

# **FIRE AND RESCUE SERVICES ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 6: Supplementary**

##### **Powers of entry**

##### ***Section 45: Obtaining information and investigating fires***

79. This section allows an authorised employee of a fire and rescue authority to enter premises to obtain information that is needed for the discharge of the core functions of fire fighting (section 7), dealing with road traffic accidents (section 8) and specified emergencies (section 9). In the case of premises where a fire has occurred, the section also allows an authorised employee to gain entry in order to investigate the cause and progression of the fire that has occurred there. Such entry cannot be forcible and 24 hours notice must be given to the occupier of a private dwelling, unless authorised by a justice of the peace.

##### ***Section 46: Supplementary powers***

80. [Section 46](#) sets out the powers and the obligations of an employee of a fire and rescue authority who has entered premises under section 45 to gain information or investigate the cause and progression of a fire. The powers and obligations are similar to those applicable to investigations under health and safety legislation.

##### ***Section 47: Notices: general***

81. [Section 47](#) provides for the service of notices under section 45 . It is similar to service provisions under fire safety and health and safety law.

##### ***Section 48: Notices given electronically***

82. [Section 48](#) provides for the electronic service of notices where the recipient agrees to this.