includes one or more counties other than the County of London.
- (3) Without prejudice to any power to vary a combination scheme, subsection (5) of section nineteen and subsections (3) and (7) of section twenty of this Act shall not apply in relation to a fire authority constituted by a combination scheme.
- 2       Where by reason of the variation or revocation of a combination scheme the council of a county or county borough becomes a fire authority, the establishment scheme for the authority, and in the case of an authority being the council of a county the management scheme for the authority, shall be contained in the varying or revoking scheme instead of being made in accordance with the provisions of this Act in that behalf, but may be varied or revoked as if so made.
- 3       (1) Where a combination scheme, or a scheme varying or revoking a combination scheme, makes provision for establishment or management matters relating to one or more counties, the following provisions shall have effect.
- (2) Before the scheme is made a copy of a draft of so much thereof as makes provision for establishment or management matters shall be sent by the authority making the scheme to the council of every county district comprised in the said county or counties, and the said authority shall take into consideration any representations made by the council of any such county district before the expiration of one month from the sending of the copy to that council.
- (3) So much of the scheme as aforesaid may be made either in terms of the draft referred to in the last foregoing sub-paragraph or with such modifications as appear expedient to the authority making the scheme, having regard to any representations duly made.
- (4) Where the scheme is required to be submitted to the Secretary of State for his approval, there shall be forwarded with the scheme any such representations as aforesaid.
- (5) Before approving or making a scheme the Secretary of State shall consider any representations of the council of a county district made or forwarded to him in accordance with the foregoing provisions of this Schedule and, in the case of a scheme not made by him, any observations relating thereto which he has received from the authority making the scheme or the council making the representations.
- 4       The Secretary of State may, for the purpose of his function under this Schedule as to establishment matters, hold such public local inquiries as he thinks fit.



## THIRD SCHEDULE

Section 26.

PROVISIONS OF 15 & 16 GEO.5 C.47 APPLICABLE  
FOR PURPOSES OF FIREMEN'S PENSION SCHEME.

<i>Provision applicable.</i>	<i>Subject of provision.</i>
In section ten, subsection (6)	Granting of certain pensions for periods, and renewal or re-assessment according to degree of disablement.
Section eleven	Reduction of pension in respect of incapacity attributable to default of beneficiary.
Section twelve	Avoidance of assignments and charges; application of awards where beneficiary or his dependant is in receipt of relief, or for benefit of his dependant; set-off against awards of sums due to authority; application of awards where beneficiary under incapacity; payment of small awards without necessity for probate; payment of awards in advance; payment or application of awards to minors; receipt of person to whom award paid to be good discharge.
Section thirteen	Forfeiture and withdrawal of awards.
Section sixteen	Suspension of award where beneficiary takes service under local authority.

## FOURTH SCHEDULE

Section 36.

## COMBINED AREAS IN SCOTLAND.

<i>Area</i>	<i>Counties and Burghs comprised.</i>
Lanark	The county of Lanark and the burghs of Airdrie, Coatbridge, Hamilton, Motherwell and Wishaw, and Rutherglen.
Central	The counties of Clackmannan, Dunbarton and Stirling, and the burghs of Clydebank, Dunbarton, Falkirk and Stirling.
Western	The counties of Argyll, Bute and Renfrew, and the burghs of Greenock, Paisley and Port Glasgow.
South Western	The counties of Ayr, Dumfries, Kirkcudbright and Wigtown, and the burghs of Ayr, Dumfries and Kilmarnock.
South Eastern	The counties of Berwick, East Lothian, Midlothian, Peebles, Roxburgh, Selkirk and

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<i>Area</i>	<i>Counties and Burghs comprised.</i>
	West Lothian, and the county of the city of Edinburgh.
Fife	The county of Fife and the burghs of Dunfermline and Kirkcaldy.
Perth and Kinross	The joint county of Perth and Kinross, and the burgh of Perth.
Angus	The county of Angus, the burgh of Arbroath and the county of the city of Dundee.
North Eastern	The counties of Aberdeen, Banff and Kincardine, and the joint county of Moray and Nairn, and the county of the city of Aberdeen.
Northern	The counties of Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland, and the burgh of Inverness.

## FIFTH SCHEDULE

Section 39.

