EXPLANATORY MEMORANDUM TO

The Fire and Rescue Services (Emergencies) Order (Northern Ireland) 2011

SR No. 360

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers granted in Article 7(1) and (2) of the Fire and Rescue Services (Northern Ireland) Order 2006 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Fire and Rescue Services (Emergencies) Order (Northern Ireland) 2011 is to specify those additional functions relating to emergencies which are to be core functions. In particular it creates core functions for the Board in relation to:

- chemical, biological, radiological and nuclear incidents,
- search and rescue,
- serious flooding and
- serious transport incidents.

Article 7 stipulates what provision the Board must make for the specified emergency situations.

3. Background

3.1. The core functions of the Northern Ireland Fire and Rescue Service Board are set out in Articles 4 to 7 of the Fire and Rescue Services (Northern Ireland) Order 2006. These are functions for which the Board must make provision and they include the promotion of fire safety, firefighting, and responding to road traffic accidents.

3.2. The 2006 Order gives the Department of Health, Social Services and Public Safety the power to confer, by Order, other functions in relation to emergencies on the Northern Ireland Fire and Rescue Service Board. The Department has decided to utilise this power and the Fire and Rescue Services (Emergencies) Order (Northern Ireland) 2011 outlines new responsibilities for the Board.

4. Consultation

4.1. The consultation ran from 7 June to 17 September 2010. 13 responses were received with the majority of them coming from local councils and Emergency Planning branches within the PSNI and Government Departments. Any areas of concern have, as far as possible, been addressed.

5. Equality Impact

5.1. An equality screening was completed for the Order; the policy was screened out on the basis that it would have no adverse differential impact on equality of opportunity.

6. Regulatory Impact

6.1. The draft Order will only impose duties on the Northern Ireland Fire and Rescue Service. As it will impose no additional costs on businesses, charities or the voluntary sector a full Regulatory Impact Assessment has not been completed.

7. Financial Implications

7.1. There should be no additional financial implications. To an extent Northern Ireland Fire and Rescue Service already equip and train staff to respond to emergencies such as those outlined in this Order.

8. Section 24 of the Northern Ireland Act 1998

8.1. This Order does not breach section 24 of the Northern Ireland Act 1998. The Order is not incompatible with any of the convention rights or Community Law and they do not discriminate against a person on the ground of religious belief or political opinion. The Order does not modify or amend any of the enactments stated in section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. The Order broadly reflects the legislative changes which were introduced in England and Scotland under the Fire and Rescue Services (Emergencies) (England) Order 2007 and the Fire (Additional Function) Scotland Order 2005.

11. Additional Information

11.1. Not applicable