

STATUTORY INSTRUMENTS

2005 No. 1541

The Regulatory Reform (Fire Safety) Order 2005

PART 1

GENERAL

Citation, commencement and extent

1.—(1) This Order may be cited as the Regulatory Reform (Fire Safety) Order 2005 and shall come into force in accordance with paragraphs (2) and (3).

(2) This article and article 52(1)(a) shall come into force on the day after the day on which this Order is made.

(3) The remaining provisions of this Order shall come into force on [^{F1}1st October 2006].

(4) This Order extends to England and Wales only.

Textual Amendments

F1 Words in art. 1(3) substituted (31.3.2006) by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), arts. 1(1), 2

Interpretation

2. In this Order—

“alterations notice” has the meaning given by article 29;

^{F2}
...

^{F3}
...

“child” means a person who is not over compulsory school age, construed in accordance with section 8 of the Education Act 1996 ^{M1};

[^{F4}“the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;]

“dangerous substance” means—

(a) [^{F5}a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, other than “corrosive to metals” or “gases under pressure”, whether or not the substance or mixture is classified under that Regulation]

Status: Point in time view as at 17/07/2017.

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- (b) a substance or [^{F6}mixture] which because of its physico-chemical or chemical properties and the way it is used or is present in or on premises creates a risk; and
- (c) any dust, whether in the form of solid particles or fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere;

“domestic premises” means premises occupied as a private dwelling (including any garden, yard, garage, outhouse, or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling);

“employee” means a person who is or is treated as an employee for the purposes of the Health and Safety at Work etc. Act 1974 ^{M2} and related expressions are to be construed accordingly;

“enforcement notice” has the meaning given by article 30;

“enforcing authority” has the meaning given by article 25;

“explosive atmosphere” means a mixture, under atmospheric conditions, of air and one or more dangerous substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture;

“fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004 ^{M3};

“fire inspector” [^{F7}, in relation to Wales,] means an inspector or assistant inspector appointed under [^{F8}section 28(1)] of the Fire and Rescue Services Act 2004;

“general fire precautions” has the meaning given by article 4;

“hazard”, in relation to a dangerous substance, means the physico-chemical or chemical property of that substance which has the potential to give rise to fire affecting the safety of a person, and references in this Order to “hazardous” are to be construed accordingly;

“inspector” means an inspector appointed under article 26 or a fire inspector;

“licensing authority” has the meaning given by article 42(3);

“normal ship-board activities” include the repair of a ship, save repair when carried out in dry dock;

“owner” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent;

“personal protective equipment” means all equipment which is intended to be worn or held by a person in or on premises and which protects that person against one or more risks to his safety, and any addition or accessory designed to meet that objective;

“place of safety” in relation to premises, means a safe area beyond the premises.

“premises” includes any place and, in particular, includes—

- (a) any workplace;
- (b) any vehicle, vessel, aircraft or hovercraft;
- (c) any installation on land (including the foreshore and other land intermittently covered by water), and any other installation (whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof); and
- (d) any tent or movable structure;

“preparation” means a mixture or solution of two or more substances;

“preventive and protective measures” means the measures which have been identified by the responsible person in consequence of a risk assessment as the general fire precautions he needs

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to take to comply with the requirements and prohibitions imposed on him by or under this Order;

“prohibition notice” has the meaning given by article 31;

“public road” means a highway maintainable at public expense within the meaning of section 329 of the Highways Act 1980^{M4};

“rackrent” in relation to premises, means a rent that is not less than two-thirds of the rent at which the property might reasonably be expected to be let from year to year, free from all usual tenant's rates and taxes, and deducting from it the probable average cost of the repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command such rent;

“the relevant local authority”, in relation to premises, means—

- (a) if the premises are in Greater London but are not in the City of London, the London Borough in the area of which the premises are situated;
- (b) if the premises are in the City of London, the Common Council of the City of London;
- (c) if the premises are in England in a metropolitan county, the district council in the area of which the premises are situated;
- (d) if the premises are in England but are not in Greater London or a metropolitan county—
 - (i) the county council in the area of which the premises are situated; or
 - (ii) if there is no county council in the area of which the premises are situated, the district council in that area;
- (e) if the premises are in Wales, the county council or county borough council in the area of which the premises are situated;

“relevant persons” means—

- (a) any person (including the responsible person) who is or may be lawfully on the premises; and
- (b) any person in the immediate vicinity of the premises who is at risk from a fire on the premises,

but does not include a fire-fighter who is carrying out his duties in relation to a function of a fire and rescue authority under section 7, 8 or 9 of the Fire and Rescue Services Act 2004 (fire-fighting, road traffic accidents and other emergencies), other than in relation to a function under section 7(2)(d), 8(2)(d) or 9(3)(d) of that Act;

“responsible person” has the meaning given by article 3;

“risk” means the risk to the safety of persons from fire;

“risk assessment” means the assessment required by article 9(1);

“safety” means the safety of persons in respect of harm caused by fire; and “safe” shall be interpreted accordingly;

