



# Fire Precautions Act 1971

## 1971 CHAPTER 40

**E+W+S**

An Act to make further provision for the protection of persons from fire risks; and for purposes connected therewith. [27th May 1971]

### Modifications etc. (not altering text)

- C1** Act repealed (E.W.) (1.10.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), Sch. 2 para. 8, [Sch. 4](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\), 2](#))
- C2** Act restricted by [Safety of Sports Grounds Act 1975 \(c. 52\)](#), [s. 9\(1\)\(d\)](#)
- C3** Act excluded by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), [ss. 26\(1\), 33\(1\)\(b\), 50\(2\)](#)
- C4** Act extended by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), [ss. 49, 50\(2\)](#), [Sch. 5 para. 2](#)  
Act extended (6.5.1999) by [S.I. 1999/677](#), [art. 5\(1\)](#)

### *Premises for which fire certificates are required*

## **1 Uses of premises for which fire certificate is compulsory. **E+W+S****

- (1) A certificate issued under this Act by the [<sup>F1</sup>[<sup>F2</sup>fire authority][<sup>F2</sup>appropriate authority]] [<sup>F1</sup>fire and rescue authority]] (in this Act referred to as a “fire certificate”) shall, subject to any exemption conferred by or under this Act, be required in respect of any premises which are put to a use for the time being designated under this section (in this Act referred to as a “designated use”).
- (2) For the purposes of this section the Secretary of State may by order designate particular uses of premises, but shall not so designate any particular use unless it falls within at least one of the following classes of use, that is to say—
  - (a) use as, or for any purpose involving the provision of, sleeping accommodation;
  - (b) use as, or as part of, an institution providing treatment or care;

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- (c) use for purposes of entertainment, recreation or instruction or for purposes of any club, society or association;
  - (d) use for purposes of teaching, training or research;
  - (e) use for any purpose involving access to the premises by members of the public, whether on payment or otherwise.
  - [<sup>F3</sup>(f) use as a place of work.]
- (3) An order under this section may provide that a fire certificate shall not by virtue of this section be required for premises of any description specified in the order, notwithstanding that they are or form part of premises which are put to a designated use.
- [<sup>F4</sup>(3A) An order under this section may, as respects any designated use, specify descriptions of premises which qualify for exemption by a [<sup>F5</sup>[<sup>F6</sup>fire authority][<sup>F6</sup>appropriate authority]] [<sup>F5</sup>fire and rescue authority]] under section 5A of this Act from the requirement for a fire certificate in respect of premises which are put to that use.]
- (4) For the purposes of any provision made in an order under this section by virtue of subsection (3) [<sup>F7</sup>or (3A)] above a description of premises may be framed by reference to the purpose for which premises are used or the frequency of their use for any purpose [<sup>F7</sup>or their situation, construction or arrangement] or by reference to any other circumstances whatsoever; and different provision may be made in pursuance of [<sup>F8</sup>subsection (3) or (3A) above] in relation to different designated uses.
- (5) An order under this section may include such supplementary and incidental provisions as appear to the Secretary of State to be necessary or expedient for the purposes of the order.
- (6) An order under this section may be varied or revoked by a subsequent order thereunder.
- (7) The power to make orders under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Without prejudice to any exemption conferred by or under this Act, where premises consisting of a part of a building are put to a designated use, any other part of the building which is occupied together with those premises in connection with that use of them shall for the purposes of this Act be treated as forming part of the premises put to that use.

#### Textual Amendments

- F1** Words in s. 1(1) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(a); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F2** Words in s. 1(1) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(a); S.S.I. 2005/392, art. 2
- F3** S. 1(2)(f) inserted by [Health and Safety at Work etc. Act 1974 \(c. 37, SIF 43:3\)](#), s. 78(1)(2)
- F4** S. 1(3A) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 1(2)(a), 50(2)
- F5** Words in s. 1(3A) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(a); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2

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- F6** Words in s. 1(3A) substituted (S.) (2.8.2005) by The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) Order 2005 (S.S.I. 2005/383), art. 1, Sch. 1 para. 3(2)(3)(a); S.S.I. 2005/392, art. 2
- F7** Words inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), ss. 1(2)(b), 50(2)
- F8** Words substituted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), ss. 1(2)(b), 50(2)

## 2 Premises exempt from s. 1. **E+W+S**

No fire certificate shall by virtue of section 1 of this Act be required in respect of premises . . . <sup>F9</sup> consisting of or comprised in a house which is occupied as a single private dwelling.

### Textual Amendments

- F9** Words repealed by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), ss. 13(a), 49(1), Sch. 4

PROSPECTIVE

## <sup>F10F11</sup>3 Power of fire authority to make fire certificate compulsory for use of certain premises as a dwelling. **E+W+S**

### Textual Amendments

- F10** Act repealed (E.W.) (1.4.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), Sch. 2 para. 8, Sch. 4 (with art. 49)
- F11** Act repealed (E.W.) (1.10.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), Sch. 2 para. 8, Sch. 4 (with art. 49) (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), arts. 1(1), 2); (S.) (1.10.2006) by Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, Sch. 2 (with arts. 3, 4)

PROSPECTIVE

## <sup>F12F11</sup>4 Right of appeal against, and coming into force of, notices under s. 3. **E+W+S**

### Textual Amendments

- F11** Act repealed (E.W.) (1.10.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), Sch. 2 para. 8, Sch. 4 (with art. 49) (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), arts. 1(1), 2); (S.) (1.10.2006) by Fire (Scotland)

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Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **Sch. 2** (with arts. 3, 4)

**F12** Act repealed (E.W.) (1.4.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), Sch. 2 para. 8, **Sch. 4** (with art. 49)

### *Fire certificates*

## 5 Application for, and issue of, fire certificate. **E+W+S**

- (1) An application for a fire certificate with respect to any premises must be made to the [<sup>F13</sup>[<sup>F14</sup>fire authority][<sup>F14</sup>appropriate authority]][<sup>F13</sup>fire and rescue authority]] in the prescribed form and—
- must specify the particular use or uses of the premises which it is desired to have covered by the certificate; and
  - must give such information as may be prescribed about the premises and any prescribed matter connected with them; and
  - if the premises consist of part of a building, must, in so far as it is available to the applicant, give such information as may be prescribed about the rest of the building and any prescribed matter connected with it.

- (2) On receipt of an application for a fire certificate with respect to any premises the [<sup>F15</sup>[<sup>F14</sup>fire authority][<sup>F14</sup>appropriate authority]][<sup>F15</sup>fire and rescue authority]][<sup>F16</sup> shall notify the applicant of his duties under subsection (2A) below and] may require the applicant within such time as they may specify—
- to furnish them with such plans of the premises as they may specify; and
  - if the premises consist of part of a building, to furnish them, in so far as it is possible for him to do so, with such plans of such other part or parts of the building as they may specify;

and if the applicant fails to furnish the required plans within that time or such further time as the authority may allow, the application shall be deemed to have been withdrawn at the end of that time or further time, as the case may be.

[<sup>F17</sup>(2A) Where an application is made for a fire certificate with respect to any premises it is the duty of the occupier to secure that, when the application is made and pending its disposal—

- the means of escape in case of fire with which the premises are provided can be safely and effectively used at all material times;
- the means for fighting fire with which the premises are provided are maintained in efficient working order; and
- any person employed to work in the premises receives instruction or training in what to do in case of fire.]

- (3) Where an application for a fire certificate with respect to any premises has been duly made and all such plans (if any) as are required to be furnished under subsection (2) above in connection with it have been duly furnished, it shall be the duty of the [<sup>F18</sup>[<sup>F14</sup>fire authority][<sup>F14</sup>appropriate authority]][<sup>F18</sup>fire and rescue authority]][<sup>F19</sup> to consider whether or not, in the case of premises which qualify for exemption under section 5A of this Act, to grant exemption and, if they do not grant it, it shall be their duty] to cause to be carried out an inspection of the relevant building (including any part of it which consists of premises to which any exemption conferred by or under this Act applies), and if the [<sup>F18</sup>[<sup>F14</sup>fire authority][<sup>F14</sup>appropriate authority]][<sup>F18</sup>fire and

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rescue authority]] are satisfied as regards any use of the premises which is specified in the application that—

- (a) the means of escape in case of fire with which the premises are provided; and
- (b) the means (other than means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times; and
- (c) the means for fighting fire (whether in the premises or affecting the means of escape) with which the relevant building is provided [<sup>F20</sup> . . .]; and
- (d) the means with which the relevant building is provided for giving to persons in the premises warning in case of fire,

are such as may reasonably be required in the circumstances of the case in connection with that use of the premises, the authority shall issue a certificate covering that use.

- (4) Where the [<sup>F21</sup> [<sup>F14</sup> fire authority] [<sup>F14</sup> appropriate authority]] [<sup>F21</sup> fire and rescue authority]], after causing to be carried out under subsection (3) above an inspection of the relevant building, are, as regards any use of the premises specified in the application, not satisfied that the means mentioned in that subsection are such as may reasonably be required in the circumstances of the case in connection with that use, they shall by notice served on the applicant—

- (a) inform him of that fact and of the steps which would have to be taken (whether by way of making alterations to any part of the relevant building or of otherwise providing that building or, as the case may be, the premises with any of those means) to satisfy them as aforesaid as regards that use; and
- (b) notify him that they will not issue a fire certificate covering that use unless those steps are taken (whether by the applicant or otherwise) within a specified time;

and if at the end of that time or such further time as may be allowed by the authority or by any order made by a court on, or in proceedings arising out of, an appeal under section 9 of this Act against the notice, a certificate covering that use has not been issued, it shall be deemed to have been refused.

- [<sup>F22</sup>(5) In this Act, “ escape ”, in relation to premises, means escape from them to some place of safety beyond the building which constitutes or comprises the premises and any area enclosed by it or enclosed with it; and according, for the purposes of any provision of this Act relating to means of escape, consideration may be given to, and conditions or requirements imposed as respects, any place or thing by means of which a person escapes from premises to a place of safety. ]

#### Textual Amendments

- F13** Words in s. 5(1) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(d); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F14** Words in s. 5(1)-(4) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(d); S.S.I. 2005/392, art. 2
- F15** Words in s. 5(2) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(d); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F16** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 8(2)(a)
- F17** S. 5(2A) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 8(2)(b)

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- F18** Words in s. 5(3) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by **Fire and Rescue Services Act 2004 (c. 21), s. 61, Sch. 1 para. 28(1)(2)(d); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2**
- F19** Words inserted by **Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), ss. 1(3), 50(2)**
- F20** Words in s. 5(3)(c) repealed (1.8.1993) by **Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), ss. 15, 49(1), Sch. 4; S.I. 1993/1411, art. 2, Sch. Appendix**
- F21** Words in s. 5(4) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by **Fire and Rescue Services Act 2004 (c. 21), s. 61, Sch. 1 para. 28(1)(2)(d); S.I. 2004/2304, art. 2, S.I.2004/2917, art. 2**
- F22** S. 5(5) added by **Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), s. 4(2)**

**Modifications etc. (not altering text)**

- C5** S. 5 amended by **Health and Safety at Work etc. Act 1974 (c. 37), Sch. 8 para. 3**
- C6** S. 5: Functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of **S.I. 2000/2853, reg. 2(1), Sch. 1 Table B28**

**[<sup>F23</sup>5A Powers for fire authority to grant exemption in particular cases. E+W+S**

- (1) A [<sup>F24</sup>[<sup>F25</sup>fire authority][<sup>F25</sup>appropriate authority]][<sup>F24</sup>fire and rescue authority]] may, if they think fit as regards any premises which appear to them to be premises qualifying for exemption under this section as respects any particular use, grant exemption from the requirement to have a fire certificate covering that use.
- (2) Exemption under this section for any premises as respects any use of them may be granted by the [<sup>F26</sup>[<sup>F25</sup>fire authority][<sup>F25</sup>appropriate authority]][<sup>F26</sup>fire and rescue authority]], with or without the making of an application for the purpose,—
  - (a) on the making of an application for a fire certificate with respect to the premises covering that use; or
  - (b) at any time during the currency of a fire certificate with respect to the premises which covers that use.
- (3) In deciding whether or not to grant exemption under this section for any premises the [<sup>F27</sup>[<sup>F25</sup>fire authority][<sup>F25</sup>appropriate authority]][<sup>F27</sup>fire and rescue authority]] shall have regard to all the circumstances of the case and in particular to the degree of seriousness of the risk in case of fire to persons in the premises.
- (4) For the purpose of making that decision the [<sup>F28</sup>[<sup>F25</sup>fire authority][<sup>F25</sup>appropriate authority]][<sup>F28</sup>fire and rescue authority]] may—
  - (a) require the applicant or, as the case may be, the occupier of the premises to give such information as they require about the premises and any matter connected with them; and
  - (b) cause to be carried out an inspection of the relevant building.
- (5) The [<sup>F29</sup>[<sup>F25</sup>fire authority][<sup>F25</sup>appropriate authority]][<sup>F29</sup>fire and rescue authority]] shall not grant exemption under this section for any premises without causing an inspection to be carried out under subsection (4) above unless they have caused the premises to be inspected (under that or any other power) within the preceding twelve months.
- (6) The effect of the grant of exemption under this section as respects any particular use of premises is that, during the currency of the exemption, no fire certificate in respect of the premises is required to cover that use and accordingly—
  - (a) where the grant is made on an application for a fire certificate, the grant disposes of the application or of so much of it as relates to that use; and



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- (b) where the grant is made during the currency of a fire certificate, the certificate shall wholly or as respects that use cease to have effect.
- (7) On granting an exemption under this section, the [<sup>F30</sup>[<sup>F31</sup>fire authority][<sup>F31</sup>appropriate authority]] [<sup>F30</sup>fire and rescue authority]] shall, by notice to the applicant for the fire certificate or the occupier of the premises, as the case may be, inform him that they have granted exemption as respects the particular use or uses of the premises specified in the notice and of the effect of the grant.
- (8) A notice of the grant of exemption for any premises as respects a particular use of them may include a statement specifying the greatest number of persons of a description specified in the statement for the purposes of that use who, in the opinion of the [<sup>F32</sup>[<sup>F31</sup>fire authority][<sup>F31</sup>appropriate authority]] [<sup>F32</sup>fire and rescue authority]], can safely be in the premises at any one time.
- (9) Where a notice of the grant of exemption for any premises includes a statement under subsection (8) above, the [<sup>F33</sup>[<sup>F31</sup>fire authority][<sup>F31</sup>appropriate authority]] [<sup>F33</sup>fire and rescue authority]] may, by notice served on the occupier of the premises, direct that, as from a date specified in the notice, the statement—
- (a) is cancelled; or
- (b) is to have effect as varied by the notice;
- and, on such a variation the statement shall be treated, so long as the variation remains in force, as if the variation were specified in it.]