### TRANSITIONAL PROVISIONS.

#### *Provisions relating to period between passing of Act and appointed day.*

- 1 For the purposes of the Fire Services (Emergency Provisions) Act, 1941, the expression " the period of the present emergency" (being the expression which designates the period for which under that Act the National Fire Service is established) shall mean the period beginning as provided in that Act and ending immediately before the appointed day.
- 2 Subsection (2) of section four of the Emergency Laws (Transitional Provisions) Act, 1946 (which continues the Personal Injuries (Emergency Provisions) Act, 1939, in operation as respects war service injuries, as defined in that Act, sustained by members of the National Fire Service during the period during which the said section four is in force) shall have effect as if the said section four continued in force until the beginning of the appointed day.

#### *General provisions arising out of transfer of functions to fire authorities.*

- 3 (1) The Secretary of State may by regulations make such transitional provisions as appear to him expedient in consequence of the transfer to fire authorities of functions relating to fire services of the Secretary of State and of authorities which were fire authorities for the purposes of the Fire Brigades Act, 1938.
- (2) Nothing in the following provisions of this Schedule shall be construed as limiting the generality of the provisions of the last foregoing sub-paragraph.
- (3) In the following provisions of this Schedule the expression " regulations " means regulations made by the Secretary of State.

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*Transfer of persons employed in connection with National Fire Service.*

- 4 Regulations may provide for the transfer on the prescribed terms, to the prescribed fire brigade maintained in pursuance of this Act or to such other service under such fire authority as may be prescribed, of persons who immediately before the appointed day were serving in the National Fire Service.
- 5 (1) Regulations may provide for the retention in the service of the Crown, on the prescribed terms, of persons to whom this paragraph applies who immediately before the appointed day were employed (whether as members of the National Fire Service or otherwise) for the purposes of the Fire Services (Emergency Provisions) Act, 1941.
- (2) The persons to whom this paragraph applies are persons in whose case the Secretary of State with the approval of the Treasury determines that it is expedient that they should be retained as aforesaid for the purpose of enabling him to perform his functions under this Act or for administrative purposes pending the bringing into operation by fire authorities of arrangements for the performance of their functions under this Act.
- 6 Regulations may provide for the employment in the service of the Crown, on such terms and for such period as may be prescribed, of persons transferred to a fire brigade under paragraph 4 of this Schedule where the Secretary of State determines with the approval of the Treasury that it is expedient so to do for the purpose of enabling him to perform his functions under this Act and the fire authority and person concerned consent to that person's being employed as aforesaid.

*Transfer of property, rights and liabilities.*

- 7 Regulations may provide for the transfer to fire authorities of property, rights and liabilities vested, enjoyed or incurred on behalf of His Majesty for the purposes of the National Fire Service, and for the carrying on by fire authorities of arrangements (including arrangements for the making of payments) entered into on behalf of the Crown for those purposes.
- 8 (1) Regulations may provide for the vesting in fire authorities of property used on behalf of His Majesty for the purposes of the National Fire Service but vested in an authority being a fire authority for the purposes of the Fire Brigades Act, 1938, or for the use of such property by a fire authority on such terms (including terms as to payments) as may be agreed between the authorities or in default of agreement as may be determined by the Secretary of State.
- (2) Where property is to be vested under the last foregoing sub-paragraph and it is agreed or determined as aforesaid that the property cannot conveniently be severed from other property, whether or not forming part of the same building, the other property shall also be vested in the fire authority, subject to such rights of the authority for the purposes of the said Act of 1938 to use the other property, on such terms (including terms as to payments), as may be agreed or determined as aforesaid.
- 9 (1) Subject to the provisions of the next following sub-paragraph, regulations may provide that where an authority for the purposes of the said Act of 1938 which does not on the appointed day become a fire authority is on or after the appointed day liable to make payments in respect of interest and redemption charges on moneys borrowed for fire-fighting purposes, the fire authority for the area including the area of the first-mentioned authority shall reimburse to that authority the amount of the payments.

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- (2) Regulations having effect by virtue of the last foregoing sub-paragraph shall not apply in relation to moneys borrowed by the authority for the purposes of the said Act of 1938 in connection with property retained by that authority, but may be made to apply in relation to moneys borrowed in connection with property vested under sub-paragraph (2) of the last foregoing paragraph notwithstanding that the money was not borrowed for fire-fighting purposes.
- (3) Any question arising under this paragraph or regulations made thereunder shall be determined by the Minister of Health.

