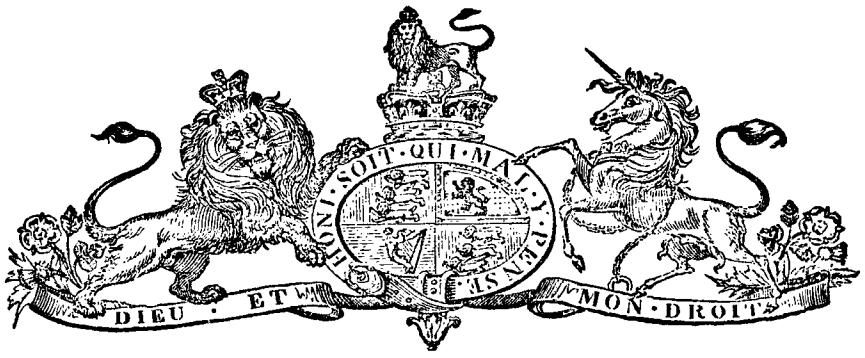


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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CAP. XC.

An Act for the Establishment of a Fire Brigade within the Metropolis. [5th *July* 1865.]

WHEREAS it is expedient to make further Provision for the Protection of Life and Property from Fire within the Metropolis: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited for all Purposes as the "Metropolitan Fire Brigade Act, 1865." Short Title.

2. For the Purposes of this Act the "Metropolis" shall mean the City of *London* and all other Parishes and Places for the Time being within the Jurisdiction of the Metropolitan Board of Works: Definition of "Metropolis" and "Insurance Company."

"Insurance Company" shall include any Persons corporate or unincorporate, or any Person carrying on the Business of Fire Insurance.

3. The

Definition of "Metropolis Local Management Acts."

3. The Expression "Metropolis Local Management Acts" shall mean the Acts following; that is to say, "The Metropolis Management Act, 1855," "The Metropolis Management Amendment Act, 1856," and "The Metropolis Management Amendment Act, 1862."

Establishment and Duties of Fire Brigade.

Duty of Metropolitan Board in relation to Fires.

4. On and after the First Day of *January* One thousand eight hundred and sixty-six the Duty of extinguishing Fires and protecting Life and Property in case of Fire shall within the Metropolis be deemed for the Purposes of this Act to be entrusted to the Metropolitan Board of Works; and with a view to the Performance of that Duty it shall be lawful for them to provide and maintain an efficient Force of Firemen, and to furnish them with all such Fire Engines, Horses, Accoutrements, Tools, and Implements as may be necessary for the complete Equipment of the Force, or conducive to the efficient Performance of their Duties.

Purchase of Buildings and Land.

5. The said Board, herein-after referred to as the Board, may take on Lease, purchase, or otherwise acquire Stations for Engines, Stables, Houses for Firemen, and such other Houses, Buildings, or Land as they may think requisite for carrying into effect the Purposes of this Act, and may from Time to Time sell any Property acquired by or vested in them for the Purposes of this Act:

The Board may also contract with any Company or Persons authorized to establish the same for the Establishment of Telegraphic Communication between the several Stations in which their Fire Engines or Firemen are placed, and between any of such Stations and other Parts of the Metropolis.

Transfer of Plant of existing Fire Offices.

6. On and after the said First Day of *January* One thousand eight hundred and sixty-six all Stations, Fire Engines, Fire Escapes, Plant, and other Property belonging to or used by the Fire Engine Establishment of the Insurance Companies in the Metropolis shall vest in or be conveyed or assigned to the Board for all the Estate and Interest of the said Companies therein, upon trust to be applied by the Board to the Purposes of this Act, but subject to all legal Liabilities and Obligations attaching thereto, including the Payment of all Pensions that have been granted to the Members of the said Fire Engine Establishment, according to a List that has been furnished to the Chairman of the said Board by the Chief Officer of the said Fire Engine Establishment, and all Trustees for the same shall be indemnified against such Liabilities and Obligations. The Board may also, if they think fit, purchase the Stations, Fire Engines, and Plant belonging

ing to any Parish, Place, or Body of Persons within their Jurisdiction.

