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ADMIRALTY FLEET ORDER
FIRE PREVENTION IN ADMIRALTY ESTABLISHMENTS
AT HOME

ADMIRALTY, S.W.1,
4th November, 1943

The following Order having been approved by My Lords Commissioners of the Admiralty is hereby promulgated for information and guidance and necessary action.

By Command of their Lordships,

H. V. Markham

Distribution Limited

To all Commanders-in-Chief (excluding Commander-in-Chief, Home Fleet), Flag Officers, Senior Naval Officers, Superintendents or Officers in Charge of H.M. Naval Establishments and Admiralty Overseers concerned.

Home Commands
(Ashore only).

NOTE :—The scale of distribution is approximately half that shown in the Admiralty Fleet Order Volume 1941, Instructions, paragraph 10.

HEAD OF "P" BRANCH

5173.—Fire Prevention in Admiralty Establishments at Home

(C.E. 57315/43.—4 Nov. 1943.)

The Fire Guard (Business and Government Premises) Order, 1943, made in pursuance of Regulation 3 of the Defence (Fire Guard) Regulations, 1943, became operative on 20th September, 1943, and a copy of this new Order, which should receive careful attention, is contained in Appendix I hereto. Heads of Establishments should take the earliest opportunity of reviewing the fire guard arrangements for the premises under their control so as to bring them into line with the new Order.

2. The new Order consolidates and revokes the earlier Fire Prevention Orders governing arrangements for Business and Government premises, and constitutes a complete code covering all aspects of the Fire Guard service. Certain important changes are made in the Fire Guard system, the chief of which are :—

- (i) The establishing of upper and lower age limits for compulsory fire guard duties and for volunteers.
- (ii) A new scheme for selection of fire guards for compulsory duty, under which women will not be liable to perform duty outside their working hours at their place of employment unless there are insufficient men for the purpose.
- (iii) Legal provisions for the organisation of fire guard duties so as to secure co-ordination for summoning reinforcements or N.F.S. assistance on the lines of the Fire Guard Plan (cf. A.F.O. 3123/43).
- (iv) Compulsory performance of fire guard duty by aliens.
- (v) Modifications as to the classes of persons entitled to exemption from compulsory duty.
- (vi) Provision for the Minister of Home Security to modify the Order in the case of special areas.

3. The Order applies (i) to all Admiralty premises situated in areas prescribed by the Minister of Home Security except where such premises are specifically exempted from the provisions of the Order by the Admiralty and (ii) to such Admiralty premises outside those areas as are specifically prescribed by the Admiralty. Their Lordships' intention is that whether situated inside or outside prescribed areas, all Admiralty Establishments should be subject to the provisions of the Order, except the following :—

- (a) Those which are occupied entirely by Service personnel (including W.R.N.S.), e.g. barracks, training establishments, etc.; and
- (b) Those in which the Service personnel bear such an overwhelming superiority in numbers to the Admiralty civilian staff that the latter cannot be included conveniently in any scheme for fire prevention arrangements for the premises. (N.B.—Any premises occupied by both Service personnel and Admiralty civilian staff must, however, be brought under the Order before the latter can be included in a compulsory fire prevention scheme for the premises).

4. It is emphasised that the exemption of the premises referred to in paragraph 3 from the provisions of the Order does not in any way absolve the Officers-in-Charge of those premises from the duty of making arrangements for fire prevention; Service personnel are exempted from the Order because they are required to perform duty in connection with fire prevention as a matter of disciplinary routine (cf. A.F.O. 2137/43).

5. Whenever additional premises are taken over for Admiralty use (whether for Service or civilian personnel) the question of the application to them of the Fire Guard (Business and Government Premises) Order is to be considered and a report on the following lines is to be forwarded by the Officer-in-Charge of the Establishment through the usual Service channels to the Admiralty (Naval Law Branch) if (a) the premises are situated within a prescribed area and it is desired that they should be exempted from the provisions of the Order under paragraph 3

above, or (b) the premises are in a non-prescribed area and it is desired that the Fire Guard (Business and Government Premises) Order should apply :—

Postal Address	Full description of premises (see note)	Purpose for which occupied	Whether Admiralty owned, requisitioned or leased (see note)	Approximate No. of : (a) Service personnel. (b) Admiralty civilian staff. (c) Other persons (see note) who are regularly employed on the premises.
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Note.—(i) The description of the premises must be sufficient to identify them and their extent. Buildings not within the same premises must be listed separately.

(ii) Brief details of the "other persons" regularly employed on the premises should be added, e.g. contractor's workmen.

(iii) Confirmation as to whether an establishment is within a prescribed area can be obtained from the Local Authority or the Regional Commissioner. The local Officer in Charge of Works can indicate the tenure of the premises.

6. In the earlier Business and Government Premises Orders the only premises for which fire guard arrangements had to be made were business premises and those occupied by or for the purposes of a Government department. In consequence, it was not possible to secure joint arrangements under the Orders for block schemes when (as was usually the case) the blocks included premises of other types, e.g., residential property. This defect is remedied in the new Order under which appropriate Departments are urged to make the fullest use of the power to enter into joint arrangements (Article 2 and First Schedule) and in addition, where non-prescribed premises adjoin or are neighbouring to prescribed premises, power is given to the authority or department which would be the appropriate authority or appropriate department for the said premises if the Order applied thereto to require that those premises be linked by joint arrangements with the adjoining or neighbouring business or Government premises, and to treat the premises as if the Order applied. (Article 3.)

7. Subject to all proposals for joint arrangements and for meeting expenses connected therewith being reported to the Admiralty (C.E. Branch 1, London) for approval before being carried into effect, officers responsible for organising or participating in the organisation of joint arrangements are free to agree on behalf of the Admiralty that the Admiralty will contribute in a like manner as private occupiers of business premises included in the joint arrangements and to agree to share the cost involved in :—

- (i) The provision and maintenance of the fire prevention equipment prescribed in the joint arrangements, after allowance has been made for the supplies provided or the maintenance undertaken by the Admiralty Establishment.
- (ii) The provision (subject to the same allowance as that indicated in (i) above) of the prescribed amenities (sleeping accommodation, bedding, sanitary conveniences and facilities for washing).
- (iii) The reimbursement of additional travelling expenses reasonably incurred by fire guard personnel in consequence of the joint arrangements for fire prevention purposes.
- (iv) The payment of subsistence allowance on the scale prescribed.
- (v) The employment, where unavoidable, of whole-time paid fire-watchers. (Where, after the introduction of joint arrangements, a whole-time paid fire-watcher is engaged, it is only authorised to contribute towards the cost of his wages on the basis of such wages not exceeding that of the minimum rate of pay for a whole-time member of the Civil Defence service.)

- (vi) The cost of heating and lighting arrangements reasonably incurred outside working hours for the purpose of the joint arrangements including heating for the preparation of beverages such as tea or coffee, but not more elaborate canteen arrangements.
- (vii) The provision of such reasonable facilities for the recreation of the fire guards as may be agreed.

8. Where only Government Departments are concerned in a joint arrangement, the expenses should be met in the first instance by any method mutually convenient and finally charged in equitable proportions to Navy Votes and the Votes of the other department(s) concerned. Provided that adequate arrangements for control of expenditure and avoidance of double payment are made, precise division of charge is not necessary, e.g. if one partner has only a very small share in the premises, there is no objection, if a largely predominant partner makes the whole payment without recovery.

9. Where non-Government occupiers are included in joint arrangements, it should be borne in mind that they are entitled to recover subsistence allowance at the scale laid down from the appropriate authority or appropriate department for the premises, but all other expenses such as travelling expenses, cost of equipment, cost of providing washing and sleeping facilities, etc., are a final charge on the occupier. As regards these irrecoverable items, Heads of Establishments should agree with the non-Government occupiers the proportion of the total expenses involved which represents the proper share of the Admiralty.

10. Where the local authority or a Government Department not sharing in the occupation is acting as appropriate authority for a joint scheme, the Admiralty Establishment should participate in the arrangements as regards subsistence as if it were a private occupier (i.e. unless the Establishment is acting as paymaster, no action about payment or recovery of subsistence allowances will be necessary, but in all other cases, the appropriate payment, i.e. the Admiralty share or the total for the scheme, as the case may be—should be made as a charge to a suspense account and for recovery from the appropriate authority).

11. *Procedure for making and approving arrangements.*—Heads of establishments must ensure that documents containing the arrangements in force at establishments and any notices given or displayed in accordance with Article 6 of the Order are signed so as to show that the arrangements have been made and such notices are given "for and on behalf of the Admiralty" and should be worded throughout accordingly.

The matters to be included in arrangements for premises are now defined (Article 2 (i)) and the procedure to be followed for consultation with the staff or their representatives is substantially the same as in the earlier Government Premises Order, except that the following two additional requirements must be met:—

- (a) Establishments must give the staff representatives not less than 3 days notice in writing of the time and place at which it is proposed to hold the consultations and a copy of the notice must also be displayed at the premises in a prominent position (Article 6 (i)), and
- (b) After consultation, a copy of the proposed arrangements or amendments should be displayed similarly at the premises (Article 6 (3) (b) and 6 (6)) and after approval, a copy of the approved arrangements must be displayed in a prominent position at the premises for so long as they remain in force (Article 6 (7)).

12. *Method of selection of Fire Guards.*—The principal changes introduced by the new Order relate to the method of selection of fire guards. Instead of duties outside working hours being shared equally amongst all the male and female staff liable for compulsory duty, there will in future be a fixed team of fire guards for each arrangement, whether single, joint or combined, and those employees who are not selected for this team will perform the whole of their fire guard duty under the local authority for the area where they live or the area where the premises at which they work are situated. The selection of personnel to form such a fixed team will be one of the matters for consultation between the establishment and staff representatives in the manner laid down in the Order. The effect will be that existing voluntary schemes will give way to schemes based on compulsion except insofar as the duties are performed by persons exempted under the Order. Women, in future, will not be liable for fire guard duty outside their working hours at their place of employment

until all available men employed there have been fully utilised and the system laid down will enable local authorities of compulsory enrolment areas to maintain a running register of persons living or employed in their areas and can compulsorily enrol them as and when they become liable.

13. Establishments should note the method of calculation laid down (Article 13) for arriving at the number of fire guards needed. Clearly the number of fire guard parties required for duty at the same time must depend on the class of risk involved and the minimum standards given in A.R.P. Handbook No. 13, appendix I, may be taken as a general guide. Although the liability of each fire guard is to perform 48 hours of duty outside his working hours during each period of 4 weeks, when calculating the numbers needed for any premises the 4-weekly aggregate duty for each person is reckoned as 42 instead of 48 hours in order to allow a margin to cover absence on leave, sickness or other contingencies. The calculation is based on the period when the hours of darkness are at a maximum (5 p.m. to 9 a.m.) and when once made, a fresh calculation will not be necessary except in the event of a substantial change in the arrangements or in the working hours of the premises. From the number of fire guards obtained by the foregoing calculation, and after any upward adjustment which may be necessary under Article 29 (1) and (2), appropriate deductions must be made on account of—

- (i) Any persons available as fire guards within their working hours but outside of the normal working hours of the establishment.
- (ii) any paid fire guards employed under the arrangements, and
- (iii) The number of persons belonging to a fire brigade or civil defence organisation at the premises, who come within the scope of Article 29 (6) (a) or (b).

An upward adjustment to the figure so obtained may be made, if necessary, to meet the new requirement that no fire guard is to be required to perform duty outside his working hours during more than 2 week-ends in any four consecutive weeks.

14. So as to avoid any serious anomaly which would arise if it were left entirely to chance which of the male persons working at the premises were to be retained as fire guards, establishments must carry out the rather complex procedure for selection set out in Articles 13–15 of the Order. A specimen example for an establishment having 1,000 available male workers, of whom 200 are needed as fire guards for the premises, is as follows:—

Number of male workers at the premises, of whom 650 are wholly non-exempt and 350 are night shift workers	1000
Wholly non-exempt men employees assigned to categories and numbered within each category:—	
Category (a) (fire guard leaders)	10
Category (b) (men living in areas in which there is no compulsory enrolment for fire guard duties under the local authority and who are not in any other category)	40
Category (c) (volunteers from non-exempt men accepted by agreement with staff representatives)	60
Category (d) (men living in compulsory fire guard areas, who are not in any other category)	500
Category (e) (men excluded from earlier categories by agreement with staff representatives)	30
Category (f) (men belonging to any defence service of a local authority or harbour authority and who volunteered for such duty after 18.1.41 and before 20.9.43)	10
Partly exempt night shift workers	350
Total (men employees other than those wholly exempt)	1000
The number of persons authorised to be retained as fire guards at the premises (200) would be selected as follows:—	
Category (a)	10
Category (b)	40
Category (c)	60
The first 90 of the 500 men in Category (d) according to their numbers (Nos. D.1 to D.90)	90
Total retained	200

The number of men to be notified to the local authority of the areas where they live and of the area where the establishment is situated, would be made up as follows :—

Category (d) (men number D.91 to D.500)	410	
Category (e)	30	
Category (f)	10	
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Wholly non-exempt men notified	450	
Partly exempt men (night shift workers) notified	350	
	<hr/>	
	800	800
	<hr/>	
Total (men employees other than those wholly exempt)		1000

15. It will be noted that the scheme for selection requires that only non-exempt men of the prescribed ages will be considered in the first instance; after that come partly exempt men, then volunteers of either sex; and only if there is still a deficiency will women be compelled to perform duty. Establishments, therefore, will not have to assign categories and identification numbers if it is clear from the outset that they will be "deficiency" premises; and similarly if it is obvious from the outset that they will have to call upon the services of women, it will not be necessary for them to go through this process in the case of men. Establishments will, however, find it convenient in any event to keep a nominal roll covering at least their male employees and if it is necessary to arrange persons into categories, a register (which under Article 13 (12) is required to be open for inspection to the persons affected) will have to be maintained. The form of this register will depend to some extent on the form to be prescribed (copies of which will be available shortly) for notifying names to the local authorities; until then, establishments should keep the register in the form best fitted to their existing records. When a man placed in a category under Article 13 (4) ceases to belong to that category he should be transferred to the appropriate category and the local authority notified if he is no longer selected for fire guard duty at the premises (Article 13 (9)). The local authority should also be informed if a man already notified to them under Article 13 ceases to work at the establishment (Article 13 (8)).

16. The method of selection laid down in Article 13 will not apply for the following types of premises :—

- (a) Those not situated in a compulsory enrolment area which are staffed by persons none of whom live in a compulsory enrolment area (Article 16 (1));
- (b) Where the Minister is satisfied that the conditions of employment at the premises are "so irregular or otherwise exceptional" that the selection system is inappropriate (Article 17); and
- (c) Police, N.F.S. and Civil Defence Reserve premises and those occupied by any Civil Defence Service of a local authority (Article 18).

17. *Liability of women for fire guard duty.*—The new Order provides generally that no woman is liable for compulsory fire guard duty outside her working hours at the premises where she works unless there are insufficient men and volunteers of either sex available for the purpose. They are also exempt from fire guard duty inside their working hours except in so far as those duties cannot be performed by men working at the premises (Article 10 (1) proviso c.). Provision is also made in Article 15 (4) (a) for directions to be given that women shall not be required to perform fire guard duty at certain premises or parts of premises which are clearly unsuitable for women to undertake these duties. It is the intention of Their Lordships that the following Admiralty Establishments should be regarded as not suited for the employment of women as fire guards and pending formal notification to the Regional Commissioners to this effect, no action should be taken for women to be required to perform fire guard duty at those premises :—

H.M. Dockyards at Portsmouth, Devonport, Chatham, Sheerness, Rosyth and Portland.

H.M. Repair Base, Pembroke Dock.

All R.N. Armament Establishments at which explosives are stored or manufactured.

All R.N. Oil Fuel Depots.

If any Admiralty premises, other than those mentioned above, are considered to be unsuited for women fire guards, the Head of the establishment should furnish a report as to the circumstances, through the usual Service channels, to the Admiralty (Civil Establishments Branch I) in order that consideration can be given to the matter.

18. *Paid Fire Guards.*—Attention is drawn to the age limits laid down in Article 21 for paid fire guards and the fact that such persons are also liable to perform fire guard duty outside their hours for which they are employed in a paid capacity, in a like manner, as other persons working at the premises.

19. *The Fire Guard Plan.*—Establishments should note Articles 22 and 23 which give effect to this plan, particulars of which are set out in Fire Prevention Leaflet No. 6 (a summary of which was promulgated by A.F.O. 3123/43) and in the corresponding Memorandum issued by the Scottish Home Department. Attention is drawn to the fact that the names of all persons appointed as Sector Captains or Block Leaders at Admiralty premises should be notified immediately to the local authority and no such appointment should be terminated without notifying the local authority (First Schedule, paragraph 4 of the Fire Guard (Local Authority Services) Order, 1943). This procedure is necessary to avoid a person required for one of these posts at an Admiralty Establishment being selected for duty under the local authority, particularly as once appointed in such a capacity by the local authority the person is exempted from fire guard duty outside his working hours at his place of employment (*cf.* Second Schedule, Part II (8)).

The provisions as to training (Article 24) have also been expanded to take account of the new method of reporting fires and the new system of mutual reinforcement introduced by the Plan.

20. *Exemptions.*—Certain modifications have been made in the list of classes entitled to exemption from fire guard duty. These consist of the withdrawal, complete or partial, of some exemptions, the introduction of new classes hitherto liable for duty and re-defining of the terms of certain existing exemptions as the result of experience of the earlier Orders. Details of the principal classes affected are shown in full in the Second Schedule of the Fire Guard (Business and Government Premises) Order and are set out as follows :—

Part I.—Persons exempted from all fire guard duties.

Part II.—Persons exempted from fire guard duties except during working hours.

Part III.—Persons exempted from fire guard duties by the appropriate authority or department, and details of the remission applicable to night workers.

Part IV.—Persons exempted from fire guard duties at residential premises only.

21. The new exemptions (some of which are dealt with elsewhere than in the Second Schedule of the Business and Government Premises Order) are :—

(a) Members of the naval, military or air forces of any foreign power engaged in alliance with His Majesty, in any war in which His Majesty is also engaged, are now totally exempted (Second Schedule, Part I).

(b) A woman who satisfies a Tribunal or the Chairman of a Tribunal that she regularly works for more than 40 hours per week exclusive of breaks at non-residential premises to which the Business and Government Premises Order applies and also keeps house for herself and at least one other person over 14 years of age who habitually lives and sleeps at that house, will be exempted from fire guard duty outside her working hours at the premises where she works. Similarly a woman in part-time employment who works not less than 25 hours per week (excluding breaks) and keeps house for herself and at least two other persons as above will also be exempted from fire guard duty outside working hours at the premises where she works (*cf.* Article 6 of Fire Guard (Medical and Hardship Exemptions) Order, 1943).

- (c) Women directed by the Ministry of Labour and National Service to take up part-time employment on the ground that their other responsibilities are such that they ought not to be directed to full-time employment, will be automatically exempted from fireguard duty at their place of employment outside their working hours (proviso (f) Article 11(1) of Business and Government Premises Order).
- (d) Total exemption outside their working hours, other than with their street fire party, has been granted to officers and instructors of cadet organisations sponsored by the three Service Departments. This exemption is extended to cadets of such organisations who are in full-time employment but in their cases and those of instructors, the production of a certificate as to the amount of duty performed with the cadet unit is necessary. (Second Schedule, Part 2 of Business and Government Premises Order and Third Schedule of Local Authorities Service Order.)
- (e) Charwomen have been totally exempted from fire guard duty at business or Government premises outside their working hours (proviso (e) of Article 11(1)).
- (f) Members of River Emergency Service of P.L.A. who perform duty as such for not less than 48 hours in each 4 weeks are exempted from fire guard duty at their place of employment outside their working hours (Second Schedule, Part 2).
- (g) Part-time members of the Women's Auxiliary Police Corps are exempted from fire guard duty outside their working hours at the place where they normally work (Second Schedule, Part 2).
- (h) Persons wholly exempted from fire guard duty outside their working hours under the arrangements for the premises where they work are also exempted from such duty at the residential premises where they live, if arrangements for those premises have been made under the Business and Government Premises Order (Second Schedule, Part 3).
- (i) Prison Officers, officers, nurses and attendants at mental institutions, and persons employed by public utility undertakings or at petroleum installations are exempted from fire guard duty for the residential premises where they live if they are required to perform stand-by duties where they work for not less than 48 hours in each period of 4 weeks (Second Schedule, Part 4).
- (j) A registered medical practitioner or a certified midwife are exempted from fire guard duty where they live if those premises do not form part of a hospital, sanatorium, clinic or similar institution. Their liability for fire guard duty under the Order at premises where they work remains unaffected (Second Schedule, Part 4).

22. Exemptions modified by the new Order, are :—

- (a) Home Guards are now liable for fire guard duty inside their working hours at the premises where they work (Second Schedule, Part 2), but they may leave their fire guard duty if urgently required for Home Guard duty (Article 19(3)). Home Guards can be required by the Military authorities to perform fire guard duty at any premises as part of their Home Guard duties (Second Schedule, Part 2), but in such cases, subsistence allowance is payable by the Military authorities under Home Guard rates and conditions.
- (b) Part-time members of the Royal Observer Corps, National Fire Service, Civil Defence Services of local authorities and harbour authorities and part-time special constables and part-time members of the Police War Reserve are now liable for fire guard duty inside their working hours at the place where they work (Second Schedule, Part 2). Part-time firemen, constables or Civil Defence workers when performing fire guard duty during their working hours may be allowed to leave fire guard duty, to perform urgent N.F.S., police or Civil Defence duty, if required.

- (c) Part-time fire guard officers, deputy and assistant fire guard officers, fire guard staff officers, assistant fire guard officers, area or sector captains, block leaders, street fire party leaders, reserve centre superintendents (or head fire guards, senior fire guards and depot superintendents) in the area of any local authority are exempted from fire guard duty outside their working hours at their place of employment under the Business and Government Premises Order, subject to the production of a certificate of appointment by the local authority and so long as they continue to hold such an appointment.
 - (d) Persons acting as volunteer stretcher bearers are exempted from fire guard duty outside their working hours at the premises where they work, subject to the production of a certificate of enrolment signed on behalf of the Minister of Health or secretary of State for Scotland and the performance of duties as stretcher bearers for not less than 48 hours in each period of 4 weeks (Second Schedule, Part II (9)).
 - (e) Hitherto the provisions relating to the exemption of persons who forestall or mitigate the effects of hostile attack have covered the performance outside working hours of civil defence duties at business or Government premises. In view of the fact that in future such duties at large premises will be regulated by Article 29 of the new Order, this exemption has now been defined so as to exclude persons performing these duties under that Article (Second Schedule, Part III, paragraph 1(a)). Exemption inside a person's working hours cannot be granted under this provision.
 - (f) The provisions concerning the exemption of a woman who has the care of a child (whether her own or not) under the age of 14 years who lives with her, have been amended to make it clear that only one person can be exempted in respect of any one child (Second Schedule, Part II, paragraph 1).
 - (g) The provisions governing the exemption of men engaged on vital work for exceptionally long hours at industrial premises now confine exemption to periods outside a man's working hours and re-define the expression "industrial premises" to cover those used for road transport undertakings and to make it clear that men employed on repairing or constructing ships are eligible for exemption under this heading. Where a man works at more than one industrial establishment used for vital work, his working hours may be aggregated for the purpose of securing exemption (Second Schedule, Part III, paragraph 2).
 - (h) When a person produces a certificate from the local authority of a special area that he has been enrolled for fire guard duty in that area and performs this duty for not less than 48 hours in each period of 4 weeks, he is exempt from all other fire guard duty outside his working hours whether at business, Government or residential premises situated outside that special area.
 - (i) Exemption for women who work exceptionally long hours at business or Government premises is now limited to fire guard duty outside working hours. If a woman works at more than one establishment, her hours of duty may be aggregated for the purposes of exemption (Second Schedule, Part III, paragraph 3).
 - (j) The exemption of night shift workers has been extended to cover persons who work regularly on a system of 4 or more consecutive weeks of night work followed by spells of day work (Second Schedule, Part III, paragraph 6).
23. Exemption has been withdrawn under the Business and Government Premises Order from :—
- (a) Whole time members of the Police, the National Fire Service, the Civil Defence Reserve and the Civil Defence services of local authorities and harbour authorities, and
 - (b) Certain classes of aliens, subject to the immunities and privileges of any envoy of a foreign power accredited to His Majesty or of any member of the retinue of such an envoy or of any person to whom immunities and privileges are extended under Section one or Section two of the Diplomatic Privileges (Extension) Act, 1941. (Article 12 and Third Schedule.)

