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The Fire and Rescue Services (Appointment of Inspector) (Wales) Order 2009, Great Britain, Stationery Office, 2009, . Enabling power: Fire and Rescue Services Act 2004, s. 28 (1). Issued: 04.06.2009. Made: 13.05.2009. Laid: -. Coming into force: 14.05.2009. Effect: None. Territorial extent and classification: W. General.

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This Order appoints Paul Young as an inspector under section 28(1) of the Fire and Rescue Services Act 2004 in its application to Wales. An inspector is appointed under section 28(1) for the purpose of obtaining information as to (a) the manner in which fire and rescue authorities in Wales are discharging their functions and (b) technical matters relating to those functions.

The powers of the fire service in the United Kingdom are extensive, but vary from jurisdiction to jurisdiction. These powers generally only apply to members of public fire and rescue services. Powers are granted to firefighters in England & Wales by virtue of the Fire and Rescue Services Act 2004, in Scotland by virtue of the Fire (Scotland) Act 2005 and in Northern Ireland by virtue of the Fire and Rescue Services (Northern Ireland) Order 2006. Whilst the three acts are almost identical in effect, they word the powers differently and vary in relation to the issuance of warrants.

An authorised officer may not enter as of right premises in which there has been a fire if the premises are unoccupied, and the premises were occupied as a private dwelling immediately before the fire, unless 24 hours' notice in writing has first been given to the person who was the occupier of the dwelling immediately before the fire.[5]

An authorised officer may apply to a justice of the peace if he considers it necessary to enter premises, but he is unable to do so, or considers that he is likely to be unable to do so, otherwise than by force.[5] If on an application a justice is satisfied that it is necessary for the officer to enter the premises, and he is unable to do so, or is likely to be unable to do so, otherwise than by force, he may issue a warrant authorising the officer to enter the premises by force at any reasonable time.[5]

If an authorised officer exercises a power of entry for the purposes of obtaining information needed for the discharge of a fire and rescue authority's functions under section 7, 8 or 9, he may take with him any other persons, and any equipment, that he considers necessary, and require any person present on the premises to provide him with any facilities, information, documents or records, or other assistance, that he may reasonably request.[6]

If an authorised officer takes samples of an article or substance found on the premises he must leave a notice at the premises (either with a responsible person or if that is impracticable fixed in a prominent position) giving particulars of the article or substance and stating that he has taken a sample of it, and if it is practicable to do so, give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.[6]

In England and Wales Fire Safety Inspectors are given additional powers to firefighters in order to carry out routine inspections, investigate the commission of fire safety related offences and prohibit or restrict the use of un-safe buildings. They also issue other legal notices. Their powers are derived not only from the Fire Rescue Services Act 2004 but also Article 27 of the Regulatory Reform (Fire Safety) Order 2005, the Health & Safety at Work Act etc 1974, Fireworks Act 2003, and the Licensing Act 2003 including other pieces of legislation. Upon the granting of a warrant from a Magistrate, Fire Inspectors may use force to make entry into a premises for the purposes of securing evidence, investigating the commission of an offence or to make an inspection. Usually this is done with the Police in attendance. Any persons suspected of committing an offence are ordinarily placed under caution and invited for an interview under PACE conditions. Committing a fire safety-related offence includes summary and indictable offences which means for more serious cases the offender(s) could be sent to prison.

An employee of a fire and rescue authority who is authorised in writing by the authority for the purposes of section 28 may at any reasonable time enter premises for the purpose of obtaining information needed for the carrying out of the authority's functions under section 9, section 10 or section 11 of the Fire (Scotland) Act 2005.[8]

If an authorised employee exercises a power of entry by virtue of this section, the employee may take onto the premises such other persons and such equipment as the employee considers necessary, and require any person present on the premises to provide the employee with any facilities, information, documents or records, or other assistance that the employee may reasonably request.[8]

An employee of a fire and rescue authority who is authorised in writing by the authority for the purposes of section 29 [as explained above] may, at any reasonable time (by force if necessary), enter premises in which there has been a fire for the purpose of investigating what caused the fire, or why it progressed as it did.[9]

A fire and rescue officer who is authorised in writing by the Chief Fire and Rescue Officer for the purposes of Articles 19 and 20 of the Fire and Rescue Services (Northern Ireland) Order 2006 is an "authorised officer".[14] They may at any reasonable time enter premises for the purpose of obtaining information needed for the carrying out of the Board's functions under Article 5, Article 6 or Article 7.[14] However, an authorised officer may not:[14]

An authorised officer exercising these powers of entry shall, if so required, produce evidence of his authorisation under paragraph and any warrant before entering the premises or at any time before leaving the premises.[14] An authorised officer, exercising these powers of entry, who enters premises which are unoccupied, or from which the occupier is temporarily absent, shall on departure ensure that all reasonable measures have been taken to leave the premises as effectively secured against unauthorised entry as he found them.[15]