Changes to legislation: *The Fire Services (Northern Ireland) Order 1984 is up to date with all changes known to be in force on or before 06 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1984 No. 1821 (N.I. 11)

The Fire Services (Northern Ireland) Order 1984 [F1]

22nd November 1984

- - - - - - [F2]

F1 functions transf. by SR 1999/481

F2 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006, in so far as not already in operation on 15.11.2010) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**; S.R. 2010/328, **art. 2**

Modifications etc. (not altering text)

C1 Order excluded (31.12.2009) by Safety of Sports Grounds (Northern Ireland) Order 2006 (S.I. 2006/313 (N.I. 2)), arts. 1(2), **21(1)-(3)** (with art. 26); S.R. 2009/287, **art. 2(m)**

PART I

INTRODUCTORY

Title and commencement

1. [F3] . . . . . .

F3 Order repealed (in so far as not already in operation on 15.11.2010) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2010/328, **art. 2**

Interpretation

2. [F4] . . . . . .

F4 Order repealed (in so far as not already in operation on 15.11.2010) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2010/328, **art. 2**

PART II

FIRE SERVICES

The Fire Authority for Northern Ireland

The Fire Authority for Northern Ireland

3. [F5] . . . . . .

F5 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Duties of the Authority

4. [F6] . . . . . .

F6 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Powers of the Authority

5. [F7] . . . . . .

F7 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Fire-hydrants

6. [F8] . . . . . .

F8 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Water supplies

7. [F9] . . . . . .

F9 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Application of certain provisions of the Local Government Act (Northern Ireland) 1972

8. F10 . . . . . .

F10 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Administration and finance

Establishment scheme

9. F11 . . . . . .

F11 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Pensions

F12**10.** "

(1) The Department, with the approval of the Department of Finance and Personnel, may by order provide"

(a) for the establishment and maintenance of one or more pension schemes for the purpose of providing pensions and other similar benefits in respect of the service of members of the fire brigade employed by the Authority;

(b) for the payment of contributions by the Authority or by members of the fire brigade, or both by the Authority and the members of the fire brigade;

(c) for securing that service with any body other than the Authority may, in such cases, upon such terms and subject to such conditions as may be specified in the order, be reckoned for superannuation purposes; and

(d) for reckoning for superannuation purposes, upon such terms and subject to such conditions as may be specified in the order, of service occurring before 14th February 1950, as well as of service occurring thereafter.

(2) The Department may by order apply, subject to such modifications and conditions as may be specified in the order and as from such date as may be so specified, as respects employees (other than members of the fire brigade) of the Authority the provisions of any statutory provision for the time being in force relating to the pensions payable to or in respect of employees of district councils.

(3) An order made under this Article may provide for"

(a) the making as a condition precedent to the reckoning under paragraph (1) (c) of service with a body other than the Authority of"

(i) payments (whether in the form of repayments of contributions, payments of accrued superannuation values or any other payment of whatsoever nature directed to the creation or preservation of pension rights of the person concerned) by any former employer of the person concerned or out of any superannuation fund relevant to that person's former employment;

(ii) where the person concerned has received any payment in respect of his pension rights upon ceasing to be employed in his former employment, payments by that person equal to all or any of the amounts so received;

(b) in the case of a person who having ceased to be in the employment of the Authority has entered the employment of another person, the making of payments by the Authority corresponding to any payments such as are described in sub-paragraph (a) (i);

(c) pensions and other superannuation benefits which are being paid or may become payable to or in respect of such persons as are specified in the order being persons who before the date so specified died or ceased to serve in the employment, service in which qualified them for those pensions or superannuation benefits;

and any former employer such as is referred to in sub-paragraph (a) (i) and the person having charge of any superannuation fund such as is so referred to shall have power to make the payments mentioned in sub-paragraph (a) (i) if, apart from the provisions of this paragraph, they would not have power to do so.

[F13(3A) Paragraphs (1) to (3) are subject to sections 18 and 19 of the Public Service Pensions Act (Northern Ireland) 2014 (restrictions on benefits provided under existing schemes).**]**

(4) An order under this Article may be framed so as to have effect as from a date earlier than the making of the order and section 18 (2) of the Administrative and Financial Provisions Act (Northern Ireland) 1962F14 shall not apply to any such order.

(5) **[**F15Without prejudice to the generality of paragraph (1), an order made under that paragraph may make provision"**]**

[F15(a)**]** where a person, immediately before he undertakes service of a description specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951F16 or attends for hourly instruction as defined in section 42 of that Act, is a member of the fire brigade, for treating the period of such service or instruction and such further period, if any, as may be specified in the order, on such conditions, if any, as may be so specified, as service in the employment of the Authority.

[F15(b) for the manner in which any question arising under the order is to be determined and for appeals from determinations of any such question.**]**

F12 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

F13 Art. 10(3A) inserted (28.4.2014) by Public Service Pensions Act (Northern Ireland) 2014 (c. 2), s. 37(2), **Sch. 8 para. 16**; S.R. 2014/123, **art. 2(1)(r)**

F14 1962 c. 7 (N.I.).

F15 1998 NI 11

F16 1951 c. 65.

Expenditure by the Authority

11. F17 . . . . . .

F17 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

[F18Accounts and audit

12. F19. . . . . .]

F18 2003 NI 5

F19 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Estimates of the Authority's receipts and payments

13. F20. . . . . .

F20 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Payments to the Authority

14. F21. . . . . .

F21 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Borrowing powers

15. F22. . . . . .

F22 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Annual report

16. F23. . . . . .

F23 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**

Insurance by the Authority against accidents to its members

17. F24. . . . . .

F24 Order repealed (arts. 3-20, 49A-52, Schs. 1, 2, 3, 5 on 1.7.2006) by The Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(2), **Sch. 4** (subject to art. 60 which makes provision for art. 10 to continue to have effect); S.R. 2006/257, **art. 2(e)(ii)**