#### Textual Amendments

- F23** Ss. 5A and 5B inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 1(4), 50(2)
- F24** Words in s. 5A(1) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.200 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(e); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F25** Words in s. 5A(1)-(5) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(e); S.S.I. 2005/392, art. 2
- F26** Words in s. 5A(2) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.200 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(e); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F27** Words in s. 5A(3) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.200 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(e); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F28** Words in s. 5A(4) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.200 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(e); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F29** Words in s. 5A(5) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.200 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(e); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F30** Words in s. 5A(7) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.200 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(e); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F31** Words in s. 5A(7)-(9) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(e); S.S.I. 2005/392, art. 2

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- F32** Words in s. 5A(8) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.200 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(e); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F33** Words in s. 5A(9) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.200 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(e); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2

### **[<sup>F34</sup>5B** **Withdrawal of exemptions under s. 5A.** **E+W+S**

- (1) A [<sup>F35</sup>[<sup>F36</sup>fire authority][<sup>F36</sup>appropriate authority]][<sup>F35</sup>fire and rescue authority] who have granted an exemption under section 5A of this Act from the requirement to have a fire certificate covering any particular use of premises may, if they think fit, at any time, withdraw the exemption in accordance with subsections (2) to (4) below.
- (2) In deciding whether or not to withdraw an exemption they have granted the [<sup>F37</sup>[<sup>F36</sup>fire authority][<sup>F36</sup>appropriate authority]][<sup>F37</sup>fire and rescue authority] shall have regard to all the circumstances of the case and in particular to the degree of seriousness of the risk in case of fire to persons in the premises.
- (3) The [<sup>F38</sup>[<sup>F36</sup>fire authority][<sup>F36</sup>appropriate authority]][<sup>F38</sup>fire and rescue authority] may withdraw an exemption they have granted as respects any particular use of premises without exercising any of the powers of inspection or inquiry conferred by section 19 of this Act but they shall not withdraw the exemption without first giving notice to the occupier of the premises that they propose to withdraw it and the reasons for the proposal and giving him an opportunity of making representations on the matter.
- (4) An exemption shall be withdrawn by serving a notice on the occupier of the premises to which the exemption relates stating that the exemption will cease to have effect as respects the particular use or uses of the premises specified in the notice on such date as is so specified, being a date not earlier than the end of the period of fourteen days beginning with the date on which service of the notice is effected.
- (5) If premises cease to qualify for exemption under section 5A of this Act a [<sup>F39</sup>[<sup>F40</sup>fire authority][<sup>F40</sup>appropriate authority]][<sup>F39</sup>fire and rescue authority] who have granted an exemption under that section shall notify the occupier of the premises of the fact and date of the cessation of the exemption.]

#### **Textual Amendments**

- F34** Ss. 5A and 5B inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 1(4), 50(2)
- F35** Words in s. 5B(1) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(f); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F36** Words in s. 5B(1)-(3) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(f); S.S.I. 2005/392, art. 2
- F37** Words in s. 5B(2) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(f); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F38** Words in s. 5B(3) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(f); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2



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- F39** Words in s. 5B(5) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(f); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F40** Words in s. 5B(5) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(f); S.S.I. 2005/392, art. 2

## 6 Contents of fire certificate. **E+W+S**

- (1) Every fire certificate issued with respect to any premises shall specify—
- the particular use or uses of the premises which the certificate covers; and
  - the means of escape in case of fire with which the premises are provided; and
  - the means (other than means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times; and
  - the type, number and location of the means for fighting fire (whether in the premises or affecting the means of escape) with which the relevant building is provided <sup>F41</sup>. . .; and
  - the type, number and location of the means with which the relevant building is provided for giving to persons in the premises warning in case of fire,
- and may, where appropriate, do so by means of or by reference to a plan.
- (2) A fire certificate issued with respect to any premises may impose such requirements as the [<sup>F42</sup> [<sup>F43</sup> fire authority] [<sup>F43</sup> appropriate authority]] [<sup>F42</sup> fire and rescue authority]] consider appropriate in the circumstances—
- for securing that the means of escape in case of fire with which the premises are provided are properly maintained and kept free from obstruction;
  - for securing that the means with which the relevant building is provided as mentioned in subsection (1)(c) to (e) above are properly maintained;
  - for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire, and that records are kept of instruction or training given for that purpose;
  - for limiting the number of persons who may be in the premises at any one time; and
  - as to other precautions to be observed in the relevant building in relation to the risk, in case of fire, to persons in the premises.
- (3) Any requirements imposed by virtue of subsection (2) above by a fire certificate issued with respect to any premises—
- may, in so far as they apply to the premises, be framed either so as to apply to the whole of the premises or so as to apply to one or more parts of them; and
  - where the premises do not constitute the whole of the relevant building, may (where appropriate) be framed either so as to apply to the whole of the rest of that building or so as to apply to one or more parts of the rest of it,
- and different requirements may, in either case, be imposed in relation to different parts; and a fire certificate covering more than one use of the premises to which it relates may by virtue of subsection (2) above impose different requirements in relation to different uses of the premises or of any part of the premises.
- (4) For the purposes of this Act a fire certificate issued with respect to any premises shall be treated as requiring every matter specified in the certificate in accordance with

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subsection (1)(b), (c), (d) or (e) above to be kept in accordance with its specification in the certificate; and references in this Act to requirements imposed by a fire certificate shall be construed accordingly.

- (5) In so far as a requirement imposed by a fire certificate issued with respect to any premises requires anything to be done or not to be done to or in relation to any part of the relevant building, the person responsible for any contravention thereof shall (subject to any provision included in the certificate in pursuance of this subsection) be the occupier of that part; but if as regards any such requirement, in so far as it requires anything to be done or not to be done to or in relation to any part of the relevant building, the [F44[F45 fire authority[F45 appropriate authority]]][F44 fire and rescue authority]] consider it appropriate in the circumstances to provide that some other person or persons shall be responsible for any contravention thereof instead of, or in addition to, the occupier of that part, they may so provide in the certificate and, if the certificate covers more than one use of the premises, may in pursuance of this subsection make different provision therein in relation to different uses of the premises.
- (6) Subject to subsection (7) below, a [F46[F45 fire authority[F45 appropriate authority]]][F46 fire and rescue authority]]—
- (a) shall not issue a fire certificate which would have the effect of making a person responsible under or by virtue of subsection (5) above for contraventions of a requirement imposed by the certificate, or make in a fire certificate any amendment which would have that effect, unless (in either case) they have previously consulted the person in question about his proposed responsibility for contraventions of the requirement; and
  - (b) shall not amend a fire certificate so as to vary any requirement imposed by it, in a case where any person already responsible under or by virtue of subsection (5) above for contraventions of that requirement is to continue to be so responsible when the variation takes effect, unless they have previously consulted that person about the proposed variation;

but, without prejudice to any right of appeal conferred by section 9 of this Act, a fire certificate shall not be invalidated by any failure of the [F46[F45 fire authority[F45 appropriate authority]]][F46 fire and rescue authority]] by whom it is issued to comply with the requirements of this subsection.

- (7) Where a [F47[F45 fire authority[F45 appropriate authority]]][F47 fire and rescue authority]] propose to issue a new fire certificate with respect to any premises as an alternative to amending an existing fire certificate, and the new certificate would have the effect of reimposing without variation a requirement imposed by the existing certificate and of making any person who is responsible under or by virtue of subsection (5) above for contraventions of the existing requirement continue to be so responsible for contraventions of it as reimposed, the authority shall not be required under subsection (6) above to consult that person by reason only of that fact.
- (8) A fire certificate issued with respect to any premises other than premises in relation to which a notice under section 3 of this Act is in force shall be sent to the occupier of the premises and shall be kept in the premises so long as it is in force.
- (9) A fire certificate issued with respect to any premises in relation to which a notice under section 3 of this Act is in force shall be sent to the notified person and, if that person is not the occupier of the premises, a copy of the certificate shall be sent to the occupier of the premises; and so long as the certificate is in force—
- (a) the certificate shall be kept in the relevant building; and

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- (b) where a copy of the certificate is by this subsection required to be sent to the occupier of the premises, the copy shall be kept in the premises.

#### Textual Amendments

- F41** Words in s. 6(1)(d) repealed (1.8.1993) by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 1(3), 49, [Sch. 4](#); S.I. 1993/1411, art. 2, [Sch.Appendix](#)
- F42** Words in s. 6(2) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 28\(1\)\(2\)\(g\)](#); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F43** Words in s. 6(2) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [Sch. 1 para. 3\(2\)\(3\)\(g\)](#); S.S.I. 2005/392, art. 2
- F44** Words in s. 6(5) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 28\(1\)\(2\)\(g\)](#); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F45** Words in s. 6(5)-(7) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [Sch. 1 para. 3\(2\)\(3\)\(g\)](#); S.S.I. 2005/392, art. 2
- F46** Words in s. 6(6) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 28\(1\)\(2\)\(g\)](#); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F47** Words in s. 6(7) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, [Sch. 1 para. 28\(1\)\(2\)\(g\)](#); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2

## 7 Offences in relation to foregoing provisions. **E+W+S**

- (1) Subject to subsection (3) below and section 9(3) of this Act, if any premises are at any time put to a designated use, being premises such that, where they are put to that use, a fire certificate is by virtue of section 1 of this Act required in respect of them, then, if no fire certificate covering that use is at that time in force in respect of the premises, the occupier of the premises shall be guilty of an offence.
- (2) Subject to subsection (3) below and section 9(3) of this Act, if any premises are used as a dwelling at any time while section 3 of this Act applies to them and a notice under that section relating to them is in force, then, if no fire certificate covering that use is at that time in force in respect of the premises, the notified person shall, unless he proves that at that time he no longer occupied the specified position, be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (1) or (2) above by reason of any premises being put to a designated use or used as a dwelling at a time after an application for a fire certificate with respect to them covering that use has been duly made and before the certificate is granted or refused.
- [<sup>F48</sup>(3A) If, pending the disposal of an application for a fire certificate with respect to any premises, the premises are put to a designated use, then, if any requirement imposed by section 5(2A) of this Act is contravened by reason of anything done or not done to or in relation to any part of the relevant building, the occupier shall be guilty of an offence.]
- (4) Subject to section 9(4) and (5) of this Act, if, while a fire certificate is in force in respect of any premises, any requirement imposed thereby is contravened by reason

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of anything done or not done to or in relation to any part of the relevant building, every person who under or by virtue of section 6(5) of this Act is responsible for that contravention shall be guilty of an offence:

Provided that a person [<sup>F49</sup>other than the occupier of the premises] shall not be convicted of an offence under this subsection unless it is proved that his responsibility for contraventions of the requirement in question had been made known to him before the occurrence of the contravention in respect of which he is charged.

- (5) A person guilty of an offence under subsection (1), (2) or (4) above shall be liable—
- (a) on summary conviction, to a fine not exceeding £400;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
- [<sup>F50</sup>(5A) A person guilty of an offence under subsection (3A) above shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.]

(6) In the event of a contravention of subsection (8) of section 6 of this Act in the case of a fire certificate required by that subsection to be kept in any premises or of a contravention of subsection (9) of that section in the case of a copy of a fire certificate required by subsection (9)(b) of that section to be kept in any premises, the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F51</sup>level 3 on the standard scale].

(7) If, while there is in force a notice under section 3 of this Act relating to any premises, there occurs a contravention of subsection (9) of section 6 of this Act in the case of a fire certificate issued with respect to those premises and required by paragraph (a) of that subsection to be kept in the relevant building, the notified person shall, unless he proves that at the material time he no longer occupied the specified position, be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F51</sup>level 3 on the standard scale].

#### Textual Amendments

- F48** S. 7(3A) inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), s. 8(3)  
**F49** Words inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), s. 14  
**F50** S. 7(5A) inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), s. 8(4)  
**F51** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

## 8 Change of conditions affecting adequacy of certain matters specified in fire certificate, etc. **E+W+S**

- (1) So long as a fire certificate is in force with respect to any premises, the [<sup>F52</sup>[<sup>F53</sup>fire authority][<sup>F53</sup>appropriate authority]][<sup>F52</sup>fire and rescue authority]] may cause any part of the relevant building to be inspected at any reasonable time for the purpose of ascertaining whether there has been a change of conditions by reason of which any of the matters mentioned in section 6(1)(b) to (e) of this Act have become inadequate in relation to any use of the premises covered by the certificate; but where a building or part of a building is used as a dwelling or consists of premises of any other description prescribed for the purposes of this subsection, an inspection of the building or, as the case may be, of such a part shall not be made under this subsection as of right unless

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twenty-four hours' notice has been given to the occupier of the building or, as the case may be, of the part in question.

For the purposes of this subsection a description of premises may be framed in any of the ways mentioned in section 1(4) of this Act.

- (2) If, while a fire certificate is in force with respect to any premises—
- (a) it is proposed to make a material extension of, or material structural alteration to, the premises; or
  - (b) it is proposed to make a material alteration in the internal arrangement of the premises or in the furniture or equipment with which the premises are provided; or
  - (c) the occupier of the premises proposes to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the relevant building in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind,

the occupier shall, before the carrying out of the proposals is begun, give notice of the proposals to the [<sup>F54</sup>[<sup>F53</sup>fire authority][<sup>F53</sup>appropriate authority]][<sup>F54</sup>fire and rescue authority]]; and if the carrying out of the proposals is begun without such notice having been given, the occupier shall be guilty of an offence.

- (3) If, while a fire certificate is in force with respect to any premises not constituting the whole of the relevant building, any person who as occupier of any other part of that building is under section 6(5) of this Act responsible for contraventions of any requirement imposed by the certificate proposes to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on that building in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this subsection as the maximum in relation to materials of that kind, that person shall, before the carrying out of the proposals is begun, give notice of the proposals to the [<sup>F55</sup>[<sup>F53</sup>fire authority][<sup>F53</sup>appropriate authority]][<sup>F55</sup>fire and rescue authority]]; and if the carrying out of the proposals is begun without such notice having been given, that person shall be guilty of an offence.

- (4) If the [<sup>F56</sup>[<sup>F53</sup>fire authority][<sup>F53</sup>appropriate authority]][<sup>F56</sup>fire and rescue authority]] are satisfied, as regards any premises with respect to which a notice under subsection (2) above has been given to them, that the carrying out of the proposals notified would result in any of the matters mentioned in section 6(1)(b) to (e) of this Act becoming inadequate in relation to any use of the premises covered by the relevant fire certificate, they may by notice served on the occupier within two months from the receipt of the notice under subsection (2)—

- (a) inform the occupier of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to prevent the matters in question from becoming in their opinion inadequate in relation to that use in the event of the proposals being carried out; and
- (b) give him such directions as the [<sup>F56</sup>[<sup>F53</sup>fire authority][<sup>F53</sup>appropriate authority]][<sup>F56</sup>fire and rescue authority]] consider appropriate for securing, as regards any of the proposals which may be specified in the directions, that that proposal, or any stage of it which may be so specified, is not carried out until such of those steps as may be so specified in relation to that proposal or stage have been taken (whether by him or otherwise);

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and if those steps are duly taken in connection with the carrying out of the proposals, the [F56[F53 fire authority][F53 appropriate authority]][F56 fire and rescue authority]] shall amend the fire certificate or issue a new one.