“safety data sheet” means a safety data sheet within the meaning of [F⁹Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC];

“ship” includes every description of vessel used in navigation;

“special, technical and organisational measures” include—

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- (a) technical means of supervision;
- (b) connecting devices;
- (c) control and protection systems;
- (d) engineering controls and solutions;
- (e) equipment;
- (f) materials;
- (g) protective systems; and
- (h) warning and other communication systems;

“substance” means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

“visiting force” means any such body, contingent, or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952^{M5};

“workplace” means any premises or parts of premises, not being domestic premises, used for the purposes of an employer's undertaking and which are made available to an employee of the employer as a place of work and includes—

- (a) any place within the premises to which such employee has access while at work; and
- (b) any room, lobby, corridor, staircase, road, or other place—
 - (i) used as a means of access to or egress from that place of work; or
 - (ii) where facilities are provided for use in connection with that place of work,

other than a public road;

“young person” means any person who has not attained the age of 18.

Textual Amendments

- F2** Words in art. 2 omitted (1.6.2015) by virtue of [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **14(2)(a)**
- F3** Words in art. 2 omitted (1.6.2015) by virtue of [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **14(2)(b)**
- F4** Words in art. 2 inserted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **14(2)(c)**
- F5** Words in art. 2 substituted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **14(2)(d)(i)**
- F6** Word in art. 2 substituted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **14(2)(d)(ii)**
- F7** Words in art. 2 inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 12(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(c)
- F8** Words in art. 2 substituted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 12(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(c)
- F9** Words in art. 2 substituted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **14(2)(e)**

Marginal Citations

- M1** 1996 c. 56; section 8 was amended by the [Education Act 1997 \(c. 44\)](#), **section 52**.
- M2** 1974 c. 37; the meaning of “employee” was extended by the [Police \(Health and Safety\) Act 1997 \(c. 42\)](#), **section 1**.

M3 2004 c. 21.

M4 1980 c. 66.

M5 1952 c. 67.

Meaning of “responsible person”

3. In this Order “responsible person” means—
- (a) in relation to a workplace, the employer, if the workplace is to any extent under his control;
 - (b) in relation to any premises not falling within paragraph (a)—
 - (i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or
 - (ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

Meaning of “general fire precautions”

4.—(1) In this Order “general fire precautions” in relation to premises means, subject to paragraph (2)—

- (a) measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;
- (b) measures in relation to the means of escape from the premises;
- (c) measures for securing that, at all material times, the means of escape can be safely and effectively used;
- (d) measures in relation to the means for fighting fires on the premises;
- (e) measures in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and
- (f) measures in relation to the arrangements for action to be taken in the event of fire on the premises, including—
 - (i) measures relating to the instruction and training of employees; and
 - (ii) measures to mitigate the effects of the fire.

(2) The precautions referred to in paragraph (1) do not include special, technical or organisational measures required to be taken or observed in any workplace in connection with the carrying on of any work process, where those measures —

- (a) are designed to prevent or reduce the likelihood of fire arising from such a work process or reduce its intensity; and
- [^{F10}(b) are required to be taken or observed to ensure any compliance with any requirement of—
 - (i) the relevant statutory provisions within the meaning given in Part 1 of the Health and Safety at Work etc. Act 1974;
 - (ii) sections 1, 3 to 6, 22 and 24A of the Nuclear Installations Act 1965;
 - (iii) the provisions of Part 3 of the Energy Act 2013;
 - (iv) the provisions of nuclear regulations other than any provisions of such regulations identified in accordance with section 74(9) of the Energy Act 2013 as made for the nuclear safeguards purposes;]

(3) In paragraph (2) “work process” means all aspects of work involving, or in connection with—

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- (a) the use of plant or machinery; or
- (b) the use or storage of any dangerous substance.

Textual Amendments

F10 Art. 4(2)(b) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 124](#) (with Sch. 4)

Duties under this Order

5.—(1) Where the premises are a workplace, the responsible person must ensure that any duty imposed by articles 8 to 22 or by regulations made under article 24 is complied with in respect of those premises.

(2) Where the premises are not a workplace, the responsible person must ensure that any duty imposed by articles 8 to 22 or by regulations made under article 24 is complied with in respect of those premises, so far as the requirements relate to matters within his control.

(3) Any duty imposed by articles 8 to 22 or by regulations made under article 24 on the responsible person in respect of premises shall also be imposed on every person, other than the responsible person referred to in paragraphs (1) and (2), who has, to any extent, control of those premises so far as the requirements relate to matters within his control.

(4) 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 premises, including anything in or on premises; or
- (b) the safety of any premises,

that person is to be treated, for the purposes of paragraph (3), as being a person who has control of the premises to the extent that his obligation so extends.

(5) Articles 8 to 22 and any regulations made under article 24 only require the taking or observance of general fire precautions in respect of relevant persons.

