



Fire Precautions Act 1971

1971 CHAPTER 40

Premises for which fire certificates are required

3 Power of fire authority to make fire certificate compulsory for use of certain premises as a dwelling

- (1) This section applies to any premises not for the time being excluded by subsection (2) below which have been, are being or are to be used as a dwelling if—
 - (a) the premises consist of or comprise a room which has been, is being or is to be used as living accommodation and which—
 - (i) is below the ground floor of the building which constitutes or comprises the premises; or
 - (ii) is two or more floors above the ground floor of that building ; or
 - (iii) is a room of which the floor is six metres or more above the surface of the ground on any side of that building; or
 - (b) explosive or highly flammable materials of any prescribed kind have been, are being or are to be kept anywhere under, in or on the building which constitutes or comprises the premises in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind.
- (2) This section does not apply to—
 - (a) any premises consisting of or comprised in a house which is occupied as a single private dwelling; or
 - (b) any premises consisting of or comprised in a house which is occupied by persons who do not form a single household.
- (3) If in the case of any premises it appears to the fire authority that they are premises to which this section applies, the authority may serve a notice under this section relating to those premises on either—
 - (a) the occupier of the premises ; or
 - (b) the owner of the premises ; or
 - (c) a person (whether the occupier or owner of the premises or not) having the overall management of the building constituting or comprising the premises.

Status: This is the original version (as it was originally enacted).

- (4) A notice under this section shall be in the prescribed form and shall—
- (a) specify the premises to which it relates; and
 - (b) give particulars of the facts by reason of which it appears to the fire authority that this section applies to the premises; and
 - (c) specify one of the positions mentioned in subsection (3) above and state that the person on whom the notice is served is being served with it as the occupier of that position; and
 - (d) indicate that on the coming into force of the notice a fire certificate will, in the circumstances mentioned in subsection (6) below, be required in respect of the premises to which the notice relates ; and
 - (e) state the right of appeal against the notice conferred by section 4 of this Act and the time within which such an appeal may be brought.
- (5) Before a fire authority serve a notice under this section relating to any premises, they shall, if they are not the local authority for the area in which the premises are situated, consult that local authority.
- (6) A fire certificate shall be required in respect of any premises which, while this section applies to them and there is in force a notice under this section relating to them, are used as a dwelling.
- (7) Where, in the case of any premises, there is in force a notice under this section relating to them and it appears to the fire authority that the notified person has ceased to occupy the specified position, they may serve a fresh notice under this section in respect of the premises; and on the coming into force of a notice served by virtue of this subsection, the previous notice relating to the premises shall cease to have effect.
- (8) In this Act—
- (a) " the notified persons ", in relation to any premises in respect of which a notice under this section is in force, means the person on whom that notice was served; and
 - (b) " the specified position ", in relation to a notice served under this section, means the position specified in the notice in pursuance of subsection (4)(c) above.