- (5) If the [F57[F53 fire authority][F53 appropriate authority]][F57 fire and rescue authority]] are satisfied (whether as a result of an inspection made under subsection (1) above or otherwise) that, as regards any premises with respect to which a fire certificate is in force, any of the matters mentioned in section 6(1)(b) to (e) of this Act has, in consequence of a change of conditions, become inadequate in relation to any use of the premises covered by the certificate, they may by notice served on the occupier—
- (a) inform him of that fact and of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to make the matter in question adequate in their opinion in relation to that use; and
  - (b) notify him that if those steps are not taken (whether by him or otherwise) within such period as may be specified in the notice, the fire certificate may be cancelled;

and if those steps are duly taken, the [F57[F53 fire authority][F53 appropriate authority]][F57 fire and rescue authority]] shall, if necessary, amend the fire certificate or issue a new one.

- (6) If the [F58[F53 fire authority][F53 appropriate authority]][F58 fire and rescue authority]] consider (whether as a result of an inspection made under subsection (1) above or otherwise) that, as regards any premises with respect to which a fire certificate is in force, it would, in consequence of a change of conditions or of the coming into force of any regulations made under section 12 of this Act, be appropriate to amend the certificate for any of the following purposes, that is to say—
- (a) to vary or revoke any requirement which the certificate imposes by virtue of section 6(2) of this Act; or
  - (b) to add to the requirements which the certificate so imposes; or
  - (c) to alter the effect of the certificate as to the person or persons responsible under or by virtue of section 6(5) of this Act for contraventions of any requirement imposed (whether by virtue of section 6(2) or otherwise) by the certificate,
- the authority may, subject to section 6(6) of this Act, make such amendments in the certificate as they think appropriate for that purpose or issue a new certificate embodying those amendments.
- (7) If any person contravenes a direction given to him in pursuance of subsection (4)(b) above, he shall be guilty of an offence; and the [F59[F53 fire authority][F53 appropriate authority]][F59 fire and rescue authority]] may cancel the fire certificate issued with respect to any premises if they are satisfied that there has been such a contravention as aforesaid by the occupier, whether or not proceedings are brought in respect of the contravention.
- (8) A person guilty of an offence under subsection (2), (3) or (7) above shall be liable—
- (a) on summary conviction, to a fine not exceeding £400;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

- (9) Where a notice has been served under subsection (5) above in connection with any premises and the steps mentioned in it in accordance with paragraph (a) of that subsection are not taken within the period specified in the notice in accordance with paragraph (b) of that subsection or such longer period as may be allowed by the



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[<sup>F60</sup>[<sup>F61</sup>fire authority][<sup>F61</sup>appropriate authority]][<sup>F60</sup>fire and rescue authority]] or by any order made by a court on, or in proceedings arising out of, an appeal under section 9 of this Act against the notice, the [<sup>F60</sup>[<sup>F61</sup>fire authority][<sup>F61</sup>appropriate authority]][<sup>F60</sup>fire and rescue authority]] may cancel the fire certificate in force with respect to the premises or, if it covers two or more uses of the premises, may either cancel it or amend it so as to remove from those uses one or more of them (and in that case may make in it all such amendments as they think appropriate in connection with the removal of the use or uses in question).

(10) Where there is in force a notice under section 3 of this Act relating to any premises, the foregoing provisions of this section shall apply to them subject to the following modifications, that is to say—

- (a) in subsection (2), the first reference to the occupier shall be read as a reference to the occupier or the notified person, the second reference to the occupier shall be read as a reference to the occupier or the notified person, as the case may be, and the third reference to the occupier shall be read as a reference to the person required by that subsection to give notice of the proposals;
- (b) in subsections (4) and (7), references to the occupier shall, if the notice under subsection (2) was given by the notified person, be read as references to that person; and
- (c) in subsection (5), references to the occupier shall be read as references to the notified person.

(11) Where the [<sup>F62</sup>[<sup>F63</sup>fire authority][<sup>F63</sup>appropriate authority]][<sup>F62</sup>fire and rescue authority]] are satisfied, as regards any premises with respect to which a notice under subsection (2) above has been given to them, that the carrying out of the proposals notified would not result in any of the matters mentioned in section 6(1)(b) to (e) of this Act becoming inadequate, they shall, on production of the fire certificate in force with respect to the premises, cause to be attached to it a copy of the notice together with a written statement that they are so satisfied.

(12) Where in pursuance of this section the [<sup>F64</sup>[<sup>F63</sup>fire authority][<sup>F63</sup>appropriate authority]][<sup>F64</sup>fire and rescue authority]] amend a fire certificate of which by virtue of section 6(9) of this Act a copy is required to be kept in the premises to which the certificate relates, they shall cause the copy to be similarly amended; and where in pursuance of subsection (11) above the [<sup>F64</sup>[<sup>F63</sup>fire authority][<sup>F63</sup>appropriate authority]][<sup>F64</sup>fire and rescue authority]] cause any document to be attached to such a fire certificate, they shall cause the like document to be attached to the copy of the certificate required to be kept in the premises to which the certificate relates.

#### Textual Amendments

- F52** Words in s. 8(1) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(h); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F53** Words in s. 8(1)-(7) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(h); S.S.I. 2005/392, art. 2
- F54** Words in s. 8(2) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(h); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2

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- F55** Words in s. 8(3) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(h\); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2](#)
- F56** Words in s. 8(4) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(h\); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2](#)
- F57** Words in s. 8(5) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(h\); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2](#)
- F58** Words in s. 8(6) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(h\); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2](#)
- F59** Words in s. 8(7) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(h\); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2](#)
- F60** Words in s. 8(9) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(h\); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2](#)
- F61** Words in s. 8(9) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\), art. 1, Sch. 1 para. 3\(2\)\(3\)\(h\); S.S.I. 2005/392, art. 2](#)
- F62** Words in s. 8(11) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(h\); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2](#)
- F63** Words in s. 8(11)(12) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\), art. 1, Sch. 1 para. 3\(2\)\(3\)\(h\); S.S.I. 2005/392, art. 2](#)
- F64** Words in s. 8(12) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(h\); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2](#)

**[<sup>F65</sup>8A Changes of conditions affecting premises for which exemption has been granted. E+W+S**

- (1) If, during the currency of an exemption granted under section 5A of this Act for any premises, it is intended to carry out in relation to those premises any proposals to which this section applies, the occupier shall, before the carrying out of the proposals is begun, give notice of the proposals to the [<sup>F66</sup>[<sup>F67</sup>fire authority]<sup>F67</sup>appropriate authority]] [<sup>F66</sup>fire and rescue authority]]; and if the carrying out of the proposals is begun without such notice having been given, the occupier shall be guilty of an offence.
- (2) This section applies to the following proposals, namely, any proposal—
- (a) to make—
    - (i) an extension of, or structural alteration to, the premises which would affect the means of escape from the premises; or
    - (ii) an alteration in the internal arrangement of the premises, or in the furniture or equipment with which the premises are provided, which would affect the means of escape from the premises; or
  - (b) on the part of the occupier, to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the building which constitutes or comprises the premises in a quantity or aggregate quantity

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greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind; or

- (c) in a case where the notice of exemption under section 5A of this Act includes a statement under subsection (8) of that section, to make such a use of the premises as will involve there being in the premises at any one time a greater number of persons in relation to whom the statement applies than is specified or treated as specified in the statement.

(3) A person guilty of an offence under subsection (1) above shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;  
(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.]

#### Textual Amendments

**F65** S. 8A inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. **2(1)**, 50(2)

**F66** Words in s. 8A(1) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(i); S.I. 2004/2304, art. 2, S.I.2004/2917, art. 2

**F67** Words in s. 8A(1) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(i); S.S.I. 2005/392, art. 2

#### [<sup>F68</sup>8B Charges for issue or amendment of fire certificates. **E+W+S**

(1) Where a [<sup>F69</sup>[<sup>F70</sup>fire authority][<sup>F70</sup>appropriate authority]][<sup>F69</sup>fire and rescue authority]]—

- (a) issue a fire certificate under section 5 of this Act, or  
(b) except in a case falling within subsection (2) below, amend a fire certificate or, as an alternative to amendment, issue a new fire certificate, under section 8 of this Act,

the applicant for the certificate or, as the case may be, the occupier of the premises to which the amended or new certificate relates shall pay to the authority such fee as the authority determine.

(2) No fee shall be chargeable for the amendment of a fire certificate, or issue of a new fire certificate embodying amendments, under section 8(6) of this Act in a case where the amendment or amendments is or are made in consequence of the coming into force of regulations under section 12 of this Act.

(3) A fee charged by a [<sup>F71</sup>[<sup>F70</sup>fire authority][<sup>F70</sup>appropriate authority]][<sup>F71</sup>fire and rescue authority]] under this section in connection with the issue of a fire certificate or the amendment of a, or issue of a new, fire certificate shall not exceed an amount which represents the cost to the authority of the work reasonably done by them for the purposes of the issue of the certificate or, as the case may be, the amendment of the certificate, other than the cost of any inspection of the premises.]

#### Textual Amendments

**F68** S. 8B inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 3

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- F69** Words in s. 8B(1) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(j); S.I. 2004/2304, art. 2, S.I.2004/2917, art. 2
- F70** Words in s. 8B(1)(3) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(j); S.S.I. 2005/392, art. 2
- F71** Words in s. 8B(3) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(j); S.I. 2004/2304, art. 2, S.I.2004/2917, art. 2

**Modifications etc. (not altering text)**

- C7** S. 8B excluded by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 49, [Sch. 5 para. 3](#)

**9 Right of appeal as regards matters arising out of ss. 5 to 8. E+W+S**

(1) A person who is aggrieved—

- (a) by anything mentioned in a notice served under section 5(4) of this Act as a step which would have to be taken as a condition of the issue of a fire certificate with respect to any premises, or by the period allowed by such a notice for the taking of any steps mentioned in it; or
- (b) by the refusal of the [<sup>F72</sup>[<sup>F73</sup>fire authority][<sup>F73</sup>appropriate authority]][<sup>F72</sup>fire and rescue authority] to issue a fire certificate with respect to any premises; or
- (c) by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises by the [<sup>F72</sup>[<sup>F73</sup>fire authority][<sup>F73</sup>appropriate authority]][<sup>F72</sup>fire and rescue authority]; or
- (d) by the refusal of the [<sup>F72</sup>[<sup>F73</sup>fire authority][<sup>F73</sup>appropriate authority]][<sup>F72</sup>fire and rescue authority] to cancel or to amend a fire certificate issued with respect to any premises; or
- (e) by any direction given in pursuance of section 8(4)(b) of this Act; or
- (f) by anything mentioned in a notice served under section 8(5) of this Act with respect to any premises as a step which must be taken if the [<sup>F72</sup>[<sup>F73</sup>fire authority][<sup>F73</sup>appropriate authority]][<sup>F72</sup>fire and rescue authority] are not to become entitled to cancel the fire certificate relating to the premises, or by the period allowed by such a notice for the taking of any steps mentioned in it; or
- (g) by the amendment or cancellation in pursuance of section 8(6), (7) or (9) of this Act of a fire certificate issued with respect to any premises,

may, within twenty-one days from the relevant date, appeal to the court; and on any such appeal the court may make such order as it thinks fit.

(2) In this section “the relevant date” means—

- (a) in relation to a person aggrieved by any such refusal, direction, cancellation or amendment as is mentioned in subsection (1) above or by any matter mentioned in paragraph (a) or (f) of that subsection, the date on which he was first served by the [<sup>F74</sup>[<sup>F73</sup>fire authority][<sup>F73</sup>appropriate authority]][<sup>F74</sup>fire and rescue authority] with notice of the refusal, direction, cancellation, amendment or matter in question;
- (b) in relation to a person aggrieved by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises, the date on which the inclusion or omission was first made known to him;

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and for the purposes of paragraph (b) above a person who is served with a fire certificate or a copy of, or of any part of, a fire certificate shall be taken to have had what the certificate or that part of it does and does not contain made known to him at the time of the service on him of the certificate or copy.

- (3) Where an appeal is brought under this section against the refusal of the [<sup>F75</sup> [<sup>F73</sup> fire authority] [<sup>F73</sup> appropriate authority]] [<sup>F75</sup> fire and rescue authority]] to issue a fire certificate with respect to any premises or the cancellation or amendment in pursuance of section 8(7) or (9) of this Act of a fire certificate issued with respect to any premises, a person shall not be guilty of an offence under section 7(1) or (2) of this Act by reason of the premises in question being put to a designated use or used as a dwelling at a time between the relevant date and the final determination of the appeal.
- (4) Where an appeal is brought under this section against the inclusion in a fire certificate of anything which has the effect of making the certificate impose a requirement, a person shall not be guilty of an offence under section 7(4) of this Act by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.
- (5) Where an appeal is brought under this section against—
- the inclusion in a fire certificate, in pursuance of subsection (5) of section 6 of this Act, of a provision making any person responsible for contraventions of any requirement imposed by the certificate; or
  - the omission from a fire certificate of a provision which, if included in pursuance of that subsection, would prevent any person from being, as the occupier of any premises, responsible under that subsection for contraventions of any requirement imposed by the certificate,
- that person shall not be guilty of an offence under section 7(4) of this Act by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.

#### Textual Amendments

- F72** Words in s. 9(1) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(k); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F73** Words in s. 9(1)-(3) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(k); S.S.I. 2005/392, art. 2
- F74** Words in s. 9(2) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(k); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F75** Words in s. 9(3) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(k); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2

#### [<sup>F76</sup>9A Duty as to means of escape and for fighting fire. **E+W+S**

- (1) All premises to which this section applies shall be provided with—
- such means of escape in case of fire, and
  - such means for fighting fire,

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as may reasonably be required in the circumstances of the case.

- (2) The premises to which this section applies are premises which are exempt from the requirement for a fire certificate by virtue of—
- (a) a provision made in an order under section 1 of this Act by virtue of subsection (3) of that section, or
  - (b) the grant of exemption by a <sup>[F77]</sup>~~fire authority~~<sup>[F78]</sup> appropriate authority<sup>[F77]</sup> fire and rescue authority<sup>[F79]</sup> under section 5A of this Act <sup>[F79]</sup>but this section does not apply where Part II of the Fire Precautions (Workplace) Regulations 1997 applies].
- (3) In the event of a contravention of the duty imposed by subsection (1) above the occupier of the premises shall, except as provided in subsection (4) below, be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person is not guilty of an offence under this section in respect of any contravention of the duty imposed by subsection (1) above which is the subject of an improvement notice under section 9D of this Act.]

#### Textual Amendments

- F76** S. 9A (inserted by Health and Safety at Work etc. Act 1974 (c. 37), s. 78(1)(4) ) substituted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), s. 5
- F77** Words in s. 9A(2) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as not already in force) by Fire and Rescue Services Act 2004 (c. 21), s. 61, Sch. 1 para. 28(1)(2)(I); S.I. 2004/2304, art. 2, S.I.2004/2917, art. 2
- F78** Words in s. 9A(2) substituted (S.) (2.8.2005) by The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) Order 2005 (S.S.I. 2005/383), art. 1, Sch. 1 para. 3(2)(3)(I); S.S.I. 2005/392, art. 2
- F79** Words in s. 9A inserted (1.12.1997) by S.I. 1997/1840, reg.22

#### <sup>[F80]</sup>**9B Codes of practice as to means of escape and for fighting fire. E+W+S**

- (1) The Secretary of State may from time to time, after consultation with such persons or bodies of persons as appear to him requisite—
- (a) prepare and issue codes of practice for the purpose of providing practical guidance on how to comply with the duty imposed by section 9A of this Act; and
  - (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.
- (2) A code prepared in pursuance of this section and any alterations proposed to be made on a revision of such a code shall be laid before both Houses of Parliament, and the Secretary of State shall not issue the code or revised code, as the case may be, until after the end of the period of 40 days beginning with the day on which the code or the proposed alterations were so laid.
- (3) If, within the period mentioned in subsection (2) above, either House resolves that the code be not issued or the proposed alterations be not made, as the case may be, the Secretary of State shall not issue the code or revised code (but without prejudice to his power under that subsection to lay further codes or proposed alterations before Parliament).



