

ORDER IN COUNCIL

**XIX
1989**

ratifying a Projet de Loi

ENTITLED

The Fire Services (Guernsey) Law, 1989

(Registered on the Records of the Island of Guernsey
on the 2nd day of October 1989.)



ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 2nd day of October, 1989 before Graham Martyn Dorey Esquire, Deputy Bailiff; present:— Brian Ernest Herbert Joy, Harry Wilson Bisson, Herbert Nicolle Machon, James de Sausmarez Carey, Geoffrey Ernest Le Page, Stanley Walter John Jehan and Raymond Arthur Heaume, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Charles Anthony Spensley and Kenneth John Rowe, Esquires, Jurats.

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 2nd August, 1989 approving and ratifying a *Projet de Loi* of the States of Guernsey entitled "The Fire Services (Guernsey) Law, 1989", THE COURT, after the reading of the said Order in Council and after having heard Her Majesty's *Procureur* thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 2nd day of August 1989

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 5th day of July 1989 in the words following, viz.:—

“ YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey setting forth:—

1. That, in pursuance of their Resolution of the 29th day of September, 1988, the States of Deliberation at a meeting held on the 26th day of January 1989 approved a Bill or “Projet de Loi” entitled “The Fire Services (Guernsey) Law, 1989”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Fire Services (Guernsey) Law, 1989”, and to order that the same shall have force of law in the Islands of Guernsey and Herm.

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order and it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey and Herm.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

G. I. de Deney.

PROJET DE LOI

ENTITLED

The Fire Services (Guernsey) Law, 1989

ARRANGEMENT OF SECTIONS

Section

PART I

Fire services

1. Duty of Committee to provide fire services.
2. Control of fire services by Committee.

PART II

Fire-fighting

3. Powers of firemen and police.

PART III

Fire-precautions in controlled premises

4. Premises to which fire precautions apply.
5. Exempt premises.
6. Occupiers to provide means of escape, etc.
7. Action where means of escape, etc., not satisfactory.
8. Power of Committee to make regulations and codes.
9. Action where regulations contravened.
10. Power to prohibit use of dangerous premises.
11. Powers of fire inspector.
12. Register of controlled premises.

Section

PART IV

General provisions

13. Offences.
14. Contraventions of codes.
15. Offences by bodies corporate.
16. Offences due to default of other person.
17. Defences in certain cases.
18. Civil remedies not affected.
19. Appeals.
20. Power of Royal Court to modify leases.
21. Service of notices.
22. Information to be stated in notices.
23. Development and building.
24. Consultation between Committees.
25. Extent of States' liability.
26. Ordinances.
27. Interpretation.
28. Repeals.
29. Citation.
30. Commencement.

PROJET DE LOI

ENTITLED

The Fire Services (Guernsey) Law, 1989

THE STATES, in pursuance of their Resolution of the 29th day of September, 1988, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey and Herm.

PART I

Fire services

1. The Committee shall provide services ("fire services") for fire-fighting in the Islands, and shall secure—

*Duty of
Committee
to provide
fire services*

- (a) the provision of such a fire brigade and such equipment as may be necessary to meet efficiently all normal requirements;
- (b) the efficient training of the members of the fire brigade;
- (c) efficient arrangements for—
 - (i) dealing with calls for the assistance of the fire brigade in case of fire and for summoning members of the fire brigade;
 - (ii) obtaining, by inspection or otherwise, information which is required for the purposes of fire-fighting and for the enforcement of fire precautions, being information as to the character of buildings and other property in the Islands, the available water supplies and the means of access thereto, and other material local circumstances;

- (iii) ensuring that reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fire;
- (iv) the giving, when requested, of advice as to preventing fire, fire precautions, restricting the spread of fire, and means of escape in case of fire;
- (v) enforcing fire precautions in accordance with Part III of this Law.

Control of
fire services
by Com-
mittee.

2. The Committee shall—

- (a) control and administer the fire services;
- (b) control, and appoint and dismiss, members of the fire brigade, other than the Chief Fire Officer.

PART II

Fire-fighting

Powers of
firemen
and police.

