1942. No. 49.

The Ministry of Public Security for Northern Ireland (hereinafter referred to as " the Ministry ") in pursuance of the powers conferred upon it by section 1 (1) of the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

Part I.

Preliminary.

1.—(1) These regulations may be cited as the National Fire Service (General) Regulations (Northern Ireland), 1942.

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

(3) Any reference in any document to these regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these regulations or to that regulation as amended by any subsequent regulations made under the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, either as originally enacted or as amended.

Part II.

Organization of the National Fire Service (Northern Ireland).

2.—(1) During the period of the present emergency there shall be a National Fire Service in Northern Ireland, to be set up and maintained by the Ministry for the extinction of fires, and the protection of life and property in case of fire. The said service shall be styled and known as the National Fire Service (Northern Ireland), and is hereinafter referred to as " the Service."

(2) The Service may also be employed

(*a*) for any rescue or salvage work for which their appliances are suitable ; and

(*b*) on the construction or improvement of buildings or works used or intended for the purposes of the Service or for other Civil Defence purposes or on work for forestalling or mitigating the effects of enemy action.

3.—(1) The Service shall be under the command of a Fire Service Commander, who, subject to the direction of the Ministry, shall be in control and shall be responsible for the working and efficiency of the Service, and shall in particular, but without prejudice to the generality of the foregoing words—

(*a*) determine the number and position of the stations and depots to be maintained for the purposes of the Service

and the number and nature of the personnel by which they are to be manned ;

(*b*) post members of the Service to stations and depots so maintained, and assign them their duties ;

(*c*) be responsible for the operations, training and welfare of the service ;

(*d*) be responsible for the maintenance and care of equipment and appliances at the disposal of the Service.

(2) If it appears to be expedient by reason of a vacancy or for any other reason, the Ministry may direct that for such period as may be specified in the direction all or any of the functions of the Fire Service Commander shall be exercisable by some other person, whether or not a member of the Service.

(3) In the event of a vacancy in the post of Fire Service Commander or in the event of the Fire Service Commander being unable to act owing to illness or absence, his functions shall, unless there is some other person authorized and able to exercise them under paragraph (2) of this regulation, be exercisable by such officer of the Service as may have been designated as his deputy by the Ministry, or if there is no such officer or if he is unable to act, by the senior officer of the Service able to act.

(4) In these regulations, the Fire Service Commander means the Fire Service Commander or the person (whatever his rank, if any, in the Service) by whom the functions of the Fire Service Commander are for the time being exercisable under the foregoing provisions of this regulation.

4.—(1) Members of the Service may be employed either whole-time or part-time, and, whether whole-time or part-time, may be firemen or firewomen with ranks in the Service, or may be persons not holding any rank therein, and any references in these regulations to a fireman shall, unless the context otherwise requires, be construed as a reference to a member, whether male or female, of the Service holding a rank therein.

(2) The ranks of firemen shall be, in order of seniority, the following :—

Fire Service Commander	Company Officer
Deputy Fire Service Commander	Section Leader
Divisional Officer	Leading Fireman
Column Officer	Fireman
Senior Company Officer	

(3) The ranks of Firewomen shall be, in order of seniority, the following ;—

Area Officer	Leading Firewoman
Group Officer	Firewoman
Assistant Group Officer	

(4) The Ministry may create such additional ranks as it considers necessary and assign to them their seniority.

(5) A fireman shall obey the orders—

(*a*) of any fireman of superior rank whether he belongs to the Service or to any other Fire Service ; and

(*b*) of any other person, whether or not a member of the Service, under whose orders he is placed by the Ministry, by the Fire Service Commander or by any other person competent to give him orders.

5.—(1) A person may be appointed a member of the Service—

(*a*) whether or not as a fireman, by the Ministry ;

(*b*) as a fireman by the Fire Service Commander.

(2) A fireman may be promoted—

(*a*) to be Divisional Officer, Column Officer, Senior Company Officer, Company Officer, Area Officer, Group Officer or Assistant Group Officer, by the Ministry ;

(*b*) to any rank below that of Company Officer or Assistant Group Officer, by the Fire Service Commander,

and any power conferred by this paragraph to promote to any rank includes power to reduce from that rank to any lower rank :

Provided that a fireman shall not be reduced from any rank to any lower rank except with his own consent or during his period of probation.

