



## Modification of the Regulatory Reform (Fire Safety) Order 2005

2.—(1) The Regulatory Reform (Fire Safety) Order 2005 (“Fire Safety Order”) is modified as follows.

(2) In article 25 (enforcing authorities) after paragraph (1)(e)(ii) insert—

- “(iii) a prison within the meaning of the Prison Act 1952(a);
- (iv) custodial premises provided under section 43 of the Prison Act 1952 (places for the detention of young offenders etc.)(b);
- (v) premises which are for the time being approved under section 13(1) of the Offender Management Act 2007 (approved premises)(c);
- (vi) accommodation provided by a court and used for the detention of persons who have been sentenced to imprisonment or detention or remanded in custody;
- (vii) a removal centre, pre-departure accommodation or short-term holding facility within the meaning of section 147 of the Immigration and Asylum Act 1999 (interpretation of Part VIII)(d);
- (viii) a customs office designated under section 35(1) of the Police and Criminal Evidence Act 1984(e) as applied and modified by articles 12 (application of the Police and Criminal Evidence Act 1984) and 22 (modification of section 35 of the Act (designated police stations)) of the Police and Criminal Evidence Act (Application to immigration officers and designated customs officials in England and Wales) Order 2013(f);
- (ix) an office of Revenue and Customs designated under section 35(1) of the Police and Criminal Evidence Act 1984 as applied and modified by articles 3 (application) and 10 (modification of section 35 of the Act (designated police stations)) of the Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015(g).”.

## Transitional Provision

3.—(1) After article 2(2) of this Order comes into force, anything done by, or in relation to, the former enforcing authority for the premises falling within any of the paragraphs inserted by article 2(2) of this Order, is to be treated as having been done by, or in relation to, the fire inspector or the person authorised by the Secretary of State under article 25(1)(e) of the Fire Safety Order.

(2) In this article “the former enforcing authority” is the fire and rescue authority for the area in which the premises are situated.

Home Office  
Date

*Name*  
Minister of State

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- (a) 1952 c. 52. Section 33 was amended by section 100 of the Criminal Justice and Public Order Act 1994 (c. 33) and by article 3 of and Schedule 1 to the Prison Commissioners Dissolution Order 1963 (S.I. 1963/597).
  - (b) Section 43 was substituted by section 38(1) of the Criminal Justice and Courts Act 2015 (c. 2) and was amended by section 84(3) of the Deregulation Act 2015 (c. 20).
  - (c) 2007 c. 21.
  - (d) 1999 c. 33. Section 147 was amended by section 66 of the Nationality, Immigration and Asylum Act 2002 (c. 41), section 25 of the Borders, Citizenship and Immigration Act 2009 (c. 11) and by section 6(2)(b) and (c) of the Immigration Act 2014 (c. 22). There are other amendments which are not relevant to this Order.
  - (e) 1984 c. 60.
  - (f) S.I. 2013/1542.
  - (g) S.I. 2015/1783.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order modifies article 25 of the Regulatory Reform (Fire Safety) Order 2005 (S.I.2005/1541) to provide that certain types of custodial premises now fall within sub-paragraph (e) of article 25(1) irrespective of whether they are owned or occupied by the Crown. The effect is that a fire inspector, or any person authorised by the Secretary of State for the purposes of the Order, is the enforcing authority in relation to those premises in accordance with article 25(1)(e).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from [www.legislation.gov.uk](http://www.legislation.gov.uk).

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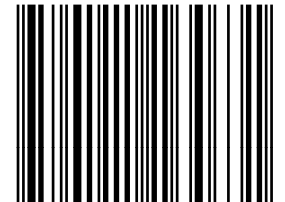
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