1986 No. 354

FIRE SERVICES

The Fire Services (1984 Order) (Modifications) Regulations (Northern Ireland) 1986

Made . . . . . *9th December 1986*

Coming into operation . . . *1st February 1987*

The Department of the Environment in exercise of the powers conferred on it by Article 47(1) of the Fire Services (Northern Ireland) Order 1984(**a**) and of every other power enabling it in that behalf makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Fire Services (1984 Order) (Modifications) Regulations (Northern Ireland) 1986 and shall come into operation on 1st February 1987.

Interpretation

2. In these regulations—

"covered market place" shall be construed generally and not as limited to a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority;

"factory premises" means premises constituting, or forming part of, a factory within the meaning of section 175 of the Factories Act (Northern Ireland) 1965(**b**), and includes premises to which sections 121(1) and 122 of that Act (application to electrical stations and institutions, respectively) apply;

"office premises" means office premises to which the Office and Shop Premises Act (Northern Ireland) 1966(**c**) applies and includes premises which are treated by section 1(2) of that Act as forming part of such premises but does not include premises which are deemed by section 156(2) and (3) of the Mines Act (Northern Ireland) 1969(**d**) to form part of a mine for the purposes of that Act;

"shop premises" means shop premises to which the Office and Shop Premises Act (Northern Ireland) 1966 applies and includes premises which are treated by section 1(3) of that Act as forming part of such premises but does not include premises consisting of a covered market place wherein shop premises are aggregated;

"the Order of 1984" means the Fire Services (Northern Ireland) Order 1984.

Modifications of the Order of 1984

3.—(1) This regulation applies to factory premises, office premises and shop premises being (in each case) premises in respect of which a fire certificate is required by virtue of the Fire Services (Factory, Office and Shop Premises) Order (Northern Ireland) 1986(**e**) and either—

(**a**) S.I. 1984/1821 (N.I. 11)
(**b**) 1965 c. 20 (N.I.)
(**c**) 1966 c. 26 (N.I.)
(**d**) 1969 c. 6 (N.I.)
(**e**) S.R. 1986 No. 355

(*a*) the premises are held under a lease or an agreement for a lease or under a licence and consist of part of a building all parts of which are in the same ownership; or

(*b*) the premises consist of part of a building in which different parts are owned by different persons.

(2) In relation to premises to which this regulation applies—

(*a*) for the references to the applicant in Article 26 of the Order of 1984 and for the references to the occupier of premises in Articles 27(5), (6); 28(1), 29(4) (except sub-paragraph (*c*)), (6), (7) and (9) and 30(5)(*b*) of the Order of 1984 there shall be substituted—

(i) in the case of premises to which paragraph (1)(*a*) applies, references to the owner of the building;

(ii) in the case of premises to which paragraph (1)(*b*) applies, references to the persons who between them own the building;

(*b*) (i) Articles 27(9) and 28(7) of the Order of 1984 shall be modified by substituting for the words "a fire certificate" in each place where those words occur the words "a copy of the fire certificate";

(ii) Article 27(9) of the Order of 1984 shall be modified by inserting at the end of the paragraph the words "and the fire certificate shall be sent to the owner of the building or, as the case may be, the person who owns the part of the building of which the premises consist.";

(*c*) Article 29(4) of the Order of 1984 shall be modified by inserting after the word "Authority;" the words "and the occupier shall, before the carrying out of the proposals is begun, furnish to the persons responsible for giving notice of the proposals to the Authority any information in his possession which is relevant thereto;".

(3) In the modifications (in paragraph (2)(*a*)) of Articles 28(1) and 29(9) and of the words after the last semi-colon in Article 29(4) of the Order of 1984 the expressions "owner of the building" and "the persons who between them own the building" shall not include the Crown.

4. In relation to factory premises Article 27(1) of the Order of 1984 shall be modified by adding after sub-paragraph (*e*) the following sub-paragraph—

"(*f*) in the case of factory premises, particulars as to any explosive or highly flammable materials which may be stored or used in the premises,".

5. In relation to factory premises Article 29 of the Order of 1984 shall be modified as follows—

(*a*) for Article 29(4)(*c*) there shall be substituted the following sub-paragraph—

"(*c*) in the case of factory premises the occupier of the premises proposes to begin to store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use,";

(*b*) in paragraph (5)—

(i) for the words "any premises" there shall be substituted the words "any factory premises", and

(ii) for the words from "keep explosive" to "that kind" there shall be substituted the words "store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use,".

6.—(1) Article 31(2)(*a*) of the Order of 1984 shall be modified by inserting after the word "applies" the following words—