(2) SCOTLAND

The Fire Services (Discipline) (Scotland) Regulations, 1948

1948 No. 942 (S. 65)

Made - - - -	1*st May*, 1948
Laid before Parliament	4*th May*, 1948
Coming into Operation	16*th May*, 1948

In exercise of the powers conferred on me by paragraphs (*c*) and (*d*) of subsection (1) of section seventeen of the Fire Services Act, 1947(**a**), I hereby make the following Regulations:—

PART I

Discipline

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

2.—(1) The firemaster, 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 copies of any report, complaint, or other written allegation on which the charge may be founded and any reports thereon, notwithstanding that they may be confidential.

3. The accused shall be ordered to state in writing whether he admits or denies the charge and shall be allowed to give to the firemaster any explanation that he may wish.

4. If the accused admits the charge the firemaster may, after considering the accused's explanation, impose such punishment as he considers the case requires, being punishment permitted by Part II of these Regulations.

5. If the accused denies the charge, and unless the firemaster is satisfied with his explanation,—

(i) the firemaster shall appoint a date, time and place for the hearing of the case before himself;

(ii) the accused shall be ordered to appear at the hearing;

(iii) the accused shall be allowed to state the names and addresses of any witnesses to relevant facts whom he desires to give evidence at the hearing; and any such witness who is a member of the fire brigade shall be ordered to attend at the hearing, and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

(**a**) 10 & 11 Geo. 6. c. 41.

6. At the hearing the accused shall be entitled to hear the evidence led in support of the charge and shall have an opportunity of cross-examining the witnesses, and of calling witnesses, giving evidence, and making representations in his defence; and he shall be entitled, in presenting his defence, to have the assistance of a person selected by himself, who shall be a member of the fire brigade or, if the firemaster so permits, a member of another fire brigade.

7. If the accused refuses, or without sufficient cause, fails to attend at the time and place appointed for the hearing the hearing may be proceeded with and concluded in his absence.

8. At the conclusion of the hearing, or as soon thereafter as possible, the firemaster shall decide whether the accused has committed the offence charged and shall inform the accused of his decision.

9. If the firemaster decides that the accused has committed the offence charged, the accused shall be given an opportunity to make a statement in mitigation of punishment and the firemaster may then, after considering such statement, impose such punishment as he considers the case requires, being punishment permitted by Part II of these Regulations.

10. The firemaster shall supply the accused with a notification in writing of the result of the case and of any punishment imposed.

PART II

Punishments

11. 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 Secretary of State

12.—(1) In any case where the punishment imposed is dismissal, requirement to resign as an alternative to dismissal or reduction in rank, the accused shall, if he gives notice in writing to the firemaster within seven days of the decision being notified to him, be entitled to appeal to the Secretary of State against the decision.

(2) The Secretary of State shall, unless it appears to him 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 him 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 Secretary of State may at any time remit a case for further consideration by the firemaster 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 Secretary of State, 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.

13. 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, the inquiry may proceed and be concluded in his absence.

14. 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.

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

PART IV

General

16.—(1) Any reference in these Regulations to a firemaster shall be taken to include a reference to the deputy firemaster when exercising the functions of the firemaster.

(2) In these Regulations words importing the masculine gender shall include the feminine gender.

17. These Regulations may be cited as the Fire Services (Discipline) (Scotland) Regulations, 1948, shall come into operation on the sixteenth day of May, 1948, and shall apply only to a fire brigade maintained by a Scottish fire authority.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
1st May, 1948.

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 promptly 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 has 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.