24. *Certification.*—The Ministry of Home Security forms for rendering appropriate certificates to claim exemption from compulsory Fire Guard duty outside working hours under the Local Authority are as follows:—

TABLE I
CERTIFICATES OF EXEMPTION TO BE PRODUCED TO THE LOCAL AUTHORITY

Ground of Exemption	No. of Form	To which sex applicable	Relevant paragraphs of Part III of 3rd Schedule to the Order	Forms previously in use now replaced by the new Forms
(i) Duties under arrangements at premises other than those to which Article 17 or Article 18 of the Fire Guard (Business and Government Premises) Order, 1943, applies. Such duties may include duties under Article 29 of that Order.	L.A.S.1	Men and women	Paragraph 1	C.2, C.3, C.2W, C.3W.
(ii) Duties under arrangements at premises to which the said Article 17 or Article 18 applies.	L.A.S.2	Men and women	Paragraph 2	C.2, C.3, C.2W, C.3W.
(iii) Duties undertaken to forestall or mitigate effects of hostile attack, not being duties performed under Article 29 of the Fire Guard (Business and Government Premises) Order, 1943.	L.A.S.3	Men and women	Paragraph 3	None.
(iv) Vital work at industrial premises for exceptionally long hours.	L.A.S.4	Men	Paragraph 4	D.2, D.3.
(v) Work at non-residential premises for exceptionally long hours.	L.A.S.5	Women	Paragraph 5	D.2W, D.3W.
(vi) Urgent recall outside working hours, for duties connected with employment.	L.A.S.6	Men and women	Paragraph 6	None.
(vii) Duties as a constable, not being a constable exempted from registration under paragraph 5 of the Second Schedule to the Fire Guard (Local Authority Services) Order, 1943.	L.A.S.7	Men and women	Paragraph 7	None.
(viii) Night work	L.A.S.8	Men and women	Paragraph 8	C.2N, C.3N, C.4, C.5.

Note.—No form of joint certificate has been prescribed in respect of any of the foregoing exemptions.

TABLE II
CERTIFICATES OF EXEMPTION TO BE PRODUCED TO THE OCCUPIERS OF BUSINESS PREMISES

Ground of exemption	No. of Form	To which sex applicable	Relevant paragraphs of Part III of 2nd Schedule to the Order
(i) Exemption from fire guard duties under arrangements in force at non-residential premises.	B.G.P.1	Men and women	Paragraphs 1, 2, 3, 4 and 5.
(ii) Night work at non-residential premises.	B.G.P.2	Men and women	Paragraph 6.

The exemptions dealt with in Forms B.G.P.1 and B.G.P.2 are introduced, in the new Orders, for the first time.

For notifications (in accordance with Article 13 (6) of the Fire Guard (Business and Government Premises) Order, 1943) of particulars regarding surplus male fire guards to local authorities, a form (No. B.G.P.3) has been prescribed. In addition, a form (No. B.G.P.4) for use in making agreements of the kind referred to in Article 13 (11) of the Order is available when the parties to the consultations desire to make such an agreement. The exemption forms mentioned are issuable, as appropriate, by local authorities to persons registered for Fire Guard duty, who indicate that they have a claim to exemption under one of the above headings. Establishments may obtain small supplies from local authorities and such bulk supplies as may be necessary from the Publications Department, Ministry of Home Security, Horseferry House, Thorney Street, London, S.W.1, or (in Scotland) from the Scottish Home Department, St. Andrew's House, Edinburgh, 1. The names and ranks of Heads of Establishments or the persons specifically authorised by them to countersign on their behalf the above-mentioned forms in appropriate cases, should be notified to the Regional Commissioner's office, indicating the particular premises for which each signatory will be responsible. In the case of establishments which are industrial premises used for vital work, notification to this effect should be made to the appropriate Regional Commissioner in order to admit of the acceptance of certificates granted on Form L.A.S.4 (formerly D.2) and to comply with the requirement in Article 5 (1) (a) of the Fire Guard (Medical and Hardship Exemptions) Order, 1943. Certificates issued to an individual are renewable by endorsement for further periods of 12 weeks. Such endorsement should, so far as practicable, be made not less than four weeks and not more than eight weeks before the date when the certificate would otherwise expire. Certificates should, after signature, be sent or taken to the local authority by the person concerned.

25. The following points in connection with certification are of importance:—

(a) Form L.A.S.4 is to be used only for *industrial* employees. Owing to the variety of circumstances obtaining in industry, complete uniformity may not always be practicable, but in general if a man regularly performs vital industrial work for 67 hours per week or more he should be deemed to be engaged for exceptionally long hours. This limit may be reduced to 60 hours or some figure intermediate between 60 and 67 when (and only when) satisfactory fire guard arrangements for the premises can be made with such lower limit.

(b) Certificates on Form L.A.S.5 should be issued by heads of establishments for those women on their staff who work exceptionally long hours and who desire exemption. In such cases there is no additional condition as for men that the work should be "vital work in *industrial* premises" and the accepted standard for exceptionally long hours of work will be a weekly average of 55 or more (excluding time spent on travelling and meals). The granting of exemption on this ground is at the discretion of the head of the establishment but in general, it is intended that women regularly working as much as 55 hours per week shall not be required to undertake fire guard duty except in special cases where protection cannot otherwise be given to the premises. Any such cases should be reported to the Admiralty (C.E.I) for information.

(c) In addition to the above-mentioned forms of certificates, exemption from fire guard duty outside working hours may be granted by the Admiralty in exceptional cases, irrespective of rank or sex, where a person not otherwise exempt, is subject to a real liability to work exceptionally long and irregular hours on important work, or to be summoned for official duty during the night. This power will be used with extreme caution and the criterion will be whether the fact that a particular officer may be unavailable for official work on three or four specified nights a month through the performance of fire guard duty would seriously disturb the conduct of public business. Exemption under this heading will not be given to officers who merely take a turn as night duty officer, since rosters should be adjusted without difficulty to take into account the liability for performance of fire guard duty by any officer(s) on particular nights. Heads of establishments should report the reasons for exemption under this heading in all appropriate cases, giving the grade of the officer concerned to the Admiralty (Under Secretary's Office), Bath, for consideration by the Under Secretary. An unsigned certificate in the following form should accompany the report and after signature, the certificate will be returned for the officer concerned to send to the local authority :—

Serial No.

Name of Government Department
Address

Certificate of Exemption granted under Article 10 (3) of the Fire Guard (Local Authorities Services) Order, 1943, and Part I (3), Second Schedule of the Fire Guard (Business and Government Premises) Order, 1943.

I, being an officer authorised to do so hereby certify on behalf of the Admiralty in pursuance of the powers conferred by Part I (3), Second Schedule of the Fire Guard (Business and Government Premises) Order, 1943, and Article 10 (3) of the Fire Guard (Local Authorities Services) Order, 1943, that :—

.....(name of person)

of.....(private address)

whose National Registration Identity Number is...../...../..... is a person who, by virtue of the grounds set out in the said Articles, has been granted exemption from enrolment under the said Orders. If he has already been enrolled, he is to be released from the duties required of him by virtue of such enrolment.

(Signature of authorised officer)

Date.....

26. *Subsistence Allowance and Travelling Expenses.*—The provisions under this heading (Article 25) do not differ substantially from those in the previous Orders, the new items being as follows :—

- (a) Where a person lives in a building comprising premises covered by arrangements under which he or she performs fire guard duty, subsistence allowance may be paid, if throughout the turn of duty the person is not permitted to go to the place in the building where he or she normally has meals.
- (b) Where a person performs 2 or more complete turns of fire guard duty between 12 midnight of one day and 12 midnight of the following day, the turns so performed are to be aggregated for subsistence allowance purposes and
- (c) Paid fire guards are not entitled to subsistence allowance for turns of duty of less than 8 hours outside their working hours, nor are they entitled to subsistence allowance for more than 6 occasions in any 4 weekly period.

27. *Fire Posts and Equipment.*—Article 26 sets out the duty of Establishments in rather more detail than in the previous Orders. Equipment and appliances must be provided and also maintained in a serviceable condition, and eye-shields have

been added to the list of necessary equipment (whilst personal issue will not be made, the provision on a duty basis of one anti-gas eye-shield for each fireguard on duty at the Establishment has been arranged and demands should be made to the appropriate Naval Stores Depots). Fireguards should be provided with armlets and the Ministry of Home Security has announced that these will be obtainable on loan through the Local Authority. Express provision is made for the adequate lighting and, so far as practicable, adequate heating of the place where sleeping accommodation is provided and also, as far as is necessary, of the fire posts. The extent to which heating can be provided must be governed by the strict need for fuel economy and Establishments should bear in mind the terms of A.F.O. 2452/43.

28. Power to relax arrangements is conferred by Article 28 (1) and this power is intended to be exercised only with great discretion in lull periods and in the less vulnerable areas. Heads of Establishments should not authorise any relaxation other than that which may be permitted by appropriate authorities locally and then only, if the fire risk for the Establishment is not above normal.

29. *Civil Defence Duties and Fire Brigade Duties.*—Under Part III of the new Order, provision is made for Establishment Fire Brigades to be brought automatically within the arrangements for the premises, while civil defence duties may be included in the arrangements if the appropriate department thinks fit. Normally the personnel required for such fire brigades and civil defence services at Admiralty Establishments will be obtained from members of the staff working at the premises who express a preference for such duties or from male or female volunteers, but if sufficient cannot be obtained in this way, recruits can be secured by selection in the manner laid down in Article 13 for fireguard duties. In this connection it is pointed out that women between the ages of 20–45 who work at the premises and are not otherwise exempt may be called upon to perform first aid duties or such other fire brigade or civil defence duties as may be specified either within or outside their working hours, whether or not all of the male staff liable under Articles 10 and 11 have been required to perform those duties. Persons performing civil defence duties, unlike fireguards and members of an Establishment fire brigade, are not liable to take part in systems for re-inforcement or of reporting fires (whether or not due to enemy action) or to comply with directions of members of the National Fire Service unless they are performing fireguard duties at the same time. Separate rotas will apply for civil defence duties as distinct from the fireguard or fire brigade rotas and persons performing civil defence or fire brigade duties will be under the charge of their own officers. If the premises have "pool" fire guards posted by the local authority in order to make up any deficiency, it should be noted that such persons cannot be required to perform duties other than as fireguards.

30. *Training.*—Under the new Fireguard Orders, all fireguards (whether doing duty at business or Government premises or as members of the local authority fire-guard organisation) are required to undertake training and, subject to certain provisos, they may be required to take part in training exercises. Owing to the need to concentrate on Fireguard training, the Ministry of Home Security has issued a revised syllabus of training which is given in Appendix II hereto and is in lieu of that shown in A.F.O. 107/43. This syllabus has been compiled to provide a definite interpretation of the legal requirements so that all who assist in giving instruction may be informed of what it is necessary for a fireguard to know. Establishments will rely largely for instruction on persons who possess the qualification, A.R.P.S. or L.A.R.P., but in view of the large number of fireguards to be trained, the instructors likely to be available from this source may need to be supplemented by others who have undergone only a shortened course consisting of the full fire prevention portion of the L.A.R.P. course. Fireguards who are willing to act as instructors should be asked to volunteer for such shortened courses and, where these are necessary, they should be commenced as soon as possible. Schools at which Government staffs may be trained in the use of fire fighting apparatus have been established at Leeds, Newcastle, Manchester, Nottingham, Cambridge, Birmingham, Cardiff, Reading and Edinburgh in addition to the London schools at Orange Street and the Imperial War Museum. In establishments where no training facilities exist, arrangements for the training of fireguards or for refresher courses should be made with the Local District Engineer, Ministry of Works and Planning, but if no training school is within easy reach of the establishment, full advantage should be taken of the training facilities afforded by the local authorities.

31. *Training of Instructors.*—It has been decided to revise the syllabus of training for instructors (L.A.R.P.) and the Ministry of Home Security Circular No. 145/43 on the subject is given in Appendix III hereto (the detailed syllabus contained in an annexe to that Circular is not reproduced.)

Attention is drawn to the new requirement that Instructors L.A.R.P. should attend a refresher course within two years from the date of their certificate and those who fail to attend such a course will not be eligible to conduct further instruction.

32. *Miscellaneous and General Provisions.*—Part IV of the Order introduces certain miscellaneous changes, of which the following are of principal interest:—

- (a) Records must now be kept of attendances for fire guard duties and training showing the times when each person commences duty or instruction. In the case of any failure to attend, the name of the person so failing, the reason for the failure and if duty was performed by another person in lieu, the name of that person. Persons performing fire guard duty or attending for instruction may be required to sign this record (Article 30).
- (b) The new Order provides that illness or other reasonable cause be formally recognised as constituting a defence for failure to attend for fire guard duty or instruction (Article 31).
- (c) The enforcement provisions are unaltered except for the new provision relating to prosecutions in respect of false documents and false information. Any person who fails to perform an obligation imposed under the Order is guilty of an offence against the Defence (General) Regulations and shall—
 - (i) on summary conviction be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding £100 or to both such imprisonment and such fine, or
 - (ii) on conviction on indictment be liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding £500 or to both such imprisonment and such fine.

When cases are submitted to the Admiralty (Naval Law Branch) for the question of prosecution to be considered under these provisions, details should be given on a form in the terms of the Schedule below to ensure that all necessary information is furnished without delay.

SCHEDULE.

STATEMENT TO LEAD TO PROSECUTIONS

Fire Guard (Business and Government Premises) Order, 1943

.....reports that the undermentioned person defaulted in his duty under the arrangements in force under the above Order for the premises known as.....

Name of defaulter.....

Private address.....

The following information is submitted:—

- (1) Was an arrangement for the performance of fire prevention duties being carried out at the above premises immediately prior to the above Order coming into operation?.....
 - (a) If so, was the arrangement a voluntary agreement?.....
 - (b) If so, had the above named agreed to perform duties allotted to him under the arrangement?.....
- (2) (a) Has an arrangement been made under Article 6 of the above Order, and, if so, on what date did it come into force?.....
- (b) Has notice been displayed at the premises in a prominent position where it could be easily read not less than three days before the date on which it was intended to consult the representatives of the persons working at the premises for the purpose of making the arrangements?.....
- (c) Were the persons working at the premises or their duly appointed representatives consulted *before* the arrangements were made in accordance with Article 6 of the above Order?.....

- (d) Was a copy of the arrangements sent or delivered on or before the date on which they were made to the persons working at the premises or their representatives in accordance with Article 6 (3) of the above Order?.....
- (e) Were any representations made by the persons working at the premises or their representatives and, if so, was notice given to such persons and displayed at the premises in accordance with Article 6 (6) of the above Order?.....
- (f) Date or dates on which notices referred to in 2 (e) hereof were given and displayed respectively.....

Note.—One copy of the arrangements in force on the date of the alleged default, should be sent with this form. It is necessary in order that it may be admissible in evidence under Article 32 (4) that this copy shall contain a certificate at the end certifying that it is a copy of the arrangements in force at the premises in question on a specified date, *i.e.*, the date of the alleged default. This certificate must state that it is signed on behalf of the Admiralty.

- (3) What was the duty allotted to the offender on the occasion in question? (Give full particulars of time, place, etc.)
- (4) How exactly did the offender fail in that duty?
- (5) How is it proposed to show:—
 - (a) That he knew exactly what was required of him on that occasion?
 - (b) That he wholly or partly failed to perform this duty?
- (6) Full name and address:—
 - (a) Of person who warned the offender for duty; or (if that person is not available to give evidence) of any other witness of the warning.
 - (b) Of available witness with *first hand* knowledge of the offender's absence or other default.

How much notice of the duty was the offender given?

Note.—A witness may speak only of matters within his own personal knowledge. He is not allowed, for instance, to say what he has learned from any person (other than the offender himself).
- (7) What are the offender's age and nationality? (If stated by himself, to whom was the statement made, and is that person available to give evidence of the fact.)
- (8) What are the average weekly earnings of the offender over past four weeks?
- (9) How many hours fire prevention duty in any period of four weeks was the offender required to perform?
- (10) Is he within any of the exemptions available under the Order? If so, give particulars.
- (11) What excuse has he given for his breach of duty? and what truth is there in it?
- (12) Where is your local police court? How often, and on what days does it sit?

(Signature).....

(Date).....

33. (a) The provisions relating to validity and proof of arrangements are substantially unaltered except that it is now made clear that arrangements are not invalidated through failure to provide for minor requirements prescribed in the Order or if the arrangements contain provisions not prescribed in the Order (Article 32 (1) (d)).

(b) The burden of proof of age in criminal proceedings under the Order is now placed normally with the defendant (Article 32 (5)).

(c) Certain terms used for the first time in the new Order are defined in Article 40 (1).

(d) Provision is made in Article 43 (1) to secure continued validity for acts done under the revoked Orders, but Heads of establishments are to make such amendments in the arrangements for Admiralty premises as may be necessary in consequence of the Fire Guard (Business and Government Premises) Order, 1943, at the earliest possible date.

34. *Fire Guard (Local Authority Services) Order, 1943.*—This Order is operative from the same date as the new Business and Government Premises Order and replaces and extends the former Compulsory Enrolment Orders. It provides for the division of local authorities' areas into street fire-party areas and blocks, for the appointment of Fire Party Leaders, Block Leaders and Sector Captains and in general, to the system of mutual re-inforcement and the uniform system of reporting fires laid down in the Fire Guard Plan (cf. A.F.O.3123/43); for the registration and enrolment of fire guards with the local authority, their duties and training; and for the exemption from registration or enrolment, as the case may be, of certain specified classes of persons. Hitherto women between 20 and 45 years of age who were not otherwise exempt, were liable for duty in any street fire party in the local authority's area, but in future their liability will be limited to service in the street fire party for the area where they live although like other fire guards they are liable for re-inforcement duty. The order also provides for the prescribing by the Minister of Home Security of an area as a special area and contains special provisions for the registration and enrolment of persons working in such areas. The provisions relating to special areas will not apply to Government premises situated in a special area which have enough fire guards to avoid calling upon the local authority for assistance except in so far as the appropriate Department may agree that they shall so apply to those premises (4th Schedule, paragraph 17 (a)).

35. *Fire Guard (Medical and Hardship Exemptions) Order, 1943.*—This Order takes the place of the Civil Defence Duties (Exemption Tribunals) Order, 1942, and is operative from 20th September, 1943. In future, responsibility for the grant of exemption on medical grounds will be taken by the Regional Commissioners under authority delegated by the Minister of Home Security, and Hardship Tribunals will be debarred from entertaining any application heard solely on medical grounds or in determining an application based on exceptional hardship, to take into account the medical condition of the applicant. Applications on grounds of medical unfitness will continue to be made to the Local Office of the Ministry of Labour and National Service and must be accompanied by an up-to-date medical certificate. In order to expedite the work of tribunals, power is given to the Chairman acting alone to grant exemptions when he does not consider it necessary for the applicant to appear in person or for the case to be considered by the Tribunal. The Chairman, however, will not be entitled to reject applications but will refer all doubtful cases to the full Tribunal.

APPENDIX I

STATUTORY RULES AND ORDERS

1943 No. 1044

EMERGENCY POWERS (DEFENCE)

Fire Guard

THE FIRE GUARD (BUSINESS AND GOVERNMENT PREMISES) ORDER, 1943,
DATED JULY 28, 1943, MADE BY THE MINISTER OF HOME SECURITY
UNDER REGULATION THREE OF THE DEFENCE (FIRE GUARD)
REGULATIONS, 1943.

ARRANGEMENT OF ARTICLES

PART I.

Fire guard arrangements for premises to which order applies

1. Application of order.
2. Duty to make arrangements.
3. Power to include in joint arrangements premises to which order would not otherwise apply.

4. Amendment and substitution of arrangements.
5. Procedure for making and approving arrangements and amendments of arrangements for business premises.
6. Procedure for making and approving arrangements and amendments of arrangements for government premises.
7. Report of inability to make or carry out arrangements for business premises.
8. Report of inability to make or carry out arrangements for government premises.
9. Powers of appropriate authority in default of occupiers' arrangements for business premises.

PART II.

Duties under arrangements or in relation to arrangements

10. Obligation to perform fire guard duties during working hours.
11. Obligation to perform fire guard duties outside working hours.
12. Aliens.
13. Selection of persons to perform fire guard duties outside working hours.
14. Partly exempt persons.
15. Provisions where there is a deficiency of men.
16. Provisions where area is not a compulsory enrolment area.
17. Special provisions where system of selection unsuitable.
18. Special provisions for police premises, National Fire Service premises and civil defence premises.
19. Release of persons required to perform urgent duties.
20. Modification of order as respects special areas and premises.
21. Performance of duties by paid fire guards.
22. Allocation and organisation of fire guard duties.
23. Control of fire guards in certain circumstances by National Fire Service.
24. Training.
25. Subsistence allowances and travelling expenses.
26. Duty of occupier and appropriate department to establish fire posts and provide equipment, bedding, etc.
27. Powers of appropriate authority in relation to duties of occupier.
28. Powers of appropriate department.

PART III.

Provision of services other than fire guard services

29. Duty to include other services in arrangements.

PART IV.

Miscellaneous and General

30. Record of attendances and defaults.
31. Illness or other reasonable cause to be a defence.
32. Validity and proof of arrangements.
33. Information.
34. Change of occupation of premises, etc.
35. Appropriate authority for business premises.
36. Appropriate department for government premises.
37. Power of Minister to determine whether premises are government premises.
38. Application of order to Palace of Westminster.
39. Delegation of functions.
40. Interpretation.
41. Application to Scotland.
42. Revocation.
43. Transitional provisions.
44. Short title and commencement.

First Schedule. Provisions as to joint and combined arrangements.

Second Schedule. Persons exempted from duties.

Third Schedule. States referred to in Article 12 of order.

In pursuance of the powers conferred upon the Minister of Home Security by Regulation 3 of the Defence (Fire Guard) Regulations, 1943 (a), I hereby order as follows :—

PART I.

FIRE GUARD ARRANGEMENTS FOR PREMISES TO WHICH ORDER APPLIES

1. Application of order.—(1) This order shall apply to :—

- (a) all premises occupied by or for the purposes of a government department and situated in any such area as may be prescribed, except residential premises ;
- (b) all police premises situated in any such area as aforesaid ;
- (c) all other premises situated in any such area as aforesaid, except residential premises and unoccupied premises ;
- (d) such other premises, or classes or descriptions of premises (which may include residential premises and unoccupied premises wherever situated), as may be prescribed ;
- (e) the Royal Palace of Westminster.

Provided that there shall be excepted from sub-paragraph (a), sub-paragraph (b) and sub-paragraph (c) hereof such of the premises therein referred to, or such classes or descriptions of those premises, as may be prescribed.

(2) The power of prescribing premises and classes or descriptions of premises under sub-paragraph (d) of, or the proviso to, the foregoing paragraph shall—

- (a) in the case of premises occupied by or for the purposes of the Admiralty, the War Department, or the Air Ministry, be exercisable by that department ;
- (b) in the case of any other government premises, be exercisable by the Minister ;
- (c) in the case of any other premises, be exercisable, as respects particular premises, by the Regional Commissioner and, as respects a class or description of premises, by the Minister.

(3) This order shall also apply to any premises as respects which an agreement is made or directions are given by virtue of Article 3 of this order for the purpose of including the premises in joint arrangements made under this order.

2. Duty to make arrangements.—(1) Subject to the provisions of this order every occupier of business premises and every appropriate department for government premises shall, in accordance with the following provisions of this Part of this order, make proper and adequate arrangements for the purpose of securing that fires occurring at the premises as the result of hostile attack will be immediately detected and combated, and all such arrangements shall in particular provide for securing that—

- (a) an adequate number of fire posts is established at the premises ;
- (b) an adequate number of persons, which may vary at different times, is at all times available at the premises or, in such special circumstances as may be specified in the arrangements, is liable to be called to the premises, if required, for the purpose of manning the fire posts and fire guard appliances ;
- (c) one or more (according to the nature, extent or situation of the premises) of the persons available or liable as aforesaid is or are at all times awake for the purpose of keeping watch and calling out the other persons to man the posts and appliances ;
- (d) fire guard equipment (including helmets, eye shields and armlets) and fire guard appliances sufficient to meet requirements when the fire posts are fully manned, are at all times available at the premises ; and
- (e) an adequate supply of water is kept at the premises.

