1979 No. 167

FIRE SERVICES

Fire Services (Appointments and Promotion) Regulations (Northern Ireland) 1979

Made . . . . . 10*th May* 1979

Coming into operation . . . . 2*nd July* 1979

The Department of the Environment for Northern Ireland in exercise of the powers conferred by sections 16(2) and 40(1)(*a*) of the Fire Services Act (Northern Ireland) 1969(**a**) and now vested in it(**b**) hereby makes the following Regulations:

Citation and commencement

1. These regulations may be cited as the Fire Services (Appointments and Promotion) Regulations (Northern Ireland) 1979 and shall come into operation on 2nd July 1979.

Interpretation

2.—(1) In these Regulations

"the authority" means the Fire Authority for Northern Ireland;

"certificate in first aid" means a certificate issued by the St. John Ambulance Association, the British Red Cross Society or other body and accepted by the Fire Services Central Examinations Board as certifying a satisfactory standard of knowledge of first aid;

"control room duties" means duties in connection with the reception, transmission and recording of calls for the assistance of a fire brigade, and with the transmission of instructions regarding the provision of such assistance by a fire brigade as may be required in any case;

"Department" means the Department of the Environment for Northern Ireland;

"Fire Services Central Examination Board" means the body of persons specified in regulation 2(*c*) of the Fire Services (Appointment and Promotion) Regulations 1978(**c**);

"Institution of Fire Engineers" means the limited company incorporated by that name on 25th July 1924, and the expression "graduate of the Institution of Fire Engineers" means a person who, under the Articles of Association of the said company and the byelaws set out in the Schedule to those Articles, has been duly elected a graduate thereof;

"operational service", in relation to any person, means whole-time service as a member of a fire brigade maintained by the authority or by a fire authority established under the Fire Services (Amendment) Act (Northern Ireland) 1950(**d**) or by a fire authority in Great Britain under the Fire Services Act 1947(**e**) holding a rank higher than that of junior

(**a**) 1969 c. 13 (N.I.) as amended by S.I. 1973/601 (N.I. 9)
(**b**) S.R. & O. (N.I.) 1973 No. 504 Art. 5(*b*) Sch. 2 Part II
(**c**) S.I. 1978/436
(**d**) 1950 c. 4 (N.I.)
(**e**) 1947 c. 41

fireman, during any period in which that person in the course of his duty as a member of such a fire brigade was under an obligation to engage in fire fighting and provided that such service need not be confined solely to any one fire authority but may be an aggregate of such service in the employment of two or more such fire authorities;

"promotion" does not include promotion which is expressed to be temporary only;

"rank" does not include the rank of chief fire officer.

(2) In their application in the case of a woman these Regulations shall have effect as if any reference to a fireman were a reference to a firewoman and as if any reference to the rank of junior fireman, fireman or leading fireman were a reference to the rank of junior firewoman, firewoman or, as the case may be, leading firewoman.

Revocation

3. Subject to the transitional provisions in Regulation 10 the Regulations set out in Schedule 4 are hereby revoked.

Appointment of chief officer

4. The authority, before appointing any person to be the chief fire officer, shall obtain the approval of the Department to the appointment of that person.

Appointment in the rank of junior fireman

5.—(1) The qualifications for appointment in the rank of junior fireman shall be as follows, that is to say, the person concerned at the time of his appointment—

(*a*) shall be of good character;

(*b*) shall have attained the age of 16 years and, subject to paragraph (2), shall not have attained the age of 17 years; and

(*c*) shall have satisfied the chief fire officer that he is likely, on attaining the age of 18 years, to be able to satisfy the qualifications for promotion to the rank of fireman mentioned in Regulation 5(1)(*c*), (*d*), (*e*) and (*f*).

(2) A person who has attained the age of 17 years but has not attained the age of 17 years 3 months may be appointed in the rank of junior fireman if, after considering the circumstances of his case, the authority so decides.