(3) Any member of the Service may be discharged—

(*a*) in the case of Divisional Officers, Column Officers, Senior Company Officers, Company Officers, Area Officers, Group Officers and Assistant Group Officers, by the Ministry ;

(*b*) in the case of ranks below Company Officer and Assistant Group Officer, by the Fire Service Commander :

Provided that a fireman who has not attained the age of sixty shall not be discharged by the Fire Service Commander without the concurrence of the Ministry, except with his own consent, or, in the case of a member other than a member transferred to the Service by virtue of these regulations, during his period of probation.

(4) Nothing in this regulation affects the provisions of the First Schedule to these regulations relating to dismissal or other punishment for disciplinary offences.

(5) In this regulation " period of probation " means, in relation to any fireman, the first six months of his service, together with such

further period or periods (not exceeding in all a further twelve months) as may at any time before the end of his period of probation be added thereto by direction of any person who has for the time being power under this regulation to discharge him.

6.—(1) Any fireman may be ordered to go, for any purpose connected with the execution of his duty, to any place in Northern Ireland :

Provided that, in the case of a part-time fireman, this paragraph shall have effect subject to the proviso to regulation 7 (4) of these regulations.

(2) The provisions of the First Schedule to these regulations (which relate to discipline) shall apply to firemen.

(3) Subject to the provisions of these regulations, the provisions of the Second Schedule to these regulations shall have effect as respects pay and other conditions of service of firemen.

(4) Any whole-time fireman who—

(*a*) disobeys any lawful order given to him as such ; or

(*b*) without reasonable excuse is absent from any place at a time when it is his duty as such to be there,

shall, on summary conviction, be liable to imprisonment for a term not exceeding one month, or to a fine not exceeding ten pounds, or to both such imprisonment and such fine.

PART III.

Transfer of Personnel and Property from Local Authorities.

7.—(1) Subject to the provisions of this regulation, on the appointed day all persons who immediately before that day were fire personnel employed by, or serving under the directions of, a local authority shall, by virtue of these regulations and without more, be transferred to and become members of the Service.

(2) Nothing in this regulation shall operate to transfer to the Service any person as respects whom the Ministry is satisfied that since 3rd September, 1939, he has been employed mainly on duties other than fire brigade duties.

(3) The Ministry may direct, in relation to any person who would otherwise have been transferred on the appointed day to the Service, that he shall be transferred thereto on such earlier day as may be specified in the direction and he shall be transferred accordingly.

(4) Persons transferred by virtue of these regulations to the Service shall become whole-time or part-time members thereof according as, before their transfer, they were whole-time or part-time fire personnel, and shall, if before their transfer they were members of a

fire brigade or of the Auxiliary Fire Service, become firemen in the Service :

Provided that a person so transferred who becomes a part-time member of the Service shall not be required, without his consent, to serve in any place where he could not have been so required to serve if the Fire Services (Emergency Provisions) Act (Northern Ireland), 1942, had not been passed.

8.—Notwithstanding his transfer to the Service every person transferred thereto by virtue of these regulations, otherwise than by the direction of the Ministry, shall, if he is a fireman, until a rank in the Service is assigned to him under these regulations, continue to hold the same rank and to receive the same pay, emoluments and allowances, and, unless the Fire Service Commander otherwise directs, to have the same duties, as immediately before his transfer, so however that every member of the Service shall be subject to the orders of the Fire Service Commander, and, if a fireman, to discipline as a member of the Service (including the liability to reduction in rank and stoppage of pay).

9.—(1) On the appointed day any obligations of a local authority to make provision for the extinction of fires and the protection of life and property in case of fire shall, save as provided in these regulations, be suspended during the period of the present emergency, and accordingly—

(*a*) their rights against and obligations towards, such of the persons employed by them as have been transferred to the Service shall be similarly suspended ;

(*b*) any contract made by the local authority with any person or any other local authority for the provision by the first mentioned local authority of the services of their fire brigade shall be treated as frustrated as from the appointed day.

(2) Unless and until arrangements to the contrary are made between the local authority and the Ministry, all property which—

(*a*) immediately before the appointed day was used or intended for use by the local authority for the purposes of their fire brigade ; or

(*b*) is acquired by them after that date under a contract entered into for those purposes before that date ;

shall as from the appointed day or the acquisition thereof, as the case may be, be taken for the purposes of the Service and may be used and dealt with in connection with the Service as if it were the property of the Ministry :

Provided that—

in the case of buildings which are under construction or under active repair when taken under this paragraph the local