



Fire Precautions Act 1971 (repealed)

1971 CHAPTER 40

Enforcement

18 Enforcement of Act.

- (1) [^{F1}Subject to subsection (2) below, it] shall be the duty of every [^{F2}appropriate authority][^{F3}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 [^{F4}and cause premises to be inspected]; but nothing in this [^{F5}subsection] shall be taken to authorise a [^{F2}appropriate authority][^{F3}fire and rescue authority] in Scotland to institute proceedings for any offence.
- [^{F6}(2) A [^{F2}appropriate authority][^{F7}fire and rescue authority] shall have power to arrange 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 on their behalf by the Health and Safety Executive (with or without payment) in relation to any particular premises so specified which are used as a place of work.]
- [^{F8}(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

- F1** Words substituted by Health and Safety at [Work etc. Act 1974 \(c. 37\), s. 78\(1\)\(7\)\(a\)](#)
- F2** 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
- F3** 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
- F4** Words inserted (*prosp.*) by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\), ss. 10\(a\), 50\(2\)](#)
- F5** Word substituted by Health and Safety at [Work etc. Act 1974 \(c. 37\), s. 78\(1\)\(7\)\(b\)](#)
- F6** S. 18(2) added by Health and Safety at [Work etc. Act 1974 \(c. 37\), s. 78\(1\)\(7\)\(c\)](#)

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- F7** Words in s. 18(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)(s); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F8** 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.

- (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—
- (a) to enter any such premises as are mentioned in subsection (2) below, and to inspect the whole or any part thereof and anything therein;
 - (b) to make such inquiry as may be necessary for any of the purposes mentioned in subsection (3) below;
 - (c) 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;
 - (d) 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.
- (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;
 - [^{F9}(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;

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- (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 [^{F10}level 3 on the standard scale].

Textual Amendments

- F9** 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)**
- F10** 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)

- C1** 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.

- (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 [^{F11}employee of the appropriate authority][^{F12}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 [^{F13}employee of an appropriate authority][^{F14}employee of a fire and rescue authority] under this section except with the consent of [^{F14}the [^{F15}fire authority who maintain that brigade [^{F15}appropriate authority]][^{F14}the fire and rescue authority]].

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Textual Amendments

- F11** 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
- F12** 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
- F13** 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
- F14** 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
- F15** 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)

- C2** S. 20 applied (with modifications) (1.12.1997) by [S.I. 1997/1840](#), **reg. 17(1)(2)**

21 Restriction on disclosure of information.

[^{F16}(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 [^{F17}level 3 on the standard scale].

[^{F18}(2) Nothing in subsection (1) above prohibits the disclosure of information to an enforcing authority within the meaning of the ^{M1}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

- F16** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **s. 11(a)**
- F17** 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**
- F18** [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)

- C3** [S. 21](#) applied (with modifications) (1.12.1997) by [S.I. 1997/1840](#), **reg. 17(1)(2)**

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Marginal Citations

M1 [1974 c. 37 \(43:3\)](#)

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