Constitution of Fire Brigade.

7. The Force of Firemen established under this Act, herein-after called the Metropolitan Fire Brigade, shall be under the Command of an Officer, to be called the Chief Officer of the Metropolitan Fire Brigade.

The Chief Officer and Men composing the said Fire Brigade shall be appointed and removed at the Pleasure of the Board.

Salaries of Fire Brigade.

8. The Board shall pay such Salaries as they think expedient to the said Fire Brigade. They may also make such Regulations as they think fit with respect to the Compensation to be made to them in case of Accident, or to their Wives or Families in case of their Death; also with respect to the Pensions or Allowances to be paid to them in case of Retirement; also with respect to the Gratuities to be paid to Persons giving Notices of Fires; also with respect to Gratuities by way of a gross Sum or annual Payment to be from Time to Time awarded to any Member of the said Force, or to any other Person, for extraordinary Services performed in Cases of Fire; also with respect to Gratuities to Turncocks belonging to Waterworks from which a Supply of Water is quickly derived.

Power to make Regulations for Fire Brigade.

9. The Board may by Byelaws make Regulations for the Training, Discipline, and good Conduct of the Men belonging to the said Fire Brigade, for their speedy Attendance with Engines, Fire Escapes, and all necessary Implements on the Occasion of any Alarm of Fire, and generally for the Maintenance in a due State of Efficiency of the said Brigade, and may annex to any Breach of such Regulations Penalties not exceeding in Amount Forty Shillings, but no Byelaw under this Section shall be of any Validity unless it is made and confirmed in manner directed by the Metropolis Local Management Acts; and all the Provisions of the said Acts relating to Byelaws shall, with the necessary Variations, apply to any Byelaws made in pursuance of this Act.

Compensation to Parish Officers.

10. The Vestry of any Parish or Place in the Metropolis may allow such Compensation as they think just to any Engine Keeper or other Person employed in the Service of Fire Engines who has hitherto been paid out of any Rate raiseable in such Parish or Place, and who is deprived of his Employment by or in consequence of the passing of this Act, and any Compensation so allowed shall be paid out of the Rate out of which the Salary of the Officer so compensated was payable.

11. The

As to Purchase of Fire Escapes.

11. The Board may make such Arrangements as they think fit as to establishing Fire Escapes throughout the Metropolis. They may for that Purpose contribute to the Funds of the Royal Society for the Protection of Life from Fire, or of any existing Society that provides Fire Escapes, or may purchase or take by Agreement the Property of any existing Society in their Stations and Fire Escapes, and generally may maintain such Fire Escapes and do such Things as they think expedient towards aiding Persons to escape from Fire; and any Expenses incurred by them in pursuance of this Section shall be deemed to be Expenses incurred in carrying into effect this Act.

As to Powers of FireBrigade.

12. On the Occasion of a Fire the Chief or other Officer in charge of the Fire Brigade may, in his Discretion, take the Command of any Volunteer Fire Brigade or other Persons who voluntarily place their Services at his Disposal, and may remove, or order any Fireman to remove, any Persons who interfere by their Presence with the Operations of the Fire Brigade, and generally he may take any Measures that appear expedient for the Protection of Life and Property, with Power by himself or his Men to break into or through, or take possession of, or pull down any Premises for the Purpose of putting an end to a Fire, doing as little Damage as possible; he may also on any such Occasion cause the Water to be shut off from the Mains and Pipes of any District, in order to give a greater Supply and Pressure of Water in the District in which the Fire has occurred; and no Water Company shall be liable to any Penalty or Claim by reason of any Interruption of the Supply of Water occasioned only by Compliance with the Provisions of this Section.

All Police Constables shall be authorized to aid the Fire Brigade in the Execution of their Duties. They may close any Street in or near which a Fire is burning, and they may of their own Motion, or on the Request of the Chief or other Officer of the Fire Brigade, remove any Persons who interfere by their Presence with the Operations of the Fire Brigade.