*Provisions as to pensions.*

- 10 (1) The liabilities of any authority for pensions, allowances and gratuities in respect of members of a transferred fire brigade retiring or dying at any time before the appointed day, and the functions of that authority in relation thereto, shall on the appointed day be transferred to the fire authority.
- (2) In the last foregoing sub-paragraph the expression " transferred fire brigade " means a fire brigade maintained in pursuance of the Fire Brigades Act, 1938, by an authority which does not on the appointed day become a fire authority, and the expression " the fire authority " in relation to any such brigade means the fire authority for the area including the area for which the brigade was maintained.
- 11 (1) Regulations may provide for payments by a former pension authority, in respect of pension liabilities of a fire authority accrued at the appointed day, of such amounts at such times as may be prescribed, and if the regulations so provide out of such funds as may be prescribed.
- (2) Regulations made under this paragraph may provide for the determination by the Secretary of State of questions arising under the regulations.
- (3) In this paragraph the following expressions have the meaning hereby assigned to them respectively, that is to say :—
  - " Pension liabilities of a fire authority accrued at the appointed day " means, in relation to any fire authority.—
    - (a) any liabilities for pensions, allowances and gratuities in respect of members of a fire brigade retiring or dying at any time before the appointed day, being liabilities which either were liabilities of the authority immediately before the appointed day or were transferred under the last foregoing paragraph, and
    - (b) any liabilities of the authority under the Firemen's Pension Scheme in respect of employment or service before the appointed day which under that scheme is treated as employment in the fire brigade maintained by the authority ;
  - " former pension authority " means—
    - (a) in relation to liabilities specified in paragraph (a) of the last foregoing definition, the authority which immediately before the appointed day was liable to meet them ;
    - (b) in relation to liabilities specified in paragraph (b) of the last foregoing definition, the authority liable immediately before the appointed day for meeting liabilities, whether vested or contingent, for pensions, allowances or gratuities in respect of such employment or service as is specified in the said paragraph (b).

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- 12 (1) The liabilities of fire authorities for such pensions, allowances and gratuities as are specified in sub-paragraph (i) of paragraph 10 of this Schedule shall, if regulations so provide, be defrayed out of funds established for defraying liabilities under the Firemen's Pension Scheme.
- (2) Payments under sub-paragraph (1) of the last foregoing paragraph shall, if regulations so provide, be carried into funds established as aforesaid.
- 13 Where by virtue of this Act or a combination scheme an authority which maintained a fire brigade in pursuance of the Fire Brigades Act, 1938, ceases to maintain a fire brigade, the Police and Firemen (War Service) Acts, 1939 and 1944, shall, in the case of former members of the brigade to whom section one of the Police and Firemen (War Service) Act, 1939, applies, have effect with such modification of references to the fire brigades to which they belonged, and to the authority maintaining that brigade, as may be prescribed.

*Compensation for loss of emoluments or employment.*

- 14 (1) Regulations made with the approval of the Treasury may provide for authorising or requiring the appropriate authority to pay compensation in respect of loss of emoluments or pension—
- (a) to members of police forces and persons employed by local authorities, not being in either case persons who were transferred to the National Fire Service, as to whom the Secretary of State is satisfied that by reason of the National Fire Service (General) Regulation, 1941, they suffered a loss of emoluments ;
  - (b) to persons who, having been members of the National Fire Service immediately before the appointed day, become on that day members of a fire brigade maintained in pursuance of this Act and suffer a reduction of emoluments in comparison with the emoluments determined by the regulations to be appropriate to their former employment in connection with the provision of fire services ;
  - (c) to persons who immediately before the eighteenth day of August, nineteen hundred and forty-one, were employed by a local authority, or were engaged in war service within the meaning of the Local Government Staffs (War Service) Act, 1939, having left employment with the local authority to undertake such service, and immediately before the appointed day were employed for the purposes of the Fire Services (Emergency Provisions) Act, 1941, otherwise than as members of the National Fire Service, and who either—
    - (a) become employed on the appointed day by a local authority and suffer a reduction in emoluments in comparison with the emoluments determined by the regulations to be appropriate as aforesaid, or
    - (b) do not on the appointed day become employed by a local authority.
- (2) Regulations may authorise or require the payment by the appropriate authority of emoluments, and of pensions, gratuities or allowances, of such amounts and subject to such conditions as may be prescribed in the case of persons who, having at any time before the appointed day been chief officers of fire brigades maintained in pursuance of the Fire Brigades Act, 1938, do not on or after the appointed day become chief officers of fire brigades maintained in pursuance of this Act.

