SCHEDULE

1. Where a member is suspended on the ground of absence from duty, the period of suspension shall, if the Fire Force Commander so directs, begin with the date which appears to him to be the date on which the absence commenced.

2. The period of suspension of a member shall continue until either it is terminated by the Fire Force Commander or terminated by his discharge or until any disciplinary proceedings against the member concerned have been concluded, whichever first happens :

Provided that where disciplinary proceedings have been contemplated but it has been decided that no such proceedings shall be taken, the Fire Force Commander shall forthwith terminate the suspension.

3. A member who has been suspended shall not be entitled in respect of the period of suspension to any pay, but shall be paid —

(*a*) if he has been suspended on the ground of absence from duty, such suspension allowance, if any, as may from time to time be directed by the Fire Force Commander ;

(*b*) in any other case such suspension allowance not being less than half his pay as may from time to time be so directed :

Provided that —

(i) if the suspension of a member terminates without his having been found guilty of an offence against discipline or a criminal offence he shall receive in respect of the period of suspension the pay which he would, but for the suspension, have received, less the amount of any suspension allowance paid to him ;

(ii) where a member is found guilty of an offence against discipline, the award in respect of the offence may contain a direction that the member shall be treated as having been suspended only for a specified part of the period of his suspension, and where a member is found guilty of a criminal offence the Fire Force Commander may give a similar direction, and where such a direction is given the member shall receive in respect of the remainder of that period of suspension the sum which he would have received in respect thereof if he had not been found guilty ;

(iii) no suspension allowance shall be paid in respect of any period during which a member is in legal custody otherwise than on remand or while awaiting trial.

Discipline

REGULATIONS, DATED 9TH NOVEMBER, 1950, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION NINE OF THE FIRE SERVICES (AMENDMENT) ACT (NORTHERN IRELAND), 1950.

1950. No. 200

The Ministry of Home Affairs, by virtue and in exercise of the powers conferred upon it by Section nine of the Fire Services (Amendment) Act (Northern Ireland), 1950, and of all other powers enabling it in that behalf, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Fire Services (Discipline) Regulations (Northern Ireland), 1950.

(2) The Interpretation Act, 1921, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) In these Regulations —

" the Authority " means the Northern Ireland Fire Authority ;

" fire brigade " means a fire brigade maintained by the Authority ;

" Fire Force Commander " means the officer appointed by the Authority under paragraph (*a*) of sub-section (1) of section six of the Fire Services Act (Northern Ireland) (Reprint), 1947, as amended by the Second Schedule to the Fire Services (Amendment) Act (Northern Ireland), 1950, or the person by whom the functions of the Fire Force Commander are, at the direction of the Authority, for the time being exercisable ;

" chief officer " means a fire officer appointed by the Authority to serve in that capacity ;

" the Ministry " means the Ministry of Home Affairs.

PART I

Discipline

2. A member of a fire brigade commits an offence against discipline (hereinafter in these Regulations referred to as an " offence ") if he commits one or more of the offences set out in the Schedule hereto.

3.—(1) The Fire Force Commander, if he decides that a member of the fire brigade 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.

(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.

4.—(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 Fire Force Commander in writing any explanation he may wish.

(2) 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.

(3) Any such witness who is a member of the fire brigade 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.

5.—(1) If the accused denies the charge, he shall, unless the Fire Force Commander is satisfied with any explanation which he has offered, be required to appear at the hearing of the case.

(2) 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.

6.—(1) The Authority may direct that any class or description of case shall be heard by them, but subject to any such direction the Fire Force Commander may decide either to hear the case himself or order the case to be heard by a chief officer.

(2) If the Fire Force Commander decides to hear the case himself, he may order an officer or officers of the fire brigade to assist him to hear the case as assessors.

(3) The Fire Force Commander or the chief officer ordered by him to hear the case are hereafter in these Regulations referred to as the disciplinary tribunal.

(4) Such officer as the Fire Force Commander, or, where the case is heard by the Authority, the Authority, may direct shall act as official prosecutor, and shall examine witnesses in support of the charges and cross-examine witnesses for the defence :

Provided that if the disciplinary tribunal is not the Fire Force Commander the officer so directed shall not be of a rank equal or superior to that of chief officer.

(5) The disciplinary tribunal may at any time before the hearing is concluded refer the case for hearing, if the disciplinary tribunal is the Fire Force Commander, to the Authority and, if the disciplinary tribunal is a chief officer, to the Fire Force Commander.

(6) Where any case is referred for hearing under paragraph (5) of this Regulation the hearing shall be recommenced.

7. The disciplinary tribunal or, if 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.

8. If the disciplinary tribunal is not the Fire Force Commander it shall only have power to impose a punishment of stoppage of pay, reprimand or caution.

9.—(1) If the disciplinary tribunal is not the Fire Force Commander and its decision is to impose a punishment of stoppage of pay, reprimand or caution its decision shall have no effect unless it is confirmed by the Fire Force Commander.

(2) If the disciplinary tribunal is the Fire Force Commander 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 a reduction in the punishment.

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