Any Damage occasioned by the Fire Brigade in the due Execution of their Duties shall be deemed to be Damage by Fire within the Meaning of any Policy of Insurance against Fire.

Expenses.

Contributions by Insurance Offices.

13. Every Insurance Company that insures from Fire any Property in the Metropolis shall pay annually to the Metropolitan Board of Works, by way of Contribution toward the Expenses of carrying this Act into effect, a Sum after the Rate of Thirty-five Pounds in the One million Pounds on the gross Amounts insured by it, except by way of Reassurance, in respect of Property in the Metropolis for a Year,

a Year, and at a like Rate for any fractional Part of a Million, and for any fractional Part of a Year as well as for any Number of Years for which the Insurance may be made, renewed, or continued.

The said Payments by Insurance Companies shall be made quarterly in advance, on the First of *January*, First of *April*, First of *July*, and First of *October* in every Year; the First of such Payments to be made on the First of *January* One thousand eight hundred and sixty-six, and such First Payment and the other Payments for the Year One thousand eight hundred and sixty-six to be based upon the Amounts insured by the several Companies in respect of Property in the Metropolis in the Year ending the Twenty-fourth of *December* One thousand eight hundred and sixty-four: Provided that any Insurance Company which at the Time of the passing of this Act contributes to the Expenses of the said Fire Engine Establishment may, in respect of all Payments to be made by it in the Years One thousand eight hundred and sixty-six and One thousand eight hundred and sixty-seven, but not afterwards, contribute after the yearly Rate of Thirty-five Pounds in One million Pounds of the Business in respect of which it contributes to the said Fire Engine Establishment for the present Year, according to a Return which has been furnished to the Chairman of the said Metropolitan Board, instead of in the Manner in this Act provided.

Mode of enforcing Contributions.

14. All Contributions due from an Insurance Company to the Board in pursuance of this Act shall be deemed to be Specialty Debts due from the Company to the Board, and be recovered accordingly.

Mode of ascertaining Proportions of Contribution.

15. For the Purpose of ascertaining the Amount to be contributed by every such Insurance Company as aforesaid, every Insurance Company insuring Property from Fire in the Metropolis shall, on the Thirtieth Day of *December* One thousand eight hundred and sixty-five, with respect to the Amounts insured in the Year One thousand eight hundred and sixty-four, and on the First of *June* One thousand eight hundred and sixty-six, and on every succeeding First of *June*, or on such other Days as the Metropolitan Board of Works may appoint, make a Return to the said Board, in such Form as they may require, of the gross Amount insured by it in respect of Property in the Metropolis.

There shall be annexed to the Return so made a Declaration made by the Secretary or other Officer performing the Duties of Secretary of the Company by whom it is made, stating that he has examined the Return with the Books of the Company, and that to the best of his Knowledge, Information, and Belief it contains a

true and faithful Account of the gross Amount of the Sums insured by the Company to which he belongs in respect of Property in the Metropolis.

The Return made in the *June* of one Year shall not come into Effect till the First of *January* of the succeeding Year, and shall be the Basis of the Contributions for that Year.

Penalty on Insurance Company not making Return.

16. If any Insurance Company makes default in making such Returns to the Board as are required by this Act, it shall be liable to a Penalty not exceeding Five Pounds for every Day during which it is so in default.

Examination of Books of Insurance Companies.

17. The Secretary or other Officer having the Custody of the Books and Papers of any Insurance Company that is required to pay a Contribution to the Board in pursuance of this Act shall allow any Officer appointed by the Board to inspect, during the Hours of Business, any Books and Papers that will enable him to ascertain the Amount of Property insured by such Company in the Metropolis, and the Amount for which it is insured, and to make Extracts from such Books or Papers; and any Secretary or other such Officer as aforesaid of a Company failing to comply with the Requisitions of this Section in respect of such Inspections and Extracts shall be liable on summary Conviction to a Penalty not exceeding Five Pounds for each Offence.

