

PROJET DE LOI

ENTITLED

The Fire Services (Guernsey) Law, 1989 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXXI, p. 432; as amended by the Fire Services (Amendment) (Guernsey) Law, 1997 (No. XXIV of 1997, Ordres en Conseil Vol. XXXVII, p. 454); the Fire Services (Guernsey) (Amendment) Law, 2014 (No. V of 2015); the Building Control (Transfer of Functions) Ordinance, 1992 (Recueil d'Ordonnances Tome XXVI, p. 57); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978 (Ordres en Conseil Vol. XXVI, p. 264); the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Arbitration (Guernsey) Law, 2016 (No. X of 2016); the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009 (No. VII of 2010); the Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)).

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The Fire Services (Guernsey) Law, 1989

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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

Duty of Committee to provide fire services.

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

- (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.

NOTE

The following Case has referred to this Law:

De Carteret v. States 2003-04 GLR 612.

[Agreements to provide equipment or services.]

1A. (1) Notwithstanding section 1(c)(i) to (iv) or any provision to the contrary in this Law, the Committee may, by written agreement with any person, provide any of the following in return for payment of a prescribed fee or charge –

- (a) any equipment (including on hire or loan),
- (b) any service in connection with any equipment,
- (c) any service in connection with any of the following –
 - (i) inspection, testing or maintenance of, or consultation in relation to, fire alarm systems (including alarm receiving centres) or emergency lighting systems,
 - (ii) inspection, testing or maintenance of, or consultation in relation to, any equipment or other thing or substance used for fire-fighting, for preventing fires or restricting the spread of fire or otherwise related to fire,
 - (iii) inspection of, or consultation in relation to, controlled premises on which the systems, equipment, things or substances mentioned in subparagraph (i) or (ii) are installed or proposed to be installed,
 - (iv) training or consultation in relation to fire safety, preventing fires or restricting the spread of fire, or otherwise related to fire,
 - (v) preliminary assessment of or consultation in relation to drafts of plans of controlled premises proposed to be deposited with [the Development & Planning Authority] in accordance with

building regulations (as mentioned in section 24(1)), or

- (vi) preliminary assessment of or consultation in relation to any application proposed to be made to an Authority of the kind mentioned in section 24(2).

(2) In subsection (1)(a) and (b), the reference to "**equipment**" or "**service**" includes any equipment or service, whether or not in any way connected with fire services.

(3) Subsection (1)(b) and (c) may include the provision of written reports, but excludes fire safety education provided to or in a school or a college of further education.

(4) For the avoidance of doubt, fees or charges prescribed for the purposes of subsection (1) may reflect commercial or market rates or charges (for the provision of similar or comparable equipment and services) even if this results in profit for the Committee.]

NOTES

Section 1A was inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, section 2, with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law.

In section 1A, the words in square brackets in paragraph (c)(v) of subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016.

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Development & Planning Authority and its President or Vice-President by the Organisation of States'

Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The following Regulations have been made under section 1A:

Fire Services (Fees and Charges) (Guernsey) Regulations, 2021.

Control of fire services by Committee.

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 [States' Trading Supervisory 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 [States' Trading Supervisory 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 [States' Trading Supervisory 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 [or aircraft].

[(8) In this section the expression "**member of the fire brigade**" shall include any member of the States Airport Fire and Rescue Service.]

NOTES

In section 3,

the words "States' Trading Supervisory Board" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016;¹

the words in square brackets in subsection (7) were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(a), with effect from 2nd December, 1997;

subsection (8) was inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(b), with effect from 2nd December, 1997.

The functions, rights and liabilities of the Public Services Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the States' Trading Supervisory Board and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 12(b), Schedule 2, Part 8, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

[Agreements with other fire brigades.]

3A. (1) The Committee may make an agreement with a fire brigade or

fire authority in the United Kingdom or with the States of Jersey Fire Service whereby there will, at the request of the Committee, but subject to the authorisation of the Bailiff (which may, in cases of emergency, be granted after the event), be placed at the Committee's disposal members of that brigade, authority or Service for the purpose of enabling the fire brigade to meet any special demand on its resources.

(2) During their period of duty in the Islands, members of any brigade, authority or Service present in the Islands by virtue of an agreement made under subsection (1) –

- (a) shall be subject to the authority of, and under the control of, the Chief Fire Officer,
- (b) shall carry out the duties of, and possess the powers and privileges of, a member of the fire brigade, and
- (c) shall at all times be subject to the authority and jurisdiction of the Courts of Guernsey in respect of their conduct within the Islands.

