

Status: Point in time view as at 10/11/2004.

Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed), SCHEDULE 2. (See end of Document for details)

[^{F1}SCHEDULE 2

SPECIAL PROVISION FOR CERTAIN PREMISES

Textual Amendments

- F1** 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

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 ^{M1}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 ^{M2}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”);
 - (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

- M1** 1961 9 & 10 Eliz. 2 c. 34 (43:3)
M2 1963 c. 41 (43:3)

- 2 Premises which are deemed to form part of a mine for the purposes of the ^{M3}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

- M3** 1954 2 & 3 Eliz. 2 c. 70 (86)

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PART II

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”.
- (5) In sections 8(2) and 8A(1) after the words “[^{F2}fire authority [^{F2}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 [^{F2}fire authority [^{F2}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

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- (b) by sub-paragraph (6) above of the word “occupier” in the second place where it occurs in section 8A(1).

Textual Amendments

F2 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

- 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 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 the ^{M4}Explosives Act 1875 or the ^{M5}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.

Marginal Citations

M4 38 & 39 Vict. c. 17 (51:2)

M5 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—

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- (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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