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- (4) For the purposes of subsection (2) above—
- (a) where the code or proposed alterations are not laid before both Houses of Parliament on the same day, the later day shall be taken to be the day on which the code or the proposed alterations, as the case may be, were laid before both Houses, and
  - (b) in reckoning any period of 40 days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (5) In this Act references to a code of practice under this section are references to such a code as it has effect for the time being, with any revisions, under this section.]

#### Textual Amendments

**F80** Ss. 9B and 9C inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 6, 50(2)

#### [<sup>F81</sup>9C Legal effect of codes of practice. **E+W+S**

- (1) A failure on the part of a person to observe any provision of a code of practice under section 9B of this Act shall not of itself render him liable to any criminal or civil proceedings.
- (2) If, in any proceedings whether civil or criminal under this Act, it is alleged that there has been a contravention on the part of any person of the duty imposed by section 9A of this Act—
  - (a) a failure to observe a provision of a code of practice under section 9B of this Act may be relied on as tending to establish liability, and
  - (b) compliance with such a code may be relied on as tending to negative liability.]

#### Textual Amendments

**F81** Ss. 9B and 9C inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 6, 50(2)

#### [<sup>F82</sup>9D Improvement notices. **E+W+S**

- (1) Where a [<sup>F83</sup>fire authority][<sup>F84</sup>appropriate authority][<sup>F83</sup>fire and rescue authority ]] are of the opinion that the duty imposed by section 9A of this Act has been contravened in respect of any premises to which that section applies, they may serve on the occupier of those premises a notice (in this Act referred to as “ an improvement notice ”) which—
  - (a) states they are of that opinion;
  - (b) specifies, by reference to a code of practice under section 9B of this Act if they think fit, what steps they consider are necessary to remedy that contravention; and
  - (c) requires the occupier to take steps to remedy that contravention within such period (ending not earlier than the period within which an appeal against the improvement notice can be brought under section 9E of this Act) as may be specified in the notice.

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- (2) Where an improvement notice has been served under subsection (1) above—
- (a) the [<sup>F85</sup>[<sup>F84</sup>fire authority][<sup>F84</sup>appropriate authority]][<sup>F85</sup>fire and rescue authority]] may withdraw that notice at any time before the end of the period specified in the notice; and
  - (b) if an appeal against the improvement notice is not pending, the [<sup>F85</sup>[<sup>F84</sup>fire authority][<sup>F84</sup>appropriate authority]][<sup>F85</sup>fire and rescue authority]] may extend or further extend the period specified in the notice.
- (3) Where any premises are premises to which section 9A of this Act applies and—
- (a) the building which constitutes or comprises the premises is a building to which at the time of its erection building regulations imposing requirements as to means of escape in case of fire applied; and
  - (b) in connection with the erection of that building plans were, in accordance with building regulations, deposited with a local authority,
- the [<sup>F86</sup>fire authority][<sup>F86</sup>fire and rescue authority]] shall not in pursuance of subsection (1) above serve an improvement notice requiring structural or other alterations relating to the means of escape from the premises unless the requirements of subsection (4) below are satisfied in relation to those premises.
- (4) The requirements of this subsection are satisfied in relation to such premises as are mentioned in subsection (3) above if—
- (a) regulations are in force under section 12 of this Act applying to the premises in relation to any use of them as respects which exemption under section 5A of this Act has been granted, being regulations which impose requirements as to means of escape in case of fire, and the [<sup>F87</sup>fire authority][<sup>F87</sup>fire and rescue authority]] are satisfied that alterations to the building which constitutes or comprises the premises are necessary to bring the premises into compliance with the regulations in respect of those requirements; or
  - (b) the [<sup>F87</sup>fire authority][<sup>F87</sup>fire and rescue authority]] are satisfied that the means of escape in case of fire with which the premises are provided are inadequate in relation to any such use of the premises by reason of matters or circumstances of which particulars were not required by or under the building regulations to be supplied to the local authority in connection with the deposit of plans.
- (5) In this section “ structural or other alterations relating to means of escape from the premises ”, in relation to any such premises as are mentioned in this section, means structural or other alterations directly connected with the provision of the premises with adequate means of escape in case of fire.
- (6) Subsections (3) to (5) above extend to England and Wales only.]

#### Textual Amendments

- F82** Ss. 9D–9F inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **ss. 7(1), 50(2)**
- F83** Words in s. 9D(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)(m); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F84** Words in s. 9D(1)(2) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(m); S.S.I. 2005/392, art. 2

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- F85** Words in s. 9D(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)(m); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F86** Words in s. 9D(3) 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)(m); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F87** Words in s. 9D(4) 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)(m); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2

**Modifications etc. (not altering text)**

- C8** S. 9D modified by [Building Act 1984 \(c. 55, SIF 15\)](#), ss. 48(4), 49(8)

[<sup>F88</sup>**9E** **Rights of appeal against improvement notices.** **E+W+S**]

- (1) A person on whom an improvement notice is served may, within twenty-one days from the date on which the improvement notice is served, appeal to the court.
- (2) On an appeal under this section, the court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.
- (3) Where an appeal is brought under this section against an improvement notice, the bringing of the appeal shall have the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.]

**Textual Amendments**

- F88** Ss. 9D–9F inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 7(1), 50(2)

[<sup>F89</sup>**9F** **Provision as to offences.** **E+W+S**]

- (1) It is an offence for a person to contravene any requirement imposed by an improvement notice.
- (2) Any person guilty of an offence under subsection (1) above shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine, or imprisonment for a term not exceeding two years, or both.]

**Textual Amendments**

- F89** Ss. 9D–9F inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 7(1), 50(2)

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*Premises involving excessive risk to persons in case of fire*

**[<sup>F90</sup> 10 Special procedure in cases of special risk: prohibition notices. E+W+S**

- (1) This section applies to—
  - (a) any premises which are being or are proposed to be put to a use (whether designated or not) which falls within at least one of the classes of use mentioned in section 1(2) of this Act, other than premises of the description given in section 2 of this Act; and
  - (b) any premises to which section 3 of this Act for the time being applies.
- (2) If as regards any premises to which this section applies the [<sup>F91</sup>fire authority][<sup>F92</sup>appropriate authority][<sup>F91</sup>fire and rescue authority] are of the opinion that use of the premises involves or will involve a risk to persons on the premises in case of fire so serious that use of the premises ought to be prohibited or restricted, the authority may serve on the occupier of the premises a notice (in this Act referred to as “ a prohibition notice ”).
- (3) The matters relevant to the assessment by the [<sup>F93</sup>fire authority][<sup>F92</sup>appropriate authority][<sup>F93</sup>fire and rescue authority], for the purposes of subsection (2) above, of the risk to persons in the case of fire include anything affecting their escape from the premises in that event.
- (4) A prohibition notice shall—
  - (a) state that the [<sup>F94</sup>fire authority][<sup>F92</sup>appropriate authority][<sup>F94</sup>fire and rescue authority] are of the opinion referred to in subsection (2) above;
  - (b) specify the matters which in their opinion give or, as the case may be, will give rise to that risk; and
  - (c) direct that the use to which the prohibition notice relates is prohibited or restricted to such extent as may be specified in the notice until the specified matters have been remedied.
- (5) A prohibition notice may include directions as to the steps which will have to be taken to remedy the matters specified in the notice.
- (6) A prohibition or restriction contained in a prohibition notice in pursuance of subsection (4)(c) above shall take effect immediately it is served if the authority are of the opinion, and so state in the notice, that the risk of serious personal injury is or, as the case may be, will be imminent, and in any other case shall take effect at the end of a period specified in the prohibition notice.
- (7) Where a prohibition notice has been served under subsection (2) above the [<sup>F95</sup>fire authority][<sup>F96</sup>appropriate authority][<sup>F95</sup>fire and rescue authority] may withdraw the notice at any time.]

**Textual Amendments**

- F90** S. 10 substituted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 9(1), 49(2), [Sch. 5 para. 4](#)
- F91** Words in s. 10(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\(1\)\(2\)\(n\)](#); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2

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- F92** Words in s. 10(2)-(4) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(n); S.S.I. 2005/392, art. 2
- F93** Words in s. 10(3) 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)(n); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F94** Words in s. 10(4) 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)(n); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F95** Words in s. 10(7) 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)(n); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F96** Words in s. 10(7) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(n); S.S.I. 2005/392, art. 2

**Modifications etc. (not altering text)**

- C9** Ss. 10-10B applied (1.12.1997) by [S.I. 1997/1840](#), [reg. 12\(1\)](#)  
Ss. 10-10B applied (1.12.1999) by [S.I. 1999/1877](#), [regs. 1, 17](#), [Sch.](#), para. 12

[<sup>F97</sup>**10A Rights of appeal against prohibition notices.** **E+W+S**

- (1) A person on whom a prohibition notice is served may, within twenty-one days from the date on which the prohibition notice is served, appeal to the court.
- (2) On an appeal under this section, the court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.
- (3) Where an appeal is brought under this section against a prohibition notice, the bringing of the appeal shall not have the effect of suspending the operation of the notice, unless, on the application of the appellant, the court so directs (and then only from the giving of the direction).]

**Textual Amendments**

- F97** Ss. 10A and 10B inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), [s. 9\(2\)](#)

**Modifications etc. (not altering text)**

- C10** Ss. 10-10B applied (1.12.1997) by [S.I. 1997/1840](#), [reg. 12\(1\)](#)  
Ss. 10-10B applied (1.12.1999) by [S.I. 1999/1877](#), [regs. 1, 17](#), [Sch.](#), para. 12

[<sup>F98</sup>**10B Provision as to offences.** **E+W+S**

- (1) It shall be an offence for any person to contravene any prohibition or restriction imposed by a prohibition notice.
- (2) In any proceedings for an offence under subsection (1) above where the person charged is a person other than the person on whom the prohibition notice was served, it shall be a defence for that person to prove that he did not know and had no reason to believe the notice had been served.

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- (3) Any person guilty of an offence under subsection (1) above shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine, or imprisonment for a term not exceeding two years, or both.]

**Textual Amendments**

**F98** Ss. 10A and 10B inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 9(2)

**Modifications etc. (not altering text)**

**C11** Ss. 10-10B applied (1.12.1997) by [S.I. 1997/1840](#), reg. 12(1).  
Ss. 10-10B applied (1.12.1999) by [S.I. 1999/1877](#), regs. 1, 17, [Sch.](#), para. 12

*Building and other regulations about fire precautions*

11 ..... <sup>F99</sup> **E+W+S**

**Textual Amendments**

**F99** S. 11 repealed by Health and Safety at [Work etc. Act 1974 \(c. 37, SIF 43:3\)](#), [Sch. 10](#)

12 **Power of Secretary of State to make regulations about fire precautions.** **E+W+S**

- (1) In the case of any particular use of premises which he has power to designate under section 1 of this Act the Secretary of State may by regulations make provision as to the precautions which, as regards premises put to that use, or any specified class of such premises, are to be taken or observed in relation to the risk to persons in case of fire, but so that nothing in any regulations made under this section shall apply to premises of [<sup>F100</sup>the description given in] section 2 of this Act . . . [<sup>F101</sup>and nothing in this section shall confer on the Secretary of State power to make provision with respect to the taking or observance of special precautions in connection with the carrying on of any manufacturing process.]
- (2) The Secretary of State may by regulations make provision as to the precautions which are to be taken or observed in relation to the risk to persons in case of fire as regards premises which, while section 3 of this Act applies to them and a notice under that section is in force in relation to them, are used as a dwelling, or any specified class of such premises.
- (3) Without prejudice to the generality of the powers conferred on the Secretary of State by subsections (1) and (2) above, regulations made by him under this section may in particular, as regards any premises to which they apply, impose requirements—
  - (a) as to the provision, maintenance and keeping free from obstruction of means of escape in case of fire;
  - (b) as to the provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;



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- (c) as to the provision and maintenance of means for fighting fire and means for giving warning in case of fire;
  - (d) as to the internal construction of the premises and the materials used in that construction;
  - (e) for prohibiting altogether the presence or use in the premises of furniture or equipment of any specified description, or prohibiting its presence or use unless specified standards or conditions are complied with;
  - (f) for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire;
  - (g) for securing that, in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises; and
  - (h) as to the keeping of records of instruction or training given, or other things done, in pursuance of the regulations.
- (4) Regulations under this section—
- (a) may impose requirements on persons other than occupiers of premises to which they apply; and
  - (b) may, as regards any of their provisions, make provision as to the person or persons who are to be responsible for any contravention thereof; and
  - (c) may provide that if any specified provision of the regulations is contravened, the person or each of the persons who under the regulations is or are responsible for the contravention shall be guilty of an offence under this section.
- (5) It shall be the duty of the Secretary of State, before making any regulations under this section, to consult with such persons or bodies of persons as appear to him requisite.
- (6) A person guilty of an offence under this section by virtue of subsection (4)(c) above shall be liable—
- (a) on summary conviction, to a fine not exceeding £400;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
- (7) While there are in force under this section any regulations applying to premises put to a particular use, or to any specified class of such premises, a [<sup>F103</sup> [<sup>F104</sup> fire authority] [<sup>F104</sup> appropriate authority]] [<sup>F103</sup> fire and rescue authority]—
- (a) in determining under subsection (3) of section 5 of this Act whether to issue a fire certificate covering that use with respect to any premises to which the regulations apply, shall proceed on the footing that, as regards any matter mentioned in paragraphs (a) to (d) of that subsection about which provision is made in the regulations, no more can reasonably be required in the circumstances of the case than is required by the regulations; and
  - (b) shall not in any fire certificate covering that use issued with respect to any premises to which the regulations apply impose in pursuance of section 6(2) of this Act in relation to that use any requirement as to any matter about which provision is made in the regulations which is more onerous than the requirements of the regulations as to that matter.
- (8) Where there are in force under this section any regulations applying to premises put to a particular use, or to any specified class of such premises, and a fire certificate covering that use is in force with respect to any premises to which the regulations apply, then—

