(5) Persons transferred by virtue of this Regulation to a fire brigade shall become whole or part-time members thereof according as, immediately before their transfer, they were whole or part-time members of the National Fire Service.

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

St. Andrew's House,
Edinburgh, 1.
23rd April, 1948.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

Under these Regulations every member of the National Fire Service holding a rank whose service has not been terminated by notice will on the appointed day be transferred to a fire brigade to be maintained under the Fire Service Act, 1947, by a fire authority (unless he has already received an appointment in a brigade).

10. TRANSFER OF PROPERTY

(1) *England.* | (2) *Scotland*, p. 1193.

(1) ENGLAND

The Fire Services (Transfer of Property) Regulations, 1948

1948 No. 465

Made - - - -	*8th March*, 1948
Laid before Parliament	*9th March*, 1948
Coming into Operation	*15th March*, 1948

In pursuance of the powers conferred on me by paragraphs 3, 7, 8 and 9 of the Fifth Schedule to the Fire Services Act, 1947(a), I hereby make the following Regulations:—

1. Subject to the provisions of Regulation 6 of these Regulations, all land vested immediately before the appointed day on behalf of His Majesty for the purposes of the National Fire Service, and all rights and liabilities in relation to land enjoyed or incurred on behalf of His Majesty for the said purposes and existing immediately before the said day shall, on the said day, by virtue of this Regulation and without more, be transferred to the fire authority for the area in which is situated the land vested as aforesaid, or, as the case may be, in relation to which the said rights or liabilities exist:

Provided that nothing in this Regulation shall operate to transfer any land, or any rights or liabilities in relation to any land, as respects which notification has been given before the appointed day on behalf of the Secretary of State to the authority which will on the said day become the fire authority for the area in which the land is situated that the land, or, as the case may be, the rights or liabilities, shall not be transferred to that authority.

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

2.—(1) Subject to the provisions of this Regulation, all land and other property which, immediately before the appointed day, is used on behalf of His Majesty for the purposes of the National Fire Service, being property vested in an authority for the purposes of the Act of 1938 which does not on the said day become a fire authority shall, by virtue of this Regulation and without more, be vested in the appropriate fire authority:

Provided that nothing in this Regulation shall operate to vest in the appropriate fire authority any land or other property as respects which that authority has, before the appointed day, notified the authority for the purposes of the Act of 1938 in which the land or property is vested that it should remain vested in the said last-mentioned authority.

(2) Notwithstanding anything in paragraph (1) of this Regulation, where before the appointed day it is agreed between an authority for the purposes of the Act of 1938 and the authority which will on the said day become the appropriate authority in relation to any property used on behalf of His Majesty for the purposes of the National Fire Service but vested in the said authority for the purposes of the Act of 1938 either—

(*a*) that the property cannot conveniently be severed from other property, whether or not forming part of the same building, and that, having regard to the nature of the whole premises and the uses to which they are put, it is expedient that the said property should remain vested in the authority for the purposes of the Act of 1938, or

(*b*) that immediately before the property was first used on behalf of His Majesty as aforesaid it was not intended by the authority for the purposes of the Act of 1938 that it should permanently be appropriated for the purposes of their functions under the Act of 1938 and that by reason thereof it is expedient that the said property should remain vested as aforesaid,

the said property shall not on the appointed day vest in the fire authority, but may from the said day be used by that authority for the purposes of their functions under the Act of 1947 on such terms (including terms as to payments) as may be agreed between the two said authorities.

(3) Where under paragraph (2) of this Regulation a question has arisen between an authority for the purposes of the Act of 1938 and an authority which will on the appointed day become a fire authority whether it is expedient that any property should remain vested in the authority for the purposes of the Act of 1938, and the matter has not been agreed between the authorities before the appointed day, the said property shall not on the said day vest in the fire authority, but may be used by that authority as if it had been so agreed between the two authorities under the said paragraph (2); and, in such a case, if—

(*a*) it is afterwards agreed as aforesaid that the property should remain vested in the authority for the purposes of the Act of 1938, the said paragraph (2) shall apply as if it had been so agreed before the appointed day;

(*b*) it is afterwards agreed as aforesaid that the property should become vested in the fire authority, the property shall accordingly be vested by virtue of this Regulation and without more in the said fire authority on the date of such agreement.

(4) In default of agreement on any matter arising under paragraph (2) or (3) of this Regulation between an authority for the purposes of the Act of 1938 and a fire authority, or, as the case may be, an authority which will on the appointed day become a fire authority, the question shall be referred to,

and determined by, the Secretary of State; and in the said paragraphs references to any matter being agreed between any two such authorities, and to an agreement between any two such authorities, shall be construed respectively as including references to that matter being determined by the Secretary of State and to a determination by him.

3. Where any property other than property to which Regulation 1 of these Regulations relates is immediately before the appointed day vested on behalf of His Majesty for the purposes of the National Fire Service and is then used, appropriated or intended for use on, or in connection with,—

(*a*) land to be transferred to a fire authority under either of the two foregoing Regulations,

(*b*) land the right to occupy which is to be transferred as aforesaid, or

(*c*) land which, but for the operation of paragraph (2) or (3) of Regulation 2 of these Regulations, would be transferred to a fire authority under paragraph (1) of the said Regulation 2,

the said property, and all rights and liabilities enjoyed or incurred on behalf of His Majesty for the purposes of the National Fire Service in relation to the said property and existing immediately before the appointed day, shall, on the said day, by virtue of this Regulation and without more, be transferred to the fire authority for the area in which the said land is situated:

Provided that nothing in this Regulation shall operate to transfer any property, or any rights or liabilities in relation to property, as respects which notification has been given before the appointed day on behalf of the Secretary of State to the authority which will on the said day become the fire authority for the area in which is situated the land on which, or in connection with which, the property is used, appropriated or intended for use, that the property or, as the case may be, the rights or liabilities, shall not be transferred to that authority.

