

Home > Acts > 1981 > Fire Services Act, 1981

Fire Services Act, 1981



Number 30 of 1981

FIRE SERVICES ACT, 1981

ARRANGEMENT OF SECTIONS

PART I

Preliminary and General

Section

1. Short title and commencement.
2. Interpretation.
3. Orders and regulations.
4. Offences.
5. Penalties.
6. Summary prosecution of offences.
7. Expenses of Minister.
8. Repeals.

PART II

Organisation of Fire Services

9. Fire authorities.
10. Functions of fire authorities.
11. Transfer of functions to fire authorities.
12. Measures to be taken in consultation with Minister for Posts and Telegraphs.
13. Advice to planning authority.
14. Co-operation between fire authorities.
15. Training.
16. Fire Services Council.
17. Transfer of staff and property to fire authorities.

PART III

Fire Fighting and Fire Safety

18. General obligations with regard to fire safety.
19. Potentially dangerous building.
20. Fire safety notices.
21. Appeal against fire safety notice.
22. Powers of inspection by authorised persons.
23. Order of High Court as to use of land and buildings.
24. Licensing of premises under other enactments.
25. Fire-fighting and emergencies.
26. Fire and Emergency Operations Plans.
27. Control of operations at a fire or other emergency.
28. Ancillary powers.
29. Public water supply for fire-fighting.
30. Penalty for false alarms.
31. Damage to fire hydrant.

PART IV

Finance and Administration

32. Grants to fire authorities.
33. Grants for research.
34. Reports and statistics.
35. Expenses of fire authorities.
36. Immunity of Minister, fire authorities and sanitary authorities.
37. Fire safety regulations.
38. Service of notices.

Acts Referred to	
Cinematograph Act, 1909	1909, c. 30
<u>Companies Act, 1963</u>	1963, No. 33
County Management Acts, 1940 to 1972	
<u>Criminal Procedure Act, 1967</u>	1967, No. 12
<u>Dangerous Substances Act, 1972</u>	1972, No. 10
<u>Explosives Act, 1875</u>	1875, c. 17
<u>Finance Act, 1895</u>	1895, c. 16
<u>Fire Brigades Act, 1940</u>	1940, No. 7
Gaming and Lotteries Acts, 1956 to 1979	
Licensing Acts, 1833 to 1981	
<u>Local Government Act, 1955</u>	1955, No. 9
<u>Local Government (Planning and Development) Act, 1963</u>	1963, No. 28
Local Government (Sanitary Services) Acts, 1878 to 1964	
<u>Local Government Services (Corporate Bodies) Act, 1971</u>	1971, No. 6
<u>Office Premises Act, 1958</u>	1958, No. 3
<u>Petty Sessions (Ireland) Act, 1851</u>	1851, c. 93
<u>Public Dance Halls Act, 1935</u>	1935, No. 2
<u>Public Health Acts Amendment Act, 1890</u>	1890, c. 59
Registration of Clubs Acts, 1904 to 1981	
Safety in Industry Acts, 1955 and 1980	



Number 30 of 1981

FIRE SERVICES ACT, 1981

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF FIRE AUTHORITIES AND THE ORGANISATION OF FIRE SERVICES AND FOR FIRE SAFETY, FIRE FIGHTING, THE PROTECTION AND RESCUE OF PERSONS AND PROPERTY AND RELATED MATTERS. [16th December, 1981]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

Short title and commencement.

1.—(1) This Act may be cited as the Fire Services Act, 1981.

(2) This Act shall come into operation on such day or days as may be appointed by order or orders of the Minister, either generally or with reference to a particular purpose or provision, and different days may be fixed for different purposes and different provisions of this Act.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

“building” means a building, structure or erection (whether permanent or temporary) of any kind or of any materials;

“fire authority” means a fire authority to which [section 9](#) applies;

“fire brigade” means an organised body of persons trained and equipped for extinguishing fires occurring in buildings and other places and for rescuing persons and property from such fires, and includes the vehicles and equipment with which that body is provided;

“fire hydrant” includes any hydrant marker-plate, cover or box;

“fire safety” includes fire prevention and precautions against fire;

“flammable” includes combustible;

“functional area”, in relation to a fire authority, has the meaning assigned by section 9 (3);

“functions” includes powers and duties;

“the Minister” means the Minister for the Environment;

“owner” includes any person having any estate or interest in premises;

“person in control”, in relation to a fire or other emergency, has the meaning assigned by section 27;

“planning authority” has the meaning assigned by section 2 (2) of the Local Government (Planning and Development) Act, 1963 ;

“potentially dangerous building” has the meaning assigned by section 19;

“prescribed” means prescribed by regulations made by the Minister under this Act;

“reserved function” means—

(a) in the case of the council of a county or an elective body for the purposes of the County Management Acts, 1940 to 1972, a reserved function for the purposes of those Acts;

(b) in the case of the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the county borough;

“sanitary authority” means a sanitary authority for the purposes of the Local Government (Sanitary Services) Acts, 1878 to 1964.