3. (1) Any member of the fire brigade who is on duty, or any officer of police, may enter, by force if necessary, any premises—

- (a) in which a fire has or is reasonably believed by him to have broken out;
- (b) in which he reasonably believes there to be an immediate danger of a fire breaking out;
- (c) which it is necessary to enter for the purpose of fire-fighting or preventing fire or the spread thereof;
- (d) which it is necessary to enter for the purpose of protecting the premises from any act done for the purpose of fire-fighting or preventing fire or the spread thereof;

and may do anything he reasonably believes to be necessary for the purpose of fire-fighting, preventing fire or the spread thereof, or protecting any such premises from any act done for the purpose of fire-fighting or preventing fire or the spread thereof.

(2) When a fire breaks out, or there is an immediate danger of a fire breaking out—

(a) the senior member of the fire brigade present shall have sole charge and control of all operations for the purpose of fire-fighting or preventing fire or the spread thereof, including—

- (i) the fixing of the positions of fire engines and apparatus;
- (ii) the attaching of hoses to any fire hydrant or water pipe;
- (iii) the use of any water supply; and
- (iv) the control of the direction of the water;

(b) the senior officer of police present, or in the absence of any officer of police the senior member of the fire brigade present, may close any street to traffic or may stop or regulate the traffic in any street whenever he reasonably believes it to be necessary to do so for the purpose of fire-fighting or preventing fire or the spread thereof; and if the presence of any person or vehicle in any street prevents or hinders operations for the purpose of fire-fighting or preventing fire or the spread thereof, the person or the vehicle may be removed by any officer of police or member of the fire brigade present;

- (c) the States Water Board, on being required by the senior member of the fire brigade present to provide a greater supply and pressure of water for the purpose of fire-fighting or preventing fire or the spread thereof, shall take all steps which it is able to take to comply with the requirement and may, for that purpose, shut off the water from the mains and pipes in any area.

(3) The States Water Board is not liable in law to any penalty or claim by reason of any interruption of the water supply occasioned only by compliance with a requirement under subsection (2)(c).

(4) Any person, other than the States Water Board, who by virtue of subsection (2)(a) is required to provide water for the purpose of fire-fighting or preventing fire or the spread thereof in the property of another person, is entitled to be compensated by the States of Guernsey for any pecuniary loss arising therefrom.

(5) Damage caused to any person or property by members of the fire brigade or officers of police engaged in operations for the purpose of fire-fighting or preventing fire or the spread thereof, or exercising any power conferred by this section, shall be deemed, for the purposes of any policy of insurance against fire, to be damage caused by fire.

(6) Nothing in this section derogates from any power of officers of police arising independently of this Law to assist members of the fire brigade in the exercise of the powers conferred by this section.

(7) In this section "premises" includes any building or part thereof, place, vessel or vehicle.

PART III

Fire precautions in controlled premises

4. (1) Subject to section 5, this Part of this Law applies to any premises put to a designated use ("controlled premises").

Premises to which fire precautions apply

(2) A designated use is any of the following—

- (a) use as, or as part of, a place of work in which at least 10 persons are employed to work;
- (b) use as, or for any purpose involving the provision of, sleeping accommodation for at least 10 persons;
- (c) use as, or as part of, an institution providing treatment or care for at least 10 persons;
- (d) use for the purposes of, or for any purpose involving—
 - (i) entertainment or recreation;
 - (ii) any club, society or association;
 - (iii) teaching, training, or research;
 - (iv) access to the premises by members of the public, whether on payment or otherwise; or
 - (v) the sale of food and drink for immediate consumption,

where seating or facilities are provided for at least 40 persons, or where it is reasonable to suppose that, on any occasion, at least 40 persons will be present;

- (e) use as, or as part of, a place—
 - (i) for the retail or wholesale trade;

- (ii) to which the public are invited to resort for the purpose of delivering goods for repair or treatment, or for the purpose of hiring goods; or
- (iii) for auctions,
where the combined area of the sales floor and public floor is at least 200 square metres;
- (f) use as, or as part of, a place in which are stored or used not less than—
 - (i) 1,000 litres of flammable liquid with a flash point below 21 degrees Celsius;
 - (ii) 3,000 litres of flammable liquid with a flash point of 21 degrees Celsius or above;
 - (iii) 250 kilograms of toxic or flammable gases (including liquified gases); or
 - (iv) 25 kilograms of fireworks or pyrotechnics;
- (g) use as, or as part of, a place in which space is provided for tented or other temporary accommodation for at least 100 persons;
- (h) use as, or as part of, a place in which child minding facilities are provided for at least 5 children;
- (i) use for the purpose of obtaining access to controlled premises.