Application to premises

6.—(1) This Order does not apply in relation to —

- (a) domestic premises, except to the extent mentioned in article 31(10);
- (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995 ^{M6};
- (c) a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
- (d) 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;
- (e) 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 ^{M7} or a vehicle exempted from duty under that Act;
- (f) a mine within the meaning of section 180 of the Mines and Quarries Act 1954 ^{M8}, other than any building on the surface at a mine;
- (g) a borehole site to which the Borehole Sites and Operations Regulations 1995 ^{M9} apply.

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(2) Subject to the preceding paragraph of this article, this Order applies in relation to any premises.

Marginal Citations

- M6** [S.I. 1995/738](#).
M7 [1994 c. 22](#).
M8 [1954 c. 70](#), extended by the [Mines and Quarries \(Tips\) Act 1969 \(c. 10\)](#) and the [Mines Management Act 1971 \(c. 20\)](#); relevant amending instruments are [S.I. 1974/2013](#), [1976/2063](#) and [1993/1897](#).
M9 [S.I. 1995/2038](#).

Disapplication of certain provisions

7.—(1) Articles 9(4) and (5) and 19(2) do not apply in relation to occasional work or short-term work involving work regulated as not being harmful, damaging, or dangerous to young people in a family undertaking.

(2) Articles 9(2), 12, 16, 19(3) and 22(2) do not apply in relation to the use of means of transport by land, water or air where the use of means of transport is regulated by international agreements and the European Community directives giving effect to them and in so far as the use of means of transport falls within the disapplication in article 1.2(e) of Council Directive [1999/92/EC](#) on minimum requirements for improving the safety and health of workers potentially at risk from explosive atmospheres^{M10}, except for any means of transport intended for use in a potentially explosive atmosphere.

(3) Articles 19 and 21 impose duties only on responsible persons who are employers.

(4) The requirements of articles 8 to 23, or of any regulations made under article 24, do not have effect to the extent that they would prevent any of the following from carrying out their duties—

- (a) any member of the armed forces of the Crown or of any visiting force;
- (b) any constable or any member of a police force not being a constable;
- (c) any member of any emergency service.

(5) Without prejudice to paragraph (4), article 14(2)(f) does not apply to any premises constituting, or forming part of, a prison within the meaning of the Prison Act 1952^{M11} or constituting, or forming part of, a remand centre, detention centre or youth custody centre provided by the Secretary of State under section 43 of that Act or any part of any other premises used for keeping persons in lawful custody or detention.

(6) Where paragraph (4) or (5) applies, the safety of relevant persons must nevertheless be ensured so far as is possible.

Marginal Citations

- M10** OJ No. L23, 28.1.00, p.57.
M11 [1952 c. 52](#). Relevant amendments to section 43 are contained in the [Criminal Justice Act 1988 \(c. 33\)](#), [sections 123\(6\)](#) and 170 and Schedules 8(1) and 15(11), the [Crime and Disorder Act 1998 \(c. 37\)](#), [section 119](#) and Schedule 8(6), the [Powers of Criminal Courts \(Sentencing\) Act 2000 \(c. 6\)](#), [section 165\(1\)](#) and Schedule 9(5) and the [Criminal Justice and Court Services Act 2000 \(c. 43\)](#), [section s59](#) and 75 and Schedule 8(1).

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PART 2

FIRE SAFETY DUTIES

Duty to take general fire precautions

- 8.—(1) The responsible person must—
- (a) take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees; and
 - (b) in relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

Risk assessment

9.—(1) The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Order.

(2) Where a dangerous substance is or is liable to be present in or on the premises, the risk assessment must include consideration of the matters set out in Part 1 of Schedule 1.

(3) Any such assessment must be reviewed by the responsible person regularly so as to keep it up to date and particularly if—

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates including when the premises, special, technical and organisational measures, or organisation of the work undergo significant changes, extensions, or conversions,

and where changes to an assessment are required as a result of any such review, the responsible person must make them.

(4) The responsible person must not employ a young person unless he has, in relation to risks to young persons, made or reviewed an assessment in accordance with paragraphs (1) and (5).

(5) In making or reviewing the assessment, the responsible person who employs or is to employ a young person must take particular account of the matters set out in Part 2 of Schedule 1.

(6) As soon as practicable after the assessment is made or reviewed, the responsible person must record the information prescribed by paragraph (7) where—

- (a) he employs five or more employees;
- (b) a licence under an enactment is in force in relation to the premises; or
- (c) an alterations notice requiring this is in force in relation to the premises.

(7) The prescribed information is—

- (a) the significant findings of the assessment, including the measures which have been or will be taken by the responsible person pursuant to this Order; and
- (b) any group of persons identified by the assessment as being especially at risk.

(8) No new work activity involving a dangerous substance may commence unless—

- (a) the risk assessment has been made; and
- (b) the measures required by or under this Order have been implemented.

Principles of prevention to be applied

10. Where the responsible person implements any preventive and protective measures he must do so on the basis of the principles specified in Part 3 of Schedule 1.

Fire safety arrangements

11.—(1) The responsible person must make and give effect to such arrangements as are appropriate, having regard to the size of his undertaking and the nature of its activities, for the effective planning, organisation, control, monitoring and review of the preventive and protective measures.

