

## 1986 No. 352

## FIRE SERVICES

**The Fire Services (Non-Certificated Factory, Office and Shop Premises) Regulations (Northern Ireland) 1986**

*Made* . . . . . 9th December 1986

*Coming into operation* . . . . . 1st February 1987

The Department of the Environment in exercise of the powers conferred on it by Articles 34(1), (3) and (4) and 52(1)(b) of the Fire Services (Northern Ireland) Order 1984(a) and of all other powers enabling it in that behalf, after consultation with such persons or bodies of persons as appear to it requisite, makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Fire Services (Non-Certificated Factory, Office and Shop Premises) Regulations (Northern Ireland) 1986 and shall come into operation on 1st February 1987.

*Interpretation*

2. In these regulations—

“covered market place” shall be construed generally and not as limited to a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority;

“factory premises” means premises constituting, or forming part of, a factory within the meaning of section 175 of the Factories Act (Northern Ireland) 1965(b), and premises to which sections 121(1) and 122 of that Act (application to electrical stations and institutions, respectively) apply;

“Fire Authority” means the Fire Authority for Northern Ireland;

“office premises” means office premises to which the Office and Shop Premises Act (Northern Ireland) 1966(c) applies and includes premises which are treated by section 1(2) of that Act as forming part of such premises;

“shop premises” means shop premises to which the Office and Shop Premises Act (Northern Ireland) 1966 applies and includes premises which are treated by section 1(3) of that Act as forming part of such premises but does not include premises consisting of a covered market place wherein shop premises are aggregated.

*Premises to which regulations apply*

3.—(1) Subject to paragraph (2), these regulations apply to factory premises, office premises and shop premises in respect of which a fire certificate is not required by virtue of an order under Article 22(2)(f) of the Fire Services (Northern Ireland) Order 1984.

(2) These regulations do not apply to any factory premises, office premises or shop premises, being premises of a description specified in regulations under Article

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(a) S.I. 1984/1821 (N.I. 11)

(b) 1965 c. 20 (N.I.)

(c) 1966 c. 26 (N.I.)

17(2) of the Health and Safety at Work (Northern Ireland) Order 1978(a) and which provide for the issue of fire certificates by the Department of Economic Development.

*Safety provisions in factory premises*

4.—(1) In factory premises to which these regulations apply any doors opening on to any staircase or corridor from any room in which more than ten persons are employed to work, and all other doors affording a means of access thereto, shall, except in the case of sliding doors, be constructed to open outwards.

(2) Every window, door or other exit affording means of escape from the factory premises in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice in letters of adequate size.

(3) Every hoistway or liftway inside the factory premises shall be completely enclosed by construction having a fire resistance of not less than thirty minutes duration and all means of access to the hoistway or liftway shall be fitted with doors having a fire resistance of not less than thirty minutes duration; except that any such hoistway or liftway which is not provided with a vent at the top shall be enclosed at the top only by material easily broken by fire.

(4) The Fire Authority may by notice in writing grant, subject to any conditions specified in the notice, exemption from compliance with any of the requirements of paragraphs (1) and (3) in any case where it is satisfied that compliance with those requirements is inappropriate or undesirable.

(5) If a person avails himself of an exemption granted under paragraph (4) and fails to comply with any of the conditions specified in a notice granting such exemption, he shall be responsible for a contravention of this regulation.

*General safety provisions in case of fire*

5.—(1) While a person employed to work in premises to which these regulations apply is in the premises for the purpose of doing his work or eating a meal, the doors of any doorways through which he might have to pass so as to get out of the premises shall not be so locked or fastened that they cannot be easily and immediately opened by him on his way out.

(2) The contents of any room in the premises, being a room wherein work is done by any of the persons employed to work in the premises, shall be so arranged or disposed as to afford to the persons who work in the room free passage-way to a means of escape in case of fire.

*Fire fighting*

6.—(1) In all premises to which these regulations apply there shall be provided and maintained appropriate means for fighting fire, which shall be so placed as to be readily available for use.

(2) In paragraph (1) “maintained” means maintained in efficient working order and in good repair.

*Responsibility for contraventions*

7.—(1) Subject to paragraphs (2) and (3), the requirements of regulations 4(1), (2) and (3), 5 and 6 are imposed on the occupier of the premises who shall be responsible for a contravention of any of those provisions.

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(a) S.I. 1978/1039 (N.I. 9)

(2) Where factory premises are held under a lease or an agreement for a lease or under a licence and consist of part of a building all parts of which are in the same ownership, the requirements of regulation 4(1), (2) and (3) are imposed on the owner of the building and for a contravention, in relation to such premises, of any of those provisions the owner of the building shall be responsible instead of the occupier of the premises.

(3) Where factory premises consist of part of a building in which different parts are owned by different persons, the requirements of regulation 4(1), (2) and (3) are imposed on the persons who between them own the building and for a contravention, in relation to such premises, of any of those provisions each of the persons who between them own the building shall be responsible.

(4) If any provision of regulation 4, 5 or 6 is contravened, the person or each of the persons who, under regulation 4(5) or this regulation, is or are responsible for the contravention, shall be guilty of an offence under these regulations.

(5) Paragraph (4) shall not apply to the Crown.

Sealed with the Official Seal of the Department of the Environment on 9th December 1986.

(L.S.)

*J. M. Irvine*

Assistant Secretary

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#### EXPLANATORY NOTE

*(This note is not part of the regulations.)*

These regulations provide for certain fire precautions to be taken in the factories, office and shop premises which do not require a fire certificate under the Fire Services (Northern Ireland) Order 1984.

The precautions to be taken relate to the means of escape from the premises in case of fire (regulations 4 and 5) and the provision of fire-fighting equipment (regulation 6).

The regulations impose requirements generally on occupiers of premises but, in the case of factory premises forming parts of buildings which are in single ownership or are plurally owned, the owners of the buildings are made responsible for the contravention of those requirements which apply only to factory premises (regulation 7).