(3) A reference in any enactment or subordinate legislation, howsoever expressed, to a member of the fire brigade shall include a reference to a member of any brigade, authority or Service present in the Islands by virtue of an agreement made under subsection (1).]

NOTES

Section 3A was inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(c), with effect from 2nd December, 1997.

In accordance with the provisions of the Deputy Bailiff (Guernsey) Law, 1969, section 5(4), with effect from 9th September, 1969, in the event of the Deputy Bailiff discharging any functions or exercising any powers

appertaining to the office of Bailiff which he is authorised to discharge or exercise under or by virtue of the 1969 Law, the provisions contained herein relating to the discharge of such functions or the exercise of such powers shall have effect as if the reference herein to the Bailiff included a reference to the Deputy Bailiff.

PART III

FIRE-PRECAUTIONS IN CONTROLLED PREMISES

Premises to which fire precautions apply.

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

(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 Celcius,
 - (ii) 3,000 litres of flammable liquid with a flash point of 21 degrees Celcius or above,

- (iii) 250 kilograms of toxic or flammable gases (including liquefied 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 comprised 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.

[(4) A building shall be deemed to be put to a designated use, and shall accordingly be deemed to be controlled premises, if, irrespective of the number of premises within the building –

- (a) the building as a whole is used as, or for any purpose involving the provision of, sleeping accommodation for at least ten persons, or

- (b) any part of the building below ground floor level or above first floor level is used as, or for any purpose involving the provision of, sleeping accommodation.
- (5) In the case of any controlled premises in multiple occupation –
 - (a) the duty to ensure that the premises are provided with the means referred to in section 6(1), which duty would (apart from this subsection) be imposed by section 6(1) upon the occupier, shall instead be imposed jointly and severally upon –
 - (i) the persons who are the owners of the controlled premises in multiple occupation, or
 - (ii) where the requirement or obligation applies only to a particular part of the controlled premises in multiple occupation, the persons who are the owners of that particular part,

whether, in either case, those persons own the whole of the controlled premises in multiple occupation or the particular part, or only a share therein or a part thereof, and

- (b) the duty to ensure that the means referred to in section 6(1) are kept free from obstruction and properly maintained so that they can be safely and effectively used at all material times, which duty would (apart from this subsection) be imposed by section 6(1) upon the occupier, shall instead be imposed jointly and

severally upon –

- (i) the persons described in paragraph (a) of this subsection, and
- (ii) the occupier.

(6) The provisions of subsection (5) are without prejudice to any right of indemnity or contribution or other civil law right or remedy (including, without limitation, any right or remedy under section 20) which may subsist or arise in respect of the mutual dealings of the occupiers or owners of, or other persons interested in, the controlled premises in multiple occupation or the particular part thereof.

(7) In this section the expression "**controlled premises in multiple occupation**" means –

- (a) any building which is deemed by subsection (4) to be put to a designated use and to be controlled premises,
- (b) any controlled premises comprising or comprised within a building which contains more than one set of premises, or
- (c) any premises used for the purpose of obtaining access to –
 - (i) any building or controlled premises described in paragraph (a) or (b), or
 - (ii) any part of any such building or premises.]

NOTE

In section 4, subsection (4), subsection (5), subsection (6) and subsection (7) were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(d), with effect from 2nd December, 1997.

Exempt premises.

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.

Occupiers to provide means of escape, etc.

6. (1) An occupier of controlled premises shall ensure that the premises are provided with –

- (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 [...], 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.

NOTE

In section 6, the words omitted in square brackets in paragraph (c) of subsection (1) were repealed by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(e), with effect from 2nd December, 1997.

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 controlled premises, there has been a contravention of section 6, the Committee shall serve on [the person in default] 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.

NOTE

In section 7, the words in square brackets in subsection (1) were substituted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(f), with effect from 2nd December, 1997.

Power of Committee to make regulations and codes.

8. (1) The Committee may –

- (a) by regulations specify precautions which the occupiers [or owners] 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 [or owners] 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 [or owners] 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) [...] 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 [...] codes.

(5) [...] codes under this section –

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

(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.