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- (a) so long as the requirements as to any matter which are imposed by the fire certificate in relation to that use are complied with, no person shall be guilty of an offence under the regulations by reason of any contravention of a requirement of the regulations as to that matter;
- (b) if as a result of an inspection made under section 8(1) of this Act it appears to the <sup>F105</sup>[<sup>F104</sup>fire authority]<sup>F104</sup>[<sup>F104</sup>appropriate authority]]<sup>F105</sup>[<sup>F105</sup>fire and rescue authority]] that any of the matters mentioned in section 6(1)(b) to (e) of this Act is not in conformity with any provision made in the regulations about that matter, the authority shall by notice served on the occupier—
  - (i) inform him of that fact and of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to bring the matter in question into conformity with that provision; and
  - (ii) notify him that if those steps are not taken (whether by himself or otherwise) within such period as may be specified in the notice, the fire certificate may be cancelled;
 and if those steps are duly taken, the <sup>F105</sup>[<sup>F104</sup>fire authority]<sup>F104</sup>[<sup>F104</sup>appropriate authority]]<sup>F105</sup>[<sup>F105</sup>fire and rescue authority]] shall, if necessary, amend the fire certificate or issue a new one.
- (9) Where there is in force a notice under section 3 of this Act relating to any premises, subsection (8)(b) above shall apply to them subject to the modification that the first reference to the occupier shall be read as a reference to the occupier or the notified person, and the other references to the occupier shall be read as references to the occupier or the notified person, as the case may be.
- (10) Sections 8(9) and 9 of this Act shall (with the necessary modifications) have effect in a case where a notice is served under subsection (8)(b) above with respect to any premises as they have effect in a case where a notice is served under section 8(5); and where in pursuance of this section the <sup>F106</sup>[<sup>F107</sup>fire authority]<sup>F107</sup>[<sup>F107</sup>appropriate authority]]<sup>F106</sup>[<sup>F106</sup>fire and rescue authority]] amend a fire certificate of which by virtue of section 6(9) of this Act a copy is required to be kept in the premises to which the certificate relates, they shall cause the copy to be similarly amended.
- (11) No regulations shall after the coming into operation of this subsection be made <sup>F108</sup>[<sup>F108</sup>under section 4(2)(a) of the <sup>M1</sup>Cinemas Act 1985]; but any regulations so made which are in force when this subsection comes into operation shall have effect as if made under this section, and may be amended or revoked accordingly.
- (12) . . . . . <sup>F109</sup>

<p><b>Subordinate Legislation Made</b></p> <p><b>P1</b> S. 12: for exercises of this power see Index to Government orders.</p> <p><b>P2</b> S. 12(1) (with ss. 12(3)(4), 37(2)(3) and 40(1)) power exercised by <a href="#">S.I. 1991/259</a>.</p> <hr/> <p><b>Textual Amendments</b></p> <p><b>F100</b> Words substituted by <a href="#">Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50)</a>, <a href="#">s. 13(b)</a></p> <p><b>F101</b> Words repealed by <a href="#">Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50)</a>, <a href="#">ss. 13(b)</a>, 49 Sch. 4</p> <p><b>F102</b> Words added by <a href="#">Health and Safety at Work etc. Act 1974 (c. 37)</a>, <a href="#">s. 78(1)(5)</a></p>
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- F103** Words in s. 12(7) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as ot already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(o); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F104** Words in s. 12(7)(8) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(o); S.S.I. 2005/392, art. 2
- F105** Words in s. 12(8) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as ot already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(o); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F106** Words in s. 12(10) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 so far as ot already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(o); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F107** Words in s. 12(10) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(o); S.S.I. 2005/392, art. 2
- F108** Words substituted by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(1), **Sch. 2 para. 9**
- F109** S. 12(12) repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(2), **Sch. 3**

#### Marginal Citations

**M1** [1985 c. 13 \(45A\)](#)

### 13 Exercise of certain powers of fire authority in England or Wales where building regulations as to means of escape apply. **E+W**

- (1) Where an application is made for a fire certificate with respect to any premises and—
- the relevant building is a building to which at the time of its erection building regulations imposing requirements as to means of escape in case of fire applied; and
  - in connection with the erection of that building plans were, in accordance with building regulations, deposited with a local authority,
- the [<sup>F110</sup>fire and rescue authority] shall not in pursuance of section 5(4) of this Act make the issue of a certificate conditional on the making to the building of structural or other alterations relating to escape from the premises unless—
- there are in force under section 12 of this Act regulations applying to the premises in relation to any use of the premises specified in the application, being regulations which impose requirements as to means of escape in case of fire or means for securing that any means of escape can be safely and effectively used at all material times, and the [<sup>F110</sup>fire and rescue authority] are satisfied that alterations to the relevant building are necessary to bring the premises into compliance with the regulations in respect of those requirements; or
  - the [<sup>F110</sup>fire and rescue authority] are satisfied that the means of escape in case of fire with which the premises are provided or the means of the sort mentioned in section 5(3)(b) of this Act with which the relevant building is provided are inadequate in relation to any use of the premises so specified by reason of matters or circumstances of which particulars were not required by or under the building regulations to be supplied to the local authority in connection with the deposit of plans.
- (2) Where an application is made for a fire certificate with respect to any premises in the circumstances described in subsection (1)(a) and (b) above and since the erection of

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the building plans have, in accordance with building regulations, been deposited with a local authority in connection with any proposals relating to the building, subsection (1) above shall have effect in relation to that application as if in paragraph (ii) the reference to the deposit of plans included a reference to the deposit of plans in connection with those proposals.

- (3) Where, while a fire certificate is in force with respect to any premises, the [F111 fire and rescue authority] receive notice under subsection (2) of section 8 of this Act of any proposals falling within that subsection to which building regulations imposing requirements as to means of escape in case of fire apply, and in connection with those proposals plans have, in accordance with building regulations, been deposited with a local authority, the [F111 fire and rescue authority] shall not in pursuance of subsection (4) of that section make the carrying out of those proposals conditional on the making to the relevant building of structural or other alterations relating to escape from the premises unless—
- (a) there are in force under section 12 of this Act regulations applying to the premises in relation to any use of the premises covered by the certificate, being regulations which impose requirements such as are mentioned in subsection (1)(i) above, and the [F111 fire and rescue authority] are satisfied that the carrying out of the proposals in compliance with the requirements of the building regulations will not of itself ensure that, when the proposals have been carried out, the premises will comply with the regulations under section 12 in respect of the requirements such as are mentioned in subsection (1)(i) above which the regulations under section 12 impose; or
- (b) the [F111 fire and rescue authority] are satisfied that, by reason of matters or circumstances of which particulars are not required by or under the building regulations to be supplied to the local authority in connection with the deposit of plans, the carrying out of the proposals in compliance with the requirements of the building regulations will not of itself ensure that, when the proposals have been carried out, the means of escape in case of fire with which the premises will then be provided and the means of the sort mentioned in section 5(3)(b) of this Act with which the relevant building will then be provided will be adequate in relation to every use of the premises covered by the certificate.
- (4) In this section “structural or other alterations relating to escape from the premises”, in relation to any such premises as are mentioned in this section, means structural or other alterations directly connected with the provision of the premises with adequate means of escape in case of fire or the provision of the relevant building with adequate means of the sort mentioned in section 5(3)(b) of this Act.
- (5) . . . . . F112
- (6) This section does not extend to Scotland.

#### Textual Amendments

**F110** Words in s. 13(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)(p); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

**F111** Words in s. 13(3) 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)(p); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

**F112** S. 13(5) repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), Sch. 7

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**Modifications etc. (not altering text)**

**C12** S. 13 modified by [Building Act 1984 \(c. 55, SIF 15\)](#), **ss. 48(2)(4), 49(8)**

**14 Exercise of certain powers of fire authority in Scotland where building standards regulations as to means of escape apply. E+W+S**

(1) Subject to subsection (2) below, where—

- (a) building standards regulations imposing requirements as to means of escape in case of fire apply to any building; or
- (b) the sheriff, on an appeal to him under section 16 of the <sup>M2</sup>Building (Scotland) Act 1959—
  - (i) against an order under section 10 of that Act requiring the execution of operations necessary to make a building conform to a provision of building standards regulations with respect to requirements of the means of escape in case of fire, or
  - (ii) against an order under section 11 of that Act requiring the building to be made to conform to such a provision,

has varied the order by determining that such operations shall be executed as are necessary to make the building conform to a different standard, or, as the case may be, that the building should conform to a different standard, and the [<sup>F113</sup>fire authority][<sup>F113</sup>appropriate authority]] are satisfied that the building so conforms,

then the [<sup>F113</sup>fire authority][<sup>F113</sup>appropriate authority]] shall not, for the purposes of section 5 [<sup>F114</sup>, 8 or (in relation to premises to which section 9A applies) 9D(1) and (2)] of this Act, specify any alterations in respect of that building to a standard higher than that of the said regulations or, as the case may be, than that determined by the sheriff.

(2) The restrictions imposed on the [<sup>F113</sup>fire authority][<sup>F113</sup>appropriate authority]] by the foregoing subsection shall not apply where—

- (a) there are in force under section 12 of this Act regulations applying to the building in relation to any use of the building, being regulations which impose requirements as to means of escape from fire or means for securing that any means of escape can be safely and effectively used at all material times, and the [<sup>F113</sup>fire authority][<sup>F113</sup>appropriate authority]] are satisfied that alterations to the building are necessary to bring the building into compliance with the regulations in respect of those requirements; or
- (b) the [<sup>F113</sup>fire authority][<sup>F113</sup>appropriate authority]] are satisfied that the means of escape in case of fire with which the building is provided or the means of the sort mentioned in section 5(3)(b) of this Act with which the building is provided are inadequate in relation to any use of the building by reason of matters or circumstances of which particulars were not required by or under the building standards regulations.

(3) In this section “building standards regulations” has the same meaning as in the <sup>M3</sup>Building (Scotland) Act 1959.

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#### Textual Amendments

**F113** Words in s. 14(1)(2) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(p); S.S.I. 2005/392, art. 2

**F114** Words substituted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 7(2), 50(2)

#### Marginal Citations

**M2** 1959 c. 24.

**M3** 1959 c. 24.

### *Consultation between fire and other authorities*

15 ..... <sup>F115</sup> **E+W+S**

#### Textual Amendments

**F115** 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.** **E+W**

(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 <sup>F116</sup>fire and rescue authority], shall consult the <sup>F116</sup>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—

- (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,

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the local authority, if they are not the [F117fire and rescue authority], shall consult the [F117fire and rescue authority] before passing the plans.

(3) This section does not extend to Scotland.

#### Textual Amendments

**F116** 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

**F117** 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)

**C13** 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. **E+W+S**

(1) Before a [F118[F119fire authority][F119appropriate authority]][F118fire 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) [F120, section 9D] or section 12(8)(b) of this Act mentioning as a step which would have to be taken [F120or, 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 [F118[F119fire authority][F119appropriate authority]][F118fire and rescue authority] are not the local authority for the area in which the premises are situated, consult that local authority; . . . F121

(ii) if the premises are situated in Scotland, consult the [F122local] authority (within the meaning of . . . F123 the M4Building (Scotland) Act [F1241959[F1242003 (asp 8)]] for the area in which the premises are situated, [F125and]

[F126(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 M5 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 [F127buildings authority or other authority] who have in accordance with this section been consulted by a [F128[F119fire authority][F119appropriate authority]][F128fire and rescue authority] proposing to serve any such notice as is mentioned in subsection (1) above may be a person aggrieved within the meaning of section 9 of this Act.

[F129(3) Section 18(7) of the M6 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. ]



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*Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed). (See end of Document for details)*

### Textual Amendments

- F118** 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
- F119** Words in s. 17(1)(2) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(q); S.S.I. 2005/392, art. 2
- F120** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 7(3), 50(2)
- F121** Word repealed by [Health and Safety at Work etc. Act 1974 \(c. 37\)](#), [Sch. 10](#)
- F122** Word substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 15 Pt. II para. 30\(a\)](#)
- F123** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F124** Words in s. 17(1)(ii) substituted (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), [Sch. 6 para. 6\(2\)](#) (with s. 53); S.S.I. 2004/404, art. 2(1)
- F125** Word added by [Health and Safety at Work etc. Act 1974 \(c. 37\)](#), [s. 78\(1\)\(6\)\(a\)](#)
- F126** S. 17(1)(iii) added by [Health and Safety at Work etc. Act 1974 \(c. 37\)](#), [s. 78\(1\)\(6\)\(a\)](#)
- F127** Words substituted by [Health and Safety at Work etc. Act 1974 \(c. 37\)](#), [s. 78\(1\)\(6\)\(b\)](#)
- F128** 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
- F129** S. 17(3) added by [Health and Safety at Work etc. Act 1974 \(c. 37\)](#), [s. 78\(1\)\(6\)\(c\)](#)

### Marginal Citations

- M4** 1959 c. 24.  
**M5** 1974 c. 37.  
**M6** 1974 c. 37.

## Enforcement

### 18 Enforcement of Act. **E+W+S**

- (1) [<sup>F130</sup>Subject to subsection (2) below, it] shall be the duty of every [<sup>F131</sup>appropriate authority][<sup>F132</sup>fire and rescue authority] to enforce within their area the provisions of this Act and of regulations made under this Act, and for that purpose to appoint inspectors [<sup>F133</sup>and cause premises to be inspected]; but nothing in this [<sup>F134</sup>subsection] shall be taken to authorise a [<sup>F131</sup>appropriate authority][<sup>F132</sup>fire and rescue authority] in Scotland to institute proceedings for any offence.
- [<sup>F135</sup>(2) A fire and rescue authority may arrange in relation to any work premises—
- (a) where an appropriate enforcement body is the Office of Rail Regulation, with that Office, and
  - (b) where that Office is not an appropriate enforcement body or is not the only such body, with the Health and Safety Commission,
- for such of the authority's functions under this Act as may be specified in the arrangements to be performed in relation to those premises, on behalf of the authority by that Office or (as the case may be) by the Health and Safety Executive.
- (2A) Those arrangements may include arrangements for payments to be made by the fire and rescue authority in respect of the performance of the functions in question by the Office of Rail Regulation or by the Health and Safety Executive.

*Status: Point in time view as at 01/04/2006. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed). (See end of Document for details)*

(2B) In subsection (2)—

“ appropriate enforcement body ”, in relation to any premises, means a person responsible under Part 1 of the Health and Safety at Work etc. Act 1974 (c. 37) for the enforcement of relevant statutory provisions (within the meaning of Part 1 of that Act) in relation to those premises; and

“ work premises ” means premises which are used as a place of work (within the meaning of Part 1 of that Act). ]

[<sup>F136</sup>(3) In performing the duty imposed by subsection (1) above so far as it requires premises in their areas to be inspected, fire authorities shall act in accordance with such guidance as the Secretary of State may give them.]

#### Textual Amendments

- F130** Words substituted by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), **s. 78(1)(7)(a)**
- F131** Words in s. 18(1) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, Sch. 1 para. 3(2)(3)(r); S.S.I. 2005/392, art. 2
- F132** Words in s. 18(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)(s); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F133** Words inserted (*prosp.*) by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **ss. 10(a), 50(2)**
- F134** Word substituted by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), **s. 78(1)(7)(b)**
- F135** S. 18(2)-(2B) substituted for s. 18(2) (1.4.2006) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 12 para. 4**; S.I. 2006/266, art. 2(2), Sch.
- F136** S. 18(3) inserted (*prosp.*) by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **ss. 10(b), 50(2)**

## 19 Powers of inspectors. **E+W+S**

- (1) Subject to the provisions of this section, any of the following persons (in this section referred to as “inspectors”) namely an inspector appointed under section 18 of this Act and a fire inspector, may do anything necessary for the purpose of carrying this Act and regulations thereunder into effect and, in particular, shall, so far as may be necessary for that purpose, have power to do at any reasonable time any of the following things, namely—
- to enter any such premises as are mentioned in subsection (2) below, and to inspect the whole or any part thereof and anything therein;
  - to make such inquiry as may be necessary for any of the purposes mentioned in subsection (3) below;
  - to require the production of, and to inspect, any fire certificate in force with respect to any premises or any copy of any such certificate;
  - to require any person having responsibilities in relation to any such premises as are referred to in paragraph (a) above (whether or not the owner or occupier of the premises or a person employed to work therein) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this subsection.