(2) In this Act references to extinguishing a fire shall be construed as including the prevention of a fire from spreading.

(3) A reference in this Act to a section is to a section of this Act unless it is indicated that reference to some other enactment is intended.

(4) A reference in this Act to a subsection or paragraph is to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(5) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended or adapted by any subsequent enactment.

Orders and
regulations.

3.—(1) The Minister may make orders and regulations for the purposes of this Act.

(2) Every order of the Minister under section 9 or 11 and every regulation made by him under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Offences. **4.**—Any person who contravenes (by act or omission) any requirement of Part III of this Act or of any regulation under this Act or of any notice to which this Act applies shall be guilty of an offence.

Penalties. **5.**—(1) A person guilty of an offence under this Act (other than an offence to which *subsection (2)* applies) shall be liable on summary conviction to a fine not exceeding £500 or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both the fine and the imprisonment.

(2) A person guilty of an offence by reason of a contravention of section 18 (2), 20 or 37 shall be liable on conviction on indictment to a fine not exceeding £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding 2 years or to both the fine and the imprisonment.

(3) A Justice of the District Court shall have jurisdiction to try summarily an offence to which *subsection (2)* relates if—

(a) the Justice is of opinion that the facts proved or alleged against a defendant charged with such an offence constitute a minor offence fit to be tried summarily,

(b) the Director of Public Prosecutions consents, and

(c) the defendant (on being informed by the Justice of his right to be tried by a jury) does not object to being tried summarily, and, upon conviction under this subsection, the defendant shall be liable to a fine not exceeding £500, or at the discretion of the court, to imprisonment for a term not exceeding 6 months, or to both the fine and the imprisonment.

(4) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence to which *subsection (2)* relates as if, in lieu of the penalties provided for in subsection (3) of the said section, there were specified therein the penalties provided for in *subsection (3)* of this section, and the reference in subsection (2) (a) of the said section 13 to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

(5) Where an offence under this Act which is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person (or any person acting on his behalf) being a director, manager, or secretary of such body, that person or the person so acting as the case may be, shall also be guilty of that offence.

Summary prosecution of offences. **6.—**(1) Summary proceedings for an offence to which section 5 (1) applies may be brought and prosecuted by the fire authority for the functional area in which the offence is alleged to have been committed or by any other person.

(2) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851 , summary proceedings for an offence under this Act may be instituted within 12 months from the date of the offence.

Expenses of Minister. **7.—**The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Repeals. **8.—**(1) The following Acts are hereby repealed—

the Cinematograph Act, 1909,

the Fire Brigades Act, 1940 .

(2) Every agreement in force immediately before the commencement of this section under section 2 (3) (a) of the Fire Brigades Act, 1940 , between a sanitary authority and a fire brigade authority shall, where each of them becomes a fire authority on such commencement, continue in force and shall be deemed to be an agreement made under section 59 of the Local Government Act, 1955 .

PART II

Organisation of Fire Services

Fire authorities. **9.—**(1) Each of the following local authorities shall be a fire authority for the purposes of this Act—

(a) the council of a county,

(b) the corporation of a county borough,

(c) the Corporation of Dun Laoghaire,

(d) subject to *subsection (2)*, the corporation of any other borough and the council of any urban district which has established and is maintaining a fire brigade at the commencement of this section.

(2) Where the Minister by order provides that *subsection (1) (d)* shall cease to apply to a particular corporation or council that body shall cease to be a fire authority on the day specified in that behalf in the order.

(3) The functional area of a fire authority shall be—

(a) in the case of the council of a county, the administrative county, excluding any borough or urban district, the corporation or council of which is for the time being a fire authority;

(b) in the case of any other local authority, its administrative area.

(4) References in any enactment to a fire brigade authority, as defined in the [Fire Brigades Act, 1940](#), shall be construed as references to a fire authority.

Functions of fire authorities. **10.**—(1) A fire authority shall have the functions assigned to it by or under this Act.

(2) A fire authority shall—

(a) make provision for the prompt and efficient extinguishing of fires in buildings and other places of all kinds in its functional area and for the protection and rescue of persons and property from injury by fire, and

(b) establish and maintain a fire brigade, provide premises and make such other provision as it considers necessary or desirable for such purpose, and

(c) make adequate provision for the reception of and response to calls for the assistance of the fire brigade.

(3) A fire authority shall, in the exercise of its functions under *subsection (2)*, have regard (in addition to all other relevant considerations) to the nature of the fire hazards and the probable incidence and extent of fires in its functional area, the character of the area and the value of the property liable to be damaged by fires.