(2) The responsible person must record the arrangements referred to in paragraph (1) where—

- (a) he employs five or more employees;
- (b) a licence under an enactment is in force in relation to the premises; or
- (c) an alterations notice requiring a record to be made of those arrangements is in force in relation to the premises.

Elimination or reduction of risks from dangerous substances

12.—(1) Where a dangerous substance is present in or on the premises, the responsible person must ensure that risk to relevant persons related to the presence of the substance is either eliminated or reduced so far as is reasonably practicable.

(2) In complying with his duty under paragraph (1), the responsible person must, so far as is reasonably practicable, replace a dangerous substance, or the use of a dangerous substance, with a substance or process which either eliminates or reduces the risk to relevant persons.

(3) Where it is not reasonably practicable to eliminate risk pursuant to paragraphs (1) and (2), the responsible person must, so far as is reasonably practicable, apply measures consistent with the risk assessment and appropriate to the nature of the activity or operation, including the measures specified in Part 4 of Schedule 1 to this Order to—

- (a) control the risk, and
 - (b) mitigate the detrimental effects of a fire.
- (4) The responsible person must—
- (a) arrange for the safe handling, storage and transport of dangerous substances and waste containing dangerous substances; and
 - (b) ensure that any conditions necessary pursuant to this Order for ensuring the elimination or reduction of risk are maintained.

Fire-fighting and fire detection

13.—(1) Where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons, the responsible person must ensure that—

- (a) the premises are, to the extent that it is appropriate, equipped with appropriate fire-fighting equipment and with fire detectors and alarms; and
- (b) any non-automatic fire-fighting equipment so provided is easily accessible, simple to use and indicated by signs.

(2) For the purposes of paragraph (1) what is appropriate is to be determined having regard to the dimensions and use of the premises, the equipment contained on the premises, the physical and

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chemical properties of the substances likely to be present and the maximum number of persons who may be present at any one time.

- (3) The responsible person must, where necessary—
- (a) take measures for fire-fighting in the premises, adapted to the nature of the activities carried on there and the size of the undertaking and of the premises concerned;
 - (b) nominate competent persons to implement those measures and ensure that the number of such persons, their training and the equipment available to them are adequate, taking into account the size of, and the specific hazards involved in, the premises concerned; and
 - (c) arrange any necessary contacts with external emergency services, particularly as regards fire-fighting, rescue work, first-aid and emergency medical care.
- (4) A person is to be regarded as competent for the purposes of paragraph (3)(b) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the measures referred to in that paragraph.

Emergency routes and exits

14.—(1) Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times.

(2) The following requirements must be complied with in respect of premises where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons—

- (a) emergency routes and exits must lead as directly as possible to a place of safety;
- (b) in the event of danger, it must be possible for persons to evacuate the premises as quickly and as safely as possible;
- (c) the number, distribution and dimensions of emergency routes and exits must be adequate having regard to the use, equipment and dimensions of the premises and the maximum number of persons who may be present there at any one time;
- (d) emergency doors must open in the direction of escape;
- (e) sliding or revolving doors must not be used for exits specifically intended as emergency exits;
- (f) emergency doors must not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency;
- (g) emergency routes and exits must be indicated by signs; and
- (h) emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in the case of failure of their normal lighting.

Procedures for serious and imminent danger and for danger areas

- 15.—(1)** The responsible person must—
- (a) establish and, where necessary, give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons;
 - (b) nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation of relevant persons from the premises; and
 - (c) ensure that no relevant person has access to any area to which it is necessary to restrict access on grounds of safety, unless the person concerned has received adequate safety instruction.

(2) Without prejudice to the generality of paragraph (1)(a), the procedures referred to in that subparagraph must—

- (a) so far as is practicable, require any relevant persons who are exposed to serious and imminent danger to be informed of the nature of the hazard and of the steps taken or to be taken to protect them from it;
- (b) enable the persons concerned (if necessary by taking appropriate steps in the absence of guidance or instruction and in the light of their knowledge and the technical means at their disposal) to stop work and immediately proceed to a place of safety in the event of their being exposed to serious, imminent and unavoidable danger; and
- (c) save in exceptional cases for reasons duly substantiated (which cases and reasons must be specified in those procedures), require the persons concerned to be prevented from resuming work in any situation where there is still a serious and imminent danger.

(3) A person is to be regarded as competent for the purposes of paragraph (1) where he has sufficient training and experience or knowledge and other qualities to enable him properly to implement the evacuation procedures referred to in that paragraph.

Additional emergency measures in respect of dangerous substances

16.—(1) Subject to paragraph (4), in order to safeguard the safety of relevant persons arising from an accident, incident or emergency related to the presence of a dangerous substance in or on the premises, the responsible person must ensure that—

- (a) information on emergency arrangements is available, including—
 - (i) details of relevant work hazards and hazard identification arrangements; and
 - (ii) specific hazards likely to arise at the time of an accident, incident or emergency;
- (b) suitable warning and other communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs;
- (c) where necessary, before any explosion conditions are reached, visual or audible warnings are given and relevant persons withdrawn; and
- (d) where the risk assessment indicates it is necessary, escape facilities are provided and maintained to ensure that, in the event of danger, relevant persons can leave endangered places promptly and safely.