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*Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed). (See end of Document for details)*

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- (2) The premises referred to in subsection (1)(a) above are the following, namely—
- (a) any premises requiring a fire certificate or to which any regulations made under section 12 of this Act apply;
  - [<sup>F137</sup>(aa) any premises in respect of which there is in force an exemption under section 5A of this Act from the requirement for a fire certificate with respect to them;]
  - (b) any premises such as are mentioned in section 10(1)(a) of this Act;
  - (c) any premises to which section 3 of this Act for the time being applies;
  - (d) any premises not falling within any of the foregoing paragraphs which form part of a building comprising any premises so falling; and
  - (e) any premises which the inspector has reasonable cause to believe to be premises falling within any of the foregoing paragraphs.
- (3) The purposes referred to in subsection (1)(b) above are the following, namely—
- (a) to ascertain, as regards any premises, whether they fall within any of paragraphs (a) to (d) of subsection (2) above;
  - (b) to identify the owner or occupier of any premises falling within any of those paragraphs;
  - (c) to ascertain whether, in the case of any premises to which section 3 of this Act for the time being applies, any person has the overall management of the building constituting or comprising the premises and, if so, to identify that person;
  - (d) to ascertain, as regards any premises falling within any of the said paragraphs (a) to (d), whether the provisions of this Act and regulations made under section 12 thereof are complied with, and, where a fire certificate is in force in respect of any such premises, whether the requirements imposed by the certificate are complied with.
- (4) An inspector shall, if so required when visiting any premises in the exercise of powers conferred by this section, produce to the occupier of the premises some duly authenticated document showing his authority.
- (5) In the case of premises used as a dwelling or premises of any other description prescribed for the purposes of this subsection, no power of entry conferred by subsection (1) above shall be exercised as of right unless twenty-four hours' notice has been given to the occupier; and for the purposes of this subsection a description of premises may be framed in any of the ways mentioned in section 1(4) of this Act.
- (6) A person who—
- (a) intentionally obstructs an inspector in the exercise or performance of his powers or duties under this Act; or
  - (b) without reasonable excuse fails to comply with any requirement imposed by an inspector under subsection (1)(d) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F138</sup>level 3 on the standard scale].

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#### Textual Amendments

**F137** S. 19(2)(aa) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **ss. 2(2)**, 50(2)

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**F138** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

**Modifications etc. (not altering text)**

**C14** S. 19 applied (with modifications) (1.12.1997) by S.I. 1997/1840, reg. 17(1)(2)

**20 Exercise on behalf of fire inspectors of their powers by officers of fire brigades. E+W+S**

- (1) The like powers as are in relation to any premises conferred by section 19 of this Act on a fire inspector shall be exercisable by an <sup>F139</sup>[<sup>F140</sup>officer of the fire brigade maintained by the fire authority<sup>F140</sup>employee of the appropriate authority]]<sup>F139</sup>employee of the fire and rescue authority]] when authorised in writing by such an inspector for the purpose of reporting to him on any matter falling within his duties under this Act; and subsections (4) and (6) of that section shall, with the necessary modifications, apply accordingly.
- (2) A fire inspector shall not authorise an <sup>F141</sup>[<sup>F142</sup>officer of a fire brigade<sup>F142</sup>employee of an appropriate authority]]<sup>F141</sup>employee of a fire and rescue authority]] under this section except with the consent of <sup>F141</sup>the <sup>F143</sup>fire authority who maintain that brigade<sup>F143</sup>appropriate authority]]<sup>F141</sup>the fire and rescue authority]].

**Textual Amendments**

- F139** Words in s. 20(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. 29\(a\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F140** Words in s. 20(1) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [Sch. 1 para. 3\(4\)\(a\)](#); S.S.I. 2005/392, art. 2
- F141** Words in s. 20(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. 29\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F142** Words in s. 20(2) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [Sch. 1 para. 3\(4\)\(b\)\(i\)](#); S.S.I. 2005/392, art. 2
- F143** Words in s. 20(2) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [Sch. 1 para. 3\(4\)\(b\)\(ii\)](#); S.S.I. 2005/392, art. 2

**Modifications etc. (not altering text)**

**C15** S. 20 applied (with modifications) (1.12.1997) by S.I. 1997/1840, reg. 17(1)(2)

**21 Restriction on disclosure of information. E+W+S**

- <sup>F144</sup>(1) Subject to subsection (2) below,] if a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including an arbitration, or for the purposes of a report of any such proceedings) any information obtained by him in any premises entered by him in the exercise of powers conferred by this Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding <sup>F145</sup>level 3 on the standard scale].

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[<sup>F146</sup>(2) Nothing in subsection (1) above prohibits the disclosure of information to an enforcing authority within the meaning of the <sup>M7</sup>Health and Safety at Work etc. Act 1974 in order to enable that authority to discharge any function falling within its field of responsibility.

(3) Section 18(7) of the 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

**F144** Words inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), s. 11(a)

**F145** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

**F146** S. 21(2)(3) inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), s. 11(b)

#### Modifications etc. (not altering text)

**C16** S. 21 applied (with modifications) (1.12.1997) by S.I. 1997/1840, reg. 17(1)(2)

#### Marginal Citations

**M7** 1974 c. 37 (43:3)

### *Offences, penalties and legal proceedings*

## 22 Falsification of documents, false statements etc. **E+W+S**

(1) If a person—

- (a) with intent to deceive, [<sup>F147</sup>forges a fire certificate or] makes or has in his possession a document so closely resembling a fire certificate as to be calculated to deceive; or
- (b) for the purpose of procuring the issue of a fire certificate, makes any statement or gives any information which he knows to be false in a material particular or recklessly makes any statement or gives any information which is so false; or
- (c) in purported compliance with any obligation to give information to which he is subject under or by virtue of this Act, or in response to any inquiry made by virtue of section 19(1)(b) of this Act, gives any information which he knows to be false in a material particular or recklessly gives any information which is so false; or
- (d) makes in any register, book, notice or other document required by or by virtue of regulations made under this Act to be kept, served or given, an entry which he knows to be false in a material particular,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F148</sup>level 5 on the standard scale].

(2) If a person with intent to deceive pretends to be—

- (a) an inspector within the meaning of section 19 of this Act, or
- (b) a person by whom the powers conferred by that section on a fire inspector are exercisable by virtue of section 20 of this Act,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

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[<sup>F149</sup>(3) In this section in its application to England and Wales the expression “forges” has the same meaning as in the <sup>M8</sup>Forgery Act 1913.]

#### Textual Amendments

**F147** Words repealed (E.W.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**

**F148** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

**F149** [S. 22\(3\)](#) repealed (E.W.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, **Sch. Pt. I**

#### Modifications etc. (not altering text)

**C17** [S. 22\(1\)](#) applied (with modifications) (1.12.1997) by [S.I. 1997/1840](#), **reg. 17(1)(2)(3)(b)**

#### Marginal Citations

**M8** [1913 c. 27](#).

## 23 Offences by bodies corporate. **E+W+S**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### Modifications etc. (not altering text)

**C18** [S. 23](#) applied (with modifications) (1.12.1997) by [1997/1840](#), **reg. 17(1)(2)**

## 24 Offences due to fault of other person. **E+W+S**

Where the commission by any person of an offence under this Act or any regulations made thereunder is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

## 25 Defence available to persons charged with offences. **E+W+S**

In any proceedings for an offence under this Act or under regulations made thereunder, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.



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#### Modifications etc. (not altering text)

**C19** S. 25 applied (with modifications) (1.12.1997) by S.I. 1997/1840, reg. 17(1)(2)(3)(c)

## 26 Appeals to magistrates' courts. **E+W+S**

- (1) Where any provision of this Act provides for an appeal to a magistrates' court, the procedure shall be by way of complaint for an order, and [<sup>F150</sup>the <sup>M9</sup>Magistrates' Courts Act 1980] shall apply to the proceedings.
- (2) For the purposes of any such provision of this Act the making of the complaint shall be deemed to be the bringing of the appeal.

#### Textual Amendments

**F150** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, Sch. 7

#### Modifications etc. (not altering text)

**C20** S. 26 applied (with modifications) (1.12.1997) by S.I. 1997/1840, reg. 17(1)(2)

#### Marginal Citations

**M9** 1980 c. 43 (82)

## 27 Appeal from order made on complaint. **E+W+S**

- (1) A person aggrieved by an order made by a magistrates' court on determining a complaint under this Act may appeal therefrom to the Crown Court; and for the avoidance of doubt it is hereby declared that a [<sup>F151</sup>fire authority [<sup>F151</sup>fire and rescue authority]] or local authority may be a person aggrieved within the meaning of this section.
- (2) . . . . . <sup>F152</sup>

#### Textual Amendments

**F151** Words in s. 27(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)(t); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

**F152** S. 27(2) repealed by Statute Law Repeals Act 1986 (c. 12), s. 1(1), Sch. Pt. XIII

#### Modifications etc. (not altering text)

**C21** S. 27 applied (with modifications) (1.12.1997) by S.I. 1997/1840, reg. 17(1)(2)

## <sup>F153</sup> 27A Civil and other liability. **E+W+S**

<sup>M10</sup> Except in so far as this Act otherwise expressly provides, and subject to section 18 of the Interpretation Act 1978 (offences under two or more laws), the provisions of this Act shall not be construed as -

- (a) conferring a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of a provision

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of this Act, of any regulations thereunder or of any fire certificate or notice issued or served thereunder by the [F154[F155fire authority[F155appropriate authority]]][F154fire and rescue authority]]; or

- (b) affecting any requirement or restriction imposed by or under any other enactment whether contained in a public general Act or in a local or private Act; or
- (c) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.]

#### Textual Amendments

**F153** S. 27A inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), [s. 12\(1\)](#)

**F154** Words in s. 27A(a) 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\(1\)\(2\)\(u\)](#); S.I. 2004/2304, [art. 2](#); S.I. 2004/2917, [art. 2](#)

**F155** Words in s. 27A(a) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), [art. 1](#), [Sch. 1 para. 3\(2\)\(3\)\(s\)](#); S.S.I. 2005/392, [art. 2](#)

#### Modifications etc. (not altering text)

**C22** S. 27A applied (with modifications) by [S.I. 1997/1840](#), [reg. 17\(1\)\(2\)](#)

**C23** S. 27A(a) excluded by [SI 1997/1840](#), [reg. 17\(6\)](#) (as inserted (27.10.2003) by [Management of Health and Safety at Work and Fire Precautions \(Workplace\) \(Amendment\) Regulations 2003 \(S.I. 2003/2457\)](#), [regs. 1](#), [13\(b\)](#))

#### Marginal Citations

**M10** [1978 c. 30 \(115:1\)](#)

## 28 Power of county court or sheriff, where notice under s. 3 is in force, to modify agreements and leases and apportion expenses. **E+W+S**

- (1) Where there is in force a notice under section 3 of this Act relating to any premises (in this section referred to as “the relevant premises”), this section shall apply to any premises consisting of or comprised in the relevant building.
- (2) A person who, by reason of the terms and conditions of an agreement or lease relating to any premises to which this section applies, is prevented from carrying out or doing with respect to the premises any structural or other alterations or other thing whose carrying out or doing is requisite—
  - (a) as being a step mentioned in a notice served in connection with the relevant premises under any of the following provisions of this Act, namely sections 5(4), 8(4), 8(5) and 12(8)(b); or
  - (b) in order to secure compliance with a requirement imposed by a fire certificate issued with respect to the relevant premises; or
  - (c) in order to secure compliance with a provision of regulations under section 12 of this Act which is, or will become, applicable to the premises by virtue of there being in force a notice under section 3 of this Act relating to the relevant premises,

may apply to the county court within whose jurisdiction the premises are situated, and the court may make such an order setting aside or modifying any of the terms and

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conditions of the agreement or lease as the court considers just and equitable in the circumstances of the case.

References in this subsection to the terms and conditions of an agreement or lease relating to any premises include references to the terms and conditions on or subject to which by virtue of <sup>F156</sup>section 3 of the <sup>M11</sup>Rent Act 1977] a statutory tenant retains possession of any premises.

- (3) Where, in the case of any premises to which this section applies, the carrying out or doing with respect to those premises of any structural or other alterations or other thing whose carrying out or doing is requisite as mentioned in subsection (2) above involves a person having an interest in the premises in expense or in increased expense, and he alleges that the whole or part of the expense or, as the case may be, the increase, ought to be borne by some other person having an interest in the premises, the first-mentioned person may apply to the county court within whose jurisdiction the premises are situated, and the court may by order give such directions—
- (a) with respect to the persons by whom the expense or increase is to be borne, and the proportions in which it is to be borne by them; and
  - (b) if need be, for modification of the terms of any agreement or lease relating to the premises so far as concerns rent payable in respect of the premises,

as the court considers just and equitable in the circumstances of the case:

Provided that on an application under this subsection the court shall not direct the whole or any part of the expense or increase to be borne by a person other than the applicant by reason only of that other person being a statutory tenant of the premises or any part of the premises.