(2) An occupier of business premises or an appropriate department for government premises may, for the purpose of carrying out the duty imposed by the last foregoing paragraph, either—

- (a) make arrangements applying to the said premises only ; or
- (b) make with the occupier of any other business premises or the appropriate department for any other government premises joint arrangements for the said premises and those other premises, all the premises being adjoining or neighbouring premises or premises in the same building ; or

(c) in the case of an occupier of, or an appropriate department for, several business or government premises to which this order applies, whether or not they are adjoining or neighbouring premises or premises in the same building, make combined arrangements for those premises, so, however, that, except in the case of police premises and without prejudice to the operation of any such system as is mentioned in Article 22 of this order, no person shall be required under those arrangements without his consent to perform fire guard duties at any premises which are more than two miles from the premises at which he works.

(3) The occupier of any business premises (with the approval of the appropriate authority for those premises) and the appropriate department for any government premises, may treat different parts of the premises as if they were separate premises and may make separate arrangements for those different parts, and this order shall accordingly apply to those different parts as if they were separate premises.

(4) Agreements may be made for joint arrangements applicable both to business and government premises but shall, so far as any business premises are concerned, require the approval of the appropriate authority for the business premises and such an agreement may be entered into by the appropriate authority for any business premises, in lieu of the occupier thereof, and shall be binding on the occupier, and every agreement for the making of such joint arrangements shall provide that while the agreement is in force either—

- (a) all the premises are to be deemed to be business premises ; or
- (b) all the premises are to be deemed to be government premises ;

and this order shall apply to them accordingly, and joint arrangements shall be made for all the premises to which the agreement relates.

Such an agreement shall not be terminated by an occupier of business premises without the approval of the appropriate authority, or by an appropriate department without the approval of the Minister.

(5) The appropriate authority for any group of business premises, being adjoining or neighbouring premises or premises in the same building, may give directions to the occupiers of those premises to make joint arrangements therefor, and they shall make joint arrangements accordingly :

Provided that where any such directions affect premises for which the appropriate authority is a local authority, the occupier of the premises may, within seven days from the date on which the directions were given, appeal by notice in writing to the Regional Commissioner, and the Regional Commissioner may, on any such appeal, confirm, revoke, or modify the directions so far as they affect the said premises, and shall notify his decision in writing to the local authority and the occupier of the premises.

(6) Where it appears to the Minister that joint arrangements ought to be made for a group of business premises he may, notwithstanding that not all the premises are adjoining or neighbouring premises or premises in the same building, give directions to the occupiers of the premises to make joint arrangements therefor, and they shall make joint arrangements accordingly, so, however, that, without prejudice to the operation of any such system as is mentioned in Article 22 of this order, no person shall be required under those arrangements without his consent to perform fire guard duties at any premises which are more than two miles from the premises at which he works.

(7) Where the appropriate authority for any business premises is also the appropriate department for any government premises, all the said premises being adjoining or neighbouring premises or premises in the same building, it may give directions that, while the directions are in force, either—

- (a) all the premises are to be deemed to be business premises ; or
- (b) all the premises are to be deemed to be government premises ;

and this order shall apply to them accordingly, and joint arrangements shall be made for all the premises to which the direction relates.

(8) The occupier of any police premises may agree with the occupiers of any other business premises adjoining or neighbouring to the police premises, subject to the approval of the appropriate authority or authorities for all the premises, that, while the agreement is in force—

- (a) the other premises are to be deemed to be police premises in the same occupation as the police premises aforesaid ; and

(b) the persons working or (in the case of section houses) living at the police premises are to be deemed to work or live, and to be the only persons working or living, at the said other premises ;
and this order shall have effect subject to the agreement, and arrangements shall be made for all the premises to which the agreement relates.

(9) The provisions of the First Schedule to this order shall have effect as respects joint and combined arrangements.

3. Power to include in joint arrangements premises to which order would not otherwise apply.—(1) Where, in the case of any premises to which this order does not apply, being premises adjoining or neighbouring to business or government premises, it appears to the authority or department which would be the appropriate authority or appropriate department for the said premises if the order applied thereto, that joint arrangements should be made under this order for the said premises and the said business or government premises, the authority or department may treat the premises as if this order applied thereto and accordingly may exercise any of the following powers under the provisions of the last foregoing Article, that is to say :—

(a) in a case to which paragraph (4) of that Article is applicable, may approve or make agreements for such joint arrangements under that paragraph ;

(b) in a case to which paragraph (5) or paragraph (7) of that Article is applicable, may include the said premises in directions given under those respective paragraphs :

Provided that directions given by a local authority under the said paragraph (5) shall not include such premises as aforesaid, unless the consent of the Regional Commissioner has been obtained.

(2) The Minister may, in giving directions under paragraph (6) of the last foregoing Article with respect to a group of business premises, include in the group any premises which would be business premises if this order applied thereto.

(3) Where any agreement is made or directions are given by virtue of this Article for the purpose of including in joint arrangements any premises to which this order would not otherwise apply, this order shall apply to those premises while the agreement or directions is or are in force.

(4) The powers conferred by this Article shall not be exercised with respect to any premises prescribed under the proviso to paragraph (1) of Article 1 of this order.

4. Amendment and substitution of arrangements.—(1) The occupier of any business premises or the appropriate department for any government premises for which arrangements are in force under this order may at any time make in accordance with the next following Article amendments of the arrangements which do not involve any alteration as to the premises to which the arrangements apply.

(2) The appropriate authority for any business premises for which arrangements are in force under this order may at any time, by notice in writing served on the occupier of the premises, make amendments of the arrangements which do not involve any alteration as to the premises to which the arrangements apply, and the amendments shall take effect as from a date specified in the notice, not being less than three days after the service of the notice, and sub-paragraph (11) of the next following Article shall apply in a case where the appropriate authority is a local authority.

(3) Any person working at any non-residential premises or living at any residential premises for which arrangements are in force under this order or any representative of any such person may represent to the occupier of or appropriate department for the premises that the arrangements ought to be amended under paragraph (1) of this Article, and the occupier or appropriate department shall consider any such representations with a view to exercising his or its powers under that paragraph, and, if the occupier, in the case of business premises, refuses to amend the arrangements, the person making the said representation may make representations in writing to the appropriate authority that the arrangements ought to be amended, and the appropriate authority shall consider those representations with a view to exercising its powers under the last foregoing paragraph to amend the arrangements.

(4) The powers conferred by paragraphs (2) to (9) of Article 2 of this order and by Article 3 of this order may be exercised for the purpose of making new arrangements for premises for which arrangements are already in force as well as for the

purpose of making arrangements for premises for which no arrangements are in force, and where any such new arrangements are made for any premises, any arrangements previously in force for those premises shall—

(a) if they applied to those premises only, cease to be in force as from the date on which the new arrangements come into force, whether provisionally or otherwise ;

(b) if they applied to other premises also, apply as from the said date to those other premises only.

5. Procedure for making and approving arrangements and amendments of arrangements for business premises.—(1) Every occupier of business premises shall, in the case of non-residential premises, consult with the persons working at the premises or, in the case of residential premises, with the persons living at the premises, or, in either case, with their representatives with respect to any arrangements to be made under this order for those premises and any amendments of such arrangements and the manner in which any such arrangements are to be carried out, and, not less than three days before the date on which he intends to consult as aforesaid, the occupier shall display at the premises in a prominent position where it can be easily read a notice of his intention to consult and the time and place of the consultation.

(2) Every such occupier shall notify in writing to the appropriate authority any arrangements or amendments of arrangements made by him for the premises under this order, and the notification shall—

(a) give all necessary particulars as to the matters referred to in paragraph (1) of Article 2 of this order including particulars as to the extent (if any) to which duties under the arrangements will be performed by paid fireguards, and

(b) include a statement by the occupier that he has complied with the last foregoing paragraph, and, in a case where he has consulted representatives, a list of the names of those representatives.

(3) in the case of—

(a) arrangements required to be made on the coming into operation of this order for premises for which no arrangements are then in force ;

(b) arrangements required to be made on the subsequent application of this order to premises to which it did not previously apply ;

(c) arrangements required to be made for any premises by reason that arrangements previously in force for those premises have ceased to be in force, otherwise than as the result of the making of new arrangements therefor ; and

(d) arrangements required to be made in pursuance of an agreement made or directions given under paragraph (4), paragraph (5), paragraph (6), or paragraph (7) of Article 2 of this order ;

the arrangements shall be made and notified to the appropriate authority in accordance with the last foregoing paragraph within twenty-one days from the date when this order comes into operation, or becomes applicable to the premises, or the date when the old arrangements cease to be in force, or the date when the said agreement is made or the said directions are given, as the case may be.

(4) On or before the date on which any arrangements or amendments are notified to the appropriate authority, the occupier—

(a) in a case where he has consulted representatives, shall send or deliver to every representative a copy of the arrangements or amendments as so notified ;

(b) in a case where any of the persons working at any non-residential premises to which the arrangements apply have not been represented by representatives, shall, in addition to his obligation (if any) under the foregoing sub-paragraph, cause at least one copy of the arrangements or amendments as so notified to be displayed at the premises in a prominent position where it can be easily read by those persons ;

and representations with respect to the arrangements may be made in writing to the appropriate authority by any representative who has been consulted or by any person working or living at the premises who has not been represented by a representative.

(5) The appropriate authority may approve, with or without modifications, any such arrangements or amendments notified to it, or may disapprove them, but the appropriate authority shall not approve or disapprove them before the expiration of seven days from the date on which they were notified and shall, before approving or disapproving the arrangements or amendments, consider any representations made

under the last foregoing paragraph within the said period, and shall notify its approval or disapproval in writing to the occupier and to any persons who have made representations within the said period :

Provided that if, in a case where representations have been made within the said period, the authority considers it necessary or expedient that the arrangements or amendments should be carried out forthwith, the authority may, before it has considered or fully considered the representations, provisionally approve the arrangements or amendments, with or without modifications, and notify its provisional approval in writing to the occupier and to the persons who have made the representations.

(6) Where any such arrangements or amendments have been provisionally approved under the last foregoing paragraph, the appropriate authority shall without delay consider, or complete its consideration of, the said representations and shall, not later than the expiration of one month from the date on which it notified its provisional approval or of such further periods (not exceeding one month in any case) as it may from time to time notify in writing to the occupier and the persons who made the said representations, finally approve (with or without modifications) or disapprove the arrangements or amendments and shall notify its approval or disapproval accordingly ;

Provided that if, at the expiration of three months from the date on which its provisional approval was notified, the appropriate authority has not notified its final approval or disapproval, the occupier of the premises or any of the persons who made the said representations may make an application in writing—

(a) in the case of premises for which the appropriate authority is a local authority, to the Regional Commissioner ;

(b) in any other case, to the Minister ;

and the Regional Commissioner or the Minister may require the appropriate authority to refer the arrangements or amendments to him.

Where an application is made to the Regional Commissioner or the Minister under this paragraph, the person making the application shall, on the day on which he makes it, send or deliver a copy thereof to the appropriate authority.

(7) Where any such arrangements or amendments have been approved (otherwise than provisionally) by an appropriate authority which is a local authority, the occupier or any of the persons who made representations within the period mentioned in paragraph (5) of this Article may, within seven days from the date on which he was notified of the approval, appeal by notice in writing to the Regional Commissioner and shall, within the said period, send or deliver a copy of the notice to the appropriate authority.

(8) Where any such arrangements or amendments after being provisionally approved are referred to the Regional Commissioner or the Minister, or an appeal is made to the Regional Commissioner from the final approval of any such arrangements or amendments, the Regional Commissioner or the Minister shall either—

(a) finally approve the arrangements or amendments, whether in the form in which they were approved by the appropriate authority (provisionally or otherwise) or in a modified form ; or

(b) disapprove the arrangements or amendments,

and shall notify his decision in writing to the appropriate authority, the occupier and any persons who made representations within the period mentioned in paragraph (5) of this Article.

(9) The appropriate authority, the Regional Commissioner or the Minister may, before reaching a final decision with respect to any such arrangements or amendments refer them back either generally or as respect particular matters, for further consultation between the occupier of the premises and the persons working or living at the premises or their representatives, and may direct that a representative of the authority, the Regional Commissioner or the Minister, as the case may be, shall take part in the consultation, and the occupier may, as the result of the further consultation, alter the arrangements or amendments and notify them in writing as altered to the appropriate authority, the Regional Commissioner or the Minister, as the case may be, and paragraphs (4) to (8) of this article shall apply in relation to the altered arrangements or amendments subject to the modification that, in a case where they are notified to the Regional Commissioner or the Minister, for the references, to the appropriate authority there shall be substituted references to the Regional Commissioner or the Minister and the provisions relating to references and appeals shall not apply.

(10) Where any such arrangements or amendments have been approved by the appropriate authority under this Article (whether provisionally or finally), they shall come into force as from a date specified by the authority when notifying the approval to the occupier, not being less than three days after the date on which it was so notified, and if the arrangements or amendments are subsequently disapproved or approved in a modified or altered form under this Article, they shall cease to be in force or, as the case may be, shall have effect in the modified or altered form, as from a date specified by the authority, the Regional Commissioner or the Minister when notifying the disapproval or approval to the occupier, not being less than three days after the date on which it was so notified.

(11) Where any arrangements for business premises are amended under the last foregoing Article by an appropriate authority which is a local authority, the occupier of the premises or any person working at non-residential premises or living at residential premises to which the arrangements apply or any representative of any such person may, within fourteen days from the date on which the amendments were notified to the occupier, appeal by notice in writing to the Regional Commissioner, and the Regional Commissioner may, on any such appeal approve the amendments with or without modifications or may disapprove them so far as they relate to the said premises, and shall notify his decision in writing to the appropriate authority and the occupier of the premises, and, if the appeal was brought by any other person, to that person ; and, if the amendments are modified or disapproved, they shall have effect in the modified form or, as the case may be, shall cease to be in force, as from a date specified by the Regional Commissioner when notifying his decision to the occupier, not being less than three days after the date on which the decision was notified.

(12) While any arrangements for any business premises are in force under this order, the occupier of any premises to which the arrangements apply (other than residential premises) shall cause at least one copy of the arrangements as for the time being approved to be displayed at the premises in a prominent position where it can easily be read.

6. Procedure for making and approving arrangements and amendments of arrangements for government premises.—(1) The appropriate department for any government premises shall, in the case of non-residential premises, consult with the persons working at the premises or, in the case of residential premises, with the persons living at the premises, or, in either case, with their representatives with respect to any arrangements to be made under this order for those premises and any amendments of any such arrangements, and the manner in which any such arrangements are to be carried out, and, not less than three days before the date on which it intends to consult as aforesaid, the department shall display at the premises in a prominent position where it can be easily read a notice of its intention to consult and the time and place of the consultation.

(2) In the case of :—

(a) arrangements required to be made on the coming into operation of this order for premises for which no arrangements are then in force ;

(b) arrangements required to be made on the subsequent application of this order to premises to which it did not previously apply ;

(c) arrangements required to be made for any premises by reason that arrangements previously in force for those premises have ceased to be in force, otherwise than as the result of the making of new arrangements therefor ; and

(d) arrangements required to be made in pursuance of an agreement or direction made or given under paragraph (4) or paragraph (7) of Article 2 of this order ;

the arrangements shall be made within twenty-one days from the date when this order comes into operation, or when it becomes applicable to the premises, or when the old arrangements cease to be in force, or when the said agreement is made or the said directions are given, as the case may be.

(3) The appropriate department for any government premises, on or before the date on which any arrangements are made for the premises under this order, or any such arrangements are amended, shall :—

(a) in a case where it has consulted representatives, send or deliver to every representative a notice specifying the arrangements or amendments and giving all necessary particulars as to the matters referred to in

paragraph (1) of Article 2 of this order including particulars as to the extent (if any) to which duties under the arrangements will be performed by paid fire guards ;

- (b) in a case where any of the persons working at any non-residential premises to which the arrangements apply have not been represented by representatives, shall, in addition to its obligation (if any) under the foregoing sub-paragraph, cause at least one such notice as aforesaid to be displayed at the premises in a prominent position where it can be easily read by those persons ;

and representations with respect to the arrangements or amendments may be made in writing to the appropriate department by any representative who has been consulted or by any person working or living at the premises who has not been represented by a representative.

- (4) The appropriate department for any government premises shall not bring any arrangements or amendments into force before the expiration of seven days from the date on which they were made and shall, before bringing them into force, consider any representations made under the last foregoing paragraph within the said period :

Provided that if, in a case where representations have been made within the said period, the appropriate department considers it necessary or expedient that the arrangements or amendments should be carried out forthwith, the department may, before it has considered or fully considered the representations, provisionally bring the arrangements or amendments into force, with or without modifications, and give notice thereof in writing to the persons who have made the representations.

- (5) Where any such arrangements or amendments have been provisionally brought into force under the last foregoing paragraph, the appropriate department shall without delay consider, or complete its consideration of, the said representations and shall, not later than the expiration of one month from the date on which it notified the provisional bringing into force of the arrangements or amendments or of such further periods (not exceeding one month in any case) as it may from time to time notify in writing to the persons who made the said representations, finally bring the arrangements or amendments into force with or without modifications :

Provided that if any such provisional arrangements or amendments remain in force for a period exceeding three months from the said date, the appropriate department shall report the fact to the Minister and the reasons therefor.

- (6) Before any such arrangements or amendments are brought into force, whether provisionally or finally, the appropriate department shall notify in writing to every person who has made representations within the period specified in paragraph (4) of this Article the date on which the arrangements or amendments are to come into force, not being less than three days after the notification, and shall, in the case of non-residential premises, at the same time cause the like notice to be displayed at the premises in a prominent position where it can be easily read.

- (7) While any arrangements for any government premises are for the time being in force under this order, the appropriate department for any premises to which the arrangements apply (other than residential premises) shall cause at least one copy of the arrangements to be displayed at the premises in a prominent position where it can be easily read.

- (8) Where an agreement made under paragraph (4) of Article 2 of this order or directions given under paragraph (7) of the said Article provide that all the premises are to be deemed to be government premises this Article shall have effect with the following additions and modifications :—

- (a) the appropriate department shall consult with the occupier of any premises which are deemed to be government premises with respect to any arrangements for the premises and any amendments thereof and the manner in which any such arrangements are to be carried out ;
- (b) the consultations with the persons working or living at the premises or their representatives shall be carried out by the occupier on behalf of the appropriate department ;
- (c) the appropriate department shall send or deliver to the occupier as well as to the persons referred to in paragraph (3) of this Article a copy of the arrangements or amendments and representations may be made in writing to the appropriate department under that paragraph by the occupier as well as by those persons ;

- (d) any notices required to be given under paragraphs (4), (5) and (6) of this Article to persons who have made representations shall also be given to the occupier, whether he has made representations or not ; and
- (e) the duty imposed by sub-paragraph (b) of paragraph (3) and paragraph (7) of this Article shall be carried out by the occupier.

7. Report of inability to make or carry out arrangements for business premises.—

- (1) Where the occupier of any business premises is required to make any such arrangements as are referred to in paragraph (3) of Article 5 of this order (except sub-paragraph (d) thereof), he may, within the period of twenty-one days mentioned in that paragraph, report in writing to the appropriate authority that he is unable to make arrangements for the premises under this order, stating the grounds of his inability, and, if the appropriate authority is satisfied as to his inability, it shall notify him in writing accordingly, and he shall thereupon be relieved from his obligation to make and notify arrangements for those premises under this order, but without prejudice to any obligation arising by virtue of any such agreement or directions aforesaid subsequently given or made with respect to the premises.

- (2) The occupier of any business premises for which arrangements are in force under this order may at any time report in writing to the appropriate authority that he is unable to carry out the arrangements or to notify any practicable amendments thereof or new arrangements in substitution therefor, stating the grounds of his inability, and, if the appropriate authority is satisfied as to his inability, it shall notify him in writing accordingly, and thereupon the arrangements shall cease to be in force as from such date as may be specified in the notice.

- (3) In any criminal proceedings against the occupier of any business premises for failing to carry out any such arrangements, it shall be a defence for him to prove—

- (a) that, before the institution of the proceedings, he made under paragraph (2) of this Article a report in writing to the appropriate authority of his inability to carry out the arrangements or to notify any practicable amendments thereof or new arrangements in substitution therefor ; and
- (b) either that he has been notified by the appropriate authority that it is satisfied as to his said inability or that he has not been notified by the said authority that it is not so satisfied.

8. Report of inability to make or carry out arrangements for government premises.—

- (1) Where the appropriate department for any government premises is required under the foregoing provisions of this order to make any such arrangements as are referred to in paragraph (2) of Article 6 of this order, the department may, within the period of twenty-one days mentioned in that paragraph, report in writing to the Minister that it is unable to make arrangements for the premises under this order, stating the ground of its inability.

- (2) The appropriate department for any government premises for which arrangements are in force under this order may at any time report in writing to the Minister that it is unable to carry out the arrangements or to make any practicable amendments thereof or new arrangements in substitution therefor, stating the grounds of its inability.

9. Powers of appropriate authority in default of occupiers' arrangements for business premises.—(1) If—

- (a) the occupier of any business premises fails to notify in writing to the appropriate authority for those premises, within the period mentioned in paragraph (3) of Article 5 of this order, any such arrangements as are referred to in that paragraph, whether or not he reports inability to do so under Article 7 of this order ;
- (b) the occupier of any business premises is notified in writing by the appropriate authority, the Regional Commissioner or the Minister that arrangements notified by him, other than new arrangements proposed to be substituted for existing arrangements, are disapproved ; or
- (c) arrangements cease to be in force for any business premises by virtue of paragraph (2) of Article 7 of this order ;

the appropriate authority may itself make the necessary arrangements for the premises, and shall notify them in writing to the occupier of the premises, and the arrangements shall come into force as from a date specified by the authority when notifying the arrangements as aforesaid, not being less than three days after the date on which the arrangements were so notified.

(2) Where the appropriate authority has power under the last foregoing paragraph to make separate arrangements for several premises, being adjoining or neighbouring premises or premises in the same building, the appropriate authority may make joint arrangements for all the premises.

(3) Nothing in the foregoing provisions of this Article shall prejudice any criminal proceedings against any occupier of business premises for any failure to make and notify arrangements for the premises in accordance with this order.

(4) Where the appropriate authority for any business premises for which arrangements are made under this Article, is a local authority, the occupier of the premises or any person working at non-residential premises or living at residential premises to which the arrangements apply or any representative of any such person may, within fourteen days from the date on which the arrangements were notified to the occupier, appeal by notice in writing to the Regional Commissioner, and the Regional Commissioner may, on any such appeal, approve the arrangements with or without modifications, or may disapprove them, and shall notify his decision in writing to the appropriate authority and the occupier of the premises and, if the appeal was brought by any other person, to that person; and, if the arrangements are modified or disapproved, they shall have effect in the modified form or, as the case may be, shall cease to be in force, as from a date specified by the Regional Commissioner when notifying his decision to the occupier, not being less than three days after the date on which the decision was notified.

PART II.

DUTIES UNDER ARRANGEMENTS OR IN RELATION TO ARRANGEMENTS.

10. Obligation to perform fire guard duties during working hours.—(1) It shall be the duty of all persons working at any non-residential premises for which arrangements are in force under this order who have attained, in the case of male persons, the age of 18 and not the age of 63, or, in the case of women, the age of 20 and not the age of 45, to perform during their working hours such fire guard duties under the arrangements, at such time and place and in such manner, as may be directed under this order:

Provided that:—

- (a) this paragraph shall not apply to any person who is wholly exempt from the performance of the said duties during his working hours under the Fire Guard (Medical and Hardship Exemptions) Order, 1943, or the Second Schedule to this order;
- (b) the occupier of business premises (with the consent of the appropriate authority) or the appropriate department for government premises may exempt from the performance of the said duties during their working hours persons engaged on work which ought not to be interrupted;
- (c) women shall only be required to perform the said duties during their working hours if and so far as those duties cannot be performed by the said male persons.