NOTES

In section 8,

the words "or owners" in square brackets, wherever occurring in subsection (1), were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(g), with effect from 2nd December, 1997;

the words in square brackets in paragraph (a) of subsection (3) were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(h), with effect from 2nd December, 1997;

first, the words omitted in the first and second pairs of square brackets in subsection (4) were repealed, second, the words omitted in the first pair of square brackets in subsection (5) were repealed and, third, the words in the second and third pairs of square brackets therein were substituted by the Fire Services (Guernsey) (Amendment) Law, 2014, respectively section 3, section 4(a) and section 4(b), with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law.

The following Codes of Guidance have been made under section 8:

Fire Services (Guernsey) Law, 1989 Code of Guidance No. 1 - Places of Work;

Fire Services (Guernsey) Law, 1989 - Code of Guidance No. 2 - Hotels and Guest Houses;

Fire Services (Guernsey) Law, 1989 - Code of Guidance No. 3 - Sleeping Accommodation (other than Hotels and Guest Houses);

Fire Services (Guernsey) Law, 1989 - Code of Guidance No. 4 - Care Premises;

Fire Services (Guernsey) Law, 1989 - Code of Guidance No. 5 - Places where People Resort;

Fire Services (Guernsey) Law, 1989 - Code of Guidance No. 6 - Educational Premises;

Fire Services (Guernsey) Law, 1989 - Code of Guidance No. 9 - Tented Structures;

Fire Services (Guernsey) Law, 1989 Code of Guidance No. 10 - Child Minding Premises.

Action where regulations contravened.

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.

(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 [and on such other persons as he thinks fit (including, without limitation, the owner)] 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.

NOTE

In section 10, the words in square brackets in subsection (1) were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(i), with effect from 2nd December, 1997.

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 [or owner] 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.

NOTE

In section 11, the words in square brackets in sub-paragraph (iii) of paragraph (b) of subsection (1) were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(j), with effect from 2nd December, 1997.

Register of controlled premises.

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

(2) The Register shall contain [the address of each controlled premises] 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 is an occupier of premises must serve on the Committee written notice of the occurrence of each event specified in subsection (4AA) –

- (a) as soon as is reasonably practicable, and in any case within 14 days of the occurrence of the event, and
- (b) in accordance with subsection (4AB).

(4AA) Subsection (4) refers to the following events –

- (a) the premises, not being controlled premises previously, becoming controlled premises,
- (b) the erection of the premises, being controlled premises,
- (c) the occupier first becoming aware that the premises are controlled premises which have not previously been notified to the Committee as controlled premises under this Law, or
- (d) the premises, being controlled premises previously, ceasing to become controlled premises.

(4AB) Written notice of any event, other than an event specified in subsection (4AA)(d), must be accompanied by the prescribed fee or charge.]

[(4A) In the case of controlled premises in multiple occupation, any reference in subsection (4) to an occupier shall be construed as a reference to an owner.]

(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 [or, in the case of controlled premises in multiple occupation, the owner] of the premises, and the use to which the premises are put.

NOTES

In section 12,

first, the words in square brackets in subsection (2) were substituted and, second, subsection (4) was substituted and subsections (4AA) and (4AB) inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, respectively section 5 and section 6, with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law;

subsection (4A), and the words in square brackets in subsection (5), were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, respectively section 1(k) and section 1(l), with effect from 2nd December, 1997.

The following Regulations have been made under section 12:

Fire Services (Fees and Charges) (Guernsey) Regulations, 2021.

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 contravention 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 [Committee for Employment & Social Security], 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,

^a Ordinance No. XXXI of 1987.

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.

NOTES

In section 13, the words in square brackets in sub-paragraph (iii) of paragraph (k) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016.³

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁴

In accordance with the provisions of the Arbitration (Guernsey) Law, 2016, section 80(1), with effect from 12th December, 2016, the provisions of that Law apply to every arbitration under a Guernsey enactment (a "statutory arbitration"), subject to, first, the exceptions in section 80(2) and, second, the adaptations and exclusions specified in sections 81 to 83 of the 2016 Law.

Contraventions 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 were a director of the body corporate.

Offences due to default of other person.

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.

Defences in certain cases.

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

- (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.

Power of Royal Court to modify leases.

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.

(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), [or cannot be so served within a reasonable time (regard being had to the circumstances of the case),] 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, [or where the circumstances of the case so require,] 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 [or owners] 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 [or owner] 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.