(4) Fire authorities may make arrangements for the joint discharge of any of their functions.

(5) (a) A fire authority may, by agreement, provide services for or avail of the services of any body or person other than a fire authority.

(b) An agreement under section 2 (3) (b) of the Fire Brigades Act, 1940 , in force immediately before the commencement of this section and made by a sanitary authority which becomes a fire authority, shall continue in force and shall be deemed to be an agreement under this section.

(6) (a) Whenever it appears to the Minister that an agreement under section 59 of the Local Government Act, 1955 , ought to be made between fire authorities for the purpose of any of their functions he may, after affording an opportunity to the authorities concerned to make representations to him, require them to enter into an agreement.

(b) The Minister may direct that any such agreement shall contain such terms as he may specify and the authorities concerned shall comply with any direction given by the Minister.

(7) The making of agreements under this section shall be a reserved function.

(8) It shall be the duty of a fire authority which is a party to an agreement to which this section relates to furnish the Minister with a copy of the agreement.

(9) A fire authority may send a fire brigade to any place outside its functional area, whether in the functional area of another fire authority or not and where any such fire brigade is sent outside the functional area of any fire authority, the person who is for the time being in charge thereof shall have the powers available to the person in control at a fire or other emergency under section 28 .

(10) A fire authority shall, as soon as may be after the commencement of this section and as occasion requires, make a survey to examine the location and adequacy of water supplies for fire-fighting purposes, fire-fighting equipment and fire hydrants.

Transfer of functions to fire authorities. **11.**—(1) The functions of a local authority under the following enactments shall be functions of a fire authority within its functional area—

(a) the Dangerous Substances Act, 1972 ,

(b) the Explosives Act, 1875 ,

(c) such provisions of any other enactment as are specified by the Minister by order.

(2) A fire authority shall, within its functional area, perform the functions relating to means of escape in case of fire given to sanitary authorities in—

(a) the Safety in Industry Acts, 1955 and 1980, and

(b) the Office Premises Act, 1958 .

(3) The functions of a local authority under section 36 of the Public Health Acts Amendment Act, 1890 , shall be exercisable by a fire authority with respect to means of egress in the case of fire.

Measures to be taken in consultation with Minister for Posts and Telegraphs. **12.**—Where a fire authority represents to the Minister for Posts and Telegraphs that reasonable means for enabling persons in any part of its functional area to call a fire brigade are not available, that Minister shall consult with the fire authority as to the measures required to make reasonable provision for that purpose and shall take such measures as may be agreed upon.

Advice to planning authority. **13.**—A fire authority may advise a planning authority in relation to the functions of the planning authority under section 26 (which relates to permission for development) and section 27 (which relates to permission for the retention of structures) of the Local Government (Planning and Development) Act, 1963 .

Co-operation between fire authorities. **14.**—It shall be the duty of fire authorities to afford, on request, assistance to each other, provided that such assistance can be given without reducing fire services in the functional area of the assisting authority below a standard which it considers to be necessary and which cannot be sustained by assistance from another fire authority.

Training. **15.**—(1) It shall be the duty of a fire authority to make arrangements for the efficient training of the personnel of its fire services.

(2) A fire authority may establish and maintain facilities for providing courses of instruction for the personnel of its own or other fire services and for training other persons in fire-fighting techniques, fire drill procedure, fire safety and analogous matters.

(3) The Minister may assist, as he thinks proper, fire authorities in relation to their functions under this section and may, in particular—

(a) provide or arrange for the provision of instruction for the personnel of fire services and other persons and for the establishment and maintenance of training facilities (including a national training centre) and may make charges in respect of such instruction,

(b) arrange for the conduct of examinations and tests, for the grant of certificates on the results thereof and for the recognition of certificates and other awards of other bodies.

(4) The Minister, with the concurrence of the Minister for Finance, may contribute towards the expenses of a fire authority in the provision of training facilities, subject to such conditions as he may impose concerning the availability and suitability of the facilities.

(5) The Minister, with the concurrence of the Minister for Finance, may contribute towards the expenses of a fire authority in sending members of the fire service on approved courses or in making persons available to provide training for members of other fire services or of other bodies.

Fire Services
Council.

16.—(1) The Minister may by order establish a body which shall be known as the Fire Services Council (in this section referred to as the Council) to perform such services for or on behalf of the Minister or fire authorities as he may specify from time to time.

(2) Without prejudice to the generality of *subsection (1)*, the Council shall at the request of the Minister—

(a) perform such functions under *section 15 (3)* as the Minister may assign to the Council,

(b) assist in the preparation of guidelines, codes of practice, standards or regulations relating to fire safety,

(c) undertake or arrange for research in relation to fire or fire safety matters,

(d) carry out an investigation into any fire or any operation of an emergency nature to which *section 25* relates and make a report thereon to the Minister.

