Sealed with the Official Seal of the Ministry of Public Security for Northern Ireland this 14th day of February, 1941, in the presence of

(L.S.) *W. A. B. Iliff*,
Secretary.

THE FIRE PREVENTION (BUSINESS PREMISES) (NORTHERN IRELAND) (No. 2) ORDER, 1941, DATED 13TH NOVEMBER, 1941, MADE BY THE MINISTRY OF PUBLIC SECURITY FOR NORTHERN IRELAND UNDER REGULATION 27A OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1941. No. 188.

WHEREAS by the Delegation of Emergency Powers (Northern Ireland) Order, 1941 (**a**), made on January 23, 1941, 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 :—

Premises to which order applies.

1.—This order shall apply to all business premises situated in any such area as may be prescribed, and to all such other business premises as may be prescribed :

Provided that this order shall not apply to any premises occupied by any person partly as his dwelling-house and partly for the purpose of his business, trade or profession, except premises occupied partly as a shop.

Obligation of occupiers to make arrangements

2.—(1) Subject to the provisions of this order, every occupier of premises to which this order applies shall make proper and adequate arrangements for the purpose of securing that fires occurring at the premises as the result of hostile attack will be immediately detected and combated.

(2) The occupiers of several premises to which this order applies, being adjoining or neighbouring premises or premises in the same building, may make joint arrangements for those premises.

(3) Where several premises to which this order applies are occupied by the same occupier, whether or not they are adjoining or neighbouring premises or premises in the same building, the occupier may make combined arrangements for those premises :

(a) S. R. & O., (U.K.) 1941, No. 102.
(b) S. R. & O., (U.K.) 1939, No. 927.

Provided that no person shall be required under the arrangements without his consent to perform fire prevention duties at any premises which are more than two miles from the premises at which he works.

Procedure for making and approving arrangements

3.—(1) Every occupier of premises to which this order applies shall consult with the persons working at the premises or with their representatives with respect to the arrangements to be made under this order for those premises and the manner in which the arrangements are to be carried out, and, in so far as any such persons have trade union representatives, they shall be entitled to be represented by those representatives.

(2) Every such occupier shall, within twenty-one days from the date on which this order applies to the premises, notify in writing to the appropriate authority the arrangements made by him for the premises under this order, and the notification shall include a statement by the occupier that he has complied with the last foregoing paragraph, and, in a case where he has consulted representatives, a list of the names of those representatives.

(3) On or before the date on which any such arrangements are notified to the appropriate authority, the occupier—

(*a*) in a case where he has consulted representatives, shall send or deliver to every representative a copy of the arrangements as so notified ;

(*b*) in a case where any of the persons working at the premises have not been represented by representatives, shall in addition to his obligation, if any, under the foregoing sub-paragraph cause copies of the arrangements to be displayed at the premises or otherwise made available for inspection at the premises by those persons ;

and representations with respect to the arrangements may be made in writing to the appropriate authority by any representative who has been consulted or by any person working at the premises who has not been represented by a representative.

(4) The appropriate authority may approve, with or without modifications, any such arrangements notified to it, or may disapprove any such arrangements, but the appropriate authority shall not approve or disapprove them before the expiration of seven days from the date on which the arrangements were notified to it and shall, before approving or disapproving the arrangements, consider any representations made to it under the last foregoing paragraph within the said period, and shall notify its approval or disapproval in writing to the occupier and to any persons who have made representations within the said period :

Provided that if, in a case where representations have been made to it within the said period, the appropriate authority considers it necessary

or expedient that the arrangements should be carried out forthwith, the authority may, before it has considered or fully considered the representations, provisionally approve the arrangements, with or without modifications, and notify its provisional approval in writing to the occupier and to the persons who have made the representations.

(5) Where any such arrangements have been provisionally approved under the last foregoing paragraph, the appropriate authority shall without delay consider, or complete its consideration of, the said representations and shall, not later than the expiration of one month from the date on which it notified its provisional approval or of such further periods, not exceeding one month in any case, as it may from time to time notify in writing to the occupier and the persons who have made the said representations, finally approve, with or without modifications, or disapprove the arrangements and shall notify its approval or disapproval accordingly :

Provided that if the appropriate authority is a local authority and, at the expiration of two months from the date on which its provisional approval was notified, it has not notified its final approval or disapproval, the occupier of the premises or any of the persons who have made the said representations may make an application in writing to the Ministry and the Ministry may require the appropriate authority to refer the arrangements to it.

Where an application is made to the Ministry under this paragraph the person making the application shall, on the day on which he makes it, send or deliver a copy thereof to the appropriate authority.