NOTES

In section 21,

the words in the first and second pairs of square brackets in subsection (2) were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, respectively section 1(n)(i) and section 1(n)(ii), with effect from

2nd December, 1997;

the words in square brackets in subsection (3) and subsection (4) were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, respectively section 1(o) and section 1(p), with effect from 2nd December, 1997.

In accordance with the provisions of the Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978, section 1(1), section 1(2) and section 3, with effect from 1st July, 1978 and subject to the saving provision in section 1(6) of the 1978 Law, the reference in this section to an "infant" shall be construed as a reference to a "minor", that is to say a person under the age of 18 years.

In accordance with the provisions of the Children (Consequential Amendments etc.) (Guernsey and Alderney) Ordinance, 2009, section 2, with effect from 4th January, 2010, and having regard to the references in this section to "guardian", a guardian or person referred to as such has parental responsibility in respect of a child if the conditions in paragraph (a) or paragraph (b) of that section are satisfied.

Information to be stated in notices.

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 –

- (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.

Development and building.

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.

NOTES

The Building (Guernsey) Law, 1956 and the Ancient Monuments and Protected Buildings (Guernsey) Law, 1967 have since been repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part I, respectively paragraph 1 and paragraph 3, with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2007 Law and, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007.

The Island Development (Guernsey) Law, 1966 has since been repealed by the Land Planning and Development (Guernsey) Law, 2005, section 93, Schedule 3, Part I, paragraph 2, with effect from 6th April, 2009, subject to, first, the savings in section 93 of the 2007 Law, second, the savings and transitional provisions in the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007 and, third, the transitional provisions in section 19 of the Land Planning and Development (Plans) Ordinance, 2007.

Consultation between Committees.

24. (1) When, in accordance with building regulations, plans are deposited with [the Development & Planning Authority] –

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

^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.

- (b) in respect of a proposed change of use of any premises,

and it appears to [the Development & Planning 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 Development & Planning 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.

[(2A) Upon being consulted on any application under subsection (2), the Committee may withhold its views on the application until the prescribed fee or charge is paid to the Committee by the person making the application (or by the Authority concerned, on behalf of the person making the application).

(2B) For the avoidance of doubt –

- (a) subsection (2A) has effect notwithstanding any provision to the contrary in any other enactment, and
- (b) fees or charges prescribed for the purposes of subsection (2A) may include fees or charges for any

service which the Committee considers necessary or appropriate to perform or provide at any time, in order to form its views on 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 Development & Planning 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 [Committee for Employment & Social Security] before serving the notice.

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

NOTES

In section 24,

the words "the Development & Planning Authority" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016;⁵

subsection (2A) and subsection (2B) were inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, section 7, with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law;

the words in square brackets in paragraph (b) of subsection (3) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016.⁶

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Development & Planning Authority and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁷

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁸

The following Regulations have been made under section 24:

Fire Services (Fees and Charges) (Guernsey) Regulations, 2021.

[Recovery of fees and charges.]

24A. The Committee may recover any fee or charge payable under this Law or any agreement made under this Law as a civil debt due and payable to the Committee.]

NOTE

Section 24A was inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, section 8, with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law.

[Committee may waive fees and charges.]

24B. The Committee may at any time in its absolute discretion waive or reduce any fee or charge payable under this Law or any agreement made under this Law.]

NOTE

Section 24B was inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, section 8, with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law.

Extent of States' liability.

25. [(1)] 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 –

- (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 [or owner] of controlled premises, or
- (c) the thing done comprised the driving of a motor vehicle.

[(2) Subsection (1) does not apply in respect of the provision of any equipment or service for a fee or charge under section 1A(1).]

NOTES

In section 25,

subsection (1) was renumbered and subsection (2) inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, section 9, with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law;

the words in square brackets in paragraph (b) were substituted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(r), with effect from 2nd December, 1997.

The following Case has referred to section 25:

De Carteret v. States 2003-04 GLR 612.

Ordinances.

26. (1) The States may by Ordinance –
- [(aa) amend section 1A, in relation to the kind or description of equipment or services which the Committee may, by agreement, provide in return for the payment of a prescribed fee or charge,]
 - [(a) amend section 3(8),]
 - [(b) amend section 4, whether by adding any use, that use thereby becoming a designated use, or by repealing or modifying any designated use, or in any other manner whatsoever,]
 - [(c)] 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 [(including provisions making consequential

modifications to any provision of this Law)],

- (b) may be amended or repealed by a subsequent Ordinance.