(2) The occupier of any non-residential premises which are business premises or the appropriate department for any non-residential premises which are government premises may agree with any persons working at the premises for the voluntary performance by them during their working hours of fire guard duties under the arrangements, and it shall be the duty of any person who has entered into such an agreement to perform, in accordance with the agreement, during his working hours such fire guard duties under the arrangements, at such time and place and in such manner, as may be directed under this order, unless the person entering into the agreement has given not less than seven days' notice in writing terminating that agreement and the said period has expired:

Provided that an agreement shall not be made under this paragraph with any male person who is under the age of 16 or has attained the age of 70 or with any girl under the age of 18 or any woman who has attained the age of 60 or with any such person as is referred to in sub-paragraph (f), sub-paragraph (g) or sub-paragraph (h) of paragraph 1 of Part I of the Second Schedule to this order.

11. Obligation to perform fire guard duties outside working hours.—(1) Subject to and in accordance with the following provisions of this order, where arrangements are in force for any premises under this order, it shall be the duty of all persons

working at any non-residential premises or living at any residential premises to which the arrangements apply who have attained, in the case of male persons, the age of 18 and not the age of 63 or, in the case of women, the age of 20 and not the age of 45, to perform outside their working hours such fire guard duties under the arrangements, at such time and place and in such manner, as may be directed under this order:

Provided that:—

- (a) this paragraph shall not apply to any person who is wholly exempt from the performance of the said duties outside his working hours under the Fire Guard (Medical and Hardship Exemptions) Order, 1943 (a), the Second Schedule to this order or the following provisions of this Article;
- (b) the periods for which the said duties are required to be performed by any person outside his working hours shall not in the aggregate exceed forty-eight hours in each period of four weeks or, in the case of a person partly exempt under the Fire Guard (Medical and Hardship Exemptions) Order, 1943, or the Second Schedule to this order from the performance of the said duties outside his working hours, such less number of hours in each period of four weeks as may be fixed in his case by or under the said order or the said Schedule;
- (c) person shall be required to perform the said duties outside his working hours during more than two week-ends out of any four consecutive week-ends;
- (d) a woman shall not be required to perform the said duties outside her working hours at any time between 12 noon and 6 p.m. on Saturday or on such other day of the week as, in the case of business premises, the appropriate authority, by directions given to the occupier of the premises, or, in the case of government premises the appropriate department, may substitute for Saturday for the purposes of this provision;
- (e) this paragraph shall not apply to any woman by reason only that she is employed part time at the premises, whether by the week or the day or otherwise, as a charwoman;
- (f) a woman who is directed by the Minister of Labour and National Service to take up part-time employment at the premises shall not be required to perform the said duties outside her working hours.

(2) Where any person works at two or more non-residential premises for which different fire guard arrangements are in force under this order—

- (a) if all the premises are business premises in the same occupation or government premises for which there is the same appropriate department, the occupier of the business premises (with the consent of the appropriate authority) or the appropriate department for the government premises, as the case may be, shall select which of the arrangements are to apply to him outside his working hours;
- (b) in any other case, the arrangements which are to apply to him outside his working hours shall be selected by agreement between the occupiers of any business premises concerned (with the consent of the appropriate authority) and the appropriate departments for any government premises concerned or, in default of such agreement, by lot;

and he shall be exempted from duties outside his working hours under the other arrangements.

(3) Any person shall be exempted from duties under arrangements in force under this order for any residential premises where he lives if and so long as he performs duties outside his working hours under arrangements in force under this order for any non-residential premises where he works.

(4) Any person who is liable under this Article to perform fire guard duties outside his working hours under arrangements in force for any business or government premises, other than the Palace of Westminster or any building to which this paragraph applies, shall be exempted from performing those duties outside his working hours—

- (a) if and so long as he performs duties under arrangements in force under this order for the Palace of Westminster for periods amounting in the aggregate to not less than forty-eight hours in each period of four weeks;

- (b) if and so long as he performs with the consent of the occupier of the said business premises or the appropriate department for the said government premises, as the case may be, duties under arrangements in force under this order for any building to which this paragraph applies for periods amounting in the aggregate to not less than forty-eight hours in each period of four weeks.

This paragraph shall apply to any building prescribed under this paragraph as being a building the preservation of which or of the contents of which appears to the Minister to be in the public interest by reason of its historic or national character or otherwise.

(5) In this Article the expression "week-end" means the period between 12 noon on Saturday and 12 noon on the following Monday.

12. Aliens.—(1) The foregoing provisions of this Part of this order, except paragraph (2) of Article 10, shall not apply to any alien except aliens who—

- (a) are registered under the Aliens Order, 1920(a), as subsequently amended as nationals of any one of the states specified in the Third Schedule to this order or as stateless persons or as enemy aliens, or are British protected persons; and
- (b) are for the time being exempted from Article I of the Aliens (Movement Restriction) Order, 1940(b), as subsequently amended, or are partly or conditionally exempted therefrom in such manner as will enable them adequately to perform fire guard duties;

and the said provisions shall not apply to any alien recognised by His Majesty as being a consul-general, consul, vice-consul or consular agent of any foreign Power accredited to His Majesty.

(2) Every occupier of business premises and every appropriate department for government premises shall keep a list of all the aliens who are for the time being performing duties under arrangements in force for the premises under this order, and the list shall be open to inspection by any constable.

(3) If the chief officer of police serves a notice on any occupier of business premises or appropriate department for government premises directing that any alien specified in the notice shall not perform duties under arrangements in force for the premises, the occupier or appropriate department shall not, so long as the direction remains in force, require or allow that alien to perform those duties.

(4) The appropriate authority for any business premises and the appropriate department for any government premises may direct that all aliens, or aliens of a class specified in the directions, shall not be required or allowed—

- (a) to perform any fire guard duties under arrangements in force for those premises, or
- (b) to perform such duties in such parts of the premises as may be specified in the directions, or
- (c) to perform such duties at such times as may be so specified.

(5) Nothing in this Article shall be taken as prejudicing the immunities and privileges of an envoy of a foreign Power accredited to His Majesty or any member of the retinue of such an envoy or any person to whom those immunities and privileges are extended under section one or section two of the Diplomatic Privileges (Extension) Act, 1941 (4 & 5 Geo. 6. c. 7).

13. Selection of persons to perform fire guard duties outside working hours.—

(1) Where arrangements are in force for any premises under this order the occupier of the premises, if they are business premises, or the appropriate department for the premises, if they are government premises, shall from time to time calculate the number of persons who would be required under the arrangements to perform fire guard duties outside the normal working hours of the premises (as at the time of the calculation) during a period of four weeks throughout which the hours of darkness began at 5 p.m. and ended at 9 a.m., if each person performed such duties during that period for periods amounting in the aggregate to forty-two hours:

Provided that, if it appears to the appropriate authority or the appropriate department for the premises that, by reason of the operation of proviso (c) to paragraph (1) of Article 11 of this order in relation to the premises in question, it is not reasonably practicable to secure that on an average persons perform such duties for periods amounting in the aggregate to forty-two hours in a period of

(a) S.R. & O. 1920 (No. 448) I, p. 138. (b) S.R. & O. 1940 (No. 819) I, p. 53.

four weeks, the appropriate authority may authorise the occupier of the premises in writing to increase, to such extent as may be specified, the number calculated under this paragraph or, as the case may be, the appropriate department may increase the said number.

(2) Where the said number has been calculated under the last foregoing paragraph, it shall not be necessary for the occupier or the appropriate department to make any fresh calculation thereof unless—

- (a) the arrangements or the normal working hours of the premises are altered in such a way as substantially to affect the said number; or
- (b) in the case of business premises, the appropriate authority directs a fresh calculation.

(3) For the purposes of this Article—

- (a) the normal working hours of all premises to which the arrangements apply shall—
- (i) if the premises consist of or include non-residential premises, be deemed to be the time during which all the fire guard duties required by the arrangements to be performed can be wholly performed by persons at work at those non-residential premises (including paid fire guards);
- (ii) if the premises consist wholly of residential premises, be deemed to be the period between 9 a.m. and 5 p.m.;
- (b) the requirements of the arrangements, so far as they are satisfied by the performance of duties outside the normal working hours of the premises by persons at work outside those hours or by paid fire guards, shall be deemed to be reduced to that extent.

(4) If the number of male persons who are liable under Article 11 of this order to perform fire guard duties under the arrangements outside their working hours (excluding persons who are partly exempt from performing those duties outside their working hours) exceeds the number calculated under paragraph (1) of this Article, the occupier or the appropriate department shall place all the said persons in the following categories:—

- (a) persons appointed, in the case of business premises, by the occupier or a person authorised by him or, in the case of government premises, by the appropriate department to be fire party leaders;
- (b) persons who do not live in a compulsory enrolment area and are not included in category (a), (e) or (f);
- (c) if an agreement made under this Article so provides, persons who state a preference for the said duties;
- (d) persons who live in a compulsory enrolment area and are not included in category (a), (c), (e) or (f);
- (e) if an agreement made under this Article provides for the special exclusion of particular persons or classes of persons who would otherwise be included in category (b) or category (d) hereof, those persons;
- (f) any person who produces a certificate from a local authority, harbour authority or county council stating that he has undertaken before the date of the coming into operation of this order to perform part-time duties as a member of a civil defence service organised by that authority or county council;

and the occupier or the appropriate department shall place the persons falling in each such category in a numerical order and assign identification numbers to them accordingly, and the said order shall, unless it is settled by an agreement made under this Article, be determined by lot.

(5) Where the said persons have been placed in categories and assigned identification numbers as aforesaid, the occupier or the appropriate department shall select such number of them as is equal to the number calculated under paragraph (1) of this Article, in the following manner, namely, those falling within category (a) aforesaid beginning with those to whom the lowest identification numbers have been assigned, shall be selected first, those falling within category (b) aforesaid shall in the like manner be selected next, and so on; and the persons so selected and no other persons shall be required in accordance with Article 11 of this order to perform fire guard duties under the arrangements outside their working hours.

(6) The occupier of any business premises, or a person authorised by him, or, as the case may be, the appropriate department for any government premises shall—

- (a) notify in the prescribed form to the local authority for the area where they live the names and addresses of all the said persons who are not for the time being selected as aforesaid and live in a compulsory enrolment area, and the categories in which they are placed and the identification numbers assigned to them under this Article;
- (b) if the premises are in a compulsory enrolment area, notify in the prescribed form to the local authority for that area, the names and addresses and the said category and identification numbers of all the said persons who are not so selected and are not notified under the last foregoing sub-paragraph;

and the notification of any such person shall be made within twenty-one days from the date when that person became notifiable under this paragraph.

(7) Where, after persons have been placed in categories and assigned numbers under this Article, any person becomes liable to perform fireguard duties outside his working hours under Article 11 of this order and is not partly exempt therefrom, he shall be placed in the appropriate category and assigned an identification number in that category immediately above the highest number previously assigned, and the foregoing provisions of this Article shall apply to him accordingly.

(8) Where any person who has been notified to a local authority under this Article ceases to work at non-residential premises or live at residential premises to which the arrangements apply, the occupier or appropriate department shall notify the local authority and that person shall be released from any liability arising by virtue of this Article in connection with those arrangements to perform duties in the service of the local authority.

(9) Where any person placed in a category under paragraph (4) of this Article ceases to be in that category, he shall be transferred to the appropriate category and assigned an identification number in that category immediately above the highest number previously assigned and the foregoing provisions of this Article shall apply to him accordingly and in a case where the said person has been notified to the local authority and is not selected under paragraph (5) of this Article by reason of the transference the occupier or appropriate department shall notify the local authority of the transference and specify the new category and identification number.

(10) Where, by reason that any persons have ceased, either wholly or partly, to be liable to perform duties under the arrangements outside their working hours, or that the arrangements have been amended so as to require an increased number of persons to perform such duties, or by reason that any person is transferred to a different category under this Article, any person notified to a local authority under this Article is subsequently selected under paragraph (5) of this Article, the occupier or the appropriate department shall notify the local authority of that fact.

(11) An agreement made under this Article shall be made by the occupier or the appropriate department with all the persons referred to in paragraph (4) of this Article, or such of those persons as are affected by the agreement, or with the representatives of the said persons, and shall be in the prescribed form, and any such agreement as is referred to in sub-paragraph (e) of the said paragraph shall only be made, in the case of business premises, with the approval of the appropriate authority, and the occupier or the appropriate department shall, in carrying out his or its duties under this Article, consult with the said persons or their representatives.

(12) Where persons are placed in categories and assigned identification numbers under this Article, the occupier or the appropriate department shall keep at the premises in a place where it is readily available for inspection at all reasonable times by the persons affected a list of the categories and identification numbers indicating which of those persons are for the time being selected under paragraph (5) of this Article and which of those persons have been notified to local authorities under paragraph (6) thereof.

(13) Where an agreement is made under paragraph (8) of Article 2 of this order with respect to police premises and other premises, the occupier of the other premises shall notify the names and addresses of all male persons who would but for sub-paragraph (b) of the said paragraph be liable under Article 11 of this order to perform fireguard duties under the arrangements to the local authority for the area where they live, if that area is a compulsory enrolment area, or, if they do not live in such an area and the premises to which the arrangements apply are in such an area, to the local authority for the area in which the premises are situated.

14. Partly exempt persons.—(1) Where arrangements are in force for any premises under this order, and the number of persons referred to in paragraph (4) of the last foregoing Article equals or exceeds the number calculated under paragraph (1) of that Article, paragraph (6) of that Article shall so far as applicable apply to all male persons liable under Article 11 of this order to perform fireguard duties under the arrangements outside their working hours, being persons who are partly exempt under the Fire guard (Medical and Hardship Exemptions) Order, 1943, or the Second Schedule to this order from performing duties under the arrangements outside their working hours, and they shall be notified to the local authorities concerned in like manner as persons referred to in the said paragraph (4) who are not selected under paragraph (5) of the last foregoing Article.

(2) Where the number of the persons referred to in paragraph (4) of the last foregoing Article is less than the number calculated under paragraph (1) of that Article, the male persons who are partly exempt as aforesaid shall be required, up to the number necessary to make good the deficiency (allowance being made for the extent of their exemption), to perform fireguard duties under the arrangements outside their working hours in accordance with Article 11 of this order.

(3) If some but not all the said partly exempt persons are required to be so selected, paragraph (4) of the last foregoing Article shall have effect as if all the said persons were placed in a separate category (g) coming immediately after the categories specified in that paragraph, and the following provisions of that Article shall apply to them accordingly.

(4) Where a male person who is not exempt becomes partly exempt as aforesaid, or a person who is partly exempt ceases to be exempt, he shall be placed in the appropriate category (if any) and assigned an identification number in that category immediately above the highest number previously assigned as if he had become liable to perform fireguard duties under the arrangements for the first time.

(5) Notwithstanding the provisions of the last foregoing Article and the foregoing provisions of this Article, if the appropriate department for any government premises or the appropriate authority for any business premises considers that the performance of duties by partly exempt persons in priority to persons who are not exempt will result in the release of a substantial number of the last-mentioned persons for service with the local authority, the appropriate department may require, or the appropriate authority may authorise the occupier to require, the said partly exempt persons or a specified number of them to perform the said duties (to the extent of their liability) in priority to the persons referred to in paragraph (4) of the last foregoing Article; and, if a specified number of the said partly exempt persons is required, they shall be selected by agreement between the appropriate department or the occupier and the said persons or their representatives or, failing such agreement, by lot, and the foregoing provisions of this Article shall apply to the remainder of the said persons.

Where any partly exempt persons are required to perform duties in accordance with this paragraph, then, in calculating the number referred to in paragraph (1) of the last foregoing Article, the requirements of the arrangements shall be deemed to be reduced to the extent that the fireguard duties to be performed outside the normal working hours of the premises are performed by partly exempt persons in accordance with this paragraph.

15. Provisions where there is a deficiency of men.—(1) Where arrangements are in force for any premises under this order and the number of persons mentioned in paragraph (4) of Article 13 of this order is less than the number calculated under paragraph (1) of that Article, and the deficiency cannot be made good by the performance of duties in accordance with the last foregoing Article by male persons who are partly exempt therefrom, the occupier or the appropriate department may agree with any persons for the voluntary performance by them of fire guard duties under the arrangements outside their working hours, and it shall be the duty of any person who has entered into such an agreement to perform in accordance with the agreement such fire guard duties, at such time and place and in such manner, as may be directed under this order, unless the person entering into the agreement has given not less than seven days' notice in writing terminating the agreement and the said period has expired:

Provided that an agreement shall not be made under this paragraph with any male person who is under the age of 16 or who has attained the age of 70 or with any girl under the age of 18 or any woman who has attained the age of 60, and an agreement so made with any male person under the age of 18 shall not require him to

perform the said duties outside his working hours for periods amounting in the aggregate to more than forty-eight hours in any period of four weeks, and an agreement shall not be made under this paragraph with any such person as is referred to in sub-paragraph (f), sub-paragraph (g) or sub-paragraph (h) of paragraph 1 of Part I of the Second Schedule to this order.

(2) No agreement shall be made under the last foregoing paragraph with any male person liable to perform compulsory fire guard duties under the Fire Guard (Local Authority Services) Order, 1943 (a), except so far as he may agree to perform fire guard duties under the arrangements in addition to the said compulsory duties.

(3) Any agreement made under paragraph (1) of this Article with a woman who has attained the age of 20 and not the age of 45, shall require her to perform the said duties for periods amounting in the aggregate to not less than forty-eight hours outside her working hours in each period of four weeks.

(4) Where the said deficiency is not made good by such voluntary agreements as aforesaid, women who are liable under Article 11 of this order to perform fire guard duties under the arrangements outside their working hours shall be required, up to the number necessary to make good the said deficiency, to perform those duties outside their working hours in accordance with the said Article 11 :

Provided that :—

(a) this paragraph shall not apply to any premises or parts of premises as respects which a direction to that effect is given :—

(i) in the case of business premises for which a local authority is the appropriate authority, by the Regional Commissioner either on the application of the occupier or otherwise ;

(ii) in the case of any other business premises, by the appropriate authority on the application of the occupier or by the Regional Commissioner ;

(iii) in the case of any government premises, by the appropriate department or by the Regional Commissioner ;

and any direction given by an appropriate authority or appropriate department under this paragraph shall be notified to the Regional Commissioner ;

(b) this paragraph shall not apply in relation to any such class of premises or of parts of premises as may be prescribed by the Minister.

(5) Where the number of such women as are mentioned in the last foregoing paragraph exceeds the number necessary to make good the said deficiency, the occupier or the appropriate department shall place such of the said women as are not partly exempt from the performance of fire guard duties under the arrangements outside their working hours in the categories mentioned in paragraph (4) of Article 13 of this order (so far as applicable), and shall place such of the said women as are partly exempt in a separate category after the said categories and shall assign identification numbers to them accordingly and shall select the women who are to perform fire guard duties outside their working hours (so far as they are required to make good the said deficiency) in the manner mentioned in paragraph (5) of the said Article as extended by Article 14 of this order :

Provided that, if the appropriate department for any government premises or the appropriate authority for any business premises considers that the performance of duties by partly exempt women will result in the release of a substantial number of women who are not exempt for service with the local authority, the appropriate department may require, or the appropriate authority may authorise the occupier to require, the said partly exempt women or a specified number of them to perform the said duties (to the extent of their liability) in priority to the women who are not exempt, and, if a specified number of the said partly exempt women is required, they shall be selected by agreement between the appropriate department or the occupier and the said women or their representatives or, failing such agreement, by lot.

(6) Paragraphs (7), (9), (11) and (12) of Article 13 and paragraph (4) of Article 14 of this order shall (so far as applicable) apply in relation to women in like manner as they apply to men, subject to the necessary modifications.

(7) Where the said deficiency is not made good under the foregoing provision of this Article, the occupier of any business premises, with the consent of the appropriate authority, or, as the case may be, the appropriate department for any

government premises may, notwithstanding anything in paragraph (1) of this Article, agree with any boy of the age of 15 or any girl of the age of 16 or 17 who works at the premises, or is being educated or instructed at the premises, for the voluntary performance of fire guard duties outside his or her working hours for periods not exceeding in the aggregate forty-eight hours in each period of four weeks under the arrangements in force for the premises :

Provided that :—

(a) the appropriate authority shall not consent to, and the appropriate department shall not make, such an agreement unless it is satisfied that :—

(i) the deficiency cannot be made good under the foregoing provisions of this Article and cannot or ought not be made good under paragraph (8) of this Article ;

(ii) the person having charge or control of the boy or girl (otherwise than in the capacity of a schoolmaster or schoolmistress) has consented in writing to the making of the agreement ;

(b) every girl with whom such an agreement is made shall during any period for which she performs fire guard duties outside her working hours be in the charge of a woman who has attained the age of twenty ;

(c) this paragraph shall only apply to such premises as may be directed by the Regional Commissioner.

(8) Where the said deficiency is not made good under the foregoing provisions of this Article :—

(a) the occupier of the premises, if they are business premises, shall notify that fact to the appropriate authority in writing ;

(b) the appropriate department for the premises, if they are government premises, shall notify that fact to the Minister in writing ;

and if the appropriate authority or the Minister, as the case may be, is satisfied that the arrangements for the premises cannot be adequately carried out under this order without the assistance of the local authority, the authority or the Minister shall notify the local authority in writing and it shall thereupon be the duty of that local authority to provide such assistance, and the local authority may exercise control, to such extent (if any) as may be necessary, of any arrangements made for the premises in pursuance of the order.

Any question arising under this paragraph as to the extent of the assistance to be provided or the extent of the control to be exercised by the local authority shall be finally determined by the Minister, after consultation with the appropriate authority or the appropriate department, as the case may be, and the local authority.

16. Provisions where area is not a compulsory enrolment area.—(1) Where premises for which arrangements are in force under this order are not situated in a compulsory enrolment area, and none of the persons working at non-residential premises to which the arrangements apply lives in a compulsory enrolment area :—

(a) the system specified in Articles 13 and 14 of this order of selecting persons to perform fire guard duties shall not apply and, if the number of male persons who are liable under Article 11 of this order to perform fire guard duties under the arrangements outside their working hours exceeds the number calculated in like manner as under paragraph (1) of Article 13 of this order, the said duties shall, so far as practicable, be shared equally among those persons, subject to any partial exemption granted to any such person and to any voluntary agreement by any of the said persons to perform a greater share of the said duties ;

(b) if the number of such male persons is less than the number so calculated, Article 15 shall apply, except paragraphs (3), (5) and (6) thereof, and any duties required to be performed by women under paragraph (4) of that Article shall, so far as practicable, be shared equally among those women.

(2) Where any of the male persons referred to in the last foregoing paragraph are partly exempt from performing fire guard duties under the arrangements outside their working hours, an appropriate allowance shall be made in calculating the number of those persons for the purposes of that paragraph.

(3) Where the premises are not in a compulsory enrolment area and it appears to the appropriate authority, if they are business premises, or to the appropriate department, if they are government premises, that a substantial number of the

persons working at non-residential premises to which the arrangements apply do not live in a compulsory enrolment area, it may give directions that Articles 13, 14 and 15 of this order shall have effect subject to such modifications and exceptions as may be specified in the directions, being modifications and exceptions designed to secure that the persons who live in a compulsory enrolment area shall, so far as the numbers of available fire guards permit and subject to exceptions for fire party leaders, persons trained in civil defence duties and members of any fire brigade maintained for the premises, be notified to, or made available for service under, the local authority for the area and shall not be required to perform fire guard duties under the arrangements outside their working hours, and that the said duties shall be shared among the remainder in like manner as in the case of arrangements to which paragraph (1) of this Article applies.

17. Special provisions where system of selection unsuitable.—(1) Where the Minister is satisfied, as respect any non-residential premises or class of non-residential premises, that the conditions of employment are so irregular or otherwise exceptional that the system specified in Articles 13 and 14 of this order of selecting persons to perform fire guard duties is inappropriate, he may direct that the said system shall not apply to those premises or that class of premises, and if the number of male persons who are liable under Article 11 of this order to perform fire guard duties under the arrangements outside their working hours exceeds the number calculated in like manner as under paragraph (1) of Article 13 of this order, the said fire guard duties shall be shared equally among the said persons, subject to any partial exemption granted to any such person and to any voluntary agreement by any of the said persons to perform a greater share of the said duties.