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- (3) In this paragraph the expression " appropriate authority ", in relation to the whole or any part of any payment, means a fire authority or the Secretary of State, as may be prescribed.
- (4) Regulations under this paragraph may make provision as to the determination of questions arising under the regulations.

*Special provisions as to police-firemen.*

- 15 (1) The provisions of the Police Act, 1946, as to the transfer of property, rights and liabilities from the council of an area ceasing to be a separate police area to the council of a county or to a combined police authority shall apply, and be deemed always to have applied, to property, rights and liabilities of the first-mentioned council held or incurred in connection with pensions', allowances or gratuities—
  - (a) in respect of whole-time service for fire-fighting purposes in the police force of the said area, and
  - (b) in respect of service for such purposes (whether before or after the said area ceased to be a separate police area) falling by virtue of regulations made under the Fire Services (Emergency Provisions) Act, 1941, to be treated for the purposes of the Police Pensions Act, 1921, as service in the said police force.
- (2) The said provisions of the Police Act, 1946, shall not apply, and shall be deemed never to have applied, to any other property, rights or liabilities held or incurred in connection with the provision of fire services.
- (3) Without prejudice to the generality of sub-paragraph (1) of this paragraph, the provisions of sub-paragraph (1) of paragraph 3 of the Third Schedule to the said Act of 1946 as to the treatment of pensions, allowances and gratuities granted before the date of transfer in respect of members of a transferred force shall apply, and be deemed always to have applied, to pensions, allowances and gratuities granted before that date to members of the National Fire Service whose service therein fell by virtue of regulations made under the said Act of 1941 to be treated as service in the transferred force.
- 16 (1) Where section one of the Police and Firemen (War Service) Act, 1939, applied to a constable by reason of his having ceased to serve as a member of a fire brigade maintained in pursuance of the Fire Brigades Act, 1938—
  - (a) engagement in service on the National Fire Service, whether before or after the passing of this Act, shall be treated for the purposes of the Police and Firemen (War Service) Acts, 1939 and 1944, as resumption of service as a constable ;
  - (b) if he is, or was before the passing of this Act, prevented as mentioned in those Acts from engaging in service in the National Fire Service or a fire brigade maintained in pursuance of this Act, he shall be treated for the purposes of those Acts as having been so prevented from resuming service as a constable.
- (2) Nothing in the last foregoing sub-paragraph shall be construed as prejudicing the power of the Secretary of State under subsection (3) of section six of the Police and Firemen (War Service) Act, 1944, to declare what during the existence of the National Fire Service is to be treated for the purposes of the said Acts of 1939 and 1944 as resuming service as a fireman.

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*Miscellaneous provisions.*

- 17 (1) Regulations may provide for authorising the taking before the appointed day by councils of counties and county boroughs and other authorities which on the appointed day will become fire authorities of such steps as appear to the Secretary of State to be requisite for the purpose of enabling fire authorities to perform their functions under this Act on or after that day.
- (2) Without prejudice to the provisions of the last foregoing paragraph, a combination scheme may be made before the appointed day, but so as to come into operation on or after that day, or, if the scheme is made by virtue of section ten of this Act, on or after the appointed day or the date mentioned in that section, whichever is the later.
- (3) In relation to a combination scheme made by virtue of the last foregoing sub-paragraph, references in sections five, six, nine and ten of this Act to fire authorities (other than references to the fire authority constituted by the scheme) shall be construed as references to authorities which apart from the scheme would on the appointed day become fire authorities.
- (4) Notwithstanding anything in the provisions of the last foregoing sub-paragraph or in section ten of this Act, a combination scheme made by virtue thereof may come into operation earlier than would be permissible under those provisions, in so far as is requisite for the purposes of sub-paragraph (1) of this paragraph.
- 18 —The provisions of Part VIII of the Requisitioned Land and War Works Act, 1945 (which provides for adjustments of compensation on the acquisition of land in certain cases for the purpose of eliminating changes in value due to the exercise of emergency powers) shall have effect in relation to any purchase of land by a fire authority under subsection (5) of section three of this Act as if the expression " war period " in the said Act of 1945 included any period during which the Supplies and Services (Transitional Powers) Act, 1945, is in force.

