SCHEDULE

1. Where a member is suspended on the ground of absence from duty, the period of suspension shall, if the Fire Force Commander so directs, begin with the date which appears to him to be the date on which the absence commenced.

2. The period of suspension of a member shall continue until either it is terminated by the Fire Force Commander or terminated by his discharge or until any disciplinary proceedings against the member concerned have been concluded, whichever first happens :

Provided that where disciplinary proceedings have been contemplated but it has been decided that no such proceedings shall be taken, the Fire Force Commander shall forthwith terminate the suspension.

3. A member who has been suspended shall not be entitled in respect of the period of suspension to any pay, but shall be paid —

(*a*) if he has been suspended on the ground of absence from duty, such suspension allowance, if any, as may from time to time be directed by the Fire Force Commander ;

(*b*) in any other case such suspension allowance not being less than half his pay as may from time to time be so directed :

Provided that —

(i) if the suspension of a member terminates without his having been found guilty of an offence against discipline or a criminal offence he shall receive in respect of the period of suspension the pay which he would, but for the suspension, have received, less the amount of any suspension allowance paid to him ;

(ii) where a member is found guilty of an offence against discipline, the award in respect of the offence may contain a direction that the member shall be treated as having been suspended only for a specified part of the period of his suspension, and where a member is found guilty of a criminal offence the Fire Force Commander may give a similar direction, and where such a direction is given the member shall receive in respect of the remainder of that period of suspension the sum which he would have received in respect thereof if he had not been found guilty ;

(iii) no suspension allowance shall be paid in respect of any period during which a member is in legal custody otherwise than on remand or while awaiting trial.

Discipline

REGULATIONS, DATED 9TH NOVEMBER, 1950, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION NINE OF THE FIRE SERVICES (AMENDMENT) ACT (NORTHERN IRELAND), 1950.

1950. No. 200

The Ministry of Home Affairs, by virtue and in exercise of the powers conferred upon it by Section nine of the Fire Services (Amendment) Act (Northern Ireland), 1950, and of all other powers enabling it in that behalf, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Fire Services (Discipline) Regulations (Northern Ireland), 1950.

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

(3) In these Regulations —

" the Authority " means the Northern Ireland Fire Authority ;

" fire brigade " means a fire brigade maintained by the Authority ;

" Fire Force Commander " means the officer appointed by the Authority under paragraph (*a*) of sub-section (1) of section six of the Fire Services Act (Northern Ireland) (Reprint), 1947, as amended by the Second Schedule to the Fire Services (Amendment) Act (Northern Ireland), 1950, or the person by whom the functions of the Fire Force Commander are, at the direction of the Authority, for the time being exercisable ;

" chief officer " means a fire officer appointed by the Authority to serve in that capacity ;

" the Ministry " means the Ministry of Home Affairs.

PART I

Discipline

2. A member of a fire brigade commits an offence against discipline (hereinafter in these Regulations referred to as an " offence ") if he commits one or more of the offences set out in the Schedule hereto.

3.—(1) The Fire Force Commander, if he decides that a member of the fire brigade shall be charged with an offence, shall as soon as possible cause him to be informed in writing of the charge together with such particulars as will leave the accused under no misapprehension as to the precise nature of the allegations on which the charge is based.

(2) The accused shall also be given as soon as possible a copy of any report, complaint, or other written allegation on which the charge may be founded and of any reports thereon, notwithstanding that they may be confidential.

4.—(1) The accused shall be required to state in writing whether he admits or denies the charge and shall be allowed to give to the Fire Force Commander in writing any explanation he may wish.

(2) The accused shall be allowed to state the names and addresses of any witnesses to relevant facts whom he may desire to give evidence at the hearing of the case.

(3) Any such witness who is a member of the fire brigade shall be required to attend at the hearing of the case and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

5.—(1) If the accused denies the charge, he shall, unless the Fire Force Commander is satisfied with any explanation which he has offered, be required to appear at the hearing of the case.

(2) The accused shall be entitled at the hearing to hear the evidence against him and have an opportunity of cross-examining the

witnesses and of calling witnesses, giving evidence and making representations in his defence.

6.—(1) The Authority may direct that any class or description of case shall be heard by them, but subject to any such direction the Fire Force Commander may decide either to hear the case himself or order the case to be heard by a chief officer.

(2) If the Fire Force Commander decides to hear the case himself, he may order an officer or officers of the fire brigade to assist him to hear the case as assessors.

(3) The Fire Force Commander or the chief officer ordered by him to hear the case are hereafter in these Regulations referred to as the disciplinary tribunal.