(3) For the purpose of an investigation under *subsection (2) (d)* the Council shall have discretion as to the manner in which the investigation shall be carried out and in particular may carry out the investigation wholly or partly in public and the Council or a person authorised by the Council (in this section referred to as an authorised person) may—

(a) enter at all reasonable times and inspect any land or building,

(b) take on to land or into a building any person or equipment and examine, test or take samples of any thing,

(c) by notice in writing require any person to give any relevant information or produce plans or documents and for such purpose to attend and to give evidence before the Council or an authorised person, and

(d) take evidence on oath and for that purpose administer an oath.

(4) Any person who—

(a) refuses entry to any land or building for the purpose of this section, or

(b) obstructs or impedes the Council or an authorised person in the exercise of the powers conferred by *subsection (3)*, or

(c) fails or refuses to comply with any requirement of the Council or an authorised person, or

(d) wilfully or recklessly gives to the Council or an authorised person any information which is false or misleading in a material respect,

shall be guilty of an offence.

(5) The Local Government Services (Corporate Bodies) Act, 1971 , shall apply for the purposes of this section to a fire authority, to an order under this section as if it were an establishment order and to the Council as if it were established under such an order.

(6) The Council shall make an annual report of its activities to the Minister who shall cause it to be laid before each House of the Oireachtas.

Transfer of staff and property to fire authorities. **17.**—(1) This section applies to a body being the corporation of a borough or the council of an urban district which, on the commencement of section 9 , does not become a fire authority.

(2) On the commencement of section 9 , every officer, servant or other person who, immediately before such commencement, was engaged by a body to which this section applies solely in the performance of functions of a kind conferred by this Act on a particular fire authority shall, unless that body and that officer, servant or other person otherwise agree, become an officer or servant or be engaged by that fire authority on the terms and conditions applicable to his former employment or engagement.

(3) On the commencement of section 9 , all real and personal property (including choses in action) which, immediately before such commencement, was vested in a body to which this section applies and was used solely for the purposes of functions conferred by this Act on a particular fire authority shall, unless that body and that fire authority otherwise agree, stand vested in that fire authority without any conveyance or assignment.

(4) A body to which this section applies may issue a certificate under the hand of its town clerk in respect of specified property certifying, as it thinks proper, that that property vested or did not vest under this section and the certificate shall be conclusive.

(5) Section 12 of the Finance Act, 1895 , shall not apply to the vesting of property under this section.

(6) Where, by virtue of an order of the Minister under section 9 (2) , a body ceases on a specified day to be a fire authority, this section shall apply to that body with effect from that day and the preceding provisions of this section shall apply accordingly subject to such modifications and ancillary provisions as the Minister considers necessary and provides for in the order.

PART III

Fire Fighting and Fire Safety

General obligations with regard to fire safety.

18.—(1) This section applies to premises or any part thereof put to any of the following uses—

- (a) use as, or for any purpose involving the provision of, sleeping accommodation, excluding premises consisting of a dwelling house occupied as a single dwelling;
- (b) use as, or as part of, an institution providing treatment or care;
- (c) use for purposes of entertainment, recreation or instruction or for the purpose of any club, society or association;
- (d) use for purposes of teaching, training or research;
- (e) use for any purpose involving access to the premises by members of the public, whether on payment or otherwise; and
- (f) use for any other prescribed purpose, but excluding—
 - (i) premises used as a factory within the meaning of the Safety in Industry Acts, 1955 and 1980;
 - (ii) premises used as a store and subject to licensing under regulations made under the Dangerous Substances Act, 1972 ;
 - (iii) a magazine, store or registered premises within the meaning of the Explosives Act, 1875 ; and
 - (iv) an oil jetty within the meaning of regulations under the Dangerous Substances Act, 1972 .

(2) It shall be the duty of every person having control over premises to which this section applies to take all reasonable measures to guard against the outbreak of fire on such premises, and to ensure as far as is reasonably practicable the safety of persons on the premises in the event of an outbreak of fire.

(3) It shall be the duty of every person, being on premises to which this section applies, to conduct himself in such a way as to ensure that as far as is reasonably practicable any person on the premises is not exposed to danger from fire as a consequence of any act or omission of his.

(4) A fire authority may give advice in relation to fire safety to the owner or occupier of any premises or to any person having control over any premises.

Potentially
dangerous
building.

