Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2006 No. (N.I.)

NORTHERN IRELAND

The Fire and Rescue Services (Northern Ireland) Order 2006

Made - - - - 2006
Coming into operation in accordance with Article 1(2) and (3)

At the Court at Buckingham Palace, the ** day of ** 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Fire and Rescue Services (Northern Ireland) Order 2006.

(2) This Article and Article 2 shall come into operation on the expiration of seven days from the day on which this Order is made.

(3) The remaining provisions of this Order shall come into operation on such day or days as the Department may by order appoint.

Interpretation: general

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

"the appointed day" means the day appointed under Article 1(3) for the coming into operation of Article 3;

"the Board" has the meaning given by Article 3(1);

"the Department" means the Department of Health, Social Services and Public Safety;

"equipment" includes uniform and any article of apparel properly used by a fire and rescue officer in the execution of his duty;

"extinguishing", in relation to a fire, includes containing and controlling;

"fire and rescue officer" means a person employed, trained and equipped as such by the Board for the purpose of carrying out any of the functions conferred on the Board by virtue of this Order or any other statutory provision;

"offshore installation" means any installation which is intended for underwater exploitation of mineral resources or exploration with a view to such exploitation;

"prescribed" means prescribed by regulations made by the Department;

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(3) For the purposes of this Order, section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33) (service of documents by post) applies with the omission from subsection (1) of the word "registering".

PART II

FIRE AND RESCUE SERVICES

CHAPTER I

THE NORTHERN IRELAND FIRE AND RESCUE SERVICE BOARD

The Northern Ireland Fire and Rescue Service Board

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

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

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

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

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

CHAPTER II

CORE FIRE AND RESCUE FUNCTIONS

Fire safety

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

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

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

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

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

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

Fire-fighting

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

(a) extinguishing fires; and

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

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

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

(b) secure the provision of training for personnel;

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

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

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

Road traffic accidents

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

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

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

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

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

(b) secure the provision of training for personnel;

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

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

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

Emergencies

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

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

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

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

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

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

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

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

CHAPTER III

OTHER FUNCTIONS

Power to respond to other eventualities

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

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

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

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

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

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

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

Powers of Board in relation to external matters

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

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

General powers of the Board

10. The Board may—

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

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

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

Acquisition and disposal of land by the Board

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

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

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

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

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

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

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

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

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

Arrangements with others for assistance

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

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

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

Arrangements for carrying out of functions by others

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

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

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

Charging

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

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

(a) outside Northern Ireland; or

(b) at sea.

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

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