(3) Premises used as, or as part of, a place of work are put to a designated use, and accordingly are controlled premises, notwithstanding that less than the minimum number of persons mentioned in subsection (2)(a) are employed to work in them, if in the building in which the premises are com-

prised there are other premises used as, or as part of, a place of work and the total number of persons employed to work in the building is at least that minimum number.

5. This Part of this Law does not apply to premises consisting of or comprised in a house which is occupied solely as a single private dwelling. **Exempt premises.**

6. (1) An occupier of controlled premises shall ensure that the premises are provided with— **Occupiers to provide means of escape, etc.**

- (a) such means of escape in case of fire;
- (b) such means for securing that the means of escape can be safely and effectively used at all material times;
- (c) such means for fighting fire (whether the fire affects the premises or the means of escape) for use in case of fire by persons in the premises; and
- (d) such means for giving to persons in the premises warning in case of fire,

as may reasonably be required in the circumstances of the case, and shall ensure that such means are kept free from obstruction and properly maintained so that they can be safely and effectively used at all material times.

(2) In determining, in respect of any premises, what means referred to in subsection (1) are reasonably required in the circumstances of the case, regard shall be had (amongst other things) to the number of persons who may reasonably be expected to be resorting to the premises at any time.

Action
where means
of escape,
etc., not
satisfactory.

7. (1) Where the Committee is satisfied on the written report of the Chief Fire Officer that, in respect of any controlled premises, there has been a contravention of section 6, the Committee shall serve on the occupier of the premises a notice requiring him, within the time specified in the notice, to take the steps specified therein (whether by way of making structural alterations to the premises or otherwise), being steps which, in the opinion of the Committee, are necessary to remedy the contravention.

(2) Where the steps required to be taken by a notice served under subsection (1) include the provision of any of the means referred to in section 6, the notice may, in addition, require the means specified in the notice to be kept free from obstruction and properly maintained so that they can be safely and effectively used at all material times.

Power of
Committee
to make
regulations
and codes.

8. (1) The Committee may—

- (a) by regulations specify precautions which the occupiers of controlled premises put to any specified designated use, or any specified class of such premises, are to take or observe to reduce the risk of fire and the risk to persons in case of fire;
- (b) prepare codes for the guidance of such occupiers containing recommendations as to the precautions which ought to be taken or observed to eliminate or reduce the risk of fire and the risk to persons in case of fire.

(2) Without prejudice to the generality of subsection (1)(a), regulations under this section may in particular, in respect of any premises to which they apply, make provision—

- (a) as to the standards which must be met by, and as to the provision, keeping free from obstruction, maintenance, testing and examination of—
 - (i) means of escape in case of fire;
 - (ii) means for securing that any means of escape can be safely and effectively used at all material times;
 - (iii) means for fighting fire;
 - (iv) means of giving warning in case of fire;
- (b) for prohibiting the presence or use in the premises of materials, substances, furniture or equipment of any specified description, or prohibiting its presence or use unless specified standards or conditions are complied with;
- (c) for securing that persons employed to work in the premises—
 - (i) receive appropriate instruction or training in what to do in case of fire;
 - (ii) are familiar with the means of escape from the premises in case of fire and with the routine to be followed in case of fire;
- (d) for securing that, in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises;
- (e) as to the keeping of records of instruction or training given, or other things done, in pursuance of the regulations; and

- (f) as to the procedures to be observed and the precautions to be taken during the installation, removal or demolition of tanks or other containers of oil, liquid petroleum gas, or other explosive or flammable liquids or gases.

(3) Regulations under this section—

- (a) may impose requirements on persons other than occupiers of premises to which they apply;
- (b) may, in respect of any of their provisions, specify who is to be responsible for any contravention thereof.

(4) Regulations and codes under this section shall be laid before a meeting of the States as soon as possible, and if at that or the next meeting the States resolve to annul them, they shall cease to have effect, but without prejudice to anything done under them or to the making of any new regulations or codes.