19.—(1) In this Act “potentially dangerous building” means any building which would, in the event of a fire occurring therein, constitute a serious danger to life for any of the following reasons—

- (a) the fact that large numbers of persons habitually resort thereto or are accommodated therein;
- (b) the absence of any or any adequate appliances or fittings—
 - (i) for extinguishing fires occurring in the building,
 - (ii) for enabling the occupants to escape on the occurrence of a fire,
 - (iii) for the automatic detection of an outbreak of fire,
 - (iv) for giving warning to persons in case of fire,
 - (v) for securing that the means of escape can be safely and effectively used at all times, or
 - (vi) for emergency lighting;
- (c) the flammable nature of the materials of which the building is made;
- (d) the flammable nature of the furniture, furnishings and fittings in the building;
- (e) the absence of adequate means of egress from the building;
- (f) the absence of any or any adequate notices as to the procedure which should be followed in the event of fire;
- (g) the flammable, explosive or potentially explosive nature of anything used, stored or deposited within the building;
- (h) the fact that a fire therein would be likely to spread rapidly within the building or to other premises;
- (i) the fact that any power supply or lighting system with which the building is provided is defective, inadequate or inadequately maintained;
- (j) the fact that any heating or ventilating system with which the building is provided is defective or inadequately maintained or presents a fire hazard; or
- (k) any similar reason.

(2) In this section “building” includes any part of a building but does not include—

- (a) premises consisting of a dwelling house occupied as a single dwelling;
- (b) premises constituting a factory within the meaning of the Safety in Industry Acts, 1955 and 1980;
- (c) premises consisting of a store subject to licensing under regulations made under the Dangerous Substances Act, 1972 ;
- (d) a magazine, store or registered premises within the meaning of the Explosives Act, 1875 ; or
- (e) an oil jetty within the meaning of regulations under the Dangerous Substances Act, 1972 .

Fire safety
notices.

20.—(1) A fire authority may serve on the owner or occupier of any building which appears to the authority to be a potentially dangerous building a notice (in this Act referred to as a fire safety notice) in accordance with this section.

(2) A fire safety notice in relation to a building may—

- (a) prohibit the use of the building, or a specified part of the building, for the purpose or any of the purposes specified in the notice;
- (b) prohibit the use of the building, or a specified part of the building, for the purpose or any of the purposes specified in the notice unless or until specified precautions are taken to the satisfaction of the fire authority whether by the provision in the building of specified appliances or fittings or by the execution of specified structural alterations or additions to the building, or by the removal from the building of furniture, furnishings, fittings or any other material or thing, or by the doing in relation to the building or its contents of any other thing whatsoever.

(3) A fire safety notice may impose on the owner or occupier of a building requirements as to—

- (a) the provision and maintenance of exit signs, emergency lighting and notices as to the procedure to be followed in the event of fire;
- (b) the arrangements to be made for the provision and maintenance of equipment and fittings for fire detection, fire prevention, the extinguishing of fires, the giving of warning in case of fire, and for securing that the means of escape can be safely and effectively used at all material times;
- (c) the installation, maintenance and use of the power, lighting, heating and ventilating systems of the building;
- (d) the arrangements to be made for the safe storage of flammable, explosive or potentially explosive articles or materials used, stored or deposited in the building;

- (e) the measures to be taken for securing that persons employed in the building receive appropriate instruction or training in fire safety, and in what to do in the event of fire, and that records are kept of such instruction or training;
- (f) the holding of fire safety evacuation drills at specified intervals, and that records are kept of such drills;
- (g) the nomination of an appropriate person or persons employed in the building to have responsibility for fire safety measures in the building; and
- (h) limiting the number of persons who may be in the building at any one time.

(4) Where a fire safety notice requires the carrying out of any work and the owner or occupier alleges that the whole or part of the expense of the work should be borne by the occupier or owner, he may apply to the District Court for an order concerning the expenses or their apportionment and the Court shall have jurisdiction to make such order as it thinks just.

(5) Where a fire authority is of the opinion that a flammable, explosive or potentially explosive substance is used, stored or deposited adjacent to buildings in such a manner as to represent a serious danger to life, the authority may serve a fire safety notice on the owner or occupier of the land on which the substance is used, stored or deposited requiring the taking of specified measures to reduce the danger to a reasonable level.

(6) A fire safety notice may specify a time within which any requirement shall be complied with.

(7) A fire precautions notice in force under the Fire Brigades Act, 1940 , immediately before the commencement of this section shall continue in force and shall be deemed to be a fire safety notice.

(8) Each fire authority shall keep at its offices a register of fire safety notices served by it and the register shall be open to inspection by any person at all reasonable times.