(2) Subject to paragraph (4), the responsible person must ensure that the information required by article 15(1)(a) and paragraph (1)(a) of this article, together with information on the matters referred to in paragraph (1)(b) and (d) is—

- (a) made available to relevant accident and emergency services to enable those services, whether internal or external to the premises, to prepare their own response procedures and precautionary measures; and
- (b) displayed at the premises, unless the results of the risk assessment make this unnecessary.

(3) Subject to paragraph (4), in the event of a fire arising from an accident, incident or emergency related to the presence of a dangerous substance in or on the premises, the responsible person must ensure that—

- (a) immediate steps are taken to—
 - (i) mitigate the effects of the fire;
 - (ii) restore the situation to normal; and
 - (iii) inform those relevant persons who may be affected; and

Status: Point in time view as at 17/07/2017.

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- (b) only those persons who are essential for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with—
 - (i) appropriate personal protective equipment and protective clothing; and
 - (ii) any necessary specialised safety equipment and plant,which must be used until the situation is restored to normal.
- (4) Paragraphs (1) to (3) do not apply where—
 - (a) the results of the risk assessment show that, because of the quantity of each dangerous substance in or on the premises, there is only a slight risk to relevant persons; and
 - (b) the measures taken by the responsible person to comply with his duty under article 12 are sufficient to control that risk.

Maintenance

17.—(1) Where necessary in order to safeguard the safety of relevant persons the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order or, subject to paragraph (6), under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

(2) Where the premises form part of a building, the responsible person may make arrangements with the occupier of any other premises forming part of the building for the purpose of ensuring that the requirements of paragraph (1) are met.

(3) Paragraph (2) applies even if the other premises are not premises to which this Order applies.

(4) The occupier of the other premises must co-operate with the responsible person for the purposes of paragraph (2).

(5) Where the occupier of the other premises is not also the owner of those premises, the references to the occupier in paragraphs (2) and (4) are to be taken to be references to both the occupier and the owner.

(6) Paragraph (1) only applies to facilities, equipment and devices provided under other enactments where they are provided in connection with general fire precautions.

Safety assistance

18.—(1) The responsible person must, subject to paragraphs (6) and (7), appoint one or more competent persons to assist him in undertaking the preventive and protective measures.

(2) Where the responsible person appoints persons in accordance with paragraph (1), he must make arrangements for ensuring adequate co-operation between them.

(3) The responsible person must ensure that the number of persons appointed under paragraph (1), the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks to which relevant persons are exposed and the distribution of those risks throughout the premises.

(4) The responsible person must ensure that—

- (a) any person appointed by him in accordance with paragraph (1) who is not in his employment—
 - (i) is informed of the factors known by him to affect, or suspected by him of affecting, the safety of any other person who may be affected by the conduct of his undertaking; and
 - (ii) has access to the information referred to in article 19(3); and

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(b) any person appointed by him in accordance with paragraph (1) is given such information about any person working in his undertaking who is—

- (i) employed by him under a fixed-term contract of employment, or
- (ii) employed in an employment business,

as is necessary to enable that person properly to carry out the function specified in that paragraph.

(5) A person is to be regarded as competent for the purposes of this article where he has sufficient training and experience or knowledge and other qualities to enable him properly to assist in undertaking the preventive and protective measures.

(6) Paragraph (1) does not apply to a self-employed employer who is not in partnership with any other person, where he has sufficient training and experience or knowledge and other qualities properly to assist in undertaking the preventive and protective measures.

(7) Paragraph (1) does not apply to individuals who are employers and who are together carrying on business in partnership, where at least one of the individuals concerned has sufficient training and experience or knowledge and other qualities—

- (a) properly to undertake the preventive and protective measures; and
- (b) properly to assist his fellow partners in undertaking those measures.

(8) Where there is a competent person in the responsible person's employment, that person must be appointed for the purposes of paragraph (1) in preference to a competent person not in his employment.

Provision of information to employees

19.—(1) The responsible person must provide his employees with comprehensible and relevant information on—

- (a) the risks to them identified by the risk assessment;
- (b) the preventive and protective measures;
- (c) the procedures and the measures referred to in article 15(1)(a);
- (d) the identities of those persons nominated by him in accordance with article 13(3)(b) or appointed in accordance with article 15(1)(b) ; and
- (e) the risks notified to him in accordance with article 22(1)(c).

(2) The responsible person must, before employing a child, provide a parent of the child with comprehensible and relevant information on—

- (a) the risks to that child identified by the risk assessment;
- (b) the preventive and protective measures; and
- (c) the risks notified to him in accordance with article 22(1)(c),

and for the purposes of this paragraph, “parent of the child” includes a person who has parental responsibility, within the meaning of section 3 of the Children Act 1989^{M12}, for the child.

