
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (“the Regulations”) give effect in Great Britain to:

- (a) article 8(1) and (2) of Council Directive [89/391/EEC](#) on the introduction of measures to encourage improvements in the safety and health of workers at work (OJNo. L 183, 29.6.89, p. 1) (“the Framework Directive”); and
- (b) article 6 of, together with paragraphs 4 and 5 of each of the annexes to, Council Directive [89/654/EEC](#) concerning the minimum safety and health requirements for the workplace (OJ No. L 393, 30.12.89, p. 1) (“the Workplace Directive”),

in so far as those provisions relate to fire precautions and in so far as more specific legislation does not make appropriate provision. In this note, those provisions, in so far as they relate to fire precautions, are referred to as “the substantive provisions”.

The Regulations also give effect to certain other articles of the Framework Directive, in so far as they concern the substantive provisions (including article 10(1) and (2) of that Directive).

Part I

Part I of the Regulations makes preliminary provision.

Regulation 2 provides for the interpretation of the Regulations.

Part II

Part II of the Regulations sets out the requirements of the substantive provisions.

Regulation 3 provides that Part II applies to—

- (a) an employer, in respect of every workplace, other than an excepted workplace, to the extent it is under his control; and
- (b) every person who has control of a workplace, other than an excepted workplace, to the extent of his control.

The excepted workplaces are listed in regulation 3(5) and comprise workplaces for which more specific fire safety requirements exist or which are excluded from the Directives.

Regulation 4 makes provision for fire-fighting and fire detection (implementing paragraph 5 of each of the annexes to the Workplace Directive and article 8(1) and (2) of the Framework Directive (in so far as they relate to fire precautions)).

Regulation 5 makes provision for emergency routes and exits in case of fire (implementing the first indent of article 6 of, and paragraph 4 of each of the annexes to, the Workplace Directive (in so far as they relate to fire precautions)).

Regulation 6 makes provision for maintenance of the workplace and safety devices (implementing the second and fourth indents of article 6 of the Workplace Directive (in so far as they relate to fire precautions)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part III

Part III of the Regulations amends the Management of Health and Safety at Work Regulations 1992 (S.I.1992/2051) so as to extend certain of their requirements to encompass Part II of the Regulations.

The Management of Health and Safety at Work Regulations 1992 implement, for Great Britain, much of the Framework Directive. The following provisions of those Regulations, which derive from provisions of the Framework Directive which are ancillary to the substantive provisions, are extended directly, or (through an amendment to a definition) indirectly, so as to encompass Part II of the Regulations: regulations 3 (risk assessment), 4 (health and safety arrangements), 6 (health and safety assistance), 8 (information for employees), 9 (co-operation and co-ordination) and 10 (persons working in host employers' undertakings).

Part IV

Part IV of the Regulations makes provision for enforcement and offences.

Under regulation 10 fire authorities are given responsibility not only for enforcing the provisions of Part II of the Regulations but also a number of provisions of the Management of Health and Safety at Work Regulations 1992 so far as they extend to general fire precautions (as defined) in non-excepted workplaces. Together these provisions are referred to in the Regulations as “the workplace fire precautions legislation”. The relevant provisions of the Management of Health and Safety at Work Regulations 1992 not only include those amended by Part III of the Regulations but also certain other provisions which extend to general fire precautions and implement provisions of the Framework Directive, namely regulations 7 (procedures for serious and imminent danger and for danger areas) and 11(2) and (3) (training). Regulation 9 disapplies the enforcement regime of the Health and Safety at Work etc. Act 1974 from these provisions of the Management of Health and Safety at Work Regulations 1992, to the extent fire authorities are given responsibility for them under the present Regulations.

Part IV distinguishes between serious breaches of the workplace fire precautions legislation and other breaches. Regulation 11 makes an intentional or reckless serious breach of that legislation a criminal offence. Regulation 13 enables a fire authority to issue enforcement notices in respect of serious breaches; regulation 14 provides for appeals against such enforcement notices; and regulation 15 makes breach of an enforcement notice a criminal offence. In the case of any breach (whether serious or not), regulation 16 enables a fire authority to apply to a court for an order requiring an employer to remedy the breach.

Regulation 12 extends section 10 of the Fire Precautions Act 1971—which presently enables a fire authority to serve a prohibition notice to immediately close down an unsafe building or part of a building used as a place of work—to allow such notices to be issued in respect of places of work in movable structures and in the open air.

Part V

Part V of the Regulations makes further, consequential and miscellaneous provision.

Regulation 17 makes further and miscellaneous provision by applying a number of sections of the Fire Precautions Act 1971 for the purposes of the Regulations. These include: sections 21 and 22 (which create offences respectively of unauthorised disclosure of information and the making of false statements); and section 19 (conferring powers on inspectors).

Regulations 18, 19 and 20 make special provision for the application of the Regulations respectively to the Crown; to visiting forces, etc.; and to premises occupied by the UK Atomic Energy Authority. Regulation 21 amends two sets of Regulations dealing with employee consultation so as to extend them to cover certain requirements of Part II of the Regulations. Regulation 22 makes a consequential amendment to section 9A of the Fire Precautions Act 1971, so as to disapply it where Part II of the Regulations applies.