Promotion to, or appointment in, the rank of fireman

6.—(1) The qualifications for promotion to, or, subject to paragraph (2), appointment in the rank of fireman in the case of a person who is to serve whole-time therein on terms under which he is or may be required to engage in fire-fighting, shall be as follows, that is to say, such person at the time of his promotion or appointment—

(*a*) shall be of good character;

(*b*) shall have obtained the age of 18 years and shall not have attained the age of 31 years, or, in the case of a person who, having undertaken a fixed period of voluntary service in the regular armed forces of the Crown or of any part of the Commonwealth or of the Republic of Ireland, has completed that period of service, 35 years;

(*c*) subject to paragraph (3), shall be not less than 1.68 metres in height and have a chest measurement of not less than 91 centimetres when unexpanded with an expansion of not less than 5 centimetres;

(*d*) shall have satisfied a duly qualified medical practitioner selected by the authority that he is fit to undertake fire-fighting duties and that he has not any physical abnormality, and is not suffering from any disease, which in either case would be likely to incapacitate him temporarily or permanently for the performance of the said duties;

(*e*) shall have satisfied the chief fire officer of his ability to pass the following test of strength, that is to say, a test of his ability to carry a person weighing between 63.5 and 76.2 kilograms a distance of 91.44 metres in a time not exceeding 60 seconds; and

(*f*) shall have passed such examination in educational subjects as the authority may require, being such an examination as necessitates a reasonable standard of proficiency in reading, writing and arithmetic and such other subjects, if any, as the authority may require, or be, to the satisfaction of the authority, of such educational standard that it is unnecessary for him to take any such examination.

(2) Nothing in this Regulation shall apply in relation to—

(*a*) the appointment of a person who, at the time when it is decided to appoint him, is serving as a whole-time member of another fire brigade or of a fire brigade maintained by a fire authority in Great Britain under the provisions of the Fire Services Act 1947 in a rank higher than that of junior fireman, and is so serving on terms under which he is or may be required to engage in fire-fighting and whose engagement as such a member or person is not expressed to be temporarily only; or

(*b*) the appointment of a person who has previously served as a whole-time member of the same or another fire brigade maintained by a fire authority under the provisions of the Fire Services Act (Northern Ireland) 1969 or of a fire brigade maintained by a fire authority in Great Britain under the provisions of the Fire Services Act 1947 in a rank higher than that of junior fireman and was, immediately before he ceased so to serve, serving on terms under which he was or might be required to engage in fire-fighting and whose engagement as such a member or person was not expressed to be temporary only.

(3) A junior fireman may be promoted to the rank of fireman notwithstanding that he does not possess the qualifications mentioned in paragraph (1)(*c*) if, after considering the circumstances of his case, the authority so decides and draws the attention of the medical practitioner selected for the purpose of paragraph (1)(d) to the fact that he does not possess the said qualifications.

Promotion to a rank higher than that of fireman

7.—(1) The qualifications for promotion to a rank higher than that of fireman in the case of a person who is neither a part-time member nor serving on terms under which he is solely engaged on control room duties, shall be as hereafter in this Regulation provided:

Provided that a person may with approval of the Department be promoted to such a rank to perform in that rank particular duties for which special qualifications are required if he possesses those qualifications notwithstanding that he does not possess the qualifications required under this Regulation for promotion to that rank.

(2) For promotion to the rank of leading fireman the qualifications of the person concerned shall be that he shall have had not less than 2 years' operational service and shall have passed the examinations specified in Parts I and II of Schedule 1.

(3) For promotion to the rank of sub-officer the qualifications of the person concerned shall be as follows, that is to say, he shall have had not less than 4 years' operational service, and shall—

(*a*) have passed the examinations specified in Schedule 1;

(*b*) unless he is or has been a graduate of the Institution of Fire Engineers having passed the graduateship examination of the said Institution before the end of the year 1962, have passed the written examination specified in Part I of Schedule 2; and

(*c*) have passed the practical examination specified in Part II of Schedule 2.

(4) For promotion to the rank of station officer the qualifications of the person concerned shall be as follows, that is to say, he shall have had not less than 5 years' operational service and—

(*a*) have passed the examination specified in Schedule 3; or

(*b*) have passed, since the end of the year 1961, the graduateship examination, or the examination for membership (or, before 1974, for associate membership), of the Institution of Fire Engineers, having been eligible to enter for the examination referred to in sub-paragraph (*a*) immediately before he took the examination in question of the said Institution.

