
STATUTORY INSTRUMENTS

2005 No. 1541

The Regulatory Reform (Fire Safety) Order 2005

PART 3

ENFORCEMENT

Enforcement notices

30.—(1) If the enforcing authority is of the opinion that the responsible person or any other person mentioned in article 5(3) has failed to comply with any provision of this Order or of any regulations made under it, the authority may, subject to article 36, serve on that person a notice (in this Order referred to as “an enforcement notice”).

(2) An enforcement notice must—

- (a) state that the enforcing authority is of the opinion referred to in paragraph (1) and why;
- (b) specify the provisions which have not been complied with; and
- (c) require that person to take steps to remedy the failure within such period from the date of service of the notice (not being less than 28 days) as may be specified in the notice.

(3) An enforcement notice may, subject to article 36, include directions as to the measures which the enforcing authority consider are necessary to remedy the failure referred to in paragraph (1) and any such measures may be framed so as to afford the person on whom the notice is served a choice between different ways of remedying the contravention.

(4) Where the enforcing authority is of the opinion that a person's failure to comply with this Order also extends to a workplace, or employees who work in a workplace, to which this Order applies but for which they are not the enforcing authority, the notice served by them under paragraph (1) may include requirements concerning that workplace or those employees; but before including any such requirements the enforcing authority must consult the enforcing authority for that workplace.

(5) Before serving an enforcement notice which would oblige a person to make an alteration to premises, the enforcing authority must consult—

- (a) in cases where the relevant local authority is not the enforcing authority, the relevant local authority;
- (b) in the case of premises used as a workplace which are within the field of responsibility of one or more enforcing authorities within the meaning of Part 1 of the Health and Safety at Work etc Act 1974 ^{M1}, that authority or those authorities; and section 18(7) of the 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”) applies for the purposes of this article as it applies for the purposes of that Part;
- (c) in the case of a building or structure in relation to all or any part of which an initial notice given under section 47 of the Building Act 1984 ^{M2} is in force, the approved inspector [^{F1}or registered building control approver] who gave that initial notice;
- (d) in the case of premises which are, include, or form part of, a designated sports ground or a sports ground at which there is a regulated stand, the relevant local authority, where that

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authority is not the enforcing authority; and for the purposes of this sub-paragraph, “sports ground” and “designated sports ground” have the same meaning as in the Safety of Sports Grounds Act 1975 and “regulated stand” has the same meaning as in the Fire Safety and Safety of Places of Sport Act 1987;

(e) any other person whose consent to the alteration would be required by or under any enactment.

(6) Without prejudice to the power of the court to cancel or modify an enforcement notice under article 35(2), no failure on the part of an enforcing authority to consult under paragraphs (4) or (5) makes an enforcement notice void.

(7) Where an enforcement notice has been served under paragraph (1)—

(a) the enforcing authority may withdraw the notice at any time before the end of the period specified in the notice; and

(b) if an appeal against the notice is not pending, the enforcing authority may extend or further extend the period specified in the notice.

Textual Amendments

F1 Words in art. 30(5)(c) inserted (E.) (6.4.2024) by [The Building \(Registered Building Control Approvers etc.\) \(England\) Regulations 2024 \(S.I. 2024/110\)](#), regs. 1(3), **36(2)**; and (W.) (25.4.2024) by [The Building Safety Act 2022 \(Commencement No. 5 and Consequential Amendments\) \(Wales\) Regulations 2024 \(S.I. 2024/447\)](#), regs. 1(1), **4(2)**

Marginal Citations

M1 1974 c. 37.

M2 1984 c. 55. Section 47 was amended by [S.I. 1996/1905](#).

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 9A inserted by [2022 c. 30 s. 156\(4\)](#)