Appeal against **21.**—(1) A person on whom a fire safety notice is served may, within fourteen days from the date of service, appeal against the fire safety notice. notice to the District Court on any one or more of the following grounds:

- (a) that he is not the owner or occupier of the building or land,
- (b) that the building is not a potentially dangerous building,
- (c) that the notice is unreasonable because of the improbability of a fire occurring in the building or because of the improbability of serious danger to life arising from fire or arising from the use, storage or deposit of a substance to which a notice under section 20 (5) relates,

- (d) that compliance with the requirements of the notice would involve unreasonable expense or an unreasonable interference with the use of the building or land,
- (e) that the notice specified an unreasonably short time for complying with its requirements or any of them.
- (2) Notice of the appeal shall be given to the fire authority and that authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.
- (3) On the hearing of the appeal the Court may, as it thinks proper, either—
- (a) confirm the notice unconditionally, or
 - (b) confirm the notice subject to such modifications, alterations, or additions as the Court thinks reasonable, or
 - (c) annul the notice.
- (4) Where the Court confirms the notice, subject to modifications, alterations or additions, the notice shall have effect subject to such modifications, alterations or additions.
- (5) The notice shall not have effect until—
- (a) the expiration of fourteen days from the date of service of the notice, or
 - (b) if an appeal is taken and the notice is confirmed, with or without modifications, the date upon which the decision of the Court is pronounced.
- (6) The jurisdiction conferred on the District Court by this section shall be exercised by the Justice of that court having jurisdiction in the district in which the building or land is situate.
- (7) No appeal shall lie to the Circuit Court from a decision of the District Court under this section.
- (8) (a) A fire precautions notice served under the Fire Brigades Act, 1940, within fourteen days before the commencement of this section shall be deemed to be a fire safety notice and a reference in the notice to the proprietor shall be taken as a reference to the owner or occupier of the building.
- (b) An appeal against the notice may be taken and determined under this section and an appeal pending under that Act may be continued and determined under this section by the owner or occupier of the building as if, in either case, this section were in force on the date of service of the notice.

Powers of
inspection by
authorised
persons.

22.—(1) In this section “authorised person” means a person authorised for the purposes of this section by a fire authority.

(2) Any authorised person shall be entitled to enter at all reasonable times (subject to his producing, if so required, his authority in writing as such person) and inspect any land or building (other than a dwelling house occupied as a single dwelling) for the purposes of this Act.

(3) Any authorised person may—

(a) inspect any water supply in a building or on any land;

(b) inspect all records required to be kept by a fire safety notice or by regulations;

(c) require to be informed by the owner or occupier of any land or building or by any person in his employment as to the purpose for which the land or building or any particular part thereof is used, the number of persons who are habitually employed or accommodated therein or resort thereto, the substance of which any building is made and the method of its construction and any other matter which the authorised person considers to be relevant.

(4) A fire authority may by notice in writing require the owner or occupier of land or a building to provide the authority, within such period as it may specify, with such plans (including line or simple dimensional drawings) of the land or building, and with such information in writing as it may require and it shall be the duty of the owner or occupier to comply with the notice.

(5) An authorised person shall be entitled in the exercise of his powers under this section to take with him on to land or into a building such persons and equipment as he considers necessary to assist him and to examine and test any ventilation, heating, power or lighting system and any materials or substances used, stored or deposited on the land or in the building and to take samples for the purpose of testing any such materials or substances.

(6) Any person who—

(a) refuses to allow an authorised person to enter any land or building or to take any person or equipment with him in the exercise of his power under this section, or

(b) obstructs or impedes an authorised person in the exercise of any of the powers conferred on him by this section, or

(c) fails or refuses to give to an authorised person on demand or to the fire authority pursuant to a notice in writing any plan or information which he or the authority is entitled to require under this section, or

(d) wilfully or recklessly gives to an authorised person or a fire authority information which is false or misleading in a material respect, or

(e) fails to comply with any requirement of this section,

shall be guilty of an offence.

(7) Where an authorised person is refused entry to land or a building in the exercise of his powers under this section the fire authority may apply to the District Court for a warrant authorising such entry.

Order of High
Court as to use
of land and
buildings.

23.—(1) Where a fire authority considers that the risk to persons in the event of fire is so serious that the use of particular land or a particular building, or part thereof, should be restricted or should be immediately prohibited until specified measures have been taken to reduce the risk to a reasonable level, it may apply to the High Court for an order restricting or prohibiting the use of the land or building accordingly.

(2) The application for the order shall be by motion, and the High Court may make such interim or interlocutory order as it considers appropriate.

(3) Any such order shall have effect notwithstanding the terms of any permission given under any other enactment for the use of the land or building or part thereof.

Licensing of
premises under
other
enactments.

