



Fire Precautions Act 1971 (repealed)

1971 CHAPTER 40

Consultation between fire and other authorities

15^{F1}

Textual Amendments

F1 S. 15 repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)

16 Duty of local authority to consult fire authority in certain cases before passing plans.

(1) Where it is proposed to erect a building or to make any extension of or structural alteration to a building and, in connection with the proposals, plans are, in accordance with building regulations, deposited with a local authority, then, if it appears to the local authority likely—

- (a) that the first use to which any premises constituting or comprised in the building or, as the case may be, the building as extended will be put after the proposals are carried out will be a use which at the time of the deposit of the plans was a designated use; or
- (b) that the first use to which any such premises will be put after the proposals are carried out will be use as a dwelling, and that one or more of the conditions set out in section 3(1)(a) and (b) of this Act will then be fulfilled as regards those premises,

the local authority, if they are not the [^{F2}fire and rescue authority], shall consult the [^{F2}fire and rescue authority] before passing the plans.

(2) Where it is proposed to change the use to which a building or part of a building is put and, in connection with that proposal, plans are, in accordance with building regulations, deposited with a local authority, then, if it appears to the local authority likely—

Status: Point in time view as at 10/11/2004.

Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed), Cross Heading: Consultation between fire and other authorities. (See end of Document for details)

- (a) that the first use to which any premises constituting or comprised in the building will be put after the time when that change of use occurs will be a use which at the time of the deposit of the plans was a designated use; or
- (b) that the first use to which any such premises will be put after the time when that change of use occurs will be use as a dwelling, and that one or more of the conditions set out in section 3(1)(a) and (b) of this Act will then be fulfilled as regards those premises,

the local authority, if they are not the ^{F3}fire and rescue authority], shall consult the ^{F3}fire and rescue authority] before passing the plans.

- (3) This section does not extend to Scotland.

Textual Amendments

- F2** Words in s. 16(1) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(q\); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2](#)
- F3** Words in s. 16(2) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(q\); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2](#)

Modifications etc. (not altering text)

- C1** S. 16 applied (with modifications) (1.12.1997) by [S.I. 1997/1840, reg. 17\(1\)\(2\)\(3\)\(a\)](#)

17 Duty of fire authorities to consult other authorities before requiring alterations to buildings.

- (1) Before a ^{F4}fire authority [^{F4}fire and rescue authority]]—
 - (a) serve on the applicant for a fire certificate with respect to any premises a notice under section 5(4) of this Act informing him that they will not issue a certificate unless alterations are made to the relevant building; or
 - (b) serve in respect of any premises a notice under section 8(4) or (5) [^{F5}, section 9D] or section 12(8)(b) of this Act mentioning as a step which would have to be taken [^{F5}or, in the case of a notice under section 9D, which must be taken] anything involving the making of alterations to the relevant building, the authority shall—
 - (i) if the premises are situated in England or Wales . . . and the [^{F4}fire authority [^{F4}fire and rescue authority]] are not the local authority for the area in which the premises are situated, consult that local authority; . . . ^{F6}
 - (ii) if the premises are situated in Scotland, consult the [^{F7}local] authority (within the meaning of . . . ^{F8} the ^{M1}Building (Scotland) Act 1959) for the area in which the premises are situated, [^{F9}and]
 - ^{F10}(iii) if the premises are used as a place of work and are within the field of responsibility of one or more enforcing authorities within the meaning of Part I of the ^{M2} Health and Safety at Work etc. Act 1974, consult that authority or each of those authorities.]
- (2) For the avoidance of doubt it is hereby declared that a local authority [^{F11}buildings authority or other authority] who have in accordance with this section been consulted by a [^{F12}fire authority [^{F12}fire and rescue authority]] proposing to serve any such notice

Status: Point in time view as at 10/11/2004.

Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed), Cross Heading: Consultation between fire and other authorities. (See end of Document for details)

as is mentioned in subsection (1) above may be a person aggrieved within the meaning of section 9 of this Act.

[^{F13}(3) Section 18(7) of the ^{M3} Health and Safety at Work etc. Act 1974 (meaning in Part I of that Act of “ enforcing authority ” and of such an authority’s “ field of responsibility ”) shall apply for the purposes of this section as it applies for the purposes of that Part.]

Textual Amendments

- F4** Words in s. 17(1) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(r); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F5** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 7(3), 50(2)
- F6** Word repealed by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), [Sch. 10](#)
- F7** Word substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 15 Pt. II para. 30\(a\)](#)
- F8** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F9** Word added by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), s. 78(1)(6)(a)
- F10** S. 17(1)(iii) added by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), s. 78(1)(6)(a)
- F11** Words substituted by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), s. 78(1)(6)(b)
- F12** Words in s. 17(2) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(r); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F13** S. 17(3) added by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), s. 78(1)(6)(c)

Marginal Citations

- M1** 1959 c. 24.
- M2** 1974 c. 37.
- M3** 1974 c. 37.

Status:

Point in time view as at 10/11/2004.

Changes to legislation:

There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed),
Cross Heading: Consultation between fire and other authorities.