



Fire Precautions Act 1971

1971 CHAPTER 40

Building and other regulations about fire precautions

12 Power of Secretary of State to make regulations about fire precautions

- (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 any description falling within any paragraph of section 2 of this Act other than paragraph (d).
- (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 ;
 - (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;

Status: This is the original version (as it was originally enacted).

- (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 fire 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—
- (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 fire 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 fire 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 fire 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 by virtue of section 2(1)(a) of the Cinematograph Act 1952 under the Cinematograph Act 1909; 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) In consequence of subsection (11) above—
 - (a) the following provisions of the Cinematograph Act 1952 (which relate to the power of the Secretary of State to make safety regulations) are hereby repealed, that is to say section 2(1)(a) and, in section 5(1), paragraph (c) from the words " and regulations " onwards, paragraph (d) from the word " except" onwards, and the proviso; and
 - (b) in section 4(2) of that Act (control of cinematograph exhibitions for children), after the word " 1909 " there shall be inserted the words " and any regulations made or having effect as if made under section 12 of the Fire Precautions Act 1971. "