



Fire Precautions Act 1971

1971 CHAPTER 40

Building and other regulations about fire precautions

13 Exercise of certain powers of fire authority in England and Wales where building regulations as to means of escape apply

- (1) Where an application is made for a fire certificate with respect to any premises and—
- (a) 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
 - (b) in connection with the erection of that building plans were, in accordance with building regulations, deposited with a local authority,

the fire 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—

- (i) 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 fire 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
 - (ii) the fire 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 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)

Status: This is the original version (as it was originally enacted).

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 fire 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 fire 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 fire 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 fire 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) References in this section to building regulations shall, in any particular case in relation to which there is in force a direction under section 6 of the Public Health Act 1961 dispensing with or relaxing any requirement in such regulations, be construed as references to building regulations as they apply in that case.
- (6) This section does not extend to Scotland.