

---

STATUTORY INSTRUMENTS

---

**1997 No. 1840**

**The Fire Precautions (Workplace) Regulations 1997**

**PART II**

**FIRE PRECAUTIONS IN THE WORKPLACE**

**Application of Part II**

**3.—**(1) Every employer shall ensure that he complies with the requirements of this Part of these Regulations in respect of every workplace, other than an excepted workplace, which is to any extent under his control, so far as the requirements relate to matters within his control.

(2) Every person who has, to any extent, control of a workplace, other than an excepted workplace, shall ensure that, so far as relates to matters within his control, the workplace complies with any applicable requirement of this Part of these Regulations.

(3) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

- (a) the maintenance or repair of any workplace; or
- (b) the safety of any workplace,

that person shall be treated, for the purposes of paragraph (2), as being a person who has control of the workplace to the extent that his obligation so extends.

(4) Any reference in this regulation to a person having control of any workplace is a reference to a person having control of the workplace in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

(5) For the purposes of these Regulations, an “excepted workplace” is—

- (a) any workplace to the extent that it comprises premises for which a fire certificate is in force or for which an application for a fire certificate is pending under the 1971 Act (other than a fire certificate deemed to have been issued under that Act by virtue of paragraph 2 of Schedule 8 to the 1974 Act);
- (b) any workplace to the extent that it comprises premises—
  - (i) in respect of which there is in force a safety certificate under the Safety of Sports Grounds Act 1975<sup>(1)</sup> or under Part III of the Fire Safety and Safety of Places of Sport Act 1987<sup>(2)</sup>; and
  - (ii) which are in use for the activity or activities specified in the certificate;
- (c) any workplace to the extent that it comprises premises to which the Fire Precautions (Sub-surface Railway Stations) Regulations 1989<sup>(3)</sup> apply;

---

<sup>(1)</sup> 1975 c. 52.

<sup>(2)</sup> 1987 c. 27.

<sup>(3)</sup> S.I.1989/1401, as amended.

- (d) any workplace which is or is on a construction site within the meaning of regulation 2(1) of the Construction (Health, Safety and Welfare) Regulations 1996<sup>(4)</sup> and to which those Regulations apply;
  - (e) any workplace which is or is in or on a ship within the meaning of regulation 2(1) of the Docks Regulations 1988<sup>(5)</sup>, including any such ship which is in the course of construction or repair;
  - (f) any workplace to the extent that it comprises premises to which the Fire Certificates (Special Premises) Regulations 1976<sup>(6)</sup> apply;
  - (g) any workplace which is deemed to form part of a mine for the purposes of the Mines and Quarries Act 1954<sup>(7)</sup>;
  - (h) any workplace which is or is in or on an offshore installation within the meaning of regulation 3 of the Offshore Installations and Pipelines Works (Management and Administration) Regulations 1995<sup>(8)</sup>;
  - (i) any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994<sup>(9)</sup> or a vehicle exempted from duty under that Act; and
  - (j) any workplace which is in fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings.
- (6) The requirements of this Part of these Regulations shall not have effect to the extent that they would prevent—
- (a) any member of the armed forces of the Crown or of any visiting force (within the meaning of regulation 19);
  - (b) any constable or any member of a police force not being a constable; or
  - (c) any member of any emergency service,
- from carrying out their duties.
- (7) Without prejudice to paragraph (6), regulation 5(2)(f) shall not apply to any premises falling within the scope of section 40(2)(a) or (b) of the 1971 Act (prisons) or any part of any other premises used for keeping persons in lawful custody or detention.
- (8) Where paragraph (6) or (7) applies, the safety of employees in case of fire shall nevertheless be ensured so far as is possible.

---

(4) S.I. 1996/1592.  
(5) S.I. 1988/1655.  
(6) S.I. 1976/2003.  
(7) 1954 c. 70.  
(8) S.I. 1995/738.  
(9) 1994 c. 22.