(6) Where any such arrangements have been approved, otherwise than provisionally, by an appropriate authority which is a local authority, the occupier or any of the persons who made representations within the period mentioned in paragraph (4) of this article may, within seven days from the date on which he was notified of the approval, appeal by notice in writing to the Ministry, and shall, within the said period, send or deliver a copy of the notice to the appropriate authority.

(7) Where any such arrangements after being provisionally approved are referred to the Ministry, or an appeal is made to the Ministry from the final approval of any such arrangements, the Ministry shall either—

(*a*) finally approve the arrangements, whether in the form in which they were approved by the appropriate authority (provisionally or otherwise) or in a modified form ; or

(*b*) disapprove the arrangements ;

and shall notify its decision in writing to the appropriate authority, the occupier and any persons who made representations within the period mentioned in paragraph (4) of this Article.

(8) The appropriate authority or Ministry may, before reaching a final decision with respect to any such arrangements, refer the arrangements back, either generally or as respects particular matters, for further consultation between the occupier of the premises to which the arrangements relate and the persons working at the premises or their representatives, and may direct that a representative of the authority or of the Ministry, as the case may be, shall take part in the consultation, and the occupier may, as the result of the further consultation, amend the arrangements for the premises and notify them in writing as amended to the appropriate authority or to the Ministry, as the case may be, and paragraphs (3) to (7) of this Article shall apply in relation to the amended arrangements subject to the modification that, in a case where they are notified to the Ministry, for the references to the appropriate authority there shall be substituted references to the Ministry and the provisions relating to references and appeals to the Ministry shall not apply.

(9) Where any such arrangements have been approved by the appropriate authority under this Article (whether provisionally or finally), they shall come into force as from a date specified by the authority when notifying the approval to the occupier not being less than three days after the date on which it was so notified, and if the arrangements are subsequently disapproved or approved in a modified or amended form under this Article, the arrangements shall cease to be in force or, as the case may be, shall have effect in the modified or amended form, as from a date specified by the authority or the Ministry when notifying the approval or disapproval to the occupier not being less than three days after the date on which it was so notified.

(10) While any arrangements for any premises are for the time being in force under this order, the occupier of the premises shall cause copies thereof to be displayed at the premises or otherwise made available for inspection at the premises by the persons working at the premises.

(11) Arrangements approved under this Article for any premises shall not be deemed to be invalid on the ground that the persons working at the premises or their representatives were not consulted in accordance with this Article, if it is shown that the occupier of the premises took reasonable steps to obtain the views of those persons or their representatives with respect to the arrangements and the manner in which they were to be carried out, and that they refused or neglected to discuss or express any views on the matters aforesaid.

Obligations of persons working at premises.

4.—(1) It shall be the duty of all male persons working at premises for which arrangements are in force under this order other than voluntary arrangements, being British subjects of the prescribed age, to perform such fire prevention duties as may be allotted to them under the arrangements :

Provided that—

(*a*) any such person may, in accordance with any order under Regulation twenty-seven A of the Defence (General) Regulations, 1939, for the time being in force, apply to the tribunal mentioned in that order for exemption from all or any of the said duties on the ground that he is medically unfit to perform them, or that it would be an exceptional hardship for him to be required to perform them, and the tribunal may grant such exemption in accordance with the said order ;

(*b*) any such person shall be exempted from the said duties if and so long as he works at any other premises for which arrangements are in force under this order and performs outside his working hours duties allotted to him under those arrangements to the extent of the periods of his performance of such duties ;

(*c*) the following persons shall be exempted from the said duties, namely, members of the Ulster Home Guard, members of the Royal Ulster Constabulary and Ulster Special Constabulary and persons of such classes as may be prescribed ;

(*d*) a fireman who holds a certificate from a local authority that, at the time when the certificate was issued, he was performing duties as a fireman for periods amounting in the aggregate to not less than forty-eight hours in each month, shall be exempted from duties under this order so long as he continues to perform duties as a fireman for such periods ;

(*e*) a person who holds a certificate from a local authority that on the first day of October, nineteen hundred and forty-one, he had undertaken to perform civil defence duties in the area of that authority and was performing those 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 for such periods whether in that area or in the area of any other local authority ;

(*f*) the appropriate authority may, by a direction given to the occupier of the premises, exempt from the said duties wholly or partly—

(i) persons who appear to that authority to be engaged upon vital work for exceptionally long hours ; and

(ii) persons engaged upon such duties as may be specified in the direction, being duties undertaken to forestall or mitigate hostile attacks on the premises ;

(*g*) when it appears to any government department that any person ought, owing to the nature or length of hours of his work or any circumstances affecting the public interest, to be exempted