4. Any property other than property to which any of the foregoing Regulations relates which is immediately before the appointed day vested on behalf of His Majesty for the purposes of the National Fire Service and in respect of which notification has been given before the said day on behalf of the Secretary of State to an authority which will on the said day become a fire authority that on the said day it will be transferred to that authority, shall, on the said day, by virtue of this Regulation and without more, be transferred to the said authority.

5. Subject to the provisions of Regulation 6 of these Regulations, all rights and liabilities, other than rights and liabilities transferred to a fire authority by virtue of any of the foregoing Regulations, enjoyed or incurred on behalf of His Majesty for the purposes of the National Fire Service in connection with the performance of the functions of the said Service within an area which will on the appointed day become the area of a fire authority and existing immediately before the said day, shall, on the said day, by virtue of this Regulation and without more, be transferred to that fire authority.

6. Nothing in these Regulations shall operate to transfer any right or liability arising out of anything done on behalf of His Majesty in the exercise of emergency powers for the purposes of the Compensation (Defence) Act, 1939(**a**), as subsequently amended.

(**a**) 2 & 3 Geo. 6. c. 75.

7. In the case of any transfer under these Regulations to a fire authority of a right or liability, being a right or liability to receive or pay—

(*a*) any sum in respect of goods supplied or work done, there shall be transferred a right to receive or a liability to pay only so much of the sum as represents goods supplied or work done on or after the date of the transfer, whenever the sum falls due or is paid,

(*b*) any sum in respect of rent, rates, insurance premiums, or other periodical payments (not being payments in respect of goods supplied or work done), the sum shall be deemed to accrue due from day to day, and there shall be transferred a right to receive or a liability to pay only so much of the sum as accrues due accordingly on or after the date of the transfer.

8. Where immediately before the appointed day there are in existence arrangements entered into on behalf of the Crown for the purposes of the National Fire Service whereunder payments are made by or on behalf of the Crown to an authority for the purposes of the Act of 1938 which does not on the said day become a fire authority, being payments in respect of something done by that authority in pursuance of a direction given to them under the Fire Services (Emergency Provisions) Act, 1941(**a**), the arrangements shall, on and after the said day, instead of being carried on by the Crown, be carried on by the appropriate fire authority on the same terms, and for the same period, as provided for in the arrangements before the said day, unless it is at any time otherwise agreed between the two said authorities, and the said fire authority shall make the payments under the arrangements accordingly.

9.—(1) Where an authority for the purposes of the Act of 1938 which does not on the appointed day become a fire authority is on or after the said day liable to make payments in respect of interest or redemption charges on moneys borrowed for fire-fighting purposes or in connection with property which by virtue of sub-paragraph (2) of paragraph 8 of the Fifth Schedule to the Act of 1947 becomes vested in the appropriate fire authority, the said fire authority shall reimburse to the said authority for the purposes of the Act of 1938 the amount of the payments:

Provided that nothing in this Regulation shall apply in relation to moneys borrowed by an authority for the purposes of the Act of 1938 in connection with property which by virtue of paragraph (2) or (3) of Regulation 2 of these Regulations does not become vested in a fire authority.

(2) For the purposes of this Regulation a liability to make payments in respect of interest and redemption charges shall be deemed to accrue from day to day.

10.—(1) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations—

the expression " authority for the purposes of the Act of 1938 " means an authority which is a fire authority within the meaning of the said Act;

the expression " the Act of 1938 " means the Fire Brigades Act, 1938(**c**);

the expression " the Act of 1947 " means the Fire Services Act, 1947(**d**); and

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(**a**) 4 & 5 Geo. 6. c. 22.
(**b**) 52 & 53 Vict. c. 63.
(**c**) 1 & 2 Geo. 6. c. 72.
(**d**) 10 & 11 Geo. 6. c. 41.

the expression "the appropriate fire authority" in relation to an authority for the purposes of the Act of 1938 means the fire authority for the area including the area of that authority.

11.—(1) These Regulations may be cited as the Fire Services (Transfer of Property) Regulations, 1948, and shall come into operation on the fifteenth day of March, 1948.

(2) These Regulations shall not extend to Scotland.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
8th March, 1948.

EXPLANATORY NOTE

(*This Note is not part of the Regulations, but is intended to indicate their general purport.*)

These Regulations provide for the transfer to the appropriate new fire authorities of land and other property used for National Fire Service purposes and of rights and liabilities incurred on behalf of His Majesty for those purposes, unless, in any case, notice to the contrary is given before the appointed day. Where property used for those purposes is vested in a former fire authority which will not become a new fire authority on that day, that authority is given a right to retain it by agreement in certain cases subject to user by the appropriate new fire authority. The Regulations further provide for the carrying on by new fire authorities of certain arrangements whereunder payments have been made on behalf of the Crown to former fire authorities, and for new fire authorities to reimburse to such former authorities the amount of payments in respect of interest and redemption charges on moneys borrowed for fire-fighting purposes.

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(2) SCOTLAND

The Fire Services (Transfer of Property) (Scotland) Regulations, 1948

1948 No. 943 (S. 66)

Made - - - -	*1st May*, 1948
Laid before Parliament	*4th May*, 1948
Coming into Operation	*5th May*, 1948

In exercise of the powers conferred on me by paragraphs 3, 7, 8 and 9 of the Fifth Schedule to the Fire Services Act, 1947(a), I hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Fire Services (Transfer of Property) (Scotland) Regulations, 1948, and shall come into operation on the fifth day of May, 1948.

(2) These Regulations shall extend to Scotland only.

(a) 10 & 11 Geo. 7. c. 41.