(5) Regulations and codes under this section—

- (a) may be amended or repealed by subsequent regulations or codes, as the case may be;
- (b) may contain such supplementary and incidental provision as, in the opinion of the Committee, is necessary or expedient for the purposes of the regulations or codes, as the case may be.

(6) The provisions of regulations and codes under this section are in addition to, and not in derogation from, the provisions of section 6.

(7) The Committee shall cause any code under this section to be printed, and may cause it to be put on sale (at such price as the Committee may determine) or distributed free of charge.

(8) Regulations and codes under this section may adopt or incorporate (by reference, annexation or otherwise), and may make provision by reference to, the provisions of codes of practice, circulars and other materials issued by Her Majesty's Government in the United Kingdom, which provisions shall thereupon have the same force and effect as regulations or codes, as the case may be, under this section.

9. (1) Where the Committee is satisfied on the written report of the Chief Fire Officer that, in respect of any controlled premises, there has been a contravention of regulations under section 8, the Committee shall, without prejudice to any proceedings under section 13 in respect of the contravention, serve on the person in default (or the person who, by virtue of regulations under section 8(3)(b), is responsible for the contravention) a notice requiring him, within the time specified in the notice, to take the steps specified therein (whether by way of making structural alterations to the premises or otherwise), being steps which, in the opinion of the Committee, are necessary to remedy the contravention.

Action
where
regulations
contravened.

(2) Where the steps required to be taken by a notice served under subsection (1) include the provision of any of the means referred to in section 8(2)(a), the notice may, in addition, require the means specified in the notice to be kept free from obstruction and properly maintained so that they can be safely and effectively used at all material times.

**Power to
prohibit use
of dangerous
premises.**

10. (1) Where the Chief Fire Officer is satisfied that, in respect of any controlled premises, the risk of fire or the risk to persons in case of fire is so serious that, until steps have been taken to reduce the risk to a reasonable level, the use of the premises ought to be prohibited or restricted, he shall, without prejudice to any proceedings under section 13 in respect of the premises, serve on the occupier of the premises a notice prohibiting their use, or restricting their use to the extent appropriate in the circumstances of the case, until the steps specified in the notice, being steps which in his opinion are necessary to reduce the risk to a reasonable level, have been taken.

(2) A notice served under subsection (1)—

- (a) has effect immediately upon service;
- (b) ceases to have effect on the expiration of 7 days after the day of service, unless previously confirmed by the Committee.

**Powers of
fire
inspector.**

11. (1) A fire inspector, on production of his authority if so required, may, subject to subsection (2), at any reasonable time enter any controlled premises, or any premises which he has reasonable cause to believe to be controlled premises, and—

- (a) inspect the whole or any part of the premises and anything in them;
- (b) make such enquiry as is necessary to ascertain—
 - (i) whether the premises are controlled premises;
 - (ii) whether there is or has been, in respect of the premises, a contravention of

section 6, any regulations under section 8, or any notice served under section 7(1), 9(1) or 10(1);

(iii) the identity of the occupier of the premises;

(c) require any person in the premises to render such facilities and assistance as that person is able to render to enable the fire inspector to exercise his powers under this subsection;

(d) take samples of any material or substance found thereon for the purposes of analysis.

(2) The power of entry conferred by subsection (1) is not exercisable in respect of a bedroom unless 24 hours' notice is given to the occupier.

12. (1) The Committee shall prepare and maintain a register to be called the Register of Controlled Premises ("the Register"). Register of controlled premises.

(2) The Register shall contain, in respect of controlled premises, the information required to be stated under subsection (5), and such other information relating to controlled premises as the Committee considers necessary or expedient for the purposes of this Law.

(3) The Register is to be available for public inspection.

(4) A person who—

(a) at the commencement of this section, is an occupier of controlled premises;

(b) at any time thereafter—

(i) becomes, or ceases to be, an occupier of controlled premises;

(ii) is an occupier of premises which become or cease to be controlled premises,

shall, as soon as is reasonably practicable, serve written notice of the fact on the Committee.

(5) A notice under subsection (4) shall state the address of the controlled premises in respect of which the notice is given, the name and address of the occupier of the premises, and the use to which the premises are put.

PART IV

General provisions

Offences.