Contributions by Government towards Expense of Brigade.

18. The Commissioners of Her Majesty's Treasury shall pay or cause to be paid to the Board by way of Contribution to the Expenses of maintaining the Fire Brigade such Sums as Parliament may from Time to Time grant for that Purpose, not exceeding in any One Year the Sum of Ten thousand Pounds.

Expenses of Act not specially provided for.

19. For the Purpose of defraying all Expenses that may be incurred by the Board in carrying into effect this Act which are not otherwise provided for, the Board may from Time to Time issue their Precepts to the Overseers of the Poor of every Parish or Place within the Metropolis, requiring the Overseers to pay over the Amount mentioned in the Precepts to the Treasurer of the Board or into a Bank to be named in the Precepts within Forty Days from the Delivery of the Precept.

The Overseers shall comply with the Requisitions of any such Precept by paying the Sums mentioned out of any Monies in their Hands applicable to the Relief of the Poor, or by levying the Amount required as Part of the Rate for the Relief of the Poor, but no Contribution required to be paid by any Parish or Place under this Section shall exceed in the whole in any One Year the Rate of One Halfpenny in the Pound on the full and fair annual Value of

of Property rateable to the Relief of the Poor within the said Parish or Place, such full and fair annual Value to be computed in all Parts of the Metropolis, exclusive of the City of *London*, according to the last Valuation for the Time being acted on in assessing the County Rate, or, where there is no County Rate, according to a like Estimate or Basis; and no Liberty, Precinct, or Place shall be exempt from the Rate leviable for the Purposes of this Act by reason of its being extra-parochial or otherwise; and in default of proper Officers in any Liberty, Precinct, or Place to assess or levy the said Rate, the Board may appoint such Officers, and add the Amount of any Expenses so incurred to the Amount to be raised by the next succeeding Rate in such Liberty, Precinct, or Place.

Overseers shall, for the Purposes of levying any Amount required to be levied by them under this Act, have the same Powers and be subject to the same Obligations as in levying a Rate for the Relief of the Poor.

The Word "Overseers" shall include any Persons or Bodies of Persons authorized or required to make and collect or cause to be collected Rates applicable to the Relief of the Poor; and such Persons or Bodies shall pay to the Board the Amount so mentioned in the Precept out of the said Rates.

Penalty on Nonpayment of Rate by Overseers.

20. In case the Amount ordered by any such Precept as aforesaid to be paid by the Overseers of any Parish or Place be not paid in manner directed by such Precept and within the Time therein specified for that Purpose, it shall be lawful for any Justice of the Peace, upon the Complaint by the Board or by any Person authorized by the Board, to issue his Warrant for levying the Amount or so much thereof as may be in arrear by Distress and Sale of the Goods of all or any of the said Overseers, and in case the Goods of all the Overseers be not sufficient to pay the same, the Arrears thereof shall be added to the Amount of the next Levy which is directed to be made in such Parish or Place for the Purposes of this Act, and shall be collected by the like Methods.

Power to Board, with Consent of Treasury, to borrow not exceeding 40,000*l.*

21. The Board may, with the Consent of the Commissioners of Her Majesty's Treasury, borrow any Sum not exceeding Forty thousand Pounds, and apply the same for the Purposes of this Act; and all Powers contained in the Metropolis Local Management Acts authorizing the Board to borrow Money, or any Commissioners or Persons to lend Money to the Board, and all other Provisions as to the Mode of borrowing, the Repayment of Principal or Interest, or in anywise relating to borrowing by the Board, shall be deemed to apply and to extend to this Act in the same Manner as if the Monies borrowed in pursuance of this Act were Monies borrowed for

for the Purpose of defraying the Expenses of the Metropolis Local Management Acts, or One or more of those Acts. The Board shall apply the Monies received by them under this Act in liquidation of the Principal and Interest of the Monies so borrowed, but no Creditor shall be concerned to see to such Application, or be liable for any Misapplication of the Monies received or borrowed by the Board in pursuance of this Act.