(2) Where any of the male persons referred to in the last foregoing paragraph are partly exempt from performing fire guard duties under the arrangements outside their working hours, an appropriate allowance shall be made in calculating the number of those persons for the purposes of that paragraph.

18. Special provisions for police premises, National Fire Service premises and civil defence premises.—(1) In the case of arrangements which apply only to police premises, premises occupied for the purposes of the National Fire Service, the civil defence reserve or any civil defence service organised by a local authority, harbour authority or county council:—

- (a) the system specified in Articles 13 and 14 of this order of selecting persons to perform fire guard duties shall not apply and, if the number of male persons who are liable under Article 11 of this order to perform fire guard duties under the arrangements outside their working hours exceeds the number calculated in like manner as under paragraph (1) of Article 13 of this order, the said duties shall, so far as practicable, be shared equally among those male persons, subject to any partial exemption granted to any such person and to any voluntary agreement by any of the said persons to perform a greater share of the said duties;
- (b) if the number of such male persons is less than the number so calculated, Article 15 shall apply except paragraphs (3), (5) and (6) thereof, and any duties required to be performed by women under paragraph (4) of that Article shall, so far as practicable, be shared equally among those women.

(2) Where any of the male persons referred to in the last foregoing paragraph are partly exempt from performing fire guard duties under the arrangements outside their working hours, an appropriate allowance shall be made in calculating the number of those persons for the purposes of that paragraph.

(3) Where any police premises or any premises occupied for the purposes of the National Fire Service, the civil defence reserve or any civil defence service organised by a local authority, harbour authority or county council are included in joint arrangements which apply also to other premises, Article 13 of this order shall have effect subject to the following modifications—

- (a) the occupier or appropriate department shall place such of the persons working at any of the said premises as are constables or members of the National Fire Service, the civil defence reserve or any civil defence service organised by a local authority, harbour authority or county council, in a separate category (aa) between category (a) and category (b) of paragraph (4) of the said Article;
- (b) paragraphs (6), (8) and (10) of the said Article shall not apply in relation to any of the said persons.

19. Release of persons required to perform urgent duties.—(1) Where it appears to a person authorised to act under this Article that any person required to perform fire guard duties under arrangements in force for any police premises or any premises occupied for the purposes of the National Fire Service, the civil defence reserve, any civil defence service or mortuary service organised by a local authority, harbour authority or county council, the American Ambulance (Great Britain) or any public utility undertaking, is urgently required to perform duties other than fire guard duties, he may release that person from the said fire guard duties for such period as he is so required to perform the said other duties.

(2) The following persons shall be authorised to act under this Article:—

- (a) in the case of police premises, the chief officer of police or any person authorised by him;
- (b) in the case of premises occupied for the purposes of the National Fire Service, being premises in the control of a Fire Force Commander, the Fire Force Commander or any person or person of a class authorised by him;
- (c) in the case of any other premises occupied for the purposes of the National Fire Service, a person designated by the Secretary of State or a person of a class so designated;
- (d) in the case of premises occupied for the purposes of the civil defence reserve, the commandant of the unit of the civil defence reserve or any person authorised by the commandant;
- (e) in the case of premises used for the purposes of any civil defence service or mortuary service organised by a local authority, harbour authority or county council, any person authorised by the local authority or county council;
- (f) in the case of any other premises to which this Article applies, the person in charge of the premises.

(3) Where any member of the Home Guard who works at non-residential premises is required during his working hours to perform duties as a member of the Home Guard, he shall be released from any fire guard duties which he is required under this order to perform during his working hours for such period as he is so required to perform duties as a member of the Home Guard.

(4) Any member of a mortuary service organised by a local authority or county council who, while performing fire guard duties under this order is urgently required to perform duties as a member of that service, shall be released from the said fire guard duties for such period as he is so required to perform duties as a member of that service.

(5) The Minister may by directions provide for the release from fire guard duties under this order of any persons or class of persons specified in the directions, to such extent as may be necessary to enable him to perform other urgent duties specified in the directions and subject to such conditions and restrictions as may be so specified.

20. Modification of order as respects special areas and premises.—(1) The Minister may, as respects any area—

- (a) give directions that women shall not be required, or shall not be required or permitted, to perform fire guard duties in that area under this order; or
- (b) give directions that women working at any non-residential premises in that area shall not be required, or shall not be required or permitted, to perform fire guard duties at those premises under this order outside their working hours;

and, while any such directions are in force, this order shall have effect subject thereto.

(2) The Minister may, as respects any specified area or premises, give directions that all persons who are required to be notified to local authorities under Article 13 of this order by the occupiers of or appropriate departments for premises in the specified area, or the specified premises, as the case may be, shall be notified to the local authority for the area in which the premises are situated, and, in the case of persons who have already been notified to the local authorities for other areas where they live, there shall be substituted a new notification in accordance with the directions in place of the earlier notification, and while any such directions are in force, this order shall have effect subject thereto.

(3) In the case of business or government premises situated in an area to which the Fourth Schedule to the Fire Guard (Local Authority Services) Order, 1943, applies (which Schedule provides for the registration and compulsory enrolment of persons working in certain areas), being premises to which the said Schedule applies, the duty of the occupier of any such business premises or the appropriate department for any such government premises to make arrangements for the premises, and to carry out their duties under this order in relation to such arrangements, shall continue, but the liability of persons working or living at any such premises (other than paid fire guards) to perform fire guard duties under the arrangements outside their working hours shall cease, and this order shall apply to the arrangements as if they were arrangements in respect of which the local authority had been notified under Article 15 of this order to provide assistance on the basis that no duties could be performed outside their working hours by persons working or living at the premises (other than paid fire guards).

(4) Where the Fourth Schedule to the Fire Guard (Local Authority Services) Order, 1943, applies to any business premises by virtue of a notice under paragraph (2) of Article 12 of that order, this order shall, so long as the said Schedule so applies, not apply to those premises.

21. Performances of duties by paid fire guards.—Nothing in the foregoing provisions of this Part of this order shall be taken as preventing or restricting the employment by the occupier of any business premises or appropriate department for any government premises for which arrangements are in force under this order of paid fire guards, and it shall be the duty of those paid fire guards in accordance with the terms of their employment to perform such fire guard duties, at such time and place and in such manner, as may be directed under this order, and they shall also be liable under Article 11 of this order to perform fire guard duties outside the hours for which they are employed as paid fire guards, in like manner as other persons working at the premises :

Provided that no person shall be employed as a paid fire guard to perform duties under arrangements in force under this order unless—

- (a) he has attained, in the case of a male person, the age of 16 and not the age 70 or, in the case of a woman, the age of 18 and not the age of 60 ; and
- (b) in the case of business premises, the appropriate authority has consented to the employment of paid fire guards and the occupier has certified that the paid fire guards employed by him are physically fit to perform fire guard duties.

22. Allocation and organisation of fire guard duties.—(1) It shall be the duty of the occupier of any business premises or appropriate department for any government premises for which arrangements are in force under this order (including arrangements made for business premises by the appropriate authority) to secure that the fire posts and appliances specified in the arrangements are manned in accordance with the arrangements, and for that purpose the occupier or department shall give directions as to the occasions on which the persons required to perform fire guard duties under the arrangements (including persons directed by a local authority under Article 2 of the Fire Guard (Local Authority Services) Order, 1943, to perform such duties) are to be on duty, and the place at which and the manner in which they are to perform the said duties, and shall secure, so far as practicable, that the said duties, so far as they are performed outside working hours, are shared equally among those persons, having regard to the foregoing provisions of this Part of this order and the extent of the liability of the said persons under those provisions.

Any such directions may, in the case of business premises, be given on behalf of the occupier by a person authorised by him.

(2) Directions given under the last foregoing paragraph shall secure that on all such occasions as aforesaid one of the persons who are for the time being on duty is in charge of the others and is adequately trained for the purpose and has received all necessary instructions as to the duties to be performed, and that person shall, in accordance with such instructions and the following provisions of this Article, direct the performance of the said fire guard duties, and the other persons on duty shall comply with directions given by him or his subordinates.

(3) Where a local authority for any area to which the Fire Guard (Local Authority Services) Order, 1943, applies have established under Article 3 of that order a system of mutual reinforcement by fire guards in the area or a system of reporting

fires and summoning the assistance of the National Fire Service, it shall be the duty of persons (other than constables and members of the National Fire Service) performing fire guard duties under this order at any premises in the said area at any time when any such system is in operation, to comply with any directions given for the purpose of operating the system by the sector captain or block leader for the sector or block comprising those premises, or any person duly authorised to act on behalf of the sector captain or block leader :

Provided that directions given as aforesaid shall not reduce the number of persons performing fire guard duties at the premises below a number :—

- (a) in the case of business premises, previously agreed between the sector captain and the occupier of the premises with the consent of the appropriate authority or, in default of such agreement, fixed by the Regional Commissioner ;
- (b) in the case of government premises, previously agreed between the sector captain and the appropriate department or, in default of such agreement, fixed by the Minister.

(4) If a fire occurs otherwise than as a result of hostile attack at any premises for which arrangements are in force under this order, any person then on duty at the premises under this order shall, on the detection of the fire, take such steps as are immediately practicable to combat the fire and shall summon such assistance as may be necessary :

Provided that :—

- (a) in any area where, and during any period while, any such system as is mentioned in the last foregoing paragraph is in operation, this paragraph shall not apply but fires occurring otherwise than as a result of hostile attack shall be dealt with in like manner as fires occurring as a result of such attack ;
- (b) if a fire brigade is maintained for the premises, assistance to combat a fire occurring otherwise than as the result of hostile attack shall not be summoned from the National Fire Service except by the person for the time being in charge of the fire brigade.

23. Control of fire guards in certain circumstances by National Fire Service.—

(1) Where a member of the National Fire Service is in control under paragraph (1) of Article 5 of the Fire Guard (Local Authority Services) Order, 1943, of all fire guards performing duties in any block wholly or partly situated in a fire zone, all fire guards performing fire guard duties under this order in that block shall comply with any directions given to them by the said member or by any other member of the National Fire Service performing duties in the fire zone.

(2) Where any section leader or other member of the National Fire Service of higher rank is in control under paragraph (2) of the said Article 5 of all fire guards performing duties in any block, all fire guards performing duties under this order in that block shall comply with any directions given to them by the said section leader or other member.

(3) Where the block leader requires under paragraph (3) of the said Article 5 any fire guards performing duties under this order in any block to assist members of the National Fire Service present at a fire in that block, they shall comply with any directions given to them by any of the said members of the National Fire Service as respects the combating of that fire and the summoning of assistance therefor.

24. Training.—(1) The occupier of any business premises or the appropriate department for any government premises for which arrangements are in force under this order shall make provision for securing that all persons who have agreed or are required to perform fire guard duties under the arrangements (including persons directed by a local authority under the Fire Guard (Local Authority Services) Order, 1943, to perform such duties) receive, as soon as practicable after they commence to perform those duties and thereafter from time to time, instruction and training with respect to the following matters :—

- (a) the characteristics of different types of incendiary bombs and other missiles likely to cause fire and the methods of dealing therewith ;
- (b) the use of fire guard equipment and appliances, whether by individuals or by teams or parties, and the maintenance of such equipment and appliances and of supplies of water ;

- (c) the situation of any fire guard equipment and appliances and supplies of water available for use at the premises where the duties are to be performed, and the situation and use of any hydrants, taps, switches and other appliances for controlling any supply of water, gas or electricity available for use at the said premises;
- (d) the lay-out of the said premises and in particular the roofs, and the methods of obtaining access to the roofs and other parts of the said premises, and the approaches to the said premises;
- (e) the methods of reporting fires and summoning assistance and, in particular, if the system of reporting fires and summoning assistance referred to in paragraph (3) of Article 22 of this order is established, that system;
- (f) the situation of the sector control points and block control points and the routes from the sector control points to the nearest fire station or, if the said system of reporting fires and summoning assistance is established, the fire station designated in accordance with that system;
- (g) if the system of mutual reinforcement referred to in the said paragraph (3) is established, the method of giving mutual reinforcement in accordance with that system.

(2) Every person for whom instruction and training is provided under the foregoing provisions of this Article shall comply with any directions given to him, in the case of business premises, by the occupier or a person authorised by him or, in the case of government premises, by the appropriate department requiring him to attend for instruction and training at a specified time and place, whether during or outside his working hours and whether at the premises or elsewhere, and shall also comply with any directions given to him in the course of the instruction and training by the person in charge thereof; and shall also, if any training exercise is organised by the local authority under paragraph (6) of Article 6 of the Fire Guard (Local Authority Services) Order, 1943, for the purpose of establishing or promoting the efficiency of any such system as is referred to in the last foregoing Article, take part in that exercise, so far as practicable, and comply with any directions given to him in the course thereof:

Provided that no person working at any non-residential premises to which this order applies shall take part in any such training exercise during his working hours, except with the consent of the occupier of the premises, if they are business premises, or the appropriate department for the premises, if they are government premises.

(3) Where arrangements are in force for any premises under this order—

- (a) the foregoing paragraph shall not apply to any person wholly exempt from fire guard duties under the arrangements;
- (b) any person exempted from the performance of the said duties except during his working hours shall not be required under the foregoing paragraph to attend for the purpose of receiving instruction and training except during his working hours;
- (c) any period for which any person is required under this Article to attend for instruction and training or to take part in a training exercise shall be treated as a period for which he is required to perform the said duties, and travelling expenses and subsistence allowances shall be payable accordingly under the next following Article, and, if any person working at non-residential premises is required to attend for instruction and training, or to take part in a training exercise, during or immediately before or after a period for which he is required to perform the said duties outside his working hours, the period of his attendance shall (subject to proviso (iii) to paragraph (1) of the next following Article) not be treated as a separate occasion.

25. Subsistence allowances and travelling expenses.—(1) The occupier of any business premises or the appropriate department for any government premises for which arrangements are in force under this order shall, as respects the persons who are required to perform fire guard duties under the arrangements (including persons directed by a local authority under the Fire Guard (Local Authority Services) Order, 1943, to perform such duties), secure that the amount of any additional travelling expenses reasonably incurred by any such person in consequence of the arrangements is reimbursed, and subsistence allowances of the following amounts are paid to every such person—

- (a) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period not exceeding twelve hours, three shillings;

- (b) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding twelve hours but not exceeding eighteen hours, four shillings and sixpence;
- (c) in respect of any occasion on which he performs the said duties outside his working hours for a continuous period exceeding eighteen hours but not exceeding twenty-four hours, six shillings;

Provided that—

- (i) no person shall be entitled to a subsistence allowance in respect of the performance of the said duties at any premises at a time while he is living in a building comprising those premises or in an adjoining or neighbouring building comprising any premises to which the arrangements apply, except in a case where the place where he normally takes his meals is situated in the building and throughout his period of duty he is not permitted to go to that place;
- (ii) no person shall be entitled to a subsistence allowance in respect of an occasion on which he performs the said duties during a break for food or rest not exceeding one and a half hours in the course of a period of work;
- (iii) a person who performs the said duties outside his working hours for a continuous period exceeding twenty-four hours shall be deemed, after the completion of twenty-four hours, to perform the said duties on a new occasion;
- (iv) where any person performs the said duties outside his working hours for two or more complete periods within a continuous period of twenty-four hours beginning and ending at 12 midnight, the said periods of duty shall be aggregated and treated as a single occasion;
- (v) for the purposes of this Article no person shall be deemed to perform the said duties at a time when he is not available at the premises to perform them but is only liable to be called to the premises if required;
- (vi) a paid fire guard shall not be entitled to any subsistence allowance under this paragraph except in respect of an occasion on which he performs duties outside his working hours for a continuous period of at least eight hours, and he shall not be entitled to subsistence allowances in respect of more than six such occasions during any period of four weeks.

(2) Where any person working at any non-residential premises or living at any residential premises for which arrangements are in force under this order is appointed a block leader or a sector captain for the block or sector in which the premises are situated, the occupier of the premises, if they are business premises, or the appropriate department for the premises, if they are government premises, shall secure that the amount of any additional travelling expenses reasonably incurred by that person in consequence of his appointment is reimbursed, and that subsistence allowances are paid to him in respect of the performance of the duties required of him by virtue of the appointment in like manner as to a person performing duties under the arrangements.

(3) Save as is provided by the foregoing provisions of this Article, no such person as is referred to therein shall be entitled to any remuneration for the performance of the duties referred to therein outside his working hours.

26. Duty of occupier and appropriate department to establish fire posts and provide equipment, bedding, etc.—It shall be the duty of the occupier of any business premises or the appropriate department for any government premises for which arrangements are in force under this order, whether or not they were made by him or it—

- (a) to establish fire posts and provide and maintain in a serviceable condition fire guard equipment (including helmets, eye shields and armlets) and appliances and supplies of water at the premises, in accordance with the arrangements;
- (b) to provide and maintain at non-residential premises, for persons performing fire guard duties at such premises outside their working hours (including persons directed by a local authority under the Fire Guard (Local Authority Services) Order, 1943, to perform such duties at any premises to which the arrangements apply) proper and adequate sleeping accommodation, bedding, sanitary conveniences, and facilities for washing, and, if persons of both sexes perform duties as aforesaid at the same time, separate provision shall be made for each sex;

- (c) to provide for the adequate lighting and, so far as practicable, adequate heating of the place where sleeping accommodation is provided at the premises and also (so far as necessary) of the fire posts;
- (d) to give to all persons performing fire guard duties at the premises (including persons directed as aforesaid) access to all parts of the premises, except such parts as may reasonably be excluded.

27. Powers of appropriate authority in relation to duties of occupier.—(1) The appropriate authority for any business premises for which arrangements are in force under this order may give directions to the occupier of the premises as to the manner in which he is to perform his duties under this Part of this order, including directions that, during such periods as may be specified therein, no persons or a reduced number of persons are to be required to be available at the premises, or liable to be called to the premises if required, for the purpose of manning the fire posts and appliances, or that, during such periods as may be specified therein, no persons shall be required to be awake for the purpose of keeping watch and calling out the other persons to man the fire posts and appliances and the occupier shall comply with any such directions and the arrangements shall have effect subject thereto:

Provided that—

- (a) any directions under this paragraph relaxing the requirement as to persons remaining awake for the purpose aforesaid shall, in the case of premises for which a local authority is the appropriate authority, be given by the Regional Commissioner and not by the local authority;
- (b) directions given under this paragraph shall not, as respects any period for which persons are required by the arrangements to be available at the premises during the hours of darkness, wholly dispense with that requirement.

(2) Where joint arrangements are in force for any business premises under this order, the appropriate authority may, in default of agreement between the occupiers of the several premises, give directions apportioning among those occupiers the expenses of carrying out, in relation to those arrangements, the duties of an occupier under this Part of this order, and any such directions may have retrospective effect as from such date as may be specified therein.

In exercising its powers under this paragraph, the appropriate authority shall, so far as possible, mitigate any exceptional hardship caused to any occupier by his obligations under this order.

(3) If the occupier of any business premises for which arrangements are in force under this order fails to carry out his duties under this Part of this order, the appropriate authority may itself do so and recover from the occupier summarily as a civil debt any expenses thereby incurred by the authority, and, if the occupier of any such premises fails to pay the expenses apportioned to him under the last foregoing paragraph of this Article, the appropriate authority may take proceedings to recover the said expenses on behalf of the other occupiers:

Provided that nothing in this paragraph shall prejudice any criminal proceedings for any such failure.

28. Powers of appropriate department.—(1) The appropriate department for any government premises for which arrangements are in force under this order may, if in all the circumstances the department considers it justifiable to do so, give directions that, during such periods as may be specified therein, no persons or a reduced number of persons are to be required to be available at the premises, or liable to be called to the premises if required, for the purpose of manning the fire posts and appliances, or that, during such periods as may be specified therein, no persons shall be required to be awake for the purpose of keeping watch and calling out the other persons to man the fire posts and appliances, and the arrangements shall have effect subject to any such directions:

Provided that directions given under this paragraph shall not, as respects any period for which persons are required by the arrangements to be available at the premises during the hours of darkness, wholly dispense with that requirement.

(2) It shall be the duty of the occupier of any premises which are deemed to be government premises for the purposes of this order to comply with any directions given by the appropriate department as to the manner in which the arrangements are to be carried out, and the duties referred to in Article 26 of this order shall, so far as relates to any such premises as aforesaid, be performed by the occupier of

those premises, and it shall also be his duty to secure, in the case of a person employed at the premises, the reimbursement of travelling expenses and the payment of subsistence allowances.

(3) Where joint arrangements are made for any government premises and premises which are deemed to be government premises for the purposes of this order, the appropriate department may, in default of agreement between the departments which would (but for the making of the joint arrangements) be the appropriate departments for the said government premises and the occupiers of the premises deemed to be government premises as aforesaid, give directions apportioning among those departments and occupiers the expenses of carrying out, in relation to those arrangements, the duties of an appropriate department under this Part of this order, and any such directions may have retrospective effect as from such date as may be specified therein.

In exercising its powers under this paragraph, the appropriate department shall, so far as possible, mitigate any exceptional hardship caused to any such occupier by his obligations under this order.

(4) If the occupier of any premises which are deemed to be government premises for the purposes of this order fails to carry out his obligations under paragraph (2) of this Article, the appropriate department may itself do so and recover from the occupier summarily as a civil debt any expenses thereby incurred by the department:

Provided that nothing in this paragraph shall prejudice any criminal proceedings for any such failure.

PART III

PROVISION OF SERVICES OTHER THAN FIRE GUARD SERVICES

29. Duty to include other services in arrangements.—(1) Where a fire brigade is maintained for any business premises or government premises, the occupier of the business premises or the appropriate department for the government premises shall amend the arrangements in force for the premises (if any), or make arrangements for the premises, so as to include provision for the fire brigade and for regulating the duties of the members of the fire brigade.

(2) The appropriate authority for any business premises may give directions to the occupier of the premises requiring him to amend the arrangements in force for the premises (if any), or to make arrangements for the premises, so as to include provision for such civil defence services as may be specified in the directions, and the appropriate department for any government premises may amend the arrangements in force for the premises (if any), or make arrangements for the premises, so as to include provision for such civil defence services as it thinks necessary:

Provided that, where the appropriate authority is a local authority, it shall not give directions under this paragraph without the consent of the Regional Commissioner.

(3) Any arrangements or amendments of arrangements made under this Article shall in particular provide for securing that—

- (a) an adequate number of posts and stations are established at the premises for the fire brigade or civil defence services;
- (b) an adequate number of persons, which may vary at different times, is at all times available at the premises or, in such special circumstances as may be specified in the arrangements, is liable to be called to the premises, if required, for the purpose of manning the posts and stations and appliances;
- (c) adequate appliances and equipment are at all times available at the premises for use by the fire brigade or the members of the civil defence services;
- (d) an adequate supply of water is kept at the premises.

(4) Article 5 of this order, in the case of business premises, or Article 6 of this order, in the case of government premises, shall apply to the making or amending of arrangements under this Article in like manner as it applies in relation to the making or amending of arrangements under that Article, and all such arrangements or amendments made under paragraph (1) of this Article shall be made or (in the case of business premises) made and notified within twenty-one days from the date when the obligation to make the amendments or arrangements first arose, and any such amendments or arrangements directed to be made by an appropriate authority under paragraph (2) of this Article shall be made and notified to that authority within twenty-one days from the date of the directions.

(5) If the occupier of any business premises fails to notify in writing to the appropriate authority within the period specified in the last foregoing paragraph, arrangements or amendments of arrangements under this Article, the appropriate authority may itself make or amend the arrangements, and shall notify the arrangements so made or amended in writing to the occupier of the premises, and they shall come into force as from a date specified by the authority when notifying those arrangements as aforesaid, not being less than three days after the date on which those arrangements were so notified :

Provided that, where the appropriate authority is a local authority, the occupier of the premises or any person working at non-residential premises or living at residential premises to which the arrangements apply or any representative of any such person may, within fourteen days from the date on which the arrangements or amendments were notified to the occupier, appeal by notice in writing to the Regional Commissioner, and the Regional Commissioner may, on any such appeal, approve the arrangements with or without modifications, or may disapprove them, and shall notify his decision in writing to the appropriate authority and the occupier of the premises and, if the appeal was brought by any other person, to that person; and, if the arrangements or amendments are modified or disapproved they shall have effect in a modified form or, as the case may be, shall cease to be in force, as from a date specified by the Regional Commissioner when notifying his decision to the occupier, not being less than three days after the date on which the decision was notified.