13. A person who—

- (a) intentionally obstructs or impedes a member of the fire brigade, or an officer of police, engaged in operations for the purpose of fire-fighting or preventing fire or the spread thereof exercising any power conferred by section 3.
- (b) without reasonable excuse gives or causes to be given a false alarm of fire to the fire brigade or to a member thereof;
- (c) contravenes a requirement of a notice served on him under section 7(1) or 9(1) or a requirement of such a notice as modified on his appeal against the notice under section 19;
- (d) contravenes a provision or requirement of regulations under section 8;
- (e) where there has been a contravention of a provision or requirement of regulations under section 8, is responsible for the con-

travention by virtue of regulations under section 8(3)(b);

- (f) being a person upon whom a notice under section 10(1) has been served, uses the premises, or causes or permits them to be used, in contravention of any prohibition or restriction imposed by the notice;
- (g) intentionally obstructs or impedes a fire inspector exercising any power conferred by section 11(1);
- (h) without reasonable excuse fails to reply to any enquiry made by a fire inspector under section 11(1)(b);
- (i) without reasonable excuse contravenes any requirement of a fire inspector under section 11(1)(c);
- (j) in reply to an enquiry made by a fire inspector under section 11(1)(b), or in a notice served on the Committee under section 12(4), gives any information which is false in any material particular;
- (k) discloses, otherwise than—
 - (i) in the performance of his duty;
 - (ii) for the purposes of any legal proceedings (including an arbitration) or report of such proceedings;
 - (iii) to the States Labour and Welfare Committee, any member, officer or employee thereof, an Investigation Committee within the meaning of section 12(3) of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987(a),

or an inspector appointed under section 15 of that Ordinance, in order to enable the discharge of any function under that Ordinance,

any information obtained by him in any premises entered by him in the exercise of any power conferred by this Law;

(l) without reasonable excuse, fails to serve notice in accordance with section 12(4) or serves such a notice which does not state the information required to be stated under section 12(5); or

(m) intentionally obstructs access by a member of the fire brigade to a fire hydrant,

is, subject to section 17, guilty of an offence under this section and liable—

(i) on summary conviction, to a fine not exceeding level 4 on the uniform scale;

(ii) on conviction on indictment, to a fine, to imprisonment for a term not exceeding 2 years, or to both.

Contraven-
tions of
codes.

14. A contravention by any person of a provision of a code under section 8 does not of itself render him liable to civil or criminal proceedings, but the contravention may, in any proceedings in which there is in issue a liability or contention in relation to which the provision of the code appears to the court to be relevant, be relied upon by any party to the proceedings as tending to establish or negative the liability or contention.

Offences by
bodies
corporate.

15. (1) Where an offence under section 13 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any

director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and may be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies to a member in connection with his functions of management as if he were a director of the body corporate.

16. Where the commission by any person of an offence under section 13 is due to the act or default of another person, the latter is guilty of the offence and may be proceeded against and punished accordingly, whether or not proceedings are taken against the former.

Offences
due to
default of
other
person.

17. (1) It is, subject to subsection (2), a defence for a person charged with an offence—

Defences in
certain
cases.

- (a) under section 13(c), (d), (e) or (f), to prove that he took all reasonable precautions and exercised all due diligence to avoid committing the offence;
- (b) under section 13(j), to prove that he did not know that the information was false and could not, with reasonable diligence, have obtained knowledge of that fact.

(2) Where the defence provided by subsection (1)(a) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged may not, without the leave of the court, rely on the defence unless, at least seven days before the hearing, he serves written

notice on the Chief Officer of Police giving such information as to the identity of the other person as is in his possession.

(3) A person is not guilty of an offence under section 13(c) by reason of a contravention of any requirement of the notice in question occurring—

- (a) before the expiration of the time for appealing against the notice under section 19; or
- (b) where an appeal against the notice is instituted, before the determination of the appeal.

Civil remedies not affected.

18. The provision by this Law of a sanction for a contravention of this Law or any regulation or notice under it does not prejudice any civil remedy or right of action (whether for breach of statutory duty or otherwise) that may arise in respect of the contravention.

Appeals.

19. (1) A person aggrieved by a notice served on him under section 7(1), 9(1) or 10(1) may, within 28 days of the date of service, appeal against the notice to the Royal Court on the grounds that—

- (a) its provisions (or any of them) are ultra vires or unreasonable; or
- (b) the service of the notice on him was ultra vires.