*Provisions as to regulations.*

- 19 (1) Regulations shall be made after consultation with such associations representing local authorities as appear to the Secretary of State to be concerned.
- (2) In this Schedule the expression " prescribed " means prescribed by or under regulations.
- (3) Regulations may be made either generally or so as to apply in such circumstances as may be prescribed, and may make different provisions for different cases.

SIXTH SCHEDULE

Section 39.

ENACTMENTS REPEALED.

Session and Chapter.	Short title.	Extent of repeal.
25 & 26 Vict. c. ccv.	The Salford Improvement Act, 1862.	Section fifty.
28 & 29 Vict. c. 90.	The Metropolitan Fire Brigade Act, 1865.	The whole Act, except sections thirteen to seventeen,

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Session and Chapter.	Short title.	Extent of repeal.
29 & 30 Vict. c. cclxxiii.	The Glasgow Police Act, 1866.	section twenty-four, section twenty-nine and section thirty-one. Section six (so far as relating to firemen), section sixty-six (so far as relating to the Inspector of Fires) and section one hundred and sixty-two.
34 & 35 Vict. c. 113.	The Metropolis Water Act, 1871.	Section thirty-four.
58 & 59 Vict. c. 28.	The False Alarms of Fire Act, 1895.	The whole Act.
9 Edw. 7. c. cxxix.	The Greenock Corporation Act, 1909.	Section three hundred and eighty.
9 Edw. 7. c. cxxx.	The London County Council (General Powers) Act, 1909.	Section sixty-one.
11 & 12 Geo. 5. c. lxxiv.	The Liverpool Corporation Act, 1921.	Section five hundred and nine, ' so far as it relates to owners of property.
15 & 16 Geo. 5. c. 47.	The Fire Brigade Pensions Act, 1925.	The whole Act.
16 & 17 Geo. 5. c. lxxv.	The Edinburgh Corporation (Streets Buildings and Sewers) Order Confirmation Act, 1926.	Sections ninety-nine and one hundred and thirty-six of the Order contained in the Schedule.
19 & 20 Geo. 5. c. 35.	The Fire Brigade Pensions Act, 1929.	The whole Act.
22 & 23 Geo. 5. c. vii.	The Edinburgh Corporation Order Confirmation Act, 1932.	In the Fourth Schedule to the Order contained in the Schedule to the Act, paragraph (4).
24 & 25 Geo. 5. c. v.	The Edinburgh Corporation Order Confirmation Act, 1933.	Section one hundred and forty-one of the Order contained in the Schedule.
24 & 25 Geo. 5. c. xlii.	The Dundee Corporation Order Confirmation Act, 1934.	In the First Schedule to the Order contained in the Schedule to the Act, paragraph (4).
26 Geo. 5. & 1 Edw. 8. c. lx.	The London County Council (General Powers) Act, 1936.	Section forty-nine.
1 Edw. 8 & 1 Geo. 6. c. 68.	The Local Government Superannuation Act, 1937.	In the First Schedule, in Part II, paragraph 2.



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Session and Chapter.	Short title.	Extent of repeal.
1 Edw. 8 & 1 Geo. 6. c. 69.	The Local Government Superannuation (Scotland) Act, 1937.	In the First Schedule, in Part II, paragraph 2.
1 & 2 Geo. 6. c. 72.	The Fire Brigades Act, 1938.	The whole Act.
2 & 3 Geo. 6. c. iii.	The Aberdeen Corporation (General Powers) Order Confirmation Act, 1938.	Paragraphs (b) and (c) of section one hundred and ninety-four of the Order contained in the Schedule to the Act.
3 & 4 Geo. 6. c. iii.	The Aberdeen Corporation (Administration Finance, &c.) Order Confirmation Act, 1940.	Sections seventy-four, seventy-five and seventy-seven of, and paragraph (4) of the Third Schedule to, the Order contained in the Schedule to the Act.