(4) Such officer as the Fire Force Commander, or, where the case is heard by the Authority, the Authority, may direct shall act as official prosecutor, and shall examine witnesses in support of the charges and cross-examine witnesses for the defence :

Provided that if the disciplinary tribunal is not the Fire Force Commander the officer so directed shall not be of a rank equal or superior to that of chief officer.

(5) The disciplinary tribunal may at any time before the hearing is concluded refer the case for hearing, if the disciplinary tribunal is the Fire Force Commander, to the Authority and, if the disciplinary tribunal is a chief officer, to the Fire Force Commander.

(6) Where any case is referred for hearing under paragraph (5) of this Regulation the hearing shall be recommenced.

7. The disciplinary tribunal or, if the case is heard by the Authority, the Authority shall as soon as possible after the hearing of the case cause its decision to be notified in writing to the accused.

8. If the disciplinary tribunal is not the Fire Force Commander it shall only have power to impose a punishment of stoppage of pay, reprimand or caution.

9.—(1) If the disciplinary tribunal is not the Fire Force Commander and its decision is to impose a punishment of stoppage of pay, reprimand or caution its decision shall have no effect unless it is confirmed by the Fire Force Commander.

(2) If the disciplinary tribunal is the Fire Force Commander and his decision is to impose a punishment of dismissal, requirement to resign as an alternative to dismissal or reduction in rank, his decision shall have no effect unless it is confirmed by the Authority.

(3) Any decision which requires confirmation may be confirmed with a reduction in the punishment.

(4) Where a decision is confirmed under the preceding paragraphs of this Regulation, it shall have effect from the date of the confirmation.

(5) The accused may, within three days of the notification to him of a decision of the disciplinary tribunal to impose a punishment other than a caution, appeal to the Authority by giving notice in writing to that effect to the Fire Force Commander, and, where the decision is one which under paragraph (1) or (2) of this Regulation would have required confirmation, the decision of the Authority on such appeal shall have effect without such confirmation.

10.—(1) An appeal under paragraph (5) of Regulation 9 of these Regulations shall be heard by the Authority.

(2) Any such appeal shall be by way of re-hearing, and paragraph (2) of Regulation 5 and paragraph (4) of Regulation 6 of these Regulations shall apply as they apply to the hearing of the case.

(3) After hearing an appeal the Authority may either allow the appeal or dismiss the appeal with or without an increase or reduction in the punishment.

(4) If the Authority increase the punishment, they may direct that the punishment shall take effect from a date later than that on which it took effect under the decision of the disciplinary tribunal and, if they do so, may give such directions as they think fit with respect to the period between those dates.

11. The Authority shall as soon as possible after they have heard an appeal cause their decision to be notified in writing to the accused.

12. If the accused refuses or without sufficient cause fails to attend at the time and place appointed for hearing the case or, as the case may be, for hearing an appeal or is in legal custody, the hearing of the case or the appeal may be proceeded with and concluded in his absence.

13.—(1) At the hearing of a case the accused shall be entitled to have the assistance in presenting his defence of a person selected by himself who shall be a member of the fire brigade or, if the Authority so permit, a member of another fire brigade :

Provided that if the disciplinary tribunal is not the Fire Force Commander the person so selected by the accused shall not be of a rank equal or superior to that of chief officer.

(2) At any appeal under the preceding provisions of these Regulations the accused shall be entitled to the assistance in presenting his appeal of a person selected by himself who need not be a member of a fire brigade.

14. At the hearing of any appeal under the provisions of these Regulations the Authority may employ as official prosecutor or for the purpose of assisting the official prosecutor a person who need not be an officer of the Authority.

PART II

Punishments

15. An offence may be punished by —

(*a*) dismissal ;
(*b*) being required to resign as an alternative to dismissal forthwith or at such later date as may be specified ;
(*c*) reduction in rank ;
(*d*) stoppage of pay ;
(*e*) reprimand ;
(*f*) caution ;

Provided that a stoppage of pay in respect of any one offence shall not continue after the expiration of three months from the date on which the imposition of the punishment takes effect and the amount of any stoppages (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender.

PART III

Appeals to the Ministry

16.—(1) Where the punishment imposed is dismissal, requirement to resign as an alternative to dismissal or reduction to a rank other than the rank in the brigade immediately below the one from which he was reduced, the accused shall, if he gives notice in writing to the Authority within seven days of their decision being notified to him be entitled to appeal to the Ministry against the decision.