- (4) In this section “statutory tenant” has the same meaning as in <sup>F157</sup>the <sup>M12</sup>Rent Act 1977.]
- (5) In the application of this section to Scotland—
- (a) for references to the county court there shall be substituted references to the sheriff;
  - (b) in subsection (2), for the reference to <sup>F156</sup>section 3 of the <sup>M13</sup>Rent Act 1977] there shall be substituted a reference to section <sup>F158</sup>15] of the <sup>M14</sup>Rent (Scotland) Act <sup>F158</sup>1984];
  - (c) “statutory tenant” has the same meaning as in section <sup>F158</sup>115(1)] of the Rent (Scotland) Act <sup>F158</sup>1984];
  - (d) subsection (4) shall be omitted:

<sup>F159</sup>

#### Textual Amendments

**F156** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 49\(a\)](#)

**F157** Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 49\(b\)](#)

**F158** Words substituted (S.) by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(1), [Sch. 8 Pt. II](#)

**F159** [S. 28\(5\)](#) proviso repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. XVII](#)

#### Marginal Citations

**M11** 1977 c. 42.

**M12** 1977 c. 42.

**M13** 1977 c. 42.

**M14** 1984 c. 58. (75:4

*Status: Point in time view as at 01/04/2006. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed). (See end of Document for details)*

[<sup>F160</sup>**28A Special provision for factory, office, railway and shop premises.** **E+W+S**]

- (1) This Act shall have effect in relation to premises of the descriptions specified in Part I of Schedule 2 to this Act subject to the modifications specified in Part II of that Schedule.
- (2) The Secretary of State may by order vary the provisions of that Schedule by amending, omitting or adding to the descriptions of premises or the modifications for the time being specified in it if it appears to him to be necessary or expedient in connection with any provision made by health and safety regulations under section 15 of the <sup>M15</sup>Health and Safety at Work etc. Act 1974.
- (3) The power to make an order under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F160** S. 28A inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 16(1)

**Marginal Citations**

**M15** 1974 c. 37 (43:3)

*Amendments of other Acts*

[<sup>F161F162</sup>**29 Extension of ss. 24 and 33 of Fire Services Act 1947.** **E+W+S**]

**Textual Amendments**

**F161** S. 29 repealed (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 2**; S.S.I. 2005/392, art. 2

**F162** S. 29 repealed (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. 30, **Sch. 2**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

**30 Provisions as to ss. 59 and 60 of Public Health Act 1936 and certain similar enactments.** **E+W+S**

- (1) ..... <sup>F163</sup>
- (2) So long as a fire certificate is in force with respect to any premises, any provision of a local Act which apart from this subsection would apply in the case of those premises shall not apply in their case in so far as it relates to any matter in relation to which requirements are imposed by that certificate; and so long as any regulations made under section 12 of this Act apply to any premises, any provision of a local Act which apart from this subsection would apply in the case of those premises shall not apply in their case in so far as it relates to any matter about which provision is made in the regulations.
- (3) While this subsection applies to any premises, none of the following provisions shall apply to the premises, that is to say—

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- [<sup>F164</sup>(a) section 71(1) to (4) of the <sup>M16</sup> Building Act 1984;  
(b) section 72 (except subsection (5)) of that Act;]  
(c) section 35 (means of escape in buildings in inner London) of the <sup>M17</sup> London Building Acts (Amendment) Act 1939; and  
(d) any provision of a local Act which is for the time being designated for the purposes of this paragraph under subsection (5) below.
- (4) Subsection (3) above applies to—  
(a) any premises in respect of which a fire certificate is for the time being in force;  
(b) any premises to which a notice for the time being in force under section 3 of this Act relates; and  
(c) any premises to which any regulations made under section 12 of this Act apply.
- (5) Where it appears to the Secretary of State, as regards any provision contained in a local Act, that it is unnecessary or would be impracticable for that provision to apply to premises while they are premises to which subsection (3) above applies, he may by order designate that provision for the purposes of subsection (3)(d) above.
- (6) An order under subsection (5) above may be varied or revoked by a subsequent order thereunder.
- (7) The power to make orders under subsection (5) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section does not extend to Scotland.

#### Textual Amendments

**F163** S. 30(1) repealed by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), [Sch. 7](#)

**F164** S. 30(3)(a)(b) substituted by [Building Act 1984 \(c. 55, SIF 15\)](#), [Sch. 6 para. 13](#)

#### Modifications etc. (not altering text)

**C24** S. 30 applied (with modifications) by [S.I. 1997/1840](#), [reg. 17\(1\)\(2\)](#)

#### Marginal Citations

**M16** [1984 c. 55 \(15\)](#)

**M17** [1939 c. xcvii](#).

### 31 **Suspension of terms and conditions of licences dealing with same matters as fire certificates or regulations.** **E+W+S**

- (1) Where any enactment provides for the licensing of premises of any class or description and the authority responsible for issuing licences thereunder is required or authorised to impose terms, conditions or restrictions in connection with the issue of such licences, then, in the case of any premises of that class or description—  
(a) so long as there is in force with respect to the premises a fire certificate covering the use of the premises by reason of which a licence under that enactment is required, any term, condition or restriction imposed in connection with the issue under that enactment of any licence with respect to those premises shall be of no effect in so far as it relates to any matter in relation to which requirements are or could be imposed by that certificate; and

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(b) without prejudice to paragraph (a) above, so long as there are in force under section 12 of this Act any regulations applying to the premises in respect of that use, any term, condition or restriction imposed as aforesaid shall be of no effect in so far as it relates to any matter about which provision is made in the regulations.

(2) References in this section to the issue of licences include references to their renewal, transfer or variation.

**32 Provision for securing exercise of local Act powers in conformity with this Act. E+W+S**

A person required by or under a local Act to do any thing in relation to any premises shall not be treated as having acted in contravention of that Act by reason of his failure to do that thing in so far as the failure is attributable to the fact that remedying it would involve a contravention of this Act or of regulations made under section 12 thereof.

**Modifications etc. (not altering text)**

C25 S. 32 applied (with modifications) by S.I. 1997/1840, reg. 17(1)(2)

**<sup>F165</sup>33 Amendment of Offices, Shops and Railway Premises Act 1963. E+W+S**

.....

**Textual Amendments**

F165 S. 33 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 13

PROSPECTIVE

**<sup>F166</sup>34 Modification of Rent Act 1968 and corresponding Scottish Acts. E+W+S**

.....

**Textual Amendments**

F166 S. 34 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1, Pt 13

*Miscellaneous and general*

**35 Power to apply Act to vessels and movable structures. E+W+S**

The Secretary of State may by regulations apply any of the provisions of this Act, subject to such modifications as may be prescribed, to—

(a) vessels remaining moored or on dry land for such periods or in such circumstances as may be prescribed; and



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- (b) tents and other movable structures of any prescribed description. [<sup>F167</sup>; and
- (c) places of work in the open air of any prescribed description.]

#### Textual Amendments

**F167** S. 35(c) and “; and” inserted by Fire Safety and Safety of Places of Sport Act 1987 (c. 27, SIF 50), s. 17

PROSPECTIVE

### **F1136** Power of local authorities to make loans to meet expenditure on certain alterations to buildings occasioned by this Act. **E+W+S**

.....

#### Textual Amendments

**F11** Act repealed (E.W.) (1.10.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), Sch. 2 para. 8, **Sch. 4** (with art. 49) (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), arts. 1(1), 2); (S.) (1.10.2006) by Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **Sch. 2** (with arts. 3, 4)

### **37** General provisions as to regulations. **E+W+S**

- (1) Any power of the Secretary of State to make regulations under this Act shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any power conferred by this Act to make regulations includes power to make different provision in relation to different circumstances.
- (3) Regulations made under this Act may grant or provide for the granting of exemptions from any of the provisions of the regulations, either unconditionally or subject to conditions.

#### Subordinate Legislation Made

**P3** S.37: for exercises of this power see Index to Government Orders.

**P4** S. 12(1) (with SS. 12(3)(4), 37(2)(3) and 40(1)) power exercised by S.I. 1991/259.

### **38** Service of documents. **E+W+S**

- (1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.

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- (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3) For the purposes of this section, and of <sup>F168</sup>section 7 of the <sup>M18</sup>Interpretation Act 1978] in its application to this section, the proper address of any person, in the case of the secretary or clerk of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm, shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.
- (4) If the name or the address of any owner or occupier of premises on whom any such notice or other document as aforesaid is to be served cannot after reasonable inquiry be ascertained by the person seeking to serve it, the document may be served by addressing it to the person on whom it is to be served by the description of “owner” or “occupier” of the premises (describing them) to which the notice relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

#### Textual Amendments

**F168** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#) (1.1.1979) for words from “section 26” to “1889”

#### Modifications etc. (not altering text)

**C26** [S. 38](#) applied (with modifications) (1.12.1997) by [S.I. 1997/1840, reg. 17\(1\)\(2\)](#)

#### Marginal Citations

**M18** [1978 c. 30 \(115:1\)](#)

### 39 Expenses. **E+W+S**

There shall be paid out of moneys provided by Parliament any expenditure incurred by the Secretary of State under or by virtue of this Act and any increase attributable to any provision of this Act in the sums payable under any other enactment out of moneys so provided.

### 40 Application to Crown, etc. **E+W+S**

- (1) Subject to the provisions of this section—
  - (a) the following provisions of this Act, namely sections 1, 2, 3 (except subsection (5)), 4 [<sup>F169</sup>5(2A), 5A, 5B,], 6 [<sup>F170</sup>, [<sup>F171</sup>, 9A (except subsections (3) and (4)), 9B and 9C]] and 12(1) to (3) and (4)(a) and (b), shall apply to premises occupied by the Crown; and
  - (b) the following provisions of this Act, namely sections 1, 2, 3 (except subsection (5)), 4 to 8 [<sup>F172</sup>8A, 8B,], [<sup>F173</sup>9A][<sup>F172</sup>9B, 9C, 9D, 9E,] 10, [<sup>F172</sup>10B] 12, 19 to 21 and 32, shall apply to premises owned by the Crown but not occupied by it.
- (2) No fire certificate shall by virtue of subsection (1) above be required in respect of premises of any of the following descriptions, that is to say—

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- (a) any premises constituting, or forming part of, a prison within the meaning of the <sup>M19</sup>Prison Act 1952 or constituting, or forming part of, a remand centre, detention centre or [<sup>F174</sup>youth custody centre] provided by the Secretary of State under section 43 of that Act;
  - (b) any premises constituting, or forming part of, a prison within the meaning of the <sup>M20</sup>Prisons (Scotland) Act 1952 or constituting, or forming part of, a remand centre, . . . <sup>F175</sup>, Borstal institution or young offenders institution provided by the Secretary of State under section 31 of that Act;
  - <sup>F176</sup>(c) any premises constituting, or forming part of, a special hospital within the meaning of the <sup>M21</sup> Mental Health Act 1959 or a State hospital within the meaning of the <sup>M22</sup><sup>F177</sup> Mental Health (Scotland) Act 1984 ] ; ]
  - (d) any premises occupied solely for purposes of the armed forces of the Crown.
- (3) Any provision of this Act which, by virtue of subsection (1) above, applies to premises occupied or owned by the Crown shall, in its application to any such premises, have effect with the substitution, for any reference to the [<sup>F178</sup><sup>F179</sup>fire authority<sup>F179</sup>appropriate authority]] [<sup>F178</sup>fire and rescue authority]], of a reference to a fire inspector [<sup>F180</sup>or any person authorised by the Secretary of State to act for the purposes of this section].
- (4) As regards any premises falling within subsection (1)(a) above, any power exercisable by virtue of subsection (3) above by a fire inspector shall be exercisable also by an [<sup>F181</sup><sup>F182</sup>officer of the fire brigade maintained by the fire authority<sup>F182</sup>employee of the appropriate authority]] [<sup>F181</sup>employee of the fire and rescue authority]] if and so far as he is authorised in writing by such an inspector to exercise that power; but a fire inspector shall not authorise an [<sup>F183</sup><sup>F184</sup>officer of a fire brigade<sup>F184</sup>employee of an appropriate authority]] [<sup>F183</sup>employee of a fire and rescue authority]] under this subsection except with the consent [<sup>F185</sup>of the [<sup>F186</sup>fire authority who maintain that brigade<sup>F186</sup>appropriate authority]] [<sup>F185</sup>of the fire and rescue authority]].
- (5) If a person with intent to deceive pretends to be a person by whom any powers exercisable by a fire inspector by virtue of subsection (3) above are exercisable by virtue of subsection (4) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F187</sup>level 3 on the standard scale].
- (6) In relation to any premises falling within subsection (1)(b) above section 20(1) of this Act shall have effect as if for the reference to an [<sup>F188</sup><sup>F189</sup>officer of the fire brigade maintained by the fire authority<sup>F189</sup>employee of the appropriate authority]] [<sup>F188</sup>employee of the fire and rescue authority]] there were substituted a reference to any person.
- <sup>F190</sup>(7) Section 341 of the <sup>M23</sup> Public Health Act 1936 (power to apply provisions of that Act to Crown Property) shall have effect as if sections 11 and 15 of this Act were contained in that Act. ]
- (8) To such extent, if any, as they so provide, regulations under section 35 of this Act shall bind the Crown.
- (9) Nothing in this Act shall be taken to authorise the entry of premises occupied by the Crown.
- <sup>F176</sup>(10) This Act shall apply to premises in Scotland occupied by a [<sup>F191</sup>Health Board] as if they were premises occupied by the Crown.]
- <sup>F192</sup>(10A) . . . . .

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[<sup>F193</sup>(10B) This Act shall apply to premises occupied by the National Radiological Protection Board as if they were premises occupied by the Crown.]

(11) Any premises used for the purposes of a visiting force or of a headquarters or defence organisation designated for the purposes of the <sup>M24</sup>International Headquarters and Defence Organisations Act 1964 shall be exempt from the operation of this Act to the extent to which the premises would be exempt therefrom if the premises were occupied by the Crown solely for purposes of the armed forces of the Crown.

In this subsection “visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the <sup>M25</sup>Visiting Forces Act 1952.

#### Subordinate Legislation Made

**P5** S.40: for exercises of this power see Index to Government Orders.

**P6** S. 40(1): S. 12(1) (with ss.12(3)(4), 37(2)(3) and 40(1)) power exercised (12.2.1991) by [S.I. 1991/259](#).

#### Textual Amendments

**F169** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **ss. 18(2)**, 50(2)

**F170** Words inserted by [Health and Safety at Work etc. Act 1974 \(c. 37\)](#), **s. 78(1)(8)(a)**

**F171** Words substituted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **ss. 18(2)**, 50(2)

**F172** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **ss. 18(3)**, 50(2)

**F173** Word inserted by [Health and Safety at Work etc. Act 1974 \(c. 37\)](#), **s. 78(1)(8)(b)**

**F174** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 77, **Sch. 14 para. 29**

**F175** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16** (the repeal being in force (S.) on 1.11.1988 by [S.I. 1988/1817](#), **art. 2 Sch.**)

**F176** S. 40(2)(c)(10) repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**

**F177** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), **s. 25(2)** (1.1.1979) for words from “section 26” to “1889”

**F178** Words in s. 40(3) 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. 31(2)**; [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2

**F179** Words in s. 40(3) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 3(5)(a)(i)**; [S.S.I. 2005/392](#), art. 2

**F180** Words in s. 40(3) omitted (S.) (2.8.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 3(5)(a)(ii)**; [S.S.I. 2005/392](#), art. 2

**F181** Words in s. 40(4) 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. 31(3)(a)**; [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2

**F182** Words in s. 40(4) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 3(5)(b)(i)**; [S.S.I. 2005/392](#), art. 2

**F183** Words in s. 40(4) 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. 31(3)(b)**; [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2

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- F184** Words in s. 40(4) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 3(5)(b)(ii)**; S.S.I. 2005/392, art. 2
- F185** Words in s. 40(4) 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. 31(3)(c)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F186** Words in s. 40(4) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 3(5)(b)(iii)**; S.S.I. 2005/392, art. 2
- F187** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G
- F188** Words in s. 40(6) 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. 31(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F189** Words in s. 40(6) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 3(5)(c)**; S.S.I. 2005/392, art. 2
- F190** S. 40(7) repealed (E.W.) by [Building Act 1984 \(c. 55, SIF 15\)](#), s. 133(2), **Sch. 7**
- F191** Words substituted by Health and Safety at Work etc. Act 1974 (c. 37), s. 78(1)(8)(c)
- F192** S. 40(10A) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch.3** (with s. 4(1), Sch. 2 paras. 6, 16)
- F193** S. 40(10B) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 18(4)

#### Modifications etc. (not altering text)

- C27** S. 40 modified (17.7.1992) by S.I. 1992/1732, **art. 5**  
S. 40 extended (6.5.1999) by S.I. 1999/677, **art. 5(1)**
- C28** References to a youth offender institution substituted (E.W.) for references to a detention centre and to a youth custody centre by virtue of [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 123(6), **Sch. 8 Pt. I para. 1**
- C29** S. 40(3) applied (1.10.2005) by [Gambling Act 2005 \(c. 19\)](#), ss. 354(3), 358(1) (with ss. 352, 354); S.I. 2005/2455, art. 2(1), Sch.