(6) Where any arrangements are made or amended under this Article, Part II of this order shall apply in relation to all the duties under those arrangements in like manner as it applies in relation to arrangements which relate to fire guard duties only, and accordingly references in the said Part II and in the Second Schedule to this order to fire guard duties shall be construed as including references to the duties of members of the fire brigade or the civil defence services aforesaid (hereafter in this Article referred to as fire brigade duties and civil defence duties respectively), subject, however, to the following modifications :—

- (a) the occupier or the appropriate department may, whether or not all the male persons liable under Article 11 of this order to perform duties outside their working hours have been required to perform those duties, make agreements with any persons (being persons with whom agreements may be made under paragraph (2) of Article 10 of this order), for the voluntary performance outside their working hours of fire brigade duties or civil defence duties ;
- (b) the occupier (on the direction of the appropriate authority) or the appropriate department may require women who have attained the age of 20 and not the age of 45—
 - (i) to perform first-aid duties and such other fire brigade or civil defence duties as may be specified during their working hours, whether or not all the male persons liable to perform duties during their working hours under Article 10 of this order have been required to perform those duties ;
 - (ii) to perform the said duties outside their working hours, whether or not all the male persons liable under Article 11 of this order to perform duties outside their working hours have been required to perform those duties ;
- (c) for the purpose of calculating the number referred to in paragraph (1) of Article 13 of this order, the requirements of the arrangements, so far as they are satisfied by the performance of duties under agreements made in accordance with sub-paragraph (a) hereof or by the performance of duties by women in accordance with sub-paragraph (b) hereof, shall be deemed to be reduced to that extent ;
- (d) paragraph (4) of the said Article 13 shall have effect as if it required all persons trained in any fire brigade or civil defence duties to be included in category (a) ;
- (e) references to paid fire guards shall include references to whole-time members of the fire brigade and whole-time members of any civil defence service ;
- (f) directions under Article 22 of this order shall secure that persons performing fire brigade and civil defence duties are under the charge of their own officers, and paragraphs (3) and (4) of the said Article and Article 23 of this order shall not apply to persons performing civil defence duties ;

(g) Article 24 of this order shall have effect as if paragraph (1) thereof provided, in addition to the instruction and training therein mentioned, for instruction and training in fire brigade and civil defence duties ;

(h) references in Article 26 of this order to fire posts and fire guard equipment shall be construed as including references to any posts or stations established in connection with the said fire brigade and civil defence services and appliances and equipment used in connection therewith.

(7) The said fire brigade and civil defence duties shall as far as possible be performed by persons who state a preference for those duties or volunteer to perform them (whether alone or in conjunction with fire guard duties) and, if and in so far as the said duties are required to be performed by other persons, those persons shall be selected by agreement between the occupier or appropriate department and the persons liable to perform the said duties or their representatives or, in default of agreement, by lot :

Provided that any persons who have been required by the local authority to perform fire guard duties at the premises, shall not be liable to perform any fire brigade duties or civil defence duties.

PART IV

MISCELLANEOUS AND GENERAL

30. Record of attendances and defaults.—(1) Where arrangements are in force under this order for any premises, the occupier of the premises, if they are business premises, or the appropriate department for the premises, if they are government premises, shall keep a record of the names of persons performing duties under the arrangements (including persons directed by a local authority under the Fire Guard (Local Authority Services) Order, 1943, to perform such duties), and of the times when they are on duty, or attend for instruction and training in such duties showing, in the case of any failure to be on duty or attend, the name of the person so failing, the reason for the failure, and, if his place was taken by another person, the name of that other person.

(2) A record kept under this Article in respect of business premises may be inspected by any person authorised by the appropriate authority or by a person of a class so authorised.

(3) Where any person performing duties under arrangements in force under this order for any premises (including any person directed by a local authority as aforesaid) is required, when on duty or attending for instruction and training in such duties, to sign any register of attendances kept by the occupier of the premises, if they are business premises, or the appropriate department for the premises, if they are government premises, he shall comply with that requirement.

31. Illness or other reasonable cause to be a defence.—It shall be a defence to any proceedings in respect of any failure to comply with any requirement of this order as to the performance of duties, attendance for instruction and training or the taking part in training exercises for the person charged to prove that his failure was due to illness or other reasonable cause.

32. Validity and proof of arrangements.—(1) Arrangements approved under this order or under the Fire Prevention (Business Premises) Order, 1941 (a), or under the Fire Prevention (Business Premises) (No. 2) Order, 1941 (b), or under the Fire Prevention (Government Premises) Order, 1942 (c), shall not be treated as invalid on the ground that—

- (a) the persons working or living at the premises or their representatives were not consulted in accordance with Article 5 of this order, in the case of business premises, or Article 6 of this order, in the case of government premises if it is shown that the occupier of or, as the case may be, the appropriate department for the premises gave a reasonable opportunity to those persons or their representatives to express their views with respect to the arrangements and the manner in which they were to be carried out and that they failed to avail themselves of that opportunity ; or

(a) S.R. & O. 1941, No. 69.

(b) S.R. & O. 1941 (No. 1411) II, p. 533.

(c) S.R. & O. 1942 (No. 839) II, p. 814.

- (b) in the case of business premises, the arrangements were notified to the appropriate authority after the expiration of the period specified in Article 5 of this order or, in the case of arrangements notified before the coming into operation of this order, the period specified in Article 2 of the Fire Prevention (Business Premises) Order, 1941, or Article 3 of the Fire Prevention (Business Premises) (No. 2) Order, 1941, as the case may be; or
- (c) in the case of government premises, the arrangements were made after the expiration of the period specified in Article 6 of this order or, in the case of arrangements notified before the coming into operation of this order, the period specified in Article 3 of the Fire Prevention (Government Premises) Order, 1942, as the case may be; or
- (d) the arrangements fail to provide for any thing for which provision is required by this order, or provide for any thing for which provision is not so required.

(2) Any change of appropriate authority in relation to any business premises shall not affect the validity of any arrangements in force under this order for the premises, and any thing done by or to the former appropriate authority, including any agreement made with another appropriate authority under Article 35 of this order with respect to the exercise of functions under this order, but not including any delegation of such functions, shall be deemed to have been done by or to the new appropriate authority.

(3) Any change in appropriate department in relation to any government premises shall not affect the validity of any arrangements in force under this order for the premises, and any thing done by or to the former appropriate department, including any agreement made with another appropriate department under Article 36 of the order with respect to the exercise of functions under this order, but not including any delegation of such functions, shall be deemed to have been done by or to the new appropriate department.

(4) In any criminal proceedings under this order in relation to any premises, the production of a document purporting to be a copy of the arrangements in force under this order for those premises at the time specified in the document, and to be signed by or on behalf of the appropriate authority or, as the case may be, the appropriate department, shall be sufficient evidence that those arrangements were so in force at that time, unless the contrary is shown.

(5) Where, in any criminal proceedings under this order, it is necessary to show that the defendant is or was at any particular time within particular limits of age, he shall be presumed to be or to have been at that time within those limits of age, unless the contrary is proved:

Provided that, if it appears to the court that there are any special circumstances giving rise to doubt as to the matter aforesaid, the court may require the matter to be proved by the prosecution.

33. Information.—(1) When arrangements are in force for any business premises, the occupier of the premises shall at any time when requested by the appropriate authority or when any substantial change occurs notify the appropriate authority in writing of the manner in which turns of duty are fixed under this order, and the length and frequency of those turns.

(2) *2 & 3 Geo. 6 c. 91.*—The appropriate authority may from time to time by notice in writing require the occupier of any business premises to furnish such information as may be specified in the notice, being information required by the authority for the performance of its functions under this order, and in particular may require him to furnish the names and addresses of, in the case of non-residential premises, all persons working at the premises or, in the case of residential premises, all persons living at the premises, who, in the case of male persons, have attained the age of 18 and not the age of 63 or, in the case of women, have attained the age of 20 and not the age of 45, and the numbers specified on the identity cards issued to those persons under the National Registration Act, 1939, and to state which of those persons are exempted under the Fire Guard (Medical and Hardship Exemptions) Order, 1943, or Article 11 of or the Second Schedule to this order, and the extent and grounds of their exemption.

(3) The last foregoing paragraph shall apply to premises which are deemed to be government premises under Article 2 of this order and, in relation to such premises, shall have effect as if for the references to the appropriate authority there were substituted references to the appropriate department.

(4) It shall be the duty of all persons working at any non-residential premises to which this order applies or living at any residential premises to which this order applies to furnish to the occupier of the premises, if they are business premises or premises which are deemed to be government premises under Article 2 of this order, or the appropriate department for the premises, if they are government premises (other than premises deemed to be government premises), such information (including their addresses) as the occupier or department may require for the purpose of complying with his or its obligations under this order.

34. Change of occupation of premises, etc.—(1) Where after the date on which this order applies to any premises, not being premises for which (in conjunction with other premises) joint arrangements are in force under this order, any of the following changes occur:—

- (a) in the case of business premises, a new occupier comes into occupation of the premises;
- (b) in the case of government premises, the premises become occupied by or for the purposes of a different department; or
- (c) any business premises become government premises or vice versa; any arrangements in force for the premises under this order shall cease to be in force:—

Provided that:—

- (i) in the case of any such change as is mentioned in sub-paragraph (a) hereof the new occupier may, within seven days after coming into occupation of the premises, notify in writing to the appropriate authority that the change of occupation does not involve any substantial change in the use of the premises or in the persons working thereat, and in that case, unless the appropriate authority otherwise direct, any arrangements in force for those premises shall continue in force and be deemed not to have ceased to be in force;
- (ii) in the case of any such change as is mentioned in sub-paragraph (b) hereof, the new department may, within seven days after the change, if it is satisfied that no substantial alteration in the use of the premises or in the persons working thereat is involved, direct that any arrangements in force for the premises shall continue in force.

(2) Where joint arrangements are in force under this order for any premises, and any such change as aforesaid occurs, the arrangements shall continue to apply to the premises, notwithstanding the change, and any agreement made or directions given under the First Schedule to this order as respects the appropriate authority for the premises shall remain in force, but without prejudice to the provisions of this order relating to the amendment of arrangements and the substitution of new arrangements.

(3) Where any person ceases to occupy any business premises, he shall forthwith notify the authority which was the appropriate authority for the premises immediately before he ceased to occupy them.

35. Appropriate authority for business premises.—(1) Subject to the provisions of this Article and to the First Schedule to this order, the appropriate authority for the purposes of this order shall be:—

- (a) in relation to any premises deemed to be business premises, the Minister;
- (b) in relation to any police premises, the Secretary of State;
- (c) in relation to any factory premises or commercial premises occupied by the London Passenger Transport Board for the purposes of road or rail transport or forming part of any railway, canal, inland navigation, dock or harbour undertaking, the Minister of War Transport;
- (d) in relation to any factory premises, commercial premises or local government premises forming part of any electricity undertaking, the Electricity Commissioners;
- (e) in relation to any factory premises, commercial premises or local government premises forming part of any gas undertaking, the Minister of Fuel and Power;

- (f) in relation to any factory premises, commercial premises or local government premises forming part of any water undertaking, the Minister of Health ;
- (g) (11 & 12 Geo. 5. c. 50. 35 & 36 Vict. c. 77. 10 & 11 Geo. 5. c. 50, 57 & 58 Vict. c. 42. 1 Edw. 8 and 1 Geo. 6. c. 67) in relation to any mine to which the Coal Mines Act, 1911, or the Metalliferous Mines Regulation Act, 1872 (as amended by section nineteen of the Mining Industry Act, 1920), applies or any quarry within the meaning of the Quarries Act, 1894 (as amended by section one hundred and fifty-eight of the Factories Act, 1937), being a mine or quarry in or about which more than thirty persons work, the Minister of Fuel and Power ;
- (h) in relation to any petroleum premises, the Minister of Fuel and Power ;
- (i) in relation to any factory premises or commercial premises, not being premises previously mentioned in this paragraph, as respects which the Minister designates a government department or the Regional Commissioner as the appropriate authority, that department or the Regional Commissioner ;
- (k) in relation to any factory premises or commercial premises as respects which any government department has assumed responsibility for passive air defence, not being premises previously mentioned in this paragraph, that department ;
- (l) in relation to any factory premises or commercial premises, not being premises previously mentioned in this paragraph, the local authority in whose area the premises are situated ;
- (m) in relation to any unoccupied premises or residential premises, not being premises previously mentioned in this paragraph, the local authority ;
- (n) in relation to any premises used for public worship, the local authority or, if the Minister designates any other authority, body or person, that authority, body or person ;
- (o) in relation to any local government premises, not being premises previously mentioned in this paragraph, the Regional Commissioner ;
- (p) in relation to any premises other than commercial premises, factory premises, local government premises or government premises, not being premises previously mentioned in this paragraph, the Regional Commissioner or if the Regional Commissioner designates any other authority, body or person, that authority, body or person ;

Provided that—

- (i) in relation to any premises for which the Minister of Labour and National Service was the appropriate authority under the Fire Prevention (Business Premises) (No. 2) Order, 1941, immediately before the coming into operation of this order, the said Minister shall be the appropriate authority under this order for a period of three months from the date on which this order comes into operation or, if the Minister prescribes a shorter period as respects the premises in any area, for that shorter period, unless the Minister designates a government department as the appropriate authority before the expiration of the said period of three months or, as the case may be, any such shorter period as may be prescribed ;
- (ii) any office premises of a gas undertaking of a local authority or any premises of such an undertaking used for the sale or display of apparatus, appliances and accessories, shall not be deemed to form part of the undertaking unless they form part of premises used for the manufacture or storage of gas or its by-products or for the repair of mains, meters, apparatus or appliances.

(2) The appropriate authority for any business premises (other than premises for which joint arrangements are in force) may, for the purpose of administrative efficiency, agree to the exercise by another authority referred to in the foregoing provisions of this Article of all or any of its functions in relation to the premises, and, while the agreement is in force, that other authority shall be deemed to be the appropriate authority for the premises.

(3) If any doubt or dispute arises as to which authority is the appropriate authority for any premises, it shall be referred to the Minister whose decision shall be final.

(4) Any appropriate authority may, to such extent and subject to such conditions as it thinks proper, delegate, either in relation to all the premises for which it is the appropriate authority or any of those premises or any class of those premises, all or any of its functions under this order, including power to make agreements under paragraph (2) of this Article, to any other appropriate authority or an appropriate department or any specified person or class of persons :

Provided that, unless the Regional Commissioner otherwise directs, this paragraph shall not apply to any appropriate authority which is a local authority, without prejudice to any power of that authority to delegate any of its functions to a committee.

(5) Where there is any change of appropriate authority in relation to business premises, the occupier of the premises shall be notified by the old authority and shall cause at least one notice of that fact to be displayed at the premises in a prominent position where it can be easily read.

(6) In this Article—

- (a) the expression "commercial premises" means any premises occupied wholly or partly for the purpose of any business, trade or profession, not being factory premises or local government premises ;
- (b) the expression "factory premises" means any premises being a factory within the meaning of section one hundred and fifty-one of the Factories Act, 1937, or a dock, wharf or warehouse to which any of the provisions of that Act apply, but does not include any local government premises ;
- (c) the expression "local government premises" means premises occupied by a local authority or county council for the purpose of discharging any of its functions ;
- (d) the expression "petroleum premises" means—
- (i) premises used or adapted for use solely or primarily for the production, blending, storage or distribution of petroleum or any product of petroleum, within the meaning of the Petroleum (No. 3) Order, 1940(a), other than premises which are used or adapted for use for the retail sale of petroleum or any product thereof to the public and are not operated by the Petroleum Board or in which there is stored petroleum or any product thereof for the sole purpose of being consumed by the occupier of the premises ;
 - (ii) motor repair centres and garages occupied solely by the Petroleum Board ; and
 - (iii) service stations operated by the Petroleum Board.

36. *Appropriate department for government premises.*—(1) Subject to the provisions of this Article and to the First Schedule to this order, the appropriate department for the purposes of this order shall be—

- (a) in relation to any premises occupied by or for the purposes of a government department, the government department by which or for the purposes of which the premises are occupied ;
- (b) in relation to premises occupied for the purposes of the National Fire Service, the Secretary of State ;
- (c) in relation to any unoccupied premises the right to possession of which is vested in the Admiralty, the War Department or the Air Ministry, that department ;
- (d) in relation to any unoccupied premises the right to possession of which is vested in the Crown or any other government department, the Minister of Works ;

Provided that—

- (i) any appropriate department may agree to the exercise by another appropriate department or by an appropriate authority of any of its functions under this order ;
- (ii) in the case of premises vested in a government department and used for the purposes of another government department, the last-named department shall, unless the Treasury otherwise directs, be the appropriate department ;

(iii) in the case of premises occupied by or for the purposes of a government department which is subordinate to another government department, the Treasury may direct that the last-named department shall be the appropriate department.

(2) Any appropriate department may, to such extent and subject to such conditions as it thinks proper, delegate all or any of its functions under this order to any other appropriate department or an appropriate authority or any specified person or class of persons.

(3) Where there is any change of appropriate department in relation to any government premises, the new appropriate department shall cause at least one notice of that fact to be displayed at the premises where it can be easily read.

37. Power of Minister to determine whether premises are government premises.—If any question arises as to whether any premises are occupied by or for the purposes of a government department, it shall be referred to and determined by the Minister, and the Minister may give directions as respects any premises or class or description of premises to which this order applies, being premises occupied by or for the purposes of an institution or body of a public character, that the premises are to be treated as government premises for the purposes of this order, and any such directions shall specify the government department, authority or person who is to be the appropriate department for the premises.

38. Application of order to Palace of Westminster.—(1) This order shall in its application to the Royal Palace of Westminster, have effect subject to the following modifications :—

(a) the appropriate department shall be the fire committee appointed by the Lord Great Chamberlain under Regulation three of the Defence (Palace of Westminster Fire Prevention) Regulations, 1941(a) ;

(b) for references to persons who work at premises to which this order applies there shall be substituted references to persons employed, whether by the Crown or any other person, at the Royal Palace of Westminster (including persons employed on terms which require them to be present during the sittings of Parliament or any part thereof at any place where Parliament is sitting for the time being), but persons employed at the Palace on such terms that normally the number of hours in each week for which they are required by those terms to work at the Palace, or any other place where Parliament is sitting for the time being, is less than the number of hours for which they are so required to work elsewhere shall be deemed not to work at the Palace.

(2) The said fire committee shall have power to act notwithstanding a vacancy among the members thereof, and at any meeting of the committee two, or such greater number as the committee may determine, shall be a quorum ; and the Lord Great Chamberlain may, after consulting the Lord Chancellor, the Speaker of the House of Commons and the Minister of Works, fill up any vacancy among the members of the fire committee.

(3) When Parliament is for any period sitting at premises other than the Palace of Westminster, this order shall apply to those premises in like manner as it applies to the Palace of Westminster.

39. Delegation of functions.—(1) The Minister may, to such extent and subject to such restrictions as he thinks proper, delegate to a Regional Commissioner any functions exercisable by him under this order.

(2) The Minister may, if he thinks fit, direct that any powers conferred by this order specifically on the Regional Commissioner shall be exercised by the Minister instead of by the Regional Commissioner.

(3) The Minister may delegate any powers exercisable by him under Article 17 of this order to any appropriate authority, other than a local authority, or to any appropriate department.

40. Interpretation.—(1) In this order, except so far as the contrary is expressly provided, the following expressions have the meanings respectively assigned to them, that is to say :—

“ business premises ” means all premises to which this order applies, other than government premises ;

(a) S.R. & O. 1941 (No. 757) II, p. 184.

11 & 12 Geo. 5. c. 81.—“ chief officer of police ” has the same meaning as in the Police Pensions Act, 1921, and also includes the chief constable of a joint force established under the Defence (Amalgamation of Police Forces) Regulations, 1942(a) ;

“ civil defence service ” means any ambulance, civil defence messenger, decontamination, first aid, report and control, rescue or warden service and also includes, except in Part III of this order, any service combining any of the purposes of any such services as aforesaid ;

“ compulsory enrolment area ” means any area to which the provisions of the Fire Guard (Local Authority Services) Order, 1943, relating to registration and compulsory enrolment apply ;

“ fire post ” means any place which under arrangements in force under this order is required to be manned by fire guards in the event of a hostile attack or a warning of such an attack ;

“ fire guard duties ” and “ working hours ” have the same meanings as in Regulation five of the Defence (Fire Guard) Regulations, 1943 ;

“ government premises ” means any premises to which this order applies being—

(a) premises occupied by or for the purposes of a government department,

(b) unoccupied premises the right to possession of which is vested in the Crown or any government department,

(c) the Royal Palace of Westminster,

(d) premises which, by virtue of directions given by the Minister under Article 37 of this order, are treated as government premises,

(e) premises which, by virtue of an agreement made under paragraph (4) of Article 2 of this order or directions given under paragraph (7) of that Article, are for the time being deemed to be government premises,

but does not include any premises which, by virtue of any such agreement or directions as aforesaid, are deemed to be business premises ;

“ hours of darkness ” means the period from half an hour before the hours of darkness, as defined for the purpose of the Lighting (Restrictions) Order, 1940(b) (other than Part III thereof), to half an hour after the said hours of darkness ;

“ local authority ” means the Common Council of the City of London, the council of a metropolitan borough, or the council of a county borough or county district ;

“ the Minister ” means the Minister of Home Security ;

“ paid fire guard ” means a person employed by the occupier of or appropriate department for premises for which arrangements are in force under this order to perform fire guard duties under the arrangements for remuneration other than a subsistence allowance ;

“ period of four weeks ” means the period of four weeks beginning at 12 noon on the 26th July, 1943, and any period of four weeks beginning at 12 noon on a date exactly four weeks, or an exact multiple of four weeks, after the first-mentioned date ;

“ period of twelve weeks ” means the period of twelve weeks beginning at 12 noon on the 26th July, 1943, and any period of twelve weeks beginning at 12 noon on a date exactly twelve weeks, or an exact multiple of twelve weeks, after the first-mentioned date ;

“ police premises ” means any premises occupied for the purpose of a police force as defined by section thirty of the Police Pensions Act, 1921, or a joint force established under the Defence (Amalgamation of Police Forces) Regulation, 1942, and includes police section houses but not any other residential premises, and also includes any premises which are for the time being deemed to be police premises by virtue of an agreement under paragraph (8) of Article 2 of this order ;

“ prescribed ” means prescribed by directions given by the Minister ;

“ residential premises ” means any premises occupied wholly or mainly for residential purposes including premises occupied as a hotel, boarding house or lodging house, and “ non-residential premises ” shall be construed accordingly ;

Provided that any premises occupied partly as a shop or farm and any premises occupied as a hotel, boarding house or lodging house at which more than five persons

(a) S.R. & O. 1942 (No. 1443) II, p. 168. (b) S.R. & O. 1940 (No. 74) II, p. 778.

(including the occupier and members of his family) are employed or occupied in the business of the hotel, boarding house or lodging house shall not be deemed to be residential premises ;

"shop" has the same meaning as in the Shops Acts, 1912 to 1938.

(2) For purposes of this order—

(a) in relation to such police premises as may be prescribed, the Receiver for the Metropolitan Police District shall be deemed to be the occupier, and in relation to other police premises, the chief officer of police shall be deemed to be the occupier ;

(b) in relation to any such premises, other than police premises, as may be directed by the Minister, the authority, body or person specified in the directions shall be deemed to be the occupier ;

(c) subject as aforesaid, in relation to any unoccupied premises, the person entitled to occupy them shall be deemed to be the occupier.