NOTES

In section 26,

paragraph (aa) of subsection (1) was inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, section 10, with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law;

in subsection (1), paragraph (a) and paragraph (b) were substituted, and paragraph (c) re-lettered, by the Fire Services (Amendment) (Guernsey) Law, 1997, respectively section 1(s) and section 1(t), with effect from 2nd December, 1997;

the words in square brackets in paragraph (a) of subsection (2) were inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(u), with effect from 2nd December, 1997.

[General provisions as to regulations.]

26A. (1) Regulations under this Law –

- (a) may be amended or repealed by subsequent regulations hereunder,
- (b) may contain such consequential, incidental, supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and
- (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the

making of new regulations.

(2) Any power conferred by this Law to make regulations may be exercised –

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised –
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,
 - (iii) any such provision either unconditionally or subject to any conditions specified in the regulations.]

NOTE

Section 26A was inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, section 11, with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law.

Interpretation.

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

"building" includes a temporary or movable building, any permanent structure, and any temporary [or movable structure],

"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 [Committee for Home Affairs] 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,

[**"owner"**, in relation to any building or premises, or any part of any building or premises, means –

- (a) where the building, premises or part is the subject of saisie proceedings which have resulted in the making of an interim vesting order, the person in whose favour that order has been made,
- (b) where the building, premises or part is not the subject of such saisie proceedings but is the subject of a vested

right of usufruct, the usufructuary,

- (c) where the building, premises or part is not the subject of such saisie proceedings or vested right of usufruct –
 - (i) where the building, premises or part is held in trust, the trustees and any person entitled to a beneficial interest under the trust,
 - (ii) otherwise, the person in whom there is vested, solely or jointly, an estate of inheritance therein,]

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

[**"prescribed fee or charge"**, in relation to any provision of this Law –

- (a) means any fee or charge prescribed for the purposes of the provision by regulations made by the Committee, and
- (b) for the avoidance of doubt, includes any fee or charge calculated at the rate or in the manner prescribed for the purposes of the provision by regulations made by the Committee,]

"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.

NOTES

In section 27,

first, the words in square brackets in the definition of the expression "building" in subsection (1) were substituted and, second, the definition of the expression "prescribed fee or charge" therein was inserted by the Fire Services (Guernsey) (Amendment) Law, 2014, section 12, respectively paragraph (a) and paragraph (b), with effect from 1st March, 2015, subject to the saving and exclusion in section 15 of the 2014 Law;

the definition of the expression "owner" in subsection (1) was inserted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(v), with effect from 2nd December, 1997.

In accordance with their Resolution of 24th April, 1991, concerning Billet d'État No. XI, dated 12th April, 1991, the States directed that the Island Police Committee as established under Article 2 of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, the States Committees (Amendment) Law, 1948 and the Police Committee (Amendment) Law, 1990 should be the States Committee for Home Affairs. The functions, rights and liabilities of the States Committee for Home Affairs and of its President arising under or by virtue of this Law were subsequently transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were subsequently transferred to and vested in, respectively, the Committee for Home Affairs and its President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

Repeals.

28. The Law entitled "Loi relative au Service Public pour l'Extinction des Incendies" registered 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.

Commencement.

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.

NOTE

The Law was brought into force on 4th November, 1991 by the Fire Services (Commencement) Ordinance, 1991, section 1.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph

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

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

31, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Public Services Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them from the Water Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 31, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ These words were previously substituted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(m), with effect from 2nd December, 1997; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

⁴ The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

⁵ These words were previously substituted by the Building Control (Transfer of Functions) Ordinance, 1992, section 2, Schedule 2, with effect from 1st July; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 19, with effect from 6th May, 2004.

⁶ These words were previously substituted by the Fire Services (Amendment) (Guernsey) Law, 1997, section 1(q), with effect from 2nd December, 1997; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

⁷ The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Law were previously transferred to them from the Island Development Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 19, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Island Development Committee under this Law were previously transferred to it from the States Housing Authority by the Building Control (Transfer of Functions) Ordinance, 1992, section 1, Schedule 1, with effect from 1st July, 1992, subject to the savings and transitional provisions in section 4 of, and Schedule 3 to, the 1992 Ordinance.

⁸ The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.