24.—The applicant for—

(a) a certificate for the grant or renewal of a licence (other than an off-licence) under the Licensing Acts, 1833 to 1981,

(b) the grant or renewal of a certificate of registration under the Registration of Clubs Acts, 1904 to 1981,

(c) a licence in respect of premises under—

(i) the Public Dance Halls Act, 1935 , or

(ii) Part IV of the Public Health Acts Amendment Act, 1890 , or

(d) a certificate in respect of premises under the Gaming and Lotteries Acts, 1956 to 1979, shall give one month's notice in writing (or such shorter period of notice as the fire authority may in the special circumstances of the case agree to accept) of the application to the fire authority in the functional area of which the premises are situated, and the fire authority may appear, be heard and adduce evidence in respect of the application on the hearing thereof.

Fire-fighting and emergencies. **25.**—A fire authority may carry out or assist in any operations of an emergency nature, whether or not a risk of fire is involved, and a fire authority may accordingly make such provision for the rescue or safeguarding of persons and protection of property as it considers necessary for the purposes of that function.

Fire and Emergency Operations Plans. **26.**—(1) Each fire authority which maintains a fire brigade shall prepare (and, as occasion requires, revise) plans for fire and emergency operations showing the provision made by it in respect of organisation, appliances, equipment, fire stations, water supplies and extinguishing agents, training, operational procedure and such other matters as may be relevant, and for dealing with operations of an emergency nature under section 25.

(2) A copy of every plan made or revised under this section shall be furnished by the fire authority to the Minister who may, if he thinks proper, direct that plans of adjoining authorities be co-ordinated.

(3) The making and revision of a plan shall be a reserved function.

Control of operations at a fire or other emergency. **27.**—(1) Where one or more fire brigades are present at a fire occurring in the functional area of a fire authority, sole charge and control of all operations for extinguishing the fire shall be vested as follows—

(a) if the fire authority maintains a fire brigade and that fire brigade is present at the fire—in the person who is for the time being in charge of that fire brigade at the fire;

(b) if the fire authority does not maintain a fire brigade but has made an agreement with a fire authority for the performance of its fire-fighting functions and the brigade of that fire authority is present at the fire—in the person who is for the time being in charge of that fire brigade at the fire;

(c) in any other case—in the person who is for the time being in charge of the fire brigade of a fire authority which first arrives at the fire.

(2) Fire authorities may by agreement provide, notwithstanding anything in *subsection (1)*, for the vesting of sole charge and control of all operations for extinguishing a fire in any person who is for the time being in charge of a fire brigade at a fire and for the transfer of such charge and control from one person to another.

(3) Whenever and so long as no fire brigade of a fire authority is present at a fire, the senior member of the Garda Síochána present at the fire shall have sole charge and control of all operations for extinguishing the fire.

(4) The Minister may by regulations provide—

(a) for the control of any operations of a fire authority under *section 25*, other than operations for extinguishing a fire, and

(b) for the vesting of sole charge and control of such operations and for the transfer of such charge and control from one person to another in such circumstances as are prescribed.

(5) In this Act, “the person in control”, in relation to a fire or other emergency, means the person in whom is vested, by or under this section, the sole charge and control of all operations for extinguishing a fire or of any other operations of a fire authority under *section 25*.

Ancillary powers. **28.**—(1) The person in control at a fire or other emergency may, either personally or by a member of a fire brigade present at the incident or by a member of the Garda Síochána, or by such other person as he authorises, do (if necessary, by force) all such things as are, in his opinion, necessary or expedient for the purpose of extinguishing the fire or for protecting or rescuing persons or property and, in particular, may—

(a) enter any land or building in which there is reason to believe fire has broken out or the emergency exists or any other land or building;

(b) cause any land or building to be vacated by the occupants;

(c) pull down or demolish any building or part of a building;

(d) use any water supply, whether public or private;

(e) take water from any watercourse, lake, pond or other source, whether natural or artificial;

(f) remove anything from the vicinity of the fire or other emergency.

(2) (a) The person in control at a fire or other emergency may require that any available water supply be controlled from the main pipes in any way that he directs in order to give a greater supply and pressure of water.

(b) He may, if he considers it necessary for the protection of other property, cause water or other extinguishing agent to be directed against that property.

(c) No action shall lie against a fire authority, the person in control at the fire or other emergency or any person acting under his powers under this subsection.

(3) Any person who wilfully obstructs or impedes the exercise by the person in control at a fire or other emergency or by any person under his authority or by any member of the Garda Síochána of the powers conferred on that person or member by this section shall be guilty of an offence.

(4) Where damage to any property is caused by the exercise of a power conferred by this section, the damage shall, for all purposes and in particular for the purpose of any contract of insurance, be deemed to have been caused by the fire or emergency.

(5) Any clause or condition inserted in a contract of insurance purporting to exclude or having the effect of excluding the risk of damage caused by the exercise of a power conferred by this section shall be void where the risk of damage caused directly by the fire or emergency in relation to which the power is exercised would be covered by the contract.

Public water
supply for fire-
fighting.

