



# Armed Forces Act 2016

## 2016 CHAPTER 21

### *Ministry of Defence fire-fighters*

#### **16 Powers of Ministry of Defence fire-fighters in an emergency**

- (1) A Ministry of Defence fire-fighter who is authorised in writing by the Secretary of State for the purposes of this section may do anything the fire-fighter reasonably believes to be necessary—
- (a) if the fire-fighter reasonably believes a fire to have broken out or to be about to break out, for the purpose of extinguishing or preventing the fire or protecting life or property;
  - (b) if the fire-fighter reasonably believes a road traffic accident to have occurred, for the purpose of rescuing people or protecting them from serious harm;
  - (c) for the purpose of preventing or limiting damage to property resulting from action taken as mentioned in paragraph (a) or (b).
- (2) In particular, a fire-fighter may under subsection (1)—
- (a) enter premises or a place, by force if necessary, without the consent of the owner or occupier of the premises or place;
  - (b) move or break into a vehicle without the consent of its owner;
  - (c) close a road;
  - (d) stop and regulate traffic;
  - (e) restrict the access of persons to premises or a place.
- (3) In this section—
- “Ministry of Defence fire-fighter” means a person whose duties as an employee or servant of the Crown, or as an employee of a government contractor, include—
- (a) extinguishing fires on defence property,
  - (b) protecting life and property in the event of a fire on defence property, and
  - (c) rescuing people or protecting them from serious harm in the event of a road traffic accident on defence property;
- “defence property” means property used—

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2016, Cross Heading: Ministry of Defence fire-fighters. (See end of Document for details)*

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- (a) for the purposes of the Secretary of State with responsibility for defence,
- (b) for the purposes of Her Majesty's forces (within the meaning of the Armed Forces Act 2006) or a visiting force, or
- (c) for other defence purposes;

“government contractor” means a person who provides services to the Secretary of State with responsibility for defence under contract (and includes a sub-contractor);

“road”—

- (a) in England and Wales means a highway;
- (b) in Scotland has the meaning given in Part 4 of the New Roads and Street Works Act 1991;
- (c) in Northern Ireland has the meaning given by Article 2(2) of the Road Traffic Regulation (Northern Ireland) Order 1997 (N.I. 2);

“visiting force” means a body, contingent or detachment of the forces of a country that is a visiting force for the purposes of any provision of the Visiting Forces Act 1952.

- (4) The Emergency Workers (Obstruction) Act 2006 is amended as follows.
- (5) In section 1(2) (obstructing or hindering certain emergency workers)—
  - (a) after paragraph (a) insert—
    - “(aa) that of a Ministry of Defence fire-fighter (as defined in section 16 of the Armed Forces Act 2016);”, and
  - (b) in paragraph (b), after “paragraph (a)” insert “ or (aa) ”.
- (6) In section 7 (extent etc) at the end insert—
  - “(4) The following extend to Scotland—
    - (a) sections 1 to 4 so far as they relate to obstructing or hindering a Ministry of Defence fire-fighter or a person assisting such a fire-fighter, and
    - (b) this section.”

## 17 Minor amendments

- (1) In section 102(4) of the Transport Act 1968 (exemption for fire brigades etc to rules on drivers' hours), at the end insert “ or for purposes relating to the functions of Ministry of Defence fire-fighters (as defined in section 16 of the Armed Forces Act 2016) ”.
- (2) In section 15(7)(a)(i) of the Greater London Council (General Powers) Act 1974 (exception for fire and rescue vehicles to offence of parking on footways etc), at the end insert “ or for purposes relating to the functions of Ministry of Defence fire-fighters (as defined in section 16 of the Armed Forces Act 2016) ”.
- (3) In section 62(2)(a) of the Control of Pollution Act 1974 (exception for fire brigades etc to prohibition on use of loud-speakers in streets), after “purposes” insert “ or for purposes relating to the functions of Ministry of Defence fire-fighters (as defined in section 16 of the Armed Forces Act 2016) ”.
- (4) In section 135(1) of the Merchant Shipping Act 1995 (restrictions on transfer of oil at night), for “employer of fire-fighters” substitute “ person who employs or engages fire-fighters ”.

**Changes to legislation:**

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