Miscellaneous.

Power to turn discharged Officers or Men out of Houses provided for them.

22. Where any Chief Officer, or other Person who has been employed by the Board in any Capacity under this Act, and has been discharged therefrom, continues to occupy any House or Building that may be provided for his Use, or any Part thereof, after One Week's Notice in Writing from the Board to deliver up Possession thereof, it shall be lawful for any Police Magistrate, on the Oath of One Witness, stating such Notice to have been given, by Warrant under his Hand to order any Constable to enter into the House or Building occupied by such discharged Chief Officer or other Person as aforesaid, and to remove him and his Family and Servants therefrom, and afterwards to deliver the Possession thereof to the Board, as effectually, to all Intents and Purposes, as the Sheriff having Jurisdiction within the Place where such House or Building is situate might lawfully do by virtue of a Writ of Possession or a Judgment at Law.

Penalty where Chimneys are on fire.

23. If the Chimney of any House or other Building within the Metropolis is on fire, the Occupier of such House or Building shall be liable to a Penalty not exceeding Twenty Shillings; but if such Occupier proves that he has incurred such Penalty by reason of the Neglect or wilful Default of any other Person, he may recover summarily from such Person the whole or any Part of the Penalty he may have incurred as Occupier.

Recovery of Penalties.

24. All Penalties imposed by this Act, or by any Byelaw made in pursuance thereof, and all Expenses and other Sums due to the Board in pursuance of this Act, in respect of which no Mode of Recovery is prescribed, may be recovered summarily before Two Justices in manner directed by the Act of the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, or any Act amending the same, and when so recovered shall be paid to the Treasurer of the Board, notwithstanding any Police Act or other Act of Parliament directing a different Appropriation of such Monies.

25. Any

Summary Proceedings for determining certain Matters.

25. Any Dispute or other Matter which is by this Act directed to be determined summarily by Two Justices shall be deemed to be a Matter in respect of which a Complaint is made upon which they have Authority by Law to make an Order for Payment of Money within the Meaning of the said Act of the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, or any Act amending the same.

Extension of Powers given to Two Justices.

26. Any Act, Power, or Jurisdiction hereby authorized to be done or exercised by Two Justices may be done or exercised by the following Magistrates within their respective Jurisdictions; that is to say, by any Metropolitan Police Magistrate sitting alone at a Police Court or other appointed Place, or by the Lord Mayor of the City of *London*, or any Alderman of the said City, sitting alone or with others at the Mansion House or Guildhall.

Audit of Accounts, and Report by Board.

27. The Accounts of the Board in respect of Expenses incurred by them under this Act shall be audited in the same Manner as if they were Expenses incurred under the said Metropolis Local Management Acts, and the Board shall in each Year make a Report to One of Her Majesty's Principal Secretaries of State of all Acts done and Expenditure incurred by them in pursuance of this Act, and that Report shall be laid before Parliament within One Month after the Commencement of the Session.

Power to delegate Powers of Board to a Committee.

28. The Board may delegate any Powers conferred on them by this Act to a Committee of their Body; and such Committee shall, to the Extent to which such Powers are delegated, be deemed to be the Board within the Meaning of this Act.

Establishment of Salvage Force by Insurance Offices.

29. If the Companies insuring Property within the Metropolis, or any such Number of them as may in the Opinion of the said Board be sufficient, establish a Force of Men charged with the Duty of attending at Fires and saving insured Property, it shall be the Duty of the Fire Brigade, with the Sanction of the Board, and subject to any Regulations that may be made by the Board, to afford the necessary Assistance to that Force in the Performance of their Duties, and, upon the Application of any Officer of that Force, to hand over to their Custody Property that may be saved from Fire; and no Charge shall be made by the said Board for the Services thus rendered by the Fire Brigade.