29.—(1) The functions of a sanitary authority for the provision of a supply of water shall extend to the supply of water for fire-fighting purposes and the provision and maintenance of fire hydrants at such places as the fire authority requires.

(2) Where a fire authority represents to a sanitary authority that reasonable provision has not been made for a supply of water for fire-fighting purposes, the sanitary authority shall consult with the fire authority as to the measures required and shall take such measures as may be agreed.

Penalty for false
alarms.

30.—Every person who knowingly gives or causes to be given a false alarm (whether by means of a street fire alarm, a telephone communication, a direct statement, a message or otherwise) to a fire brigade maintained by a fire authority shall be guilty of an offence.

Damage to fire
hydrant.

31.—Any person who interferes with, damages or obstructs a fire hydrant or any apparatus for drawing water from a main for the purpose of fire-fighting otherwise than in connection with operations of a fire brigade or for any purpose authorised by the sanitary authority shall be guilty of an offence.

PART IV

Finance and Administration

- Grants to fire authorities. **32.**—The Minister, with the concurrence of the Minister for Finance, may pay annual or other contributions to fire authorities towards the expenditure incurred by them in the provision of a fire service.
- Grants for research. **33.**—The Minister, with the concurrence of the Minister for Finance, may contribute to the funds of any person or body engaged in or preparing to engage in research related to fire-fighting or fire safety.
- Reports and statistics. **34.**—It shall be the duty of every fire authority to furnish to the Minister such reports and statistics on fires occurring in its functional area and on fire safety inspections and related activities as he may require.
- Expenses of fire authorities. **35.**—(1) The expenses of the council of the county of Dublin as a fire authority shall be charged on the county exclusive of the borough of Dun Laoghaire.
- (2) The expenses, as a fire authority, of the council of any other county in which there is a borough or urban district, the corporation or council of which is for the time being a fire authority, shall be charged on the county exclusive of any such borough or urban district.
- (3) A fire authority shall be entitled to charge users or beneficiaries of a fire service for services which it provides.
- Immunity of Minister, fire authorities and sanitary authorities. **36.**—No action or other proceeding shall lie or be maintainable against the Minister, or against a fire authority or a sanitary authority or any officer or servant of, or person engaged by, any such authority for the recovery of damages in respect of injury to persons or property alleged to have been caused or contributed to by the failure to comply with any functions conferred by this Act.
- Fire safety regulations. **37.**—(1) The Minister may make regulations providing for the precautions to be taken in premises to which *section 18* applies for the protection of persons and property against risk by fire.
- (2) The regulations may apply to any particular use of premises or of any specified class of premises.
- (3) The regulations may, without prejudice to the generality of the foregoing subsections, specify requirements with regard to any or all of the following matters—
- (a) the provision and maintenance of exit signs, emergency lighting and notices as to the procedure to be followed in the event of fire;
- (b) the provision, maintenance and keeping free from obstruction of means of escape in case of fire;

- (c) the provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;
- (d) the provision and maintenance of means for the prevention and extinguishing of fires and means for detection and giving warning in case of fire;
- (e) the holding of fire safety evacuation drills at specified intervals and the keeping of records of such drills;
- (f) the internal construction of premises and the materials used in that construction;
- (g) prohibiting altogether the presence or use in the premises of furniture, furnishings or equipment of any specified description, or articles or materials of a flammable nature, or prohibiting their presence or use unless specified standards or conditions are complied with;
- (h) the installation, maintenance and use of power supply, lighting, heating and ventilating systems;
 - (i) securing that persons employed to work in the premises receive appropriate instruction and training in what to do in case of fire;
- (j) the maximum number of persons who may be in the premises or any part thereof at any one time;
- (k) securing that, in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises;
- (l) the keeping of records of instruction or training given, or things done, in pursuance of the regulations, and
- (m) the provision of adequate means of access for fire appliances and equipment.

(4) Nothing in regulations under this section shall derogate from the functions of a fire authority under this Act or from a duty imposed on any person under *subsection (2) or (3) of [section 18](#)*.

Service of
notices.

38.—(1) Any notice required to be given or served under this Act shall be addressed to the person concerned and given or served in one of the following ways—

- (a) by addressing it to him by name and delivering it to him,
- (b) by leaving it at the address at which he ordinarily resides,
- (c) by sending it by post in a prepaid registered letter addressed to him at the address at which he ordinarily resides,

(d) where the address at which he ordinarily resides cannot be ascertained by reasonable inquiry and the notice is required to be given in respect of any premises, by delivering it to a person over 16 years of age resident or employed on the premises or by affixing it in a conspicuous position on or near the premises.

(2) Where the name of the occupier cannot be ascertained by reasonable inquiry a notice under this section may be addressed to "the occupier".

(3) For the purpose of this section a company registered under the Companies Act, 1963 , shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.