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STATUTORY INSTRUMENTS

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**2005 No. 1541**

**The Regulatory Reform (Fire Safety) Order 2005**

**PART 4**

**OFFENCES AND APPEALS**

**Determination of disputes by Secretary of State**

**36.**—(1) This article applies where—

- (a) a 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; and
- (b) the enforcing authority and that person cannot agree on the measures which are necessary to remedy the failure.

(2) Where this article applies, the enforcing authority and the person referred to in paragraph (1) (a) may agree to refer the question as to what measures are necessary to remedy the failure referred to in paragraph (1)(a) to the Secretary of State for his determination.

(3) The Secretary of State may, by notice in writing to both parties, require the provision of such further information, including plans, specified in the notice, within the period so specified, as the Secretary of State may require for the purpose of making a determination.

(4) If the information required under paragraph (3) is not provided within the period specified, the Secretary of State may refuse to proceed with the determination.

(5) Where the Secretary of State has made a determination under this article, the enforcing authority may not, subject to paragraph (6), take any enforcement action the effect of which would be to conflict with his determination; and in this article, “enforcement action” means the service of an enforcement notice or the inclusion of any directions in an enforcement notice.

(6) Paragraph (5) does not apply where, since the date of the determination by the Secretary of State, there has been a change to the premises or the use to which they are put such that the risk to relevant persons has significantly changed.