(2) An appeal under this section shall be instituted by way of summons served on the President of the Committee.

(3) The summons shall state the grounds and the material facts upon which the appellant relies.

(4) On an appeal under this section the Royal Court may set the notice aside or confirm it, with or without modification.

(5) The decision of the Royal Court on an appeal under this section is final.

(6) If a notice served under section 10(1) ceases to have effect by virtue of section 10(2)(b), any appeal under this section in respect of the notice shall be deemed to have been withdrawn.

20. (1) A person who, by reason of any term or condition of a lease, licence or other agreement, is prevented from executing or doing in respect of controlled premises any works or other thing the execution or doing of which is required by or under this Law may apply to the Royal Court which may make such order modifying the lease, licence or agreement as it thinks just in the circumstances of the case.

Power of
Royal Court
to modify
leases.

(2) Where the execution or doing in respect of controlled premises of any works or other thing the execution or doing of which is required by or under this Law would involve a person who has an interest in the premises in expense or in increased expense which he alleges ought to be borne in whole or in part by another person who has an interest in the premises, he may apply to the Royal Court which may make such order—

- (a) as to the persons by whom, and the proportions in which, the expense or increase is to be borne; and
- (b) for the modification of any term or condition of a lease, licence or other agreement relating to rent or other amounts payable in respect of the premises,

as the Royal Court thinks just in the circumstances of the case.

**Service of
notices.**

21. (1) Subject to the provisions of this section, a notice to be served under this Law is validly served—

- (a) on an individual, if delivered to him, or if left at, or sent by post to, his usual or last known place of abode;
- (b) on an unincorporated body, if served on any partner, manager or other similar officer thereof, or if left at, or sent by post to, its principal or last known principal place of business in the Islands;
- (c) on a body corporate, if left at, or sent by post to, its registered office (if in this Island) or its principal or last known principal place of business in the Islands;
- (d) on the Committee, if delivered to, or sent by post to, the office of the Committee.

(2) If a notice cannot be served in accordance with subsection (1), it is validly served—

- (a) if published on at least two occasions in “La Gazette Officielle”; or
- (b) where the name or address of the person to be served cannot after reasonable enquiry be ascertained, if delivered to some responsible person on the premises in question or, if there is no such person, if affixed to a conspicuous part of the premises.

(3) Where two or more persons are the occupiers of any premises, a notice served on one of them in accordance with this section shall, for the purposes of this Law, be deemed to have been validly served on all of them.

(4) Where the occupier of any premises is an infant or a person under guardianship, a notice to be served on him under this Law shall be served on his guardian; and if there is no guardian, the Committee may apply to the Royal Court for the appointment of a guardian to act for the purposes of this Law.

(5) In subsection (1), "by post" means by registered post or by recorded delivery service.

22. A notice under section 7(1), 9(1) or 10(1) shall, in addition to stating the matters which are to be stated under those sections— Information to be stated in notices.

- (a) identify the premises in respect of which it is served;
- (b) give particulars of the facts by reason of which it is served;
- (c) state the right of appeal to the Royal Court under section 19, and the time within which it may be exercised; and
- (d) state the capacity in which the person served with the notice is served.

23. No obligation, requirement, prohibition or restriction imposed by this Law, or by any regulation or notice under it, relieves any person of any obligation, requirement, prohibition or restriction imposed from time to time by or under the Building (Guernsey) Law, 1956(b), the Island Development (Guernsey) Law, 1966(c) or the Ancient Monuments and Protected Buildings (Guernsey) Law, 1967(d). Development and building.

-
- (b) Ordres en Conseil Vol. XVII, p. 56.
 - (c) Ordres en Conseil Vol. XX, p. 276; Vol. XXII, p. 573; Vol. XXIII, p. 231; and No. XII of 1981.
 - (d) Ordres en Conseil Vol. XXI, p. 219.

Consultation
between
Committees.

24. (1) When, in accordance with building regulations, plans are deposited with the Housing Authority—

- (a) in respect of the proposed erection, extension or alteration of any premises; or
- (b) in respect of a proposed change of use of any premises,

and it appears to the Housing Authority that the premises are to be put to a designated use, or (as the case may be) that the proposed use is a designated use, the Housing Authority shall consult the Committee before approving the plans.

