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

in five, or is ordinarily employed in night work on not less than fifteen nights in twenty-eight, 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 ;

(*c*) if he is employed in night work on a weekly shift system for one week in two, or for two weeks in five, or for one week in three, or is ordinarily employed in night work on not less than eight nights in twenty-eight, the said periods shall not in the aggregate exceed twenty-four hours in each period of four weeks ;

(*d*) if he is employed in night work on a weekly shift system for one week in four, or is ordinarily employed in night work on not less than five nights in twenty-eight, the said periods shall not in the aggregate exceed thirty-six hours in each period of four weeks :

Provided that nothing in paragraph (*a*) of this Article shall prevent a man being required to perform the said duties on any night on which he is employed in night work during a break for food or rest not exceeding one and a half hours in the course of a period of work, and in considering for the purposes of any of the provisions of this Article whether the periods for which he is required to perform the said duties, outside his working hours, do or do not in the aggregate exceed the relevant amount specified in this Article, any period during any such break on any such night during which he is required to perform the said duties shall be left out of account."

5. After Article 13 of the said order the following Article shall be inserted :—

"Training. 13A.—(1) The occupier of any premises for which arrangements are in force under this order shall make provision for securing that all persons who undertake or are required to perform fire prevention duties under the arrangements receive, as soon as practicable after the date of this order or of the commencement of their duties (whichever is the later) and thereafter from time to time, instruction and training with respect to the following matters :—

(*a*) the characteristics of different types of incendiary bombs and other missiles likely to cause fire, and the methods of dealing therewith ;

(*b*) the use of fire-fighting equipment and appliances whether by individuals or by parties or by groups of parties, and the maintenance of such equipment and appliances ;

(*c*) the situation of any fire-fighting equipment and appliances and supplies of static water available for use at the premises, and the situation and use of any hydrants, taps, switches and other appliances for controlling any supply of water, gas or electricity available for use at the premises ;

(*d*) the methods of giving warning and communicating information, and the situation at the premises of any telephone or other instrument used for the purpose ;

(*e*) the lay-out of the premises and in particular the roofs, and the methods of obtaining access to the roofs and other parts of the premises ;

and every such person as aforesaid shall comply with any direction given to him by the occupier or a person authorised by the occupier requiring him to attend for instruction and training at a specified time and place, whether during or outside his working hours and whether at the premises or elsewhere, and shall also comply with any directions given to him in the course of the instruction and training by the person in charge thereof.

(2) Where arrangements, other than voluntary arrangements, are in force for any premises under this order, the foregoing paragraph shall not apply to any person wholly exempted from fire prevention duties under the arrangements, and the following provisions shall have effect as respects persons who are required by virtue of paragraph (1) of Article 4 of this order to perform such fire prevention duties :—

(*a*) any person exempted from the performance of such duties, except 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, shall not be required under the foregoing paragraph to attend for the purpose of receiving instruction and training except during his working hours or during any such break ;

(*b*) for the purpose of calculating the aggregate periods for which such duties are required to be performed by any such person outside his working hours, any period for which he is required under this Article to attend outside his working hours for instruction and training shall be taken into account ;

(*c*) the amount of any additional travelling expenses reasonably incurred by any such person in consequence of his attendance for instruction and training under this Article shall be reimbursed ;

(*d*) subsistence allowances shall be payable in respect of any occasion on which any such person is required under this Article to attend outside his working hours for instruction and training, in like manner in all respects as if he were performing fire prevention duties under the arrangements for the period of his attendance, but, in a case where he is required to attend for instruction and training during or immediately before or after a period for which he is required to perform the said duties, the period of his attendance shall (subject to the provisions of sub-paragraph (*d*) of paragraph (2) of Article 5 of this order relating to a continuous period exceeding twenty-four hours) not be treated as a separate occasion.

(3) The occupier of any premises shall, in providing instruction and training in accordance with this Article, comply with any directions given by the appropriate authority.

(4) Where joint arrangements are in force for any premises, the appropriate authority may, in default of agreement between the occupiers of the several premises, give directions apportioning among those occupiers the expenses of providing instruction and training in accordance with this Article.

(5) If the occupier of any premises fails to provide for instruction and training in accordance with this Article, the appropriate authority may itself do so and recover from the occupier summarily as a civil debt any expenses thereby incurred by the authority :

Provided that nothing in this paragraph shall prejudice any criminal proceedings for any such failure.

(6) This Article shall have effect in relation to any premises only from such date as may be prescribed for those premises or for the area in which they are situated."

6. In sub-paragraph (*e*) of paragraph (1) of Article 14 of the said order for the words " county district " there shall be substituted the words " borough, urban district or rural district ".

7.—(1) After paragraph (1) of Article 15 of the said order the following paragraph shall be inserted :—

" (1A) Any reference in this order to any Regulation or order shall be construed as a reference to that Regulation or that order as amended by any subsequent Regulation or order."

(2) At the end of the said Article, the following paragraphs shall be added :—

" (3) For the purposes of this order, a person employed for the purposes of any business, trade or profession, being a person whose work is not performed at premises occupied for those purposes, shall :—

(i) if his employment normally requires him to attend at any such premises at the beginning or end of his daily period of work, be deemed to work at those premises ;

(ii) if his employment does not require him to attend as aforesaid but requires him to report regularly at any such premises at least once a week, be deemed to work at those premises :

Provided that the appropriate authority may by a direction given to the occupier of the premises exempt any such person from the performance of fire prevention duties under arrangements in force for the premises under this order, if that person is required by his work to travel from place to place and is therefore necessarily required to sleep away from his ordinary place of residence on at least two nights a week,

(4) For the purposes of this order—

(*a*) a person shall be deemed to be employed in night work on any night if he performs not less than four hours of work, exclusive of any interval for a meal or a rest, between the hours of ten p.m. and six a.m. on that night ;

(*b*) a person shall not be deemed to be employed in night work for any week unless he is so employed on at least five nights in that week ;

(*c*) the expression 'week' means the period between noon on Monday and noon on the succeeding Monday."

3.—(1) This order may be cited as the Fire Prevention (Business Premises) (Northern Ireland) (Amendment) Order, 1942.

(2) This order shall come into operation on the fifth day of October, nineteen hundred and forty-two.

Sealed with the Official Seal of the Ministry of Public Security this twenty-ninth day of September, nineteen hundred and forty-two, in the presence of

(L.S.) *E. W. Scales*,
Secretary.

Fire Prevention.

Clearance of Lofts.

THE CLEARANCE OF LOFTS (NORTHERN IRELAND) ORDER, 1942, DATED 23RD SEPTEMBER, 1942, MADE BY THE MINISTRY OF PUBLIC SECURITY FOR NORTHERN IRELAND UNDER REGULATION 27 OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1942. No. 154.

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 27 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.—Where there is, in any premises to which this Order applies, any loft which is not used or furnished for use for human habitation the

(**a**) S. R. & O. (U.K.) 1942, No. 568.
(**b**) S. R. & O. (U.K.) 1939, No. 927.