

STATUTORY RULES OF NORTHERN IRELAND

**2010 No. 325**

**The Fire Safety Regulations (Northern Ireland) 2010**

**PART 4**

**MISCELLANEOUS**

**Maintenance of measures provided in relevant premises for protection of fire fighters**

**23.**—(1) Where necessary in order to secure the safety of fire fighters, (whether employees of the Board or otherwise) in the event of a fire in relevant premises, the person with duties under Article 25 or 26 shall ensure that the relevant premises and any facilities, equipment and devices provided in respect of the relevant premises for the use by or protection of fire fighters under these Regulations, the 2006 Order or under any other statutory provision, including any statutory provision repealed or revoked by, under or by virtue of the 2006 Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

(2) Where the relevant premises form part of a building, the person with duties under Article 25 or 26 may make arrangements with the occupier of any premises forming part of the building for the purpose of ensuring that the requirements of paragraph (1) are met.

(3) Paragraph (2) applies even if the other premises are not relevant premises.

(4) Where the occupier of the other premises is not also the owner of those premises, the reference to the occupier in paragraph (2) is taken to be a reference to both the occupier and the owner.

**Commencement Information**

**11** [Reg. 23](#) in operation at 15.11.2010, see [reg. 1](#)

**Maintenance of measures provided in the common areas of private dwellings for protection of fire fighters**

**24.**—(1) Regulation 23 shall apply to the common areas of private dwellings as if they were relevant premises, with the modifications specified in paragraphs (2) and (3).

(2) The duty imposed by paragraph (1) shall apply to—

- (a) a person who has control to any extent of the common areas of private dwellings, to that extent;
- (b) a person who carries on an undertaking (whether for profit or not) and has control to any extent of the common areas of a private dwelling, to that extent; and
- (c) the person who owns the common areas of private dwellings.

(3) For the purposes of this regulation—

- (a) the references to relevant premises in Articles 34, 37 and 49 shall be taken to include the common areas of private dwellings; and

- (b) the reference to fire safety duties in Articles 32(1), and (3), 33(1), 34(2)(c), (4)(a), (6) and (7), 37(1), (2)(a) and (6) and 39(1)(a) shall be taken to include the application in paragraph (1) of the safeguarding provision to the common areas of private dwellings; and
- (c) for the purposes of Article 41(3)(a), this regulation is deemed to be one to which a person is subject by virtue of regulations made under Article 30.

#### Commencement Information

**12** [Reg. 24](#) in operation at 15.11.2010, see [reg. 1](#)

#### Nominated person's act or omission not to afford employer defence

**25.**—(1) Persons of a description specified in paragraph (2), on whom duties have been imposed by virtue of Article 30(1), are specified for the purposes of Article 44(b).

- (2) The persons are competent persons nominated under—
  - (a) regulation 12(3)(b);
  - (b) regulation 14(1)(b); and
  - (c) regulation 17(1).

#### Commencement Information

**13** [Reg. 25](#) in operation at 15.11.2010, see [reg. 1](#)

#### Disapplication of certain provisions

**26.**—(1) Regulations 4, 5 and 18(2) do not apply in relation to occasional work or short-term work involving work regulated as not being harmful, damaging, or dangerous to young persons in a family undertaking.

(2) Regulations 6, 11, 15, 18(3) and 21(2) do not apply in relation to the use of means of transport by land, water or air where the use of means of transport is regulated by international agreements and the European Community directives giving effect to them and in so far as the use of means of transport falls within the disapplication in Article 1.2(e) of Council Directive [1999/92/EC](#) on minimum requirements for improving the safety and health of workers potentially at risk from explosive atmospheres (**1**), except for any means of transport intended for use in a potentially explosive atmosphere.

- (3) Regulation 13(2)(f) does not apply to any relevant premises constituting or forming part of—
  - (a) a prison within the meaning of the Prison Act (Northern Ireland) 1953(**2**);
  - (b) a young offenders centre within the meaning of section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968(**3**);
  - (c) a remand centre within the meaning of section 2(b) of the Treatment of Offenders Act (Northern Ireland) 1968(**4**);
  - (d) an attendance centre mentioned in Article 50 of the Criminal Justice (Children) (Northern Ireland) Order 1998(**5**);

(1) O.J. No L 23, 28.1.00, p.57.

(2) 1953 c.18 (N.I.)

(3) 1968 c.29 (N.I.) section 2(a) was substituted by S.I. 1989/1344 (N.I. 15)

(4) 1968 c.29 (N.I.) section 2(b) was amended by S.I. 1998/1504 (N.I. 9) Schedule 5 Paragraph 3(b)

(5) S.I. 1998/1504 (N.I. 9)

- (e) a juvenile justice centre mentioned in Article 51 of the Criminal Justice (Children) (Northern Ireland) Order 1998; or
  - (f) any other relevant premises used for keeping persons in lawful custody or detention.
- (4) Where paragraph (3) applies, the safety of relevant persons in respect of harm caused by fire shall nevertheless be ensured so far as is reasonably practicable.

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**Commencement Information**

**I4** [Reg. 26](#) in operation at 15.11.2010, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Fire Safety Regulations (Northern Ireland) 2010, PART 4.