(3) Where a dangerous substance is present in or on the premises, the responsible person must, in addition to the information provided under paragraph (1) provide his employees with —

- (a) the details of any such substance including—
 - (i) the name of the substance and the risk which it presents;
 - (ii) access to any relevant safety data sheet; and
 - (iii) legislative provisions (concerning the hazardous properties of any such substance) which apply to the substance; and

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- (b) the significant findings of the risk assessment.
- (4) The information required by paragraph (3) must be—
 - (a) adapted to take account of significant changes in the activity carried out or methods or work used by the responsible person; and
 - (b) provided in a manner appropriate to the risk identified by the risk assessment.

Marginal Citations

M12 1989 c. 41.

Provision of information to employers and the self-employed from outside undertakings

20.—(1) The responsible person must ensure that the employer of any employees from an outside undertaking who are working in or on the premises is provided with comprehensible and relevant information on—

- (a) the risks to those employees; and
- (b) the preventive and protective measures taken by the responsible person.

(2) The responsible person must ensure that any person working in his undertaking who is not his employee is provided with appropriate instructions and comprehensible and relevant information regarding any risks to that person.

(3) The responsible person must—

- (a) ensure that the employer of any employees from an outside undertaking who are working in or on the premises is provided with sufficient information to enable that employer to identify any person nominated by the responsible person in accordance with article 15 (1)
 - (b) to implement evacuation procedures as far as those employees are concerned; and
- (b) take all reasonable steps to ensure that any person from an outside undertaking who is working in or on the premises receives sufficient information to enable that person to identify any person nominated by the responsible person in accordance with article 15 (1)
 - (b) to implement evacuation procedures as far as they are concerned.

Training

21.—(1) The responsible person must ensure that his employees are provided with adequate safety training—

- (a) at the time when they are first employed; and
- (b) on their being exposed to new or increased risks because of—
 - (i) their being transferred or given a change of responsibilities within the responsible person's undertaking;
 - (ii) the introduction of new work equipment into, or a change respecting work equipment already in use within, the responsible person's undertaking;
 - (iii) the introduction of new technology into the responsible person's undertaking; or
 - (iv) the introduction of a new system of work into, or a change respecting a system of work already in use within, the responsible person's undertaking.

(2) The training referred to in paragraph (1) must—

- (a) include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself and other relevant persons on the premises;

- (b) be repeated periodically where appropriate;
- (c) be adapted to take account of any new or changed risks to the safety of the employees concerned;
- (d) be provided in a manner appropriate to the risk identified by the risk assessment; and
- (e) take place during working hours.

Co-operation and co-ordination

22.—(1) Where two or more responsible persons share, or have duties in respect of, premises (whether on a temporary or a permanent basis) each such person must—

- (a) co-operate with the other responsible person concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under this Order;
- (b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed on him by or under this Order with the measures the other responsible persons are taking to comply with the requirements and prohibitions imposed on them by or under this Order; and
- (c) take all reasonable steps to inform the other responsible persons concerned of the risks to relevant persons arising out of or in connection with the conduct by him of his undertaking.

(2) Where two or more responsible persons share premises (whether on a temporary or a permanent basis) where an explosive atmosphere may occur, the responsible person who has overall responsibility for the premises must co-ordinate the implementation of all the measures required by this Part to be taken to protect relevant persons from any risk from the explosive atmosphere.

General duties of employees at work

23.—(1) Every employee must, while at work—

- (a) take reasonable care for the safety of himself and of other relevant persons who may be affected by his acts or omissions at work;
- (b) as regards any duty or requirement imposed on his employer by or under any provision of this Order, co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with; and
- (c) inform his employer or any other employee with specific responsibility for the safety of his fellow employees—
 - (i) of any work situation which a person with the first-mentioned employee's training and instruction would reasonably consider represented a serious and immediate danger to safety; and
 - (ii) of any matter which a person with the first-mentioned employee's training and instruction would reasonably consider represented a shortcoming in the employer's protection arrangements for safety,

in so far as that situation or matter either affects the safety of that first-mentioned employee or arises out of or in connection with his own activities at work, and has not previously been reported to his employer or to any other employee of that employer in accordance with this sub-paragraph.

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Power to make regulations about fire precautions

24.—(1) The Secretary of State may by regulations make provision as to the precautions which are to be taken or observed in relation to the risk to relevant persons as regards premises in relation to which this Order applies.

(2) Without prejudice to the generality of paragraph (1), regulations made by the Secretary of State may impose requirements—

- (a) as to the provision, maintenance and keeping free from obstruction of any means of escape in case of fire;
- (b) as to the provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;
- (c) as to the provision and maintenance of means for fighting fire and means for giving warning in case of fire;
- (d) as to the internal construction of the premises and the materials used in that construction;
- (e) for prohibiting altogether the presence or use in the premises of furniture or equipment of any specified description, or prohibiting its presence or use unless specified standards or conditions are complied with;
- (f) for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire;
- (g) for securing that, in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises; and
- (h) as to the keeping of records of instruction or training given, or other things done, in pursuance of the regulations.

(3) Regulations under this article—

- (a) may impose requirements on persons other than the responsible person; and
- (b) may, as regards any of their provisions, make provision as to the person or persons who is or are to be responsible for any contravention of that provision.

