
STATUTORY INSTRUMENTS

1993 No. 1578

The Fire Services (Amendment) (Northern Ireland) Order 1993

Special procedure in case of serious risk: prohibition notices

12. For Article 33 of the principal Order (court's power to prohibit or restrict use of certain premises until excessive risk to persons in case of fire is reduced) there shall be substituted—

“Special procedure in case of serious risk: prohibition notices

33.—(1) This Article applies to—

- (a) any premises which are being or are proposed to be put to a use (whether designated or not) which falls within at least one of the classes of use mentioned in Article 22, other than premises of the description given in Article 23; and
- (b) any premises to which Article 24 for the time being applies.

(2) If as regards any premises to which this Article applies the Authority is of the opinion that use of the premises involves or will involve a risk to persons on the premises in case of fire so serious that use of the premises ought to be prohibited or restricted, the Authority may serve on the occupier of the premises a notice (“a prohibition notice”).

(3) The matters relevant to the assessment by the Authority, for the purposes of paragraph (2), of the risk to persons in case of fire include anything affecting their escape from the premises in that event.

(4) A prohibition notice shall—

- (a) state that the Authority is of the opinion referred to in paragraph (2);
- (b) specify the matters which in the opinion of the Authority give or, as the case may be, will give rise to that risk; and
- (c) direct that the use to which the prohibition notice relates is prohibited or restricted to such extent as may be specified in the notice until the specified matters have been remedied.

(5) A prohibition notice may include directions as to the steps which will have to be taken to remedy the matters specified in the notice.

(6) A prohibition or restriction contained in a prohibition notice in pursuance of paragraph (4)(c) shall take effect immediately it is served if the Authority is of the opinion, and so states in the notice, that the risk of serious personal injury is or, as the case may be, will be imminent, and in any other case shall take effect at the end of a period specified in the prohibition notice.

(7) Where a prohibition notice has been served under paragraph (2) the Authority may withdraw the notice at any time.

Rights of appeal against prohibition notices

33A.—(1) A person on whom a prohibition notice is served may, within 21 days from the date on which the prohibition notice is served, appeal to the county court in accordance with county court rules.

(2) On an appeal under this Article, the county court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(3) Where an appeal is brought under this Article against a prohibition notice, the bringing of the appeal shall not have the effect of suspending the operation of the notice, unless, on the application of the appellant, the court so directs (and then only from the giving of the direction).

Provision as to offences

33B.—(1) It shall be an offence for any person to contravene any prohibition or restriction imposed by a prohibition notice.

(2) In any proceedings for an offence under paragraph (1) where the person charged is a person other than the person on whom the prohibition notice was served, it shall be a defence for that person to prove that he did not know and had no reason to believe the notice had been served.

(3) Any person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine, or imprisonment for a term not exceeding 2 years, or both.”.