(2) When, under any enactment, an application is made to an Authority—

- (a) for the grant or renewal of a licence or permit in respect of any premises; or
- (b) for the registration of any premises,

and it appears to the Authority that, if the application succeeds, the premises will be put to a designated use, the Authority shall consult the Committee before granting the application.

(3) When it is proposed to serve a notice under section 7(1) or 9(1)—

- (a) requiring the execution of works on any premises, the Committee shall consult the Housing Authority before serving the notice;
- (b) in respect of any premises put to use as, or as part of, a place of work, the Committee shall consult the States Labour and Welfare Committee before serving the notice.

(4) In subsection (2), "Authority" means any Authority, Board, Committee, Council or like body of the States of Guernsey.

25. Subject to section 3(4), no liability in law is incurred by the States of Guernsey or the fire brigade, or by any member, officer or employee thereof, in respect of anything done or omitted to be done in the discharge or purported discharge of any function under this Law, including the giving of advice, unless—

Extent of
States'
liability.

- (a) the thing is done or omitted to be done maliciously or in bad faith;
- (b) the function is one to be discharged under this Law by an occupier of controlled premises; or
- (c) the thing done comprised the driving of a motor vehicle.

26. (1) The States may by Ordinance—

Ordinances.

- (a) amend section 4(2) by adding any use, that use thereby becoming a designated use, or by repealing or modifying any designated use;
 - (b) apply any provision of Part III of this Law, with or without modification, to vessels of the description, or in the circumstances, specified in the Ordinance.
- (2) An Ordinance under this section—
- (a) may contain such supplementary, incidental and transitional provisions as in the opinion of the States, is necessary or expedient for the purposes of the Ordinance;
 - (b) may be amended or repealed by a subsequent Ordinance.

**Interpreta-
tion.**

27. (1) In this Law, unless the context otherwise requires—

“building” includes a temporary or movable building, any permanent structure, and any temporary structure other than a movable one;

“Chief Fire Officer” means the Chief Fire Officer of the fire brigade or the Second Fire Officer thereof;

“Chief Officer of Police” means the Chief Officer of the salaried police force of the Island of Guernsey;

“the Committee” means the Island Police Committee or such other Committee or like body of the States of Guernsey as the States may by Resolution appoint;

“contravention” includes failure to comply, and cognate expressions shall be construed accordingly;

“controlled premises” means premises put to a designated use, other than premises specified in section 5;

“designated use” means any use specified in section 4(2);

“equipment” includes fire engines and other vehicles, appliances and other apparatus, uniforms and badges of rank;

“escape”, in relation to any premises, means escape from the premises to a place of safety beyond the building which consists of or comprises the premises and any area enclosed by or with the building;

“fire brigade” means the fire brigade of the Island of Guernsey provided by the Committee under this Law;

“fire-fighting” means the extinction of fire and the protection of life and property in case of fire;

“fire inspector” means the Fire Prevention Officer of the fire brigade, the Chief Fire Officer, or any person authorised in writing by the Committee to discharge the functions of a fire inspector under this Law;

“fire services” has the meaning given by section 1;

“furniture” includes furnishings, coverings for walls, ceilings and floors, and curtains, drapes and blinds;

“the Islands” means the Islands of Guernsey and Herm;

“officer of police” means a member of the salaried police force of the Island of Guernsey or, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

“premises” means building or part of a building, except in relation to section 4(2)(g), when it means land;

“Royal Court” means the Royal Court sitting as an Ordinary Court;

“street” includes any highway, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.

(2) Any reference in this Law to an enactment includes a reference to that enactment as amended, extended, repealed, replaced or applied by or under any other enactment, including this Law.

28. The Law entitled “Loi relative au Service Public pour l’Extinction des Incendies” registered **Repeals.**

on the 20th of August, 1932^(e), and the Fire Brigade (Amendment) (Guernsey) Law, 1974^(f), are repealed.

Citation. 29. This Law may be cited as the Fire Services (Guernsey) Law, 1989.

Commence-
ment. 30. This Law shall come into operation on the day appointed by Ordinance of the States; and different days may be appointed for different provisions.

K. H. TOUGH,
Her Majesty's Greffier.

^(e) Ordres en Conseil Vol. IX, p. 253.

^(f) Ordres en Conseil Vol. XXIV, p. 327.