#### Marginal Citations

- M19** 1952 c. 52.  
**M20** 1952 c. 61.  
**M21** 1959 c. 72.  
**M22** 1984 c. 36 (85)  
**M23** 1936 c. 49 (100:1)  
**M24** 1964 c. 5.  
**M25** 1952 c. 67.

## 41 Application to premises occupied by U.K. Atomic Energy Authority. **E+W+S**

Sections 17, 18, 30, 31 and 36 of this Act shall not apply to any premises occupied by the United Kingdom Atomic Energy Authority, and in the application of other provisions of this Act to any such premises—

- (a) for any reference to the <sup>F194</sup>fire authority<sup>F195</sup> appropriate authority<sup>F194</sup> there shall be substituted a reference to a fire inspector <sup>F196</sup>or any person authorised by the Secretary of State to act for the purposes of this section]; and
- (b) for the reference in section 20(1) to an <sup>F197</sup>officer of the fire brigade maintained by the fire authority<sup>F198</sup> employee of the appropriate

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authority]]<sup>F197</sup>employee of the fire and rescue authority]] there shall be substituted a reference to any person.

**Textual Amendments**

- F194** Words in s. 41(a) 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. 32\(a\)](#); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F195** Words in s. 41(a) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [Sch. 1 para. 3\(6\)\(a\)\(i\)](#); S.S.I. 2005/392, art. 2
- F196** Words in s. 41(a) omitted (2.8.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [Sch. 1 para. 3\(6\)\(a\)\(ii\)](#); S.S.I. 2005/392, art. 2
- F197** Words in s. 41(b) 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. 32\(b\)](#); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F198** Words in s. 41(b) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, [Sch. 1 para. 3\(6\)\(b\)](#); S.S.I. 2005/392, art. 2

42 ..... <sup>F199</sup> **E+W+S**

**Textual Amendments**

- F199** S. 42 repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42(1), [Sch. 6 Pt. I](#)

43 **Interpretation.** **E+W+S**

(1) In this Act—

<sup>F200</sup> “appropriate authority”, in relation to any premises or proposed premises, means the relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) ) for the area in which the premises are or are to be situated; ]

“building” includes a temporary or movable building and also includes any permanent structure and any temporary structure other than a movable one;

..... <sup>F201</sup>  
“contravention” includes failure to comply, and “contravene” has a corresponding meaning;

“the court”, except in section 28 of this Act . . . <sup>F202</sup>, means, in relation to premises in England or Wales, a magistrates’ court <sup>F203</sup>... and, in relation to premises in Scotland, the sheriff within whose jurisdiction they are situated;

“designated use” has the meaning assigned by section 1(1) of this Act;

<sup>F204</sup> “escape” has the meaning assigned to it by section 5(5) of this Act and “means of escape” is to be construed in accordance with that subsection; ]

<sup>F205</sup>  
...



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[<sup>F206</sup> “fire and rescue authority”, in relation to any premises or proposed premises, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the premises are or are to be situated; ]

“fire certificate” has the meaning assigned by section 1(1) of this Act;

“fire inspector” means an inspector or assistant inspector appointed under [<sup>F207</sup> section 24 of the <sup>M26</sup>Fire Services Act 1947[<sup>F207</sup> section 43 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)];

“furniture” includes furnishings (including wall-coverings and ceiling-coverings of all sorts, as well as floor-coverings);

“local authority” means—

(a) as respects England <sup>F208</sup> . . . , the council of a . . . <sup>F209</sup> London borough or . . . <sup>F209</sup> district, the Common Council of the City of London or the Council of the Isles of Scilly;

[<sup>F210</sup>(aa)as respects Wales, the council of a county or county borough;]

(b) as respects Scotland, [<sup>F211</sup>except in section 17, the [<sup>F212</sup>council for a local government area]];

“notice” means a notice in writing;

“the notified person” and “the specified position” have the meanings assigned by section 3(8) of this Act;

“owner”—

(a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent; and

(b) as respects Scotland, means the person for the time being entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises in connection with which the word is used and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted;

“premises” means building or part of a building;

“prescribed” means prescribed by regulations made under this Act by the Secretary of State;

[<sup>F213</sup> “ prohibition notice ” has the meaning assigned by section 10(2) of this Act; ]

“the relevant building”, in relation to—

(a) any premises in relation to which a notice under section 3 of this Act is in force; or

(b) any premises which are the subject of an application for a fire certificate; or

(c) any premises with respect to which a fire certificate is in force,

means the building constituting or comprising the premises in question.

[<sup>F214</sup>“work” has the same meaning as it has for the purposes of Part I of the <sup>M27</sup>Health and Safety at Work etc. Act 1974].

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- (3) Except in so far as the context otherwise requires, any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.

#### Textual Amendments

- F200** Words in s. 43(1) inserted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 3(7)(a)**; S.S.I. 2005/392, art. 2
- F201** Definition of “building regulations” repealed by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), **Sch. 10**
- F202** Words repealed by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 16(3)(b), 49, **Sch. 4**
- F203** Words in s. 43(1) in the definition of “the court” repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 8 para. 146**, **Sch. 10**; S.I. 2005/910, art. 3(y)
- F204** Definition inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 4(3)
- F205** Definition of “fire authority” in s. 43(1) repealed (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 2**; S.S.I. 2005/392, art. 2
- F206** Words in s. 43(1) substituted (E.W.) (7.9.2004 for specified purposes except in relation to W.; 1.10.2004 for remaining purposes except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, **Sch. 1 para. 33**; S.I. 2004/2304, art. 2 (with art. 3), S.I. 2004/2917, art. 2
- F207** Words in s. 43(1) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **Sch. 1 para. 3(7)(b)**; S.S.I. 2005/392, art. 2
- F208** Words in s. 43(1) in para. (a) of the definition of “local authority” repealed (1.4.1996) by [1994 c. 19](#), ss. 22(3), 66(8), **Sch. 9 para. 8**, **Sch.18** (with ss. 54(5)(7), 66(7), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch.2**
- F209** Words repealed by [S.I. 1974/595](#), **Sch. 1**
- F210** In s. 43(1) in the definition of “local authority” para. (aa) inserted (1.4.1996) by [1994 c. 19](#), s. 22(3), **Sch. 9 para.8** (with ss. 54(5)(7), 66(7), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch.2**
- F211** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 200**
- F212** Words in s. 43(1) in para. (b) of the definition of “local authority” substituted (S.) (1.4.1996) by [1994 c. 39](#), s. 180(1), **Sch. 13 para.87**; S.I. 1996/323, **art.4(1)(c)**
- F213** Definition inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 9(3)
- F214** Definition added by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), s. 78(1)(9)
- F215** S. 43(2) repealed by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 12(2), 49, **Sch. 4**

#### Modifications etc. (not altering text)

- C30** S. 43 applied (with modifications) (1.12.1997) by [S.I. 1997/1840](#), **reg. 17(1)(2)(3)(d)**

#### Marginal Citations

- M26** [1947 c. 41](#) .  
**M27** [1974 c. 37](#) .

#### 44 Short title, extent and commencement. **E+W+S**

- (1) This Act may be cited as the Fire Precautions Act 1971.

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- (2) This Act, . . . <sup>F216</sup> does not extend to Northern Ireland.
- (3) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different dates may be appointed under this subsection for different purposes.

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**Textual Amendments**

**F216** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42(1), **Sch. 6 Pt. I**

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**Modifications etc. (not altering text)**

**C31** Power of appointment conferred by s. 44(3) not fully exercised

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PROSPECTIVE

SCHEDULE I **E+W+S**

Section 34.

MODIFICATION OF RENT ACT 1968 AND CORRESPONDING SCOTTISH ACTS

F217 ... **E+W+S**

**Textual Amendments**

F217 Sch. I repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

F217 ...

... **E+W+S**

...

[F218] SCHEDULE 2 **E+W+S**

SPECIAL PROVISION FOR CERTAIN PREMISES

**Textual Amendments**

F218 Sch. 2 inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 16(2), 50(2), [Sch. 1](#)

**PART I **E+W+S****

THE PREMISES

- 1 Subject to paragraph 2 below, the following are the descriptions of premises in relation to which this Act is subject to the modifications specified in relation to them in Part II—
  - (a) premises constituting, or forming part of, a factory within the meaning of the <sup>M28</sup>Factories Act 1961 and premises to which sections 123(1) and 124 of that Act (application to electrical stations and institutions) apply (in this Schedule referred to as “factory premises”);
  - (b) office premises within the meaning of the <sup>M29</sup>Offices, Shops and Railway Premises Act 1963, or premises deemed to be such premises for the purposes of that Act (in this Schedule referred to as “office premises”);

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- (c) railway premises within the meaning of that Act of 1963, or premises deemed to be such premises for the purposes of that Act (in this Schedule referred to as “railway premises”); and
- (d) shop premises within the meaning of that Act of 1963, or premises deemed to be such premises for the purposes of that Act (in this Schedule referred to as “shop premises”).

**Marginal Citations**

**M28** 1961 9 & 10 Eliz. 2 c. 34 (43:3)

**M29** 1963 c. 41 (43:3)

- 2 Premises which are deemed to form part of a mine for the purposes of the <sup>M30</sup>Mines and Quarries Act 1954 are excluded from the descriptions of premises mentioned in sub-paragraphs (b) to (d) of paragraph 1 above.

**Marginal Citations**

**M30** 1954 2 & 3 Eliz. 2 c. 70 (86)

**PART II E+W+S**

THE MODIFICATIONS

- 3 (1) This paragraph applies to premises in respect of which a fire certificate is required which are factory premises, office premises, railway premises or shop premises, and which—
- (a) 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; or
  - (b) consist of part of a building in which different parts are owned by different persons.
- (2) In relation to premises to which this paragraph applies this Act shall have effect with the following modifications.
- (3) For the references to the occupier in sections 5(2A), 5A(4), 5A(7), 5A(9), 5B(3), 5B(4), 5B(5), 6(5), 7(1), 7(3A), 7(4), 8(2) (except paragraph (c) and the insertion made by sub-paragraph (5) below), 8(4), 8(5), 8(7), 8B(1), 9(5)(b), 9A(3), 9D(1) and 12(8)(b) there shall be substituted—
- (a) in the case of premises falling within sub-paragraph (1)(a) above, references to the owner of the building;
  - (b) in the case of premises falling within sub-paragraph (1)(b) above, references to the persons who between them own the building.
- (4) For the words “a fire certificate” where they occur in section 6(8) and where they first occur in section 7(6) there shall be substituted the words “a copy of the fire certificate” and in section 6(8) at the end of the subsection there shall be inserted the words “and the fire certificate shall be sent to the owner of the building or, as the case may be, the person who owns the part of the building of which the premises consist”.

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- (5) In sections 8(2) and 8A(1) after the words “[<sup>F219</sup>[<sup>F220</sup>fire authority]<sup>F220</sup>appropriate authority]] [<sup>F219</sup>fire and rescue authority]],” there shall be inserted the words “and the occupier shall, before the carrying out of the proposals is begun, furnish to the persons responsible for giving notice of the proposals to the [<sup>F219</sup>[<sup>F220</sup>fire authority]<sup>F220</sup>appropriate authority]] [<sup>F219</sup>fire and rescue authority]] any information in his possession which is relevant to those proposals;”.
- (6) In section 8A(1) for the references to the occupier (except the reference inserted by sub-paragraph (5) above) there shall be substituted—
- (a) in the case of premises—
    - (i) falling within sub-paragraph (1)(a) above; and
    - (ii) in relation to which it is intended to carry out proposals falling within subsection (2)(a) or (c) of that section, references to the owner of the building; and
  - (b) in the case of premises—
    - (i) falling within sub-paragraph (1)(b) above; and
    - (ii) in relation to which it is intended to carry out proposals falling within subsection (2)(a) or (c) of that section, references to the persons who between them own the building.
- (7) The expressions “owner of the building” and “the persons who between them own the building” do not include the Crown in the modifications made—
- (a) by sub-paragraph (3) above of sections 7(1), 8(7), 9A(3) and of the word “occupier” in the third place where it occurs in section 8(2); and
  - (b) by sub-paragraph (6) above of the word “occupier” in the second place where it occurs in section 8A(1).

#### Textual Amendments

**F219** Words in Sch. 2 para. 3(5) 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\(1\)\(2\)\(v\); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2](#)

**F220** Words in Sch. 2 para. 3(5) substituted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\), art. 1, Sch. 1 para. 3\(2\)\(3\)\(t\); S.S.I. 2005/392, art. 2](#)

- 4 In section 6(1) as it has effect in relation to factory premises there shall be inserted after paragraph (e) the following paragraph—
- “(f) particulars as to any explosive or highly flammable materials which may be stored or used in the premises,”.
- 5 In section 8 as it has effect in relation to factory premises—
- (a) for paragraph (c) of subsection (2) there shall be substituted the following paragraph—
    - “(c) the occupier of the premises proposes to begin to store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use;” and
  - (b) in subsection (3) for the words from “keep explosive” to “that kind” there shall be substituted the words “store or use explosive or highly flammable



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materials in the premises or materially to increase the extent of such storage or use”.

- 6 In section 8A as it has effect in relation to factory premises, for paragraph (b) of subsection (2) there shall be substituted the following paragraph—

“(b) on the part of the occupier of the premises to begin to store or use explosive or highly flammable materials in the premises or materially to increase the extent of such storage or use;”.

- 7 Where a licence issued under [<sup>F221</sup> the Manufacture and Storage of Explosives Regulations 2005 ] or the <sup>M31</sup> Petroleum (Consolidation) Act 1928 is in force with respect to factory premises, office premises, shop premises or railway premises, section 31 of this Act shall not have effect in relation to any term, condition or restriction imposed in connection with the issue, renewal, transfer or variation of such licence.

#### Textual Amendments

**F221** Words in Sch. 2 para. 7 substituted (26.4.2005) by [The Manufacture and Storage of Explosives Regulations 2005 \(S.I. 2005/1082\)](#), [Sch. 5 para. 13](#) (with reg. 3)

#### Marginal Citations

**M31** 18 & 19 Geo. V c. 32 (**100:3**)

- 8 Where any premises (“the relevant premises”)—
- (a) are premises for which a fire certificate is required, premises for which a fire certificate is in force, premises to which section 9A of this Act applies or premises to which regulations under section 12 of this Act apply, and
  - (b) are factory premises, office premises, shop premises or railway premises,
- section 28 shall apply to the premises or to any other premises comprised in the same building—
- (i) with the substitution of the foregoing words (reading “this section” for “section 28”) for subsection (1);
  - (ii) with the insertion, in subsection (2)(a), after “8(5)” of “9D(1)”; and
  - (iii) with the substitution, for subsection (2)(c) of the following—
    - “(c) in order to secure compliance with section 9A or a provision of regulations under section 12 of this Act;”.]

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**Changes to legislation:**

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