1973. No. 399 **[C]**

FIRE SERVICES

Discipline

REGULATIONS, DATED 27TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 16(3) OF THE FIRE SERVICES ACT (NORTHERN IRELAND) 1969.

The Ministry of Home Affairs on behalf of the Secretary of State in exercise of the powers conferred on it by section 16(3) of the Fire Services Act (Northern Ireland) 1969(a) and of any other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Fire Services (Discipline) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In these Regulations—

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

"member" means a person employed or whose services are retained on a part-time capacity by the Authority as a fire officer or fireman;

"the Ministry" means the Ministry of Home Affairs.

(2) Any reference in these Regulations to the chief fire officer shall be taken to include a reference to the deputy chief fire officer when exercising the functions of the chief fire officer.

(3) These Regulations shall not apply in relation to a member who holds the rank of junior fireman and any reference therein to reduction in rank shall be construed as excluding a reference to reduction to the rank of junior fireman.

Revocation

3. The Fire Services (Discipline) Regulations (Northern Ireland) 1950(b) and the Fire Services (Discipline) Regulations (Northern Ireland) 1952(c) are hereby revoked.

Offences

4. A member commits an offence against discipline (hereinafter referred to as an "offence") if he commits one or more of the offences set out in the schedule.

Notification of charges

5.—(1) The chief fire officer, if he decides that a member shall be charged with an offence, shall as soon as possible cause him to be informed in writing of the charge together with such particulars as will leave the accused under no misapprehension as to the precise nature of the allegations on which the charge is based.

(a) 1969. c. 13 (N.I.).
(b) S.R. & O. (N.I.) 1950, No. 200.
(c) S.R. & O. (N.I.) 1952, No. 67.

(2) The accused shall also be given as soon as possible a copy of any report, complaint, or other written allegation on which the charge may be founded and of any reports thereon, notwithstanding that they may be confidential.

Statements and witnesses for accused

6.—(1) The accused shall be required to state in writing whether he admits or denies the charge and shall be allowed to give to the chief fire officer in writing any explanation he may wish.

(2) If the accused denies the charge, he shall, unless the chief fire officer is satisfied with any explanation which he has offered, be required to appear at the hearing of the case.

(3) The accused shall be allowed to state the names and addresses of any witnesses to relevant facts whom he may desire to give evidence at the hearing of the case.

(4) Any such witness who is a member shall be required to attend at the hearing of the case and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

Hearing of case

7.—(1) The Authority may direct that any class or description of case shall be heard by them, but subject to any such direction the chief fire officer may decide either to hear a case himself or order a case to be heard by a tribunal consisting of one or more officers not being below the rank of divisional officer grade III.

(2) If the chief fire officer decides to hear the case himself, he may order a fire officer or fire officers to assist him to hear the case as assessors.

(3) The chief fire officer or the fire officer or fire officers ordered by him to hear the case is hereinafter referred to as the disciplinary tribunal.

(4) The accused shall be entitled at the hearing to hear the evidence against him and have an opportunity of cross-examining the witnesses and of calling witnesses, giving evidence and making representations in his defence.

(5) At the hearing of a case the accused shall be entitled to have the assistance in presenting his defence of a person selected by himself who shall be a member of the fire brigade or, if the Authority so permit, a member of another fire brigade:

Provided that if the disciplinary tribunal is not the chief fire officer the person so selected by the accused shall not be of a rank equal or superior to that of any member of the tribunal.

(6) If the accused refuses or without sufficient cause fails to attend at the time and place appointed for hearing the case or is in legal custody, the hearing of the case may be proceeded with and concluded in his absence.

(7) The disciplinary tribunal may at any time before the hearing is concluded refer the case for hearing, if the disciplinary tribunal is the chief fire officer, to the Authority and, if the disciplinary tribunal is a divisional officer, to the chief fire officer.

(8) Where any case is referred for hearing under paragraph (7) the hearing shall be recommenced.

Punishments

8. An offence may be punished by—

(*a*) dismissal;

(*b*) being required to resign as an alternative to dismissal forthwith or at such later date as may be specified;

(*c*) reduction in rank;

(*d*) stoppage of pay or retaining fee;

(*e*) reprimand;

(*f*) caution:

Provided that a stoppage of pay or retaining fee in respect of any one offence shall not continue after the expiration of three months from the date on which the imposition of the punishment takes effect and the amount of any stoppages (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender.

Notification of decision

9. The disciplinary tribunal or, where the case is heard by the Authority, the Authority shall as soon as possible after the hearing of the case cause its decision to be notified in writing to the accused.

Decisions and their confirmation

10.—(1) If the disciplinary tribunal is not the chief fire officer it shall only have power to impose a punishment of stoppage of pay or retaining fee, reprimand or caution:

Provided that if its decision is to impose a punishment of stoppage of pay or retaining fee, or reprimand such decision shall have no effect unless it is confirmed by the chief fire officer.

(2) If the disciplinary tribunal is the chief fire officer and his decision is to impose a punishment of dismissal, requirement to resign as an alternative to dismissal or reduction in rank, his decision shall have no effect unless it is confirmed by the Authority.

(3) Any decision which requires confirmation may be confirmed with the reduction in the punishment.

(4) Where a decision is confirmed under the preceding paragraphs it shall have effect from the date of the confirmation.

Appeals to the Authority

11.—(1) The accused may, within three days of the notification to him of a decision of the disciplinary tribunal to impose a punishment other than a caution, appeal to the Authority giving notice in writing to that effect to the chief fire officer, and, where the decision is one which under paragraph (1) or (2) of Regulation 10 would have required confirmation, the decision of the Authority on such appeal shall have effect without such confirmation.

(2) An appeal under paragraph (1) shall be heard by the Authority.

(3) Any such appeal shall be by way of re-hearing and paragraph (4) of Regulation 7 shall apply as they apply to the hearing of the case.

(4) The accused shall be entitled to the assistance in presenting his appeal of a person selected by himself who need not be a member.