(3) References in this order to the performance by any person of fire guard duties outside his working hours shall, in the case of a person required to perform fire guard duties under any arrangements in force under this order by reason that he lives at residential premises to which the arrangements apply or any person who does not work at premises to which the arrangements apply and voluntarily agrees, or is directed by a local authority, to perform duties thereunder, be construed as referring to the performance by him of fire guard duties under those arrangements at any time, and, in the case of a person under the age of 18 who voluntarily agrees under Article 15 of this order to perform duties under arrangements in force for the premises at which he is being educated or instructed, shall be construed as referring to the performance by him of those duties outside the periods during which he is being educated or instructed.

(4) For the purpose of any provision of this order relating to representatives, the persons working at any non-residential premises to which this order applies shall—

(a) in so far as they have trade union representatives or representatives appointed by an organisation holding a certificate of approval under the Civil Service (Approved Associations) Regulations, 1927(a), be entitled to be represented by those representatives ;

(b) in so far as they are members of the Police Federation, be entitled to be represented by Branch Boards of that federation ;

(c) in so far as they are members of the Auxiliary Police Association, be entitled to be represented by local committees of that association.

(5) Any reference in this order to any Regulations, Regulation or order shall be construed as a reference to those Regulations or that Regulation or that order as amended by any subsequent Regulations, Regulation or order.

(6) For the purposes of this order, where joint arrangements or combined arrangements are in force under this order for several premises, all those premises shall be treated as if they were single premises, and, in the case of joint arrangements, any person who works at one of the said premises shall be treated as if he worked at all the said premises and each of the occupiers thereof shall be treated as if he were the occupier of all the said premises, and any reference in this order to the occupier of premises to which arrangements relate shall, unless the context otherwise requires, be construed as a reference to all the said occupiers :

Provided that the occupiers of premises for which joint arrangements are in force under this order may agree, and, in default of agreement, the appropriate authority may direct, that one or more of those occupiers shall be treated, except for the purpose of the apportionment of expenses, as if he only were the occupier, or they only were the occupiers of all the said premises, and any reference in this order to the occupier of premises to which the arrangements relate shall, unless the context otherwise requires, be construed as a reference to the said occupier or occupiers.

(7) For the purposes of this order, a person employed or occupied in any business, trade or profession carried on at any premises or for any other purposes for which the premises are used, being a person whose work is not performed at those premises, shall—

(a) if the conditions of his work normally require him to attend at any such premises at the beginning or end of his daily period of work, be deemed to work at those premises ;

(a) S.R. & O. 1927 (No. 800) p. 131.

(b) if the conditions of his work do not require him to attend as aforesaid but require him to report regularly at any such premises at least once a week, be deemed to work at those premises :

Provided that, in the case of business premises, the appropriate authority, by directions given to the occupier of the premises, or, in the case of government premises, the appropriate department may direct that any person who is required by his work to travel from place to place and for that reason to sleep away from his ordinary place of residence on at least two nights a week shall not be deemed to work at those premises.

(8) For the purposes of this order, a whole-time constable attached to a police station shall be deemed to work at the police station to which he is attached, and not elsewhere.

(9) For the purposes of this order, a person shall be deemed to be living in any building or premises if he normally sleeps there on not less than three nights a week.

41. *Application to Scotland.*—In the application of this order to Scotland—

(a) the expression "the Minister" shall mean either the Minister of Home Security or the Secretary of State ;

(b) for references to the Minister of Health there shall be substituted references to the Secretary of State ;

(c) Article 27 and Article 28 of this order shall have effect as if the word "summarily" were omitted therefrom ;

(d) the expression "local authority" shall mean county or town council, and in sub-paragraph (c) of paragraph (6) of Article 35 of this order for the words "county council" there shall be substituted the words "district council".

42. *Revocation.*—(1) The Fire Prevention (Business Premises) (No. 2) Order 1941(a), the Fire Prevention (Business Premises) Order, 1942(b), the Fire Prevention Business (Premises) (No. 2) Order, 1942(c), the Fire Prevention (Business Premises) (No. 3) Order, 1942(d), the Fire Prevention (Business Premises) (No. 4) Order, 1942(e), and the Fire Prevention (Historic Buildings) Order, 1942(f), shall be revoked.

(2) The Fire Prevention (Government Premises) Order, 1942(g), and the Fire Prevention (Government Premises) (No. 2) Order, 1942(h), shall be revoked.

(3) The Defence (Palace of Westminster Fire Prevention) Regulations, 1941(i), shall be revoked.

43. *Transitional provisions.*—(1) Any arrangements made under the Fire Prevention (Business Premises) (No. 2) Order, 1941, or under the Fire Prevention (Government Premises) Order, 1942, or under the Defence (Palace of Westminster Fire Prevention) Regulations, 1941, and in force immediately before the coming into operation of this order, shall be deemed to have been made and approved under this order and shall continue in force accordingly :

Provided that it shall be the duty of every occupier of premises to which any such arrangements apply to make and notify to the appropriate authority, and of every appropriate department to make, in accordance with Part I of this order, such amendments of the arrangements as may be necessary in consequence of the making of this order.

(2) Any arrangements for the performance of fire guard duties which were being carried out immediately before the coming into operation of this order at any premises to which this order applies, but to which the Fire Prevention (Business Premises) (No. 2) Order, 1941, or the Fire Prevention (Government Premises) Order, 1942, did not apply, shall be deemed to have been made and approved under this order and shall continue in force accordingly :

(a) S.R. & O. 1941 (No. 1411) II, p. 533.

(b) S.R. & O. 1942 (No. 840) II, p. 802.

(c) S.R. & O. 1942 (No. 1331) II, p. 805.

(d) S.R. & O. 1942 (No. 1655) II, p. 806.

(e) S.R. & O. 1942 (No. 2500) II, p. 811.

(f) S.R. & O. 1942 (No. 1352) II, p. 833.

(g) S.R. & O. 1942 (No. 839) II, p. 814.

(h) S.R. & O. 1942 (No. 2397) II, p. 826.

(i) S.R. & O. 1941 (No. 757) II, p. 184.

Provided that it shall be the duty of every occupier of premises to which any such arrangements apply to make and notify to the appropriate authority and of every appropriate department to make, in accordance with Part I of this order, such amendments of the arrangements as may be necessary in consequence of the making of this order.

(3) If any occupier of business premises who is required under the proviso to either of the two last foregoing paragraphs to make and notify to the appropriate authority amendments of arrangements for the premises, fails to do so, the appropriate authority shall itself make such amendments in accordance with Part I of this order.

(4) Any agreement, approval, disapproval, notification, report, directions, exemption, delegation or designation given, made or effected under the Fire Prevention (Business Premises) (No. 2) Order, 1941, or under the Fire Prevention (Government Premises) Order, 1942, or under the Defence (Palace of Westminster Fire Prevention) Regulations, 1941, shall, if in force immediately before the coming into operation of this order, be deemed to have been given, made or effected under the corresponding provision of this order, and any directions prescribing an area for the purposes of Article 1 of the said Fire Prevention (Business Premises) (No. 2) Order, 1941, or applying that order or the said Fire Prevention (Government Premises) Order, 1942, to any premises, or excepting any premises from the last named order shall be deemed to apply this order to those premises, or as the case may be, except those premises from this order.

(5) Where the appropriate authority have at the date of the coming into operation of this order power under any provision of the Fire Prevention (Business Premises) (No. 2) Order, 1941, to make arrangements for any business premises by reason of the failure of the occupier thereof to make and notify arrangements for the premises within the period required by the Fire Prevention (Business Premises) (No. 2) Order, 1941, the said power shall be exercisable under the corresponding provision of this order.

(6) Any agreement made or directions given under the Fire Prevention (Business Premises) (No. 2) Order, 1941, or the Fire Prevention (Government Premises) Order, 1942, and in force immediately before the coming into operation of this order providing that any group of premises comprising both business and government premises are all to be deemed to be premises to which one or other of the said orders applied shall be deemed to be an agreement made or directions given under this order providing that all the said premises are to be deemed for the purposes of this order to be business or government premises, as the case may be.

(7) References in any document to the Fire Prevention (Business Premises) (No. 2) Order, 1941, or the Fire Prevention (Government Premises) Order, 1942, or the Defence (Palace of Westminster Fire Prevention) Regulations, 1941, or to any provision thereof shall be construed as references to this order or to the corresponding provision thereof.

44. *Short title and commencement.*—(1) This order may be cited as the Fire Guard (Business and Government Premises) Order, 1943.

(2) This order shall come into operation on the twentieth day of September, nineteen hundred and forty-three.

Herbert Morrison,
Minister of Home Security.

Whitehall,
28th July, 1943.

FIRST SCHEDULE

Provisions as to joint and combined arrangements

1. *Articles 2, 35 and 36.*—Where joint or combined arrangements for a group of business premises comprising premises for which there are different appropriate authorities are made under Article 2 of this order by the occupiers of the premises, without any directions by an appropriate authority or the Minister, the arrangements shall in the first instance be notified to the several authorities, but thereafter, in relation to those arrangements, such one of those authorities as may be agreed between those authorities or, in default of agreement, directed by the Minister, shall be the appropriate authority for all the premises in the group.

2. Any agreement between appropriate departments for the making of joint arrangements for a group of government premises under Article 2 of this order shall provide for the making of those arrangements by one of those departments and, in relation to those arrangements, that department shall be the appropriate department for all the premises in the group.

3. Where any agreement made under paragraph (4) or directions given under paragraph (7) of Article 2 of this order provide for the making of joint arrangements for a group of premises comprising business and government premises then—

(a) if all the premises are deemed to be business premises, the appropriate department or departments for the government premises concerned shall be deemed to be the occupier or occupiers of those premises, and the appropriate authority for all the premises in the group shall be, in the case of an agreement under the said paragraph (4), such one of the appropriate authorities concerned as may be agreed between those authorities or, in default of agreement, as may be directed by the Minister, or, in the case of directions under the said paragraph (7), the department by which the directions were given;

(b) if all the premises are deemed to be government premises, the appropriate department for all the premises in the group shall be, in the case of an agreement under the said paragraph (4), such one of the appropriate departments concerned as may be agreed between those departments or, in default of agreement, as may be directed by the Minister, or, in the case of directions under the said paragraph (7), the department by which the directions were given.

4. Any power exercisable under paragraph (5) of Article 2 or Article 9 of this order by an appropriate authority to direct the making of, or to make, joint arrangements for a group of business premises shall be exercised, in relation to a group comprising premises for which there are different appropriate authorities, by such one of those authorities as may be agreed between those authorities or, in default of agreement, directed by the Minister, and, in relation to such arrangements, that authority shall be the appropriate authority for all the premises in the group.

5. Where the Minister under paragraph (6) of Article 2 of this order directs the making of joint arrangements for a group of business premises comprising premises for which there are different appropriate authorities, such one of those authorities as may be specified in the directions shall, in relation to those arrangements, be the appropriate authority for all the premises in the group.

6. Where an appropriate authority or appropriate department becomes, in accordance with any of the provisions of this Schedule, the appropriate authority for any business premises or the appropriate department for any premises which are deemed to be government premises, the old authority or department shall notify that fact to the occupiers of the premises.

SECOND SCHEDULE

PERSONS EXEMPTED FROM DUTIES

PART I

Persons exempted from all fire guard duties

1. *Articles 10 and 11.*—The following persons shall be exempted from all fire guard duties under this order:—

(a) any member of the armed forces of the Crown (including a member of the Women's Royal Naval Service, the Auxiliary Territorial Service, the Women's Auxiliary Air Force or the Auxiliary Coastguard but not including a member of the Home Guard or any person who has not been called out for, or has been released from actual service);

(b) any member of the naval, military or air forces of any foreign Power engaged, in alliance with His Majesty, in any war in which His Majesty is also engaged;

(c) any whole-time member of the Royal Observer Corps;

(d) *2 and 3 Geo. 5. c. 31.*—any pilot holding a licence issued under the Pilotage Act, 1913, or a deep sea certificate granted by a pilotage authority authorised by a Pilotage Order to grant such certificates;

- (e) any master or member of the crew of a ship engaged in sea-going service ;
 (f) any person who—
- (i) is the subject of an order or inquisition under the Lunacy and Mental Treatment Acts, 1890 to 1930 ;
 - (ii) 53 and 54 Vict. c. 5. 47 and 48 Vict. c. 64—is being detained in pursuance of section twenty-five of the Lunacy Act, 1890, or as a criminal lunatic, or in pursuance of an order made under the Criminal Lunatics Act, 1884 ; or
 - (iii) 20 and 21 Geo. 5. c. 23—is undergoing treatment as a temporary patient under section five of the Mental Treatment Act, 1930 ; or
 - (iv) 3 and 4 Geo. 5. c. 28—is a person placed in an institution or a certified house or under guardianship, under section three of the Mental Deficiency Act, 1913, or is the subject of an order under section six, eight or nine of that Act, or is under supervision provided under paragraph (b) of section thirty of that Act, or is an inmate of a home approved under section fifty of that Act, or is the subject of a notification under subsection (2) of section fifty-one of that Act ; or
 - (v) 29 and 30 Vict. c. 51. 3 and 4 Geo. 5. c. 38—is the subject of an order or warrant for his detention or custody under the Lunacy (Scotland) Acts, 1857 to 1919, or is being entertained and kept in an asylum in pursuance of section fifteen of the Lunacy (Scotland) Act, 1866, as read with section fifty-nine of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or is a person for whose safe custody during His Majesty's pleasure His Majesty is authorised to give order or is a person whom the Secretary of State or the Prisons Department for Scotland has, in pursuance of any Act, directed to be removed to a criminal lunatic asylum or to the criminal lunatic department of Perth prison or to an asylum, or is a person placed in an institution or certified house or under guardianship under section four of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or is the subject of an order under section seven, nine or ten of that Act ;
 - (g) 10 and 11 Geo. 5. c. 49. 1 and 2 Geo. 6. c. 11—any person certified by a local authority, as defined by the Blind Persons Acts, 1920 and 1938, to be registered as a blind person under arrangements made by the authority under those Acts ;
 - (h) any deaf and dumb person :

Provided that nothing in this paragraph shall prejudice a member of the armed forces of the Crown being required to perform fire guard duties in accordance with the instructions issued by the Admiralty, the Army Council or the Air Council, as the case may be.

2. A woman who holds a certificate signed by a duly qualified medical practitioner or by a certified midwife certifying that she is pregnant shall be exempted from all fire guard duties under this order during the period of pregnancy and for six weeks thereafter.

3. Where it appears to any government department that any person ought, having regard to the nature or length of hours of his work and to any circumstances affecting the public interest, to be exempted from fire guard duties under this order, they may grant to him a certificate of exemption and any person who holds such a certificate or a certificate of exemption granted by a government department under paragraph (3) of Article 10 of the Fire Guard (Local Authority Services) Order, 1943, shall be exempted from all fire guard duties under this order.

PART II

PERSONS EXEMPTED FROM ALL FIRE GUARD DUTIES EXCEPT DUTIES DURING THEIR WORKING HOURS

1. A woman shall be exempted from all fire guard duties under this order, except duties during her working hours under arrangements in force for any non-residential premises, during any period throughout which a child (whether her own or not) under the age of fourteen is wholly or mainly in her care and is living and sleeping where she lives and sleeps.

2.—(1) The following persons shall be exempted from all fire guard duties under this order except duties during their working hours under arrangements in force for any non-residential premises :—

- (a) a member of the Home Guard ;
- (b) a person holding a commission in the Royal Naval Volunteer Reserve, the Territorial Army Reserve or the Royal Air Force Volunteer Reserve who is posted for duty (whether whole-time or part-time) with any of the following cadet organisations, that is to say, a University Naval Division, the Sea Cadet Corps, the Senior Training Corps, the Junior Training Corps, the Army Cadet Force or the Air Training Corps ;
- (c) a part-time member of the Royal Observer Corps ;
- (d) a part-time special constable or a part-time member of the police war reserve or the women's auxiliary police corps :

Provided that nothing in this paragraph shall prevent a member of the Home Guard or a part-time constable from being required in accordance with the instructions of the Army Council or, as the case may be, the chief officer of police to perform fire guard duties at any premises where he performs duties as such a member or as a constable during periods for which he performs those duties.

(2) In this paragraph the expression "special constable" means—

- (a) 1 & 2 Will. 4, c. 41. 45 & 46 Vict., c. 50—a special constable appointed under any of the provisions of the Special Constables Act, 1831, as amended by the Special Constables Acts, 1914 and 1923, or appointed under section one hundred and ninety-six of the Municipal Corporations Act, 1882 ;
- (b) a special constable appointed under the provisions of the Special Constables (Scotland) Acts, 1892 to 1923, as amended by Regulation 40AB of the Defence (General) Regulations, 1939, or under the corresponding provisions of any local Act ;
- (c) 13 & 14 Geo. 5, c. 11—a person appointed to act as a constable under section three of the Special Constables Act, 1923, as extended by Regulation 40AA of the Defence (General) Regulations, 1939.

3. Any person, not being a person referred to in sub-paragraph (1) (b) of the last foregoing paragraph, who—

- (a) is enrolled in one of the cadet organisations referred to in the said sub-paragraph for duty as an instructor ; or
- (b) is in whole-time employment and is a cadet enrolled in one of the said cadet organisations.

and, in either case, produces a certificate from the officer commanding the unit to which he is attached stating that, at the time when the certificate was issued he was enrolled and was attending the unit on not less than three days a week for the purpose of performing duties as an instructor or, as the case may be, as such a cadet, and that it is expedient for the efficient performance of the said duties that he should be exempted under this paragraph from fire guard duties shall, so long as he continues to be so enrolled and so to attend and (in the case of a cadet) to be in whole-time employment, be exempted from all fire guard duties under this order, except duties during his working hours under arrangements in force for any non-residential premises.

4. Any part-time member of the National Fire Service, other than a member of a works fire brigade, who produces a certificate signed by—

- (a) in the case of a member of a Fire Force, a member of that Force of a rank designated by the Fire Force Commander not below the rank of section leader,

(b) in any other case, the Chief Regional Fire Officer or a member of the National Fire Service of a class designated by the Secretary of State, stating that at the time when the certificate was issued, he was performing duties as such a member for periods amounting in the aggregate to not less than forty-eight hours in each period of four weeks, shall, so long as he continues to perform duties as such a member for such periods be exempted from all fire guard duties under this order, except duties during his working hours under arrangements in force for any non-residential premises :

Provided that nothing in this paragraph shall prevent a member of the National Fire Service from being required to perform fire guard duties at any premises where he performs duties as such a member during the periods for which he performs duties as such a member.

5. Any part-time member of a civil defence service who produces a certificate from a local authority, harbour authority or county council that on the 18th January, 1941, or (in the case of a woman) the 15th August, 1942, he or she had undertaken to perform duties as such a member for periods amounting in the aggregate to not less than forty-eight hours in each period of four weeks shall, so long as he or she continues to perform such duties either for the periods aforesaid or for such less periods as the local authority, harbour authority or county council, with the approval of the Regional Commissioner, decide to be sufficient, having regard to the nature of the duties performed, to justify exemption from fire guard duties, be exempted from all fire guard duties under this order, except duties during his or her working hours under arrangements in force for any non-residential premises :

Provided that nothing in this paragraph shall prevent any person from being required to perform fire guard duties at any premises where he or she performs duties as a member of a civil defence service during the periods for which he or she performs those duties.

6. Any person who produces a certificate signed by or on behalf of the Minister of Health stating that he is a member of the river emergency service of the Port of London Authority and has undertaken to perform duties as such a member for periods amounting in the aggregate to not less than forty-eight hours in each period of four weeks shall, so long as he continues to perform the said duties for the said periods, be exempted from all fire guard duties under this order, except duties during his working hours under arrangements in force for any non-residential premises.

7. Any person who has in compliance with directions given under paragraph (1) of Regulation twenty-nine BA of the Defence (General) Regulations, 1939, entered the service of a local authority, within the meaning of that Regulation, or a harbour authority for employment in a capacity to which Regulation twenty-nine B of the said Regulations applies or who has in pursuance of a requirement under sub-paragraph (d) of paragraph (1) of the said Regulation twenty-nine B taken up part-time employment in any such capacity as aforesaid, shall, so long as he continues to be so employed for periods amounting in the aggregate to forty-eight hours in each period of four weeks or for such less periods as the local or harbour authority, with the approval of the Regional Commissioner, decide to be sufficient, having regard to the nature of the duties performed, to justify exemption from fire guard duties, be exempted from all fire guard duties under this order, except duties during his working hours under arrangements in force for any non-residential premises :

Provided that nothing in this paragraph shall prevent any such person from being required to perform fire guard duties at the premises where he is employed in any such capacity as aforesaid during the periods for which he is so employed.

8. Any person who is appointed in a part-time capacity to be a fire guard officer, a deputy or assistant fire guard officer, a fire guard staff officer, an assistant fire guard staff officer, a fire guard area captain, a sector captain, a block leader, a street fire party leader or a reserve centre superintendent, or a head fire guard, a senior fire guard or a depot superintendent, in the area of any local authority and produces, in a case where he has been appointed by a local authority, a certificate to that effect, shall, so long as he continues to hold that appointment, be exempted from all fire guard duties under this order, except duties during his working hours under arrangements in force for any non-residential premises :

Provided that nothing in this paragraph shall exempt a block leader or street fire party leader from the performance of fire guard duties at the Palace of Westminster.

9. 2 & 3 Geo. 6. c. 31.—Any person who produces a certificate signed by or on behalf of the Minister of Health or the Secretary of State for Scotland stating that he is enrolled by a government department, a local authority, a harbour authority or a county council, or any body or person having the management of a hospital, for the purposes of giving assistance without remuneration in connection with the admission or transference of patients in pursuance of arrangements made by the Minister of Health or the Secretary of State for Scotland under paragraph (a) of subsection (1) of section fifty of the Civil Defence Act, 1939, and that at the date of the certificate he was in attendance, elsewhere than at the premises where he

works or at the place where he lives for giving such assistance for periods amounting in the aggregate to not less than forty-eight hours in each period of four weeks, shall, so long as he continues to be in attendance for such periods, be exempted from all fire guard duties under this order, except duties during his working hours under arrangements in force for any non-residential premises.

10. Any person who produces a certificate from a local authority for an area to which the Fourth Schedule to the Fire Guard (Local Authority Services) Order, 1943, applies stating that he is required, by virtue of his enrolment under that Schedule, to perform fire guard duties under this order in that area or has undertaken to perform such duties for periods amounting in the aggregate to not less than forty-eight hours in each period of four weeks shall, so long as the certificate is in force and he continues to perform the said duties or, as the case may be, the said duties for the said periods, be exempted from all fire guard duties under this order, except duties during his working hours under arrangements in force for any non-residential premises.

PART III.

PERSONS EXEMPTED FROM FIRE GUARD DUTIES BY THE APPROPRIATE AUTHORITY OR DEPARTMENT AND NIGHT WORKERS.

1. Where arrangements are in force under this order for any non-residential premises, the appropriate authority for the premises, if they are business premises, or the appropriate department for the premises, if they are government premises, may give directions that any person who works at the premises and performs at or in connection with the premises outside his working hours such duties as the appropriate authority or, as the case may be, the appropriate department may specify for periods amounting in the aggregate to not less than forty-eight hours in each period of four weeks, being duties (other than fire guard duties) undertaken to forestall or mitigate the effects of hostile attack, shall be exempted wholly or partly from fire guard duties under arrangements in force under this order for those premises, except duties during his working hours :

Provided that—

- (a) this paragraph shall not apply to any premises for which arrangements have been made or amended under Part III of this order so as to include provision for civil defence services ;
- (b) any power exercisable under this paragraph by an appropriate authority shall where the appropriate authority is a local authority be exercised by the Regional Commissioner instead of by the appropriate authority.

2.—(1) Where it appears to the appropriate authority for any business premises, or the appropriate department for any government premises, that the premises are industrial premises used for vital work, they may give directions that any male person who appears to that authority or department to be employed at those premises, or at those premises and other industrial premises, upon such work for exceptionally long hours shall be exempted wholly or partly from fire guard duties under arrangements in force under this order for those premises, except duties during his working hours.

(2) For the purposes of this paragraph—

- (a) the expression " industrial premises " includes any premises used for the purposes of road transport undertakings ;
- (b) a person shall be deemed to work at any premises if he is employed at repairing or constructing a ship in connection with the purposes for which those premises are used.