(4) The Secretary of State must, before making any regulations under this article, consult with such persons or bodies of persons as appear to him to be appropriate.

(5) The power of the Secretary of State to make regulations under this article—

- (a) is exercisable by statutory instrument, which is subject to annulment in pursuance of a resolution of either House of Parliament;
- (b) includes power to make different provision in relation to different circumstances; and
- (c) includes power to grant or provide for the granting of exemptions from any of the provisions of the regulations, either unconditionally or subject to conditions.

PART 3

ENFORCEMENT

Enforcing authorities

25.—^[FH(1)] For the purposes of this Order, “enforcing authority” means—

- (a) the fire and rescue authority for the area in which premises are, or are to be, situated, in any case not falling within any of sub-paragraphs (b) to (e);
- (b) the Health and Safety Executive in relation to—

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- ^{F12}(i)
- ^{F12}(ii)
- (iii) a ship, including a ship belonging to Her Majesty which forms part of Her Majesty's Navy, which is in the course of construction, reconstruction or conversion or repair by persons who include persons other than the master and crew of the ship;
- [^{F13}(iv) any workplace which is, or is on, a construction site, other than one in relation to which the Office for Nuclear Regulation is responsible for health and safety enforcement;]
- [^{F14}(bb) the Office for Nuclear Regulation in relation to—

 - (i) any premises for which a licence is required by virtue of section 1 of the Nuclear Installations Act 1965 or for which a permit is required by virtue of section 2 of that Act;
 - (ii) any premises for which such a licence or permit would be required but for the fact that the premises are used by, or on behalf of, the Crown;
 - (iii) any workplace which is, or is on, a construction site in relation to which the Office for Nuclear Regulation is responsible for health and safety enforcement;]
- (c) the fire service maintained by the Secretary of State for Defence in relation to—

 - (i) premises, other than premises falling within paragraph (b)(iii), occupied solely for the purposes of the armed forces of the Crown;
 - (ii) premises occupied solely by any visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 ^{M13};
 - (iii) premises, other than premises falling within paragraph (b)(iii), which are situated within premises occupied solely for the purposes of the armed forces of the Crown but which are not themselves so occupied;
- (d) the relevant local authority in relation to premises which consist of—

 - (i) a sports ground designated as requiring a safety certificate under section 1 of the Safety of Sports Grounds Act 1975 ^{M14} (safety certificates for large sports stadia);
 - (ii) a regulated stand within the meaning of section 26(5) of the Fire Safety and Safety of Places of Sport Act 1987 ^{M15} (safety certificates for stands at sports grounds);
- (e) a fire inspector, or any person authorised by the Secretary of State to act for the purposes of this Order, in relation to—

 - (i) premises owned or occupied by the Crown, other than premises falling within paragraph [^{F15}(bb)(ii)] and (c);
 - (ii) premises in relation to which the United Kingdom Atomic Energy Authority is the responsible person, other than premises falling within paragraph [^{F16}(bb)(ii)]).
- [^{F17}(2) For the purposes of paragraph (1)—

 - (a) “construction site” means a construction site, as defined in regulation 2(1) of the Construction (Design and Management) Regulations [^{F18}2015], to which those Regulations apply, other than one to which regulation [^{F18}36] of those Regulations applies;
 - (b) the Office for Nuclear Regulation is responsible for health and safety enforcement in relation to a construction site if, by virtue of regulations under section 18(2) of the Health and Safety at Work etc. Act 1974 (enforcement), it is responsible for the enforcement

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of any of the relevant statutory provisions (within the meaning of Part 1 of that Act) in relation to the site.]

Textual Amendments

- F11** Art. 25(1): art. 25 renumbered as art. 25(1) (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 88\(2\)](#); S.I. 2014/251, art. 4
- F12** Art. 25(1)(b)(i)(ii) omitted (1.4.2014) by virtue of [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 88\(3\)\(a\)](#); S.I. 2014/251, art. 4
- F13** Art. 25(1)(b)(iv) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 88\(3\)\(b\)](#); S.I. 2014/251, art. 4
- F14** Art. 25(1)(bb) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 88\(4\)](#); S.I. 2014/251, art. 4
- F15** Word in art. 25(1)(e)(i) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 88\(5\)\(a\)](#); S.I. 2014/251, art. 4
- F16** Word in art. 25(1)(e)(ii) substituted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 88\(5\)\(b\)](#); S.I. 2014/251, art. 4
- F17** Art. 25(2) inserted (1.4.2014) by [Energy Act 2013 \(c. 32\), s. 156\(1\), Sch. 12 para. 88\(6\)](#); S.I. 2014/251, art. 4
- F18** Word in [art. 25\(2\)\(a\)](#) substituted (6.4.2015) by [The Construction \(Design and Management\) Regulations 2015 \(S.I. 2015/51\), reg. 1, Sch. 5 \(with reg. 3, Sch. 4\)](#)

Modifications etc. (not altering text)

- C1** Art. 25 modified (3.5.2007) by [The National Assembly for Wales Commission \(Crown Status\) Order 2007 \(S.I. 2007/1118\), arts. 1\(2\), 8](#)

Marginal Citations

- M13** 1964 c. 5.
- M14** 1975 c. 52. Section 1 was amended by section 19(2) of the [Fire Safety and Safety of Places of Sports Act 1987 \(c. 27\)](#).
- M15** 1987 c. 27.