(2) The Ministry shall, unless it appears to it that the case is of such a nature that it can properly be determined without taking oral evidence, and may, in any case, appoint one or more persons to hold an inquiry and report to it and shall after considering, where an inquiry has been held, the report of the person or persons who held the inquiry, either allow the appeal or dismiss the appeal with or without an increase or reduction in the punishment :

Provided that the Ministry may at any time remit a case for further consideration by the Authority or, if an inquiry has been held, for further investigation by the person or persons who held the inquiry.

(3) Any inquiry held under this Regulation shall be by way of re-hearing and the procedure thereat shall, subject to the provisions of these Regulations and to any directions given by the Ministry, be such as the person holding the inquiry, or if there are two or more persons holding the inquiry the person presiding at the inquiry, may determine, and in particular any such inquiry may be held in private.

17. If the accused having been given not less than seven days' notice of the time and place fixed for the holding of an inquiry under the preceding Regulation does not appear at the time and place appointed

or is in legal custody, the inquiry may proceed and be concluded in his absence.

18. At an inquiry held under this Part of these Regulations the accused shall be entitled to have the assistance in presenting his appeal of a person selected by himself who need not be a member of a fire brigade.

19. At the hearing of an inquiry held under this Part of these Regulations the Authority may employ a person to present the Authority's case who need not be an officer of the Authority.

20. If the Ministry dismisses the appeal with an increase in the punishment, it may direct that the punishment shall take effect from a date later than that on which it took effect under the decision of the Authority and, if it does so, may give such directions as it thinks fit with respect to the period between those dates.

PART IV

General

21.—(1) The Authority may direct that their functions under preceding provisions of these Regulations shall be exercised by a committee and, if they so direct, any reference in those provisions to the Authority shall be construed as a reference to the committee.

(2) The Authority may from time to time revoke any such directions and issue fresh directions.

22. These Regulations shall come into force on the date hereof.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this ninth day of November, nineteen hundred and fifty, in the presence of

(L.S.) *H. C. Montgomery*,
Assistant Secretary.

SCHEDULE

CODE OF OFFENCES AGAINST DISCIPLINE

A member of a fire brigade commits an offence against discipline if he is guilty of—

(1) Disobedience to orders, that is to say, if he disobeys, or without sufficient cause fails to carry out, any lawful order, whether in writing or not;

(2) Insubordination, that is to say, if he is insubordinate by word, act or demeanour;

(3) Abuse of authority, that is to say, if he abuses his authority by oppressive conduct;

(4) Neglect of duty, that is to say, if he—

(*a*) without sufficient cause fails to attend to, or carry out, his duty properly and diligently; or

(*b*) by carelessness or neglect suffers any loss, damage or injury to occur to any person or property; or
(*c*) without permission or sufficient cause leaves his station or place of duty; or
(*d*) fails to report any matter which it is his duty to report; or
(*e*) fails to make an entry, which it is his duty to make, in any book or document;

(5) Falsehood, that is to say, if he—
(*a*) knowingly makes any false or misleading statement, whether in writing or not, in the course of his functions as a member of the fire brigade; or
(*b*) without sufficient cause, destroys or mutilates any official book or document, or alters or erases any entry therein;

(6) Breach of confidence, that is to say, if he divulges any matter which it is his duty to keep secret;

(7) Corrupt practice, that is to say, if he—
(*a*) improperly uses his position as a member of the fire brigade for his private advantage; or
(*b*) fails to account for, or to make a prompt and true return of, any money or property which comes into his possession in the course of his duties;

(8) Absence from duty, that is to say, if he, without reasonable excuse, is absent from duty or is late for any parade, drill or other attendance;

(9) Damage to clothing or personal equipment, that is to say, if he—
(*a*) wilfully or negligently damages any article of clothing or personal equipment with which he had been provided or entrusted or fails to take proper care thereof; or
(*b*) fails to report any damage to or loss of any article of clothing or personal equipment, however caused;

(10) Drunkenness, that is to say, if, when on duty or liable to be called upon for duty, he is unfit for duty through drink; or

(11) Discreditable or disorderly conduct, that is to say, if he—
(*a*) acts in a disorderly manner or in any manner prejudicial to discipline; or
(*b*) while on duty or while off duty in uniform in a public place, is without reasonable excuse dirty or untidy in his person, clothing or personal equipment; or
(*c*) acts in a manner likely to bring discredit on the reputation of the fire brigade.

Financial Provisions

REGULATIONS, DATED 1ST APRIL, 1950, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION THREE OF THE FIRE SERVICES (AMENDMENT) ACT (NORTHERN IRELAND), 1950.

1950. No. 53

The Ministry of Home Affairs, by virtue and in exercise of the powers conferred upon it by section three of the Fire Services (Amendment) Act (Northern Ireland), 1950, and of all other powers enabling it in that behalf, hereby makes the following Regulations :—