3. Where arrangements are in force under this order for any non-residential premises, the appropriate authority for the premises, if they are business premises or the appropriate department for the premises, if they are government premises may give directions that any woman who appears to that authority or department to be employed at those premises, or at those premises and other non-residential premises, for exceptionally long hours shall be exempted wholly or partly from fire guard duties under arrangements in force under this order for those premises, except duties during her working hours.

4. Where arrangements are in force under this order for any non-residential premises, the appropriate authority for the premises, if they are business premises or the appropriate department for the premises, if they are government premises

may give directions that any constable who works at the premises, other than a person referred to in paragraph 5 of the Second Schedule to the Fire Guard (Local Authority Services) Order, 1943, shall be exempted from all fire guard duties under arrangements in force under this order for those premises, except duties during his working hours.

5. Where any person who has been wholly exempted under any of the foregoing paragraphs of this Part of this Schedule from the performance of fire guard duties outside his working hours under arrangements in force for the premises at which he works, lives at any residential premises for which arrangements are in force under this order and produces to the occupier of those premises a certificate stating that he has been so exempted, he shall be exempted from duties under arrangements in force for those residential premises.

6.—(1) Where any person working at any non-residential premises for which arrangements are in force under this order is employed in night work, the following provisions shall have effect—

- (a) if he is ordinarily employed for every week in night work, or is ordinarily employed in night work on not less than twenty nights in twenty-eight, he shall be exempted from all fire guard duties under this order except duties during his working hours under arrangements in force for the premises: provided that he may be required to perform duties outside his working hours under such arrangements on not more than one night in any week, being a night on which he is employed in night work, for a period beginning not earlier than 5 p.m. and ending when his work begins for the night or for a period beginning after his work has finished for the night and ending not later than 8 a.m. on the morning following that night, but the periods for which he is required to perform the said duties outside his working hours shall not in the aggregate exceed twelve hours in each period of four weeks;
- (b) if he is employed in night work on a weekly shift system for three weeks in four, or for two weeks in three, or for three weeks in five, or is ordinarily employed in night work on not less than fifteen and not more than nineteen nights in twenty-eight, the maximum of forty-eight hours in a period of four weeks for which he may be required to perform fire guard duties outside his working hours under this order, shall be reduced by thirty-six hours;
- (c) if he is employed in night work on a weekly shift system for one week in two, or for two weeks in five, or for one week in three, or is ordinarily employed in night work on not less than eight and not more than fourteen nights in twenty-eight, the said maximum shall be reduced by twenty-four hours;
- (d) if he is employed in night work on a weekly shift system for one week in four, or is ordinarily employed in night work on not less than five and not more than seven nights in twenty-eight, the said maximum shall be reduced by twelve hours;
- (e) if he is employed in night work on a system which involves his employment therein for periods consisting of at least four consecutive weeks, the said maximum shall, as respects any period of four weeks as defined by this order, be reduced by twelve hours for each week (if any) for which he is so employed during that period of four weeks.

(2) Where any person employed in night work lives at any residential premises for which arrangements are in force under this order he shall not be exempted from any fire guard duties under those arrangements by virtue of this paragraph until he has produced to the occupier of those premises a certificate stating the necessary particulars.

(3) For the purposes of this paragraph—

- (a) a person shall be deemed to be employed in night work on any night if he performs not less than four hours of work, exclusive of any interval for a meal or a rest, between the hours of 10 p.m. and 6 a.m. on that night;
- (b) a person shall not be deemed to be employed in night work for any week unless he is so employed on at least five nights in that week;

- (c) the expression "week" means the period between midnight on Sunday night and midnight on the succeeding Sunday night, except that, in a case where the system of work is based upon a seven-day period beginning and ending at times differing from those aforesaid, it means that period.

Formal Provisions as to Certificates.

7. Any certificate issued under this Part of this Schedule shall—

- (a) if it is issued during the first four weeks of any period of twelve weeks, expire at the end of that period of twelve weeks;
- (b) if it is issued during the last eight weeks of any period of twelve weeks, expire at the end of the next period of twelve weeks;

Provided that a certificate may from time to time be endorsed so as to cover a further period of twelve weeks and any such endorsement shall, so far as practicable, be made not less than four weeks and not more than eight weeks before the date on which the certificate would otherwise expire, and, in the case of a certificate issued for the purposes of paragraph 6 of this Part of this Schedule, the particulars specified in the endorsement shall for the purpose of that paragraph be deemed to be substituted for the particulars specified in the certificate.

8. Any such certificate, and any endorsement of any such certificate shall be in the prescribed form and—

- (a) in the case of a person who works at business premises shall be signed by a person authorised by the appropriate authority for the premises or by a person of a class so authorised;
- (b) in the case of a person who works at government premises shall be signed by a person authorised by or on behalf of the appropriate department for the premises, or by a person of a class so authorised;

Provided that—

- (i) a certificate for the purposes of paragraph 1 of this Part of this Schedule shall, where the premises are business premises for which a local authority is the appropriate authority, be signed by or on behalf of the Regional Commissioner;
- (ii) a certificate for the purposes of paragraph 6 of this Part of this Schedule shall, where the premises are business premises, be signed by the occupier of the premises or by a person authorised by him with the approval of the appropriate authority for the premises.

PART IV.

PERSONS EXEMPTED FROM FIRE GUARD DUTIES AT RESIDENTIAL PREMISES ONLY.

1. Where any person employed as a prison officer or as an officer, nurse or attendant in any mental institution, as hereafter defined in this Schedule, who lives at any residential premises for which arrangements are in force under this order (not being premises at which he works) produces to the occupier of those residential premises a certificate signed by a person or by a person of a class authorised by or on behalf of the government department, local authority, county council, body or person having the control or management of the prison or institution, as the case may be, stating that he is so employed and is required to stand by at premises forming part of the prison or institution for periods outside his hours of actual duty amounting in the aggregate to not less than forty-eight hours in each period of four weeks, he shall, so long as he continues to stand by for such periods, be exempted from fire guard duties under arrangements in force for the residential premises.

2. Where any person who lives at any residential premises for which arrangements are in force under this order is employed at any premises forming part of a public utility undertaking or petroleum installation, being premises to which this order applies, and produces to the occupier of those residential premises a certificate signed by a person or by a person of a class authorised by or on behalf of the appropriate authority or the appropriate department for the premises stating that at the date of the certificate he was so employed in an essential capacity and is required to stand by elsewhere than where he lives for periods when he is not actually at work amounting in the aggregate to not less than forty-eight hours in each period

of four weeks, he shall, so long as he continues to stand by for such periods, be exempted from fire guard duties under arrangements in force for the residential premises.

3. A duly qualified medical practitioner or certified midwife who lives at any residential premises for which arrangements are in force under this order, not being premises forming part of a hospital, sanatorium, clinic or similar institution, shall be exempted from duties under those arrangements.

PART V

POWER OF MINISTER TO EXEMPT SPECIFIED CLASSES OF PERSONS

The Minister may by directions make provision for the exemption from all duties under this order or from all such duties outside their working hours of such classes of persons as may be specified in the directions, and subject to such conditions as may be so specified.

PART VI

INTERPRETATION

In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“certified midwife” means a woman certified under the Midwives Acts, 1902 to 1936, or the Midwives (Scotland) Acts, 1915 and 1927, and a woman who is deemed to be a certified midwife by virtue of Regulation thirty-three of the Defence (General) Regulations, 1939, and also includes, for the purposes of paragraph 3 of Part IV of this Schedule, a woman whose name is entered on the register of pupils maintained by the Central Midwives Board or the Central Midwives Board for Scotland ;

“mental institution” means, as respects England, the Broadmoor Criminal Lunatic Asylum, any institution within the meaning of the Mental Treatment Act, 1930, or any institution, certified house or approved home within the meaning of the Mental Deficiency Act, 1913, and, as respects Scotland, any criminal lunatic asylum or any institution or certified house within the meaning of the Mental Deficiency and Lunacy (Scotland) Act, 1913, or any asylum within the meaning of the Lunacy (Scotland) Acts, 1857 to 1919 ;

“working hours” has the same meaning as in the Defence (Fireguard) Regulations, 1943, except that it includes any break for food or rest not exceeding one and a half hours in the course of a period of work.

Article 12

THIRD SCHEDULE

STATES REFERRED TO IN ARTICLE 12 OF ORDER

Argentina.	The Netherlands.
Belgium.	Nicaragua.
Brazil.	Poland.
Cuba.	Salvador.
Greece.	Switzerland.
Guatemala.	Turkey.
Honduras.	The United States of America.
Iceland. (c)	Venezuela.
Iran.	Yugoslavia.

APPENDIX II

Notes.—Subjects which the N.F.S. might teach are marked with a marginal line.

Fire Guard Training Syllabus

I. *What the individual fire guard should know*

Instruction to be given by any of the following :—

Instructor A.R.P.S. or L.A.R.P.	
Supplementary Instructor (Fire Guard)	
Fire Guard Area Officer	} These persons must have completed the course of training laid down in Appendices A and B of A.R.P. Training Manual No. 2.
Fire Guard Area Captain	
Head or Senior Fire Guard	
Fire Guard Sector Captain	
Civil Defence Warden	
Member of N.F.S. authorised by his superior officer.	

Subjects to be taught

A. *Theoretical*

- (1) Object and method of incendiary bomb attack and consequent need for the organisation of the Fire Guard, including local organisation.
- (2) Brief description of all types of incendiary bombs : objects and method of functioning (A.R.P. Handbook No. 14).
- (3) Methods of dealing with the various types of ignited and unignited I.Bs., including ways and means of taking cover (A.R.P. Handbook No. 14).
- (4) Reducing fire risks in all types of premises (A.R.P. Handbook No. 13).
- (5) Causes of and precautions against fire spread (A.R.P. Handbook No. 13).
- (6) F.G. equipment. Description and use, care and maintenance ; water containers, reserve water supplies and internal hydrants (A.R.P. Handbook No. 14).
- (7) Elementary methods of rescue from a burning building (A.R.P. Handbook No. 14). (For those who volunteer to receive this training.)
- (8) Treatment for shock and burns (including phosphorus burns) (A.R.P. Handbook No. 14). (For those who volunteer to receive this training.)
- (9) Fire fighting and general hints (A.R.P. Handbook No. 14).

B. (I) *Practical*

- (10) Stirrup pump drill—wet and dry (A.R.P. Handbook No. 14).
- (11) Alternative methods of fighting fires, including use of chemical extinguishers, etc. (A.R.P. Handbook No. 14).
- (12) Ladder drill, in conjunction with stirrup pump drill (for those who volunteer to receive this training).
- (13) Use of external and internal hydrants and hose reels where installed.

B. (II) *Instruction in the following items (14 & 15) to be given only by a qualified instructor (A.R.P.S. or L.A.R.P.) or Supplementary Instructor (Fire Guard)*

- (14) Smoke drill in the fire hut.
- (15) Practice in extinguishing A.R.P. practice incendiary bombs and fires in the fire hut.

C. *Tactical.* (Note.—“F.P.L.”=Fire Prevention Leaflet No. 6 (as amended by Annexe to H.S.C. 120/43).) *Instruction to be given by any of the following :—*

Occupier of the premises or by some person authorised by him.
Instructor F.G.I.C. or L.F.G.I.
Fire Guard Area Officer
Fire Guard Area Captain
Fire Guard Area Instructor
Head or Senior Fire Guard
Fire Guard Sector Captain
Block and party leaders
Member of N.F.S. authorised by his superior officer

- (16) The need for leadership and discipline.
- (17) General outline of the Fire Guard Plan.
- (18) Ground organisation—sectors, party areas and blocks (F.P.L. No. 6, Sections C, D and E).

(19) Situation of all assembly points, block points, sector points and premises on the list of important fire risks in their areas and the quickest routes from these points to the fire station serving their areas. (F.P.L. No. 6, paragraphs 18-19, 31, 37, 51A.)

(20) Detailed study of the approaches to buildings for which they are responsible.

(21) The layout of premises (or parts) allotted to fire guards by the block or party leader including :—

(a) Means of obtaining entry to buildings.

(b) Means of access and quick routes to all parts of the buildings, roof spaces, entrances and exits, staircases, fire escapes, hydrants, main gas and electricity controls—position and how and when to turn off—tele-phones, etc.

(c) The whereabouts of high or special fire risks.

(d) The position of all equipment, water containers, static water reserves, etc.

(e) Positions where suitable cover can be obtained against explosive I.Bs., shrapnel, etc., party walls and so on when operating against fires.

(22) The whistle signal (or other means of giving warning of fall of I.Bs) (A.R.P. Handbook No. 14).

(23) Action plan for the party, means of communication between Key Watchers, teams and leaders.

(24) Simple methods of dealing with certain types of fires, e.g. petrol, oil, electricity and coal gas, etc. (A.R.P. Handbooks Nos. 13 and 14).

(25) Use of message forms and tallies. (F.P.L. No. 6, paragraphs 61-67).

(26) Movement of fire guard reinforcement in a sector (F.P.L. No. 6, paragraphs 45-51).

(27) How to approach a fire and enter burning premises.

(28) Action to be taken if a fire is getting out of control (F.P.L. No. 6, paragraphs 52-53A).

(29) How to direct the N.F.S. to the fire and into the building (F.P.L. No. 6 13 (c)).

(30) How to assist the N.F.S. on the fire ground, e.g. identification of N.F.S. appliances, handling N.F.S. equipment such as hose, branches, couplings, hose ramps, standpipes, mobile dams, etc. (F.P.L. No. 6, paragraph 13 (e) and (f)).

(31) Identification of the ranks of N.F.S. Officers.

(32) How to detect danger from falling ceilings, walls, etc.

(33) Access to canals, rivers, etc., in the area (where relevant).

(34) Damping down to prevent rekindling.

(35) Liaison with wardens at an incident and co-operation with police and other services.

II. What the Officers and Leaders, e.g. Fire Guard Area Officers, Area Captain, Head and Senior Fire Guards, Sector Captains, Block and Party Leaders should know.

Instruction to be given by any of the following :—

Local Authority Fire Guard Training Officer.

Instructor F.G.I.C. or L.F.G.I.

Fire Guard Area Instructor

Member of N.F.S. authorised by his superior officer

Subjects to be taught

All items in A, B, C above and Nos. 36 to 44 in addition.

(36) The duties of fire guard area officers, area captains, sector captains, party and block leaders, head and senior fire guards (F.P.L. No. 6, paragraphs 20-25; 32-35; 41-42).

(37) General topography of the neighbourhood, layout of streets and position of important buildings, high or special fire risks, etc. (F.P.L. No. 6, paragraph 73 (e)).

(38) Existence of industrial or other private fire brigade and any other information which would be of use to the N.F.S. (F.P.L. No. 6, paragraphs 54 and 73 (e)).

(39) Detailed study of the situation of hydrants in the vicinity, pipe lines and other supplementary water supplies within, say, half a mile of the premises for which they are responsible (F.P.L. No. 6, paragraph 73 (f)).

(40) Fire calls by other services and the public (F.P.L. No. 6, paragraph 12, and Annex II, paragraphs 17-22).

(41) Salvage of property.

(42) Outline of N.F.S. Mobilising Procedure (F.P.L. No. 6, paragraphs 6, 68A-68E, and paragraph 71A).

(43) Special action to be taken in hospitals and other places which cannot be evacuated.

(44) How to stage simple demonstrations and tactical exercises (F.P.L. No. 6, paragraph 73 (h)).

III. What the Higher Officers of the Fire Guard should know

Subjects to be taught

In addition to their administrative and specialised duties, all officers should be trained in items in A and B above and also in any of the appropriate items numbered 16 to 47.

IV. Specialised duties

(Instruction to be given by the appropriate qualified person.)

Training required

- | | | |
|---|-----|--|
| (a) Fire guard reserve centre super-intendents. | ... | All items in A, B and in any of the appropriate items numbered 16 to 44. |
| (45) Additional subject | ... | Amenities and depot hygiene. Occupational activities during standby duties. |
| (b) Sector point message clerks (F.P.L. No. 6, paragraphs 43-44). | ... | All items in A, B and C except Nos. 7, 11, 12, 13, 21, 27, 30, 32, 34, 35 and (e) and (f) below. |
| (46) Additional subject | ... | Sector point procedure: keeping of records, tally board (if any), etc. (F.P.L. No. 6, paragraphs 67-69). |
| (c) Messengers or runners | ... | All items in A, B and C and Nos. 37 and 38. |
| (47) Additional subject | ... | How to deliver messages, procedure, etc. (F.P.L. No. 6, paragraphs 57-59). |
| (d) Personnel at hospitals and similar places. | ... | All items in A, B and C and No. 43. |

(e) Trailer pump crews

Teams for trailer pumps will be trained by members of the N.F.S. according to the drill set out in the National Fire Service Drill Book (3rd Edition—revised December, 1942). Women may also receive this training.

(f) Wheelbarrow pump crews

Teams for wheelbarrow pumps consisting of three persons who may be women will be trained by members of the N.F.S. or by fire guard leaders.

V. Notes on Method of Training

1. A comprehensive training plan should be made with a view to attaining the following objectives by certain dates. The following phases are suggested :—

Phase 1.—To cover period within which all fire guards (except for new entrants) will have completed Section A and B above.

Phase 2.—The training of fire guard officers and leaders in their duties.

Phase 3.—Implementation of the training plan, e.g. carrying out of small exercises (Section C above).

Phase 4.—The holding of exercises to test stages of reinforcements.

2. Instruction should be begun forthwith on Tactical Training (Section C). All items under this section should be covered, but particular attention should be paid to Item 21. Much of this tactical training can be carried out simultaneously with sections A and B.

3. Training once given must be frequently rehearsed, particularly in connection with stirrup pump drill and small tactical exercises. In the case of business premises and at fire guard reserve centres, each party on duty should be given stirrup pump drill, checking equipment or a tactical rehearsal each night lasting for at least one hour. For residential areas periodical rehearsals should be held for each duty team and at longer intervals, rehearsals for the whole party.

4. When all fire guards have been fully trained, i.e., dealing with fires in their own premises or area, Phase 4 (Item 1 above) can be begun.

5. All training should, so far as possible, be given on practical lines and should take the form of demonstrations followed by small exercises.

6. Normally the instruction in Section A of the Syllabus should be given in two lectures lasting 45 minutes each. Occupiers of neighbouring business premises may find it convenient to arrange for their fire guards to attend the lectures at a central point to be mutually agreed. The practical training at the fire hut (Section B) can be given to ten fire guards in approximately two hours.

7. It is suggested that each fire guard should retain a record of his training on the following lines :—

Name													
Block or assembly point No.....													
Local authority.....													
Date of attendance	Section A Theoretical	* Section B Practical	* Section C Tactical	Specialised duties				Trailer pump training	* Wheelbarrow pump training	* f			
				a	b	c	d						
4/3/43	All	JR	—	16-21	JS	—	—	—	—	—			
6/3/43	—	—	—	—	—	—	—	—	—	—			
12/3/43	—	10-13	JW	—	—	—	—	—	—	—			

* Initials of instructor

This record would tend to promote the enthusiasm of fire guards and encourage a desire for training. A reference to the key, i.e. the above Syllabus, which being universal is held by training officers (L.A. and B.P.), would enable them to ascertain the stage of training received by any fire guard who may be entering the area or transferred to the business from another branch or business concern. It is appreciated that certain of the items marked as having been taken, e.g. No. 21, would have to be taken again in the new area. Any system of personal records of training will, of course, be in addition to the records which business or government premises or the local authority, as the case may be, maintains under the Fire Guard Orders.

8. Reference literature has been given at the side of certain of the subjects to be taught. Only official Handbooks and Memoranda, as modified by amendments issued from time to time, should be used for training purposes.

9. In view of the time factor (see paragraph 6 above) and the need to expedite training, it is emphasised that only the minimum of information essential for the training of fire guards should be taken for lecturing purposes from the handbooks referred to. Once the basic training is complete, however, encouragement should be given to fire guards to extend their knowledge as far as is practicable.

R.P. 994/43

APPENDIX III

Home Security Circular No. 145/1943

Training of Local Instructors (L.A.R.P.)

It has been decided to revise the syllabus of training for instructors (L.A.R.P.) in anti-gas measures, elementary methods of protection against high explosive bombs and incendiary bomb control as set out in A.R.P. Department Circular No. 140/1939. The new syllabus (which should be adopted immediately) will be included in a new edition of Civil Defence Training Manual, No. 2.

1. Courses for Local Instructors (L.A.R.P.)

The course now recognised for the training of instructors L.A.R.P. covers :—

- Anti-gas (16½ hours).
- Elementary H.E. (4½ hours).
- I.B. Control (11 hours).
- General (7½ hours).

Candidates for local courses for the training of instructors (L.A.R.P.) must be selected with the same care as candidates for a course at the Ministry of Home Security Schools (Falfield and Easingwold). Candidates so selected must possess :—

- A standard of intelligence capable of rapidly absorbing a subject which must necessarily be taught in a limited time and in intensive form ;
- Sufficient personality to make interesting and informative the instruction which they will subsequently be called on to give.

Ability to impart instruction is of primary importance, and the co-operation of local authorities in these matters will be of material value.

Instructors A.R.P.S. who conduct these Courses must, subject to vacancies, attend a Refresher Course at one of the Ministry of Home Security Schools (Falfield or Easingwold) at reasonable intervals as occasion offers.

Locally trained Instructors L.A.R.P. are primarily intended to give instruction in the area in which they obtained their certificate and must not give public instruction or conduct courses for the training of Civil Defence personnel in another area except with the consent of the local authority empowered, under section 1 of the Air Raid Precautions Act, 1937, to prepare the air raid general precautions scheme for that other area.

Instructors L.A.R.P. are required, if engaged on training, to attend the first available L.A.R.P. Refresher Course within two years from the date of their certificate and local authorities are asked to make provision accordingly.

Instructors L.A.R.P. who qualified under A.R.P. Department Circular 140/1939 must, if engaged on training, attend at the first available opportunity, a Refresher Course organised by a Controlling Body.

Instructors who fail to attend Refresher Courses within the specified period will not be eligible to conduct further courses of instruction. Certificates should accordingly be endorsed at each attendance at a Refresher Course.

2. Equipment required for Courses for Instructors

Particulars of the equipment required for anti-gas instruction and for the course in incendiary bomb control, including the arrangement for the supply of practice magnesium incendiary bombs for use during the L.A.R.P. course, are contained in official publications. Advice concerning materials for the construction of incendiary bomb huts for demonstrations and practical training in incendiary bomb control, will be supplied by Regional Headquarters.

Some local authorities are still using, for training and demonstration, improvised incendiary bombs as well as other types of "practice" bombs, including phosphorus bombs, which have not been approved by the Ministry of Home Security.

Such bombs are often not true to type and their use in training may not only create false impressions but also lead to accidents. A number of accidents have in fact been so caused.

The use of any bombs other than those officially approved must, therefore, be discontinued.

The Ministry hopes to devise a "practice" bomb simulating a phosphorus bomb and to make it available for training purposes.

Local authorities should therefore see :—

- (a) that only those types of bombs which have been approved by the Ministry of Home Security are used for training and demonstration. A separate Thunderflash firework (price 1d.) may be used in addition to (but only if not attached to) practice bombs. On no account must the Mark V Thunderflash be used for this purpose ;
- (b) that bombs and fireworks are used only by, or under the supervision of, qualified instructors (A.R.P.S.) or (L.A.R.P.) ;
- (c) that approved bombs and fireworks are used as received from the manufacturers without any alterations or additions.

Expenditure on the purchase of bombs and fireworks other than those of approved types will not be accepted in claims for grant.

Local authorities are asked to ensure that the services of Instructors A.R.P.S. within their respective areas are fully utilised for local training of Civil Defence personnel. Instructors L.A.R.P. should be used only when Instructors A.R.P.S. are not available or to assist Instructors A.R.P.S.

A.R.P. Department Circular 140/1939 is hereby cancelled.

This circular, a copy of which is enclosed for the Chief Financial Officer, is issued by direction of the Minister of Home Security.

(A.F.Os. 2137/43, 2452/43, 3115/43 and 3123/43.)

(A.F.Os. 705/41, 4094/41, 4341/41 and 5222/41—not in annual volume—are cancelled)
(A.F.Os. 599/42, 2195/42, 2196/42, 2339/42, 6236/42, 107/43, and C.A.F.O. 2197/42 are cancelled)