1942 No. 151

WHEREAS by the Delegation of Powers (Ministry of Public Security for Northern Ireland) Order, 1942 (a), made on 26th March, 1942, by the Secretary of State under Regulation 102A (1) of the Defence (General) Regulations, 1939 (b), the Secretary of State delegated his powers as respects Northern Ireland under Regulation 27A of the said Regulations to the Ministry of Public Security for Northern Ireland :

NOW, THEREFORE, the Ministry of Public Security for Northern Ireland, in pursuance of the powers so delegated to it and of all other powers enabling it in that behalf, hereby orders as follows :—

1.—(1) For paragraph (*a*) of the proviso to paragraph (1) of Article 4 of the Fire Prevention (Business Premises) (Northern Ireland) (No. 2) Order, 1941 (c), there shall be substituted the following paragraphs :—

" (*a*) any such person may, in accordance with the Civil Defence Duties (Exemption Tribunals) (Northern Ireland) Order, 1941 (d), apply to the tribunal mentioned in that order for exemption from fire prevention duties under this order on the ground that he is medically unfit to perform them, and the tribunal may grant such exemption in accordance with the said order, and any such person who has been so exempted, or who has been exempted by the tribunal mentioned in the Fire Prevention (Government Premises) (Northern Ireland) Order, 1942 (a), on the ground of medical unfitness, shall be exempted from fire prevention duties under this order, so long as the order of the tribunal has effect ;

(*aa*) any such person may, in accordance with the Civil Defence Duties (Exemption Tribunals) (Northern Ireland) Order, 1941, apply to the tribunal mentioned in that order for exemption from such duties as may be allotted to him under the said arrangements or for a reduction in the aggregate periods for which he may be required to perform such duties on the ground that it would be an exceptional hardship if he were required to perform them or (in the case of an application for a reduction) to perform them for those periods, and the said tribunal may, subject to the provisions of this Article, grant such application in accordance with the said order, and any such person whose application is granted under this paragraph shall, so long as the order of the tribunal has effect, be exempted from the said duties or, as the case may be, required to perform them for such reduced

(a) S. R. & O. 1942 No. 588.
(b) S. R. & O. 1939 No. 927.
(c) S. R. & O. (N.I.) 1941 No. 188.
(d) S. R. & O. (N.I.) 1941 No. 85.
(a) S. R. & O. (N.I.) 1942 No. 137.

aggregate periods as may be specified in the order of the tribunal ;"

(2) For paragraph (*c*) of the proviso to paragraph (1) of the said Article there shall be substituted the following paragraph :—

"(*c*) the following persons shall be exempted from the said duties :—

(i) members of the armed forces of the Crown (but excluding members of any reserve or auxiliary force who have not been called out for service or who have been released from service) ;

(ii) members of the Royal Ulster Constabulary ;

(iii) members of the Ulster Special Constabulary ;

(iv) members of the Ulster Home Guard ;

(v) whole-time firemen of the National Fire Service (Northern Ireland) ;

(vi) persons certified by a local authority, as defined by the Blind Persons Acts (Northern Ireland), 1920 and 1938, to be registered as blind persons under arrangements made by the authority under those Acts ;

(vii) deaf and dumb persons ;

(viii) persons of any such class as may be prescribed ;

(3) For paragraph (*d*) of the proviso to paragraph (1) of the said Article 4 there shall be substituted the following paragraph :—

"(*d*) A part-time fireman of the National Fire Service (Northern Ireland) who holds a certificate given by or on behalf of the Fire Service Commander that, at the time when the certificate was issued, he was performing duties as such a fireman for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from the said duties so long as he continues to perform duties as such a fireman for such periods ; "

(4) For paragraph (*e*) of the proviso to paragraph (1) of the said Article 4 there shall be substituted the following paragraph :—

"(*e*) a person who holds a certificate from a local authority that, at the time when the certificate was issued, he was performing, under directions from that authority, civil defence duties for periods amounting in the aggregate to not less than forty-eight hours in each month shall be exempted from the said duties so long as he continues to perform civil defence duties as aforesaid for such periods ; "

(5) After paragraph (1) of the said Article 4 there shall be inserted the following paragraphs :—

"(1A) A person exempted under paragraph (*aa*) of the proviso to the last foregoing paragraph shall not be deemed to be exempted from the performance of the said duties during his working hours or during

a break for food or rest not exceeding one and a half hours in the course of a period of work.

(1B) If any person applies to the tribunal referred to in paragraph (*aa*) of the proviso to paragraph (1) of this Article for exemption solely on the ground of exceptional hardship arising from the nature or length of hours of his work, the tribunal shall not entertain the application if it has been notified in writing by the appropriate authority that he is engaged upon vital work."

(6) Paragraph (4) of the said Article 4 is hereby revoked.

(7) At the end of the said Article 4 there shall be added the following paragraph :—

" (4) If a fire occurs otherwise than as a result of hostile attack at any premises for which arrangements are in force under this order, any person then performing fire prevention duties at the premises under the arrangements shall, on the detection of the fire, take such steps as are immediately practicable to combat the fire and shall summon such assistance as may be necessary."

2.—(1) In sub-paragraph (*b*) of paragraph (1) of Article 5 of the said order the words " and they receive sufficient instruction to enable them to perform those duties " shall be omitted.

(2) In sub-paragraph (*a*) of paragraph (2) of the said Article 5, after the words " working hours " there shall be inserted the words " (exclusive, in the case of a person employed in night work on any night, of any break for food or rest not exceeding one and a half hours in the course of a period of work) ".

3.—For sub-paragraph (*d*) of paragraph (2) of Article 5 of the said order and the last two sentences of the said paragraph there shall be substituted the following sub-paragraph :—

" (*d*) Subsistence allowances of the following amounts are paid to every such person :—

(i) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period not exceeding three hours, ninepence ;

(ii) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding three hours but not exceeding twelve hours, three shillings ;

(iii) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding twelve hours but not exceeding eighteen hours, four shillings and sixpence ;

(iv) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding eighteen hours but not exceeding twenty-four hours, six shillings :

Provided that—

(*a*) no subsistence allowance shall be paid to any person in respect of the performance of the said duties at any premises while his usual place of residence is in a building comprising those premises or in an adjoining or neighbouring building comprising any premises to which the arrangements apply ;

(*b*) no subsistence allowance shall be paid in respect of any occasion on which a person performs the said duties during a break for food or rest not exceeding one and a half hours in the course of a period of work.

For the purposes of this sub-paragraph a person who performs the said duties outside his working hours for a continuous period exceeding twenty-four hours shall be deemed, after the completion of twenty-four hours, to perform the said duties on a new occasion."

4. After Article 5 of the said order the following Article shall be inserted :—

Relief for persons employed in night work.

"5A. Where any person who is required to perform fire prevention duties under arrangements in force under this order is employed in night work, whether at premises for which the arrangements are in force or elsewhere, the arrangements shall, so far as practicable, secure that—

(*a*) if he is ordinarily employed for every week in night work, or is ordinarily employed in night work on not less than twenty nights in twenty-eight—

(i) he shall not be required to perform the said duties outside his working hours except on not more than one night in any week, being a night on which he is employed in night work, for a period beginning not earlier than five o'clock and ending when his work begins for the night or for a period beginning after his work has finished for the night and ending not later than eight o'clock on the following morning ; and

(ii) the periods for which he is required to perform the said duties outside his working hours shall not in the aggregate exceed twelve hours in each period of four weeks ;

(*b*) if he is employed in night work on a weekly shift system for three weeks in four, or two weeks in three, or for three weeks