



Fire Precautions Act 1971 (repealed)

1971 CHAPTER 40

Consultation between fire and other authorities

17 Duty of fire authorities to consult other authorities before requiring alterations to buildings.

- (1) Before a [^{F1}appropriate authority][^{F2}fire 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) [^{F3}, section 9D] or section 12(8)(b) of this Act mentioning as a step which would have to be taken [^{F3}or, 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 [^{F1}appropriate authority][^{F2}fire and rescue authority] are not the local authority for the area in which the premises are situated, consult that local authority; . . . ^{F4}
 - (ii) if the premises are situated in Scotland, consult the [^{F5}local] authority (within the meaning of . . . ^{F6} the Building (Scotland) Act [^{F7}2003 (asp 8)]) for the area in which the premises are situated, [^{F8}and]
 - [^{F9}(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 ^{M1} 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 [^{F10}buildings authority or other authority] who have in accordance with this section been consulted by a [^{F1}appropriate authority][^{F11}fire 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.

Status: Point in time view as at 02/08/2005. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed), Section 17. (See end of Document for details)

[^{F12}(3) Section 18(7) of the ^{M2} 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

- F1** 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
- F2** 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
- F3** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), **ss. 7(3), 50(2)**
- F4** Word repealed by Health and Safety at Work etc. Act 1974 (c. 37), **Sch. 10**
- F5** Word substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 15 Pt. II para. 30(a)**
- F6** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F7** 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)
- F8** Word added by Health and Safety at Work etc. Act 1974 (c. 37), **s. 78(1)(6)(a)**
- F9** S. 17(1)(iii) added by Health and Safety at Work etc. Act 1974 (c. 37), **s. 78(1)(6)(a)**
- F10** Words substituted by Health and Safety at Work etc. Act 1974 (c. 37), **s. 78(1)(6)(b)**
- F11** 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
- F12** S. 17(3) added by Health and Safety at Work etc. Act 1974 (c. 37), **s. 78(1)(6)(c)**

Marginal Citations

- M1** 1974 c. 37.
- M2** 1974 c. 37.

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