(5) For promotion to a rank higher than that of station officer the qualifications of the person concerned shall be that he is of a rank not lower than that of station officer.

(6) The person concerned shall be deemed to have passed so much of the test specified in Part II of Schedule 1 as relates to knowledge of first aid if at the time he takes the remainder of the test he is the holder of a certificate in first aid issued in the immediately preceding period of 3 years.

(7) A person shall not be eligible—

(*a*) to enter for the examination specified in Part II of Schedule 1 unless he has passed (in that or an earlier year) the examination specified in Part I of that Schedule;

(*b*) to enter for the examination specified in Part I of Schedule 2 unless he has passed the examinations specified in Part I and Part II of Schedule 1;

(*c*) to enter for the examination specified in Part II of Schedule 2 unless he has passed (in that or an earlier year), or is exempted from having to pass, the examination specified in Part I of Schedule 2.

(8) A person shall not be eligible to enter for the examination specified in Schedule 3 unless he has passed, or is exempted from having to pass, the examination specified in Part I of Schedule 2 and has passed the examination specified in Part II of the said Schedule 2.

Appointment in a rank higher than that of fireman

8.—(1) The qualifications for appointment in a rank higher than that of fireman in the case of a person who is to serve as a whole-time member on terms under which he will not be solely engaged on control room duties, shall be as follows, that is to say, such person at the time when it is decided to appoint him—

(*a*) shall be serving or have previously served as mentioned in paragraph (1) or, as the case may be, in sub-paragraph (b) of Regulation 6(2), and

(*b*) shall be qualified for the rank in question as mentioned in paragraph (2):

Provided that a person may with the approval of the Department be appointed in a rank higher than that of fireman to perform in that rank particular duties for which special qualifications are required if he possesses those qualifications notwithstanding that he does not possess the qualification specified in this Regulation for appointment in that rank.

(2) A person shall be qualified for a rank for the purposes of paragraph (1)(*b*)—

(*a*) where he is serving or has previously served in a fire brigade maintained by the authority or, as the case may be, an authority established under the Fire Service (Amendment) Act (Northern Ireland) 1950, if he is, or immediately before he ceased so to serve was, qualified for promotion to that rank as provided in Regulation 7.

(*b*) where he is serving or has previously served as a person employed as a member of a fire brigade maintained by a fire authority in Great Britain under the Fire Services Act 1947, if he is, or immediately before he ceased so to serve was, qualified for promotion to that rank as provided in the provisions made in that behalf under the said Act and in force at the time it is decided to appoint him.

Conduct of examinations

9.—(1) The authority shall secure that there are in force arrangements to provide such assistance in its area as may be requested by the Fire Services Central Examinations Board in conducting the examinations specified in Schedules 1 to 3.

(2) The authority shall, in the manner and subject to the conditions specified by the Fire Services Central Examinations Board make arrangements for applicants desiring and eligible to take the examinations conducted by the said Board.

10.—(1) A person who under the Regulations revoked by Regulation 3 is qualified for promotion to a particular rank, shall be deemed to have passed the examination required by these Regulations for promotion to that rank.

(2) When before the coming into operation of these Regulations a person has passed the examination specified in Part I of Schedule 1 to the Fire Services (Appointments and Promotion) Regulations (Northern Ireland) 1973(f) or has satisfied the authority that he is of an educational standard at least as high as that required to pass that examination but has not taken or has failed the test specified in Part II of that Schedule, then until 1st June 1980 he shall be eligible to enter for the examination specified in Part II of Schedule 1 notwithstanding that he has not passed the examination specified in Part I of that Schedule and if he passes that examination he shall be deemed to have passed also the examination specified in Part I of that Schedule.

(3) Where before the coming into operation of these Regulations a person has failed the test specified in Part II of Schedule 2 to the Fire Services (Appointments and Promotion) Regulations (Northern Ireland) 1973, then he shall be eligible to enter for the examination specified in Part II of Schedule 2 notwithstanding that he has not passed the examination specified in Part 1 of that Schedule and if he passes that examination he shall be deemed to have passed also the examination specified in Part I of that Schedule.

(f) S.R. & O. (N.I.) 1973 No. 414