Brigade when employed beyond the

30. It shall be lawful for the Board, when Occasion requires, to permit any Part of the Fire Brigade Establishment, with their Engines, Escapes, and other Implements, to proceed beyond the

Metropolis, or on special Services.

Limits of the Metropolis for the Purpose of extinguishing Fires. In such Case the Owner and Occupier of the Property where the Fire has occurred shall be jointly and severally liable to defray all the Expenses that may be incurred by the Fire Brigade in attending the Fire, and shall pay to the Board a reasonable Charge for the Attendance of the Fire Brigade, and the Use of their Engines, Escapes, and other Implements. In case of Difference between the Board and the Owner and Occupier of such Property, or either of them, the Amount of the Expenses, as well as the Propriety of the Fire Brigade attending such Fire (if the Propriety thereof be disputed), shall be summarily determined by Two Justices. In default of Payment, any Expenses under this Section may be recovered by the Board in a summary Manner.

The Board may also permit any Part of the Fire Brigade Establishment to be employed on special Services upon such Terms of Remuneration as the said Board may think just.

Board to send Information of Fires to Offices.

31. The Metropolitan Fire Brigade shall in the Morning of each Day, with the Exception of *Sundays*, send Information, by Post or otherwise, to all the Insurance Offices contributing for the Purposes of this Act, of all Fires which have taken place within the Metropolis since the preceding Return, in such Form as may be agreed upon between the Board and the said Companies.

Transfer to Board of Powers of Parishes as to Fireplugs.

32. All the Powers now exercised by any Local Body or Officer within the Metropolis as respects Fireplugs shall henceforth be exercised by the Board, and the Board shall be entitled to receive Copies or Extracts of all Plans kept by any Water Company under the Provision of the Act of the Session of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-four; and every such Water Company shall provide at the Expense of the Board in any Mains or Pipes within the Metropolis Plugs for the Supply of Water in case of Fire at such Places, of such Dimensions, and in such Form as the Board may require, and the Fire Brigade shall be at liberty to make such Use thereof as they may deem necessary for the Purpose of extinguishing any Fire; and every such Company shall deposit Keys of all their Fireplugs at such Places as may be appointed by the Board, and the Board may put up on any House or Building a public Notice in some conspicuous Place in each Street in which a Fireplug is situated, showing its Situation.

Definition of "Owner."

33. "Owner" in this Act shall mean the Person for the Time being receiving the Rackrent of the Premises in connexion with which the Word is used, either on his own Account or as Agent or Trustee

Trustee for some other Person, or who would receive the same if the Premises were let at Rackrent.

Repeal.

Partial Repeal of unrepealed Sections of 14 G. 3. c. 78.

34. On and after the First Day of *January* One thousand eight hundred and sixty-six there shall be repealed so much as is unrepealed of an Act passed in the Fourteenth Year of His late Majesty King *George* the Third, Chapter Seventy-eight, and intituled *An Act for the further and better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischief by Fire, within the Cities of* London *and* Westminster *and the Liberties thereof, and other the Parishes, Precincts, and Places within the Weekly Bills of Mortality, the Parishes of* St. Marylebone, Paddington, St. Pancras, *and* St. Luke *at* Chelsea, *in the County of* Middlesex, *and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law*, with the Exception of Sections Eighty-three and Eighty-six which shall remain in full Force, but such Repeal shall not affect any Penalty or Liability incurred under the repealed Sections.

Partial Repeal of 3 & 4 W. 4. c. 90.

35. On and after the First Day of *January* One thousand eight hundred and sixty-six Section Forty-four of an Act passed in the Session holden in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Ninety, shall be repealed so far as respects any Parish or Place within the Limits of the Metropolis as defined by this Act; provided that the Repeal of the said Section shall not affect the Power of the Churchwardens and Overseers of any Parish or Place to contribute to the Funds of any Society that at the Time of the passing of this Act maintains Fire Escapes in such Parish or Place, unless and until the Board purchases the Property of such Society, or otherwise provides Fire Escapes in such Parish or Place.

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