Enforcement of Order

26.—(1) Every enforcing authority must enforce the provisions of this Order and any regulations made under it in relation to premises for which it is the enforcing authority and for that purpose, except where a fire inspector or other person authorised by the Secretary of State is the enforcing authority, may appoint inspectors.

(2) In performing the duty imposed by paragraph (1), the enforcing authority must have regard to such guidance as the Secretary of State may give it.

(3) A fire and rescue authority has power to arrange with [^{F19}the Health and Safety Executive][^{F20}Office for Nuclear Regulation] or the [^{F21}Office of Rail and Road] for such of the authority's functions under this Order as may be specified in the arrangements to be performed on its behalf by the Health and Safety Executive [^{F20}Office for Nuclear Regulation] or the [^{F21}Office of Rail and Road], as the case may be, (with or without payment) in relation to any particular workplace.

Textual Amendments

- F19** Words in art. 26(3) substituted (1.4.2008) by [The Legislative Reform \(Health and Safety Executive\) Order 2008 \(S.I. 2008/960\), art. 1, Sch. 3 \(with art. 21\)](#)

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- F20** Words in art. 26 inserted (1.4.2014) by Energy Act 2013 (c. 32), s. 156(1), Sch. 12 para. 89; S.I. 2014/251, art. 4
- F21** Words in art. 26(3) substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), Sch. para. 10(i)

Powers of inspectors

27.—(1) Subject to the provisions of this article, an inspector may do anything necessary for the purpose of carrying out this Order and any regulations made under it into effect and in particular, so far as may be necessary for that purpose, shall have power to do at any reasonable time the following—

- (a) to enter any premises which he has reason to believe it is necessary for him to enter for the purpose mentioned above and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force;
- (b) to make such inquiry as may be necessary for any of the following purposes—
 - (i) to ascertain, as regards any premises, whether the provisions of this Order or any regulations made under it apply or have been complied with; and
 - (ii) to identify the responsible person in relation to the premises;
- (c) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records (including plans)—
 - (i) which are required to be kept by virtue of any provision of this Order or regulations made under it; or
 - (ii) which it is necessary for him to see for the purposes of an examination or inspection under this article,and to inspect and take copies of, or of any entry in, the records;
- (d) to require any person having responsibilities in relation to any premises (whether or not the responsible person) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this article;
- (e) to take samples of any articles or substances found in any premises which he has power to enter for the purpose of ascertaining their fire resistance or flammability; and
- (f) in the case of any article or substance found in any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is, in the circumstances, necessary).

(2) An inspector must, if so required when visiting any premises in the exercise of powers conferred by this article, produce to the occupier of the premises evidence of his authority.

(3) Where an inspector proposes to exercise the power conferred by paragraph (1)(f) he must, if requested by a person who at the time is present in and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in the presence of that person.

(4) Before exercising the power conferred by paragraph (1)(f) an inspector must consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under that power.

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[^{F22}(5) This article applies to a person authorised by the Secretary of State under article 25(1)(e) in relation to premises in England as it applies to an inspector; and article 32(2)(d) to (f), with the necessary modifications, applies accordingly.]

Textual Amendments

F22 Art. 27(5) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 12(3), 183(1)(5)(e); S.I. 2017/726, reg. 2(c)

Exercise on behalf of fire inspectors etc. of their powers by officers of fire brigades

28.—(1) The powers conferred by article 27 on a fire inspector ^{F23}... are also exercisable by an employee of the fire and rescue authority when authorised in writing by such an inspector for the purpose of reporting to him on any matter falling within his functions under this Order; and articles 27(2) [^{F24}to (4)] and 32(2)(d) to (f), with the necessary modifications, apply accordingly.

[^{F25}(1A) The powers conferred by article 27 on an authorised person (by virtue of paragraph (5) of that article) are also exercisable by an employee of a fire and rescue authority in England when authorised in writing by such an authorised person for the purpose of reporting to him or her on any matter falling within the authorised person's functions under this Order; and articles 27(2) to (4) and 32(2)(d) to (f), with the necessary modifications, apply accordingly.]

(2) A fire inspector [^{F26}or authorised person] must not authorise an employee of a fire and rescue authority under this article except with the consent of the fire and rescue authority.

[^{F27}(3) In this article, “authorised person” means a person authorised by the Secretary of State under article 25(1)(e) in relation to premises in England.]

Textual Amendments

F23 Words in art. 28(1) omitted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 12(4)(a)(i), 183(1)(5)(e); S.I. 2017/726, reg. 2(c)

F24 Words in art. 28(1) substituted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 12(4)(a)(ii), 183(1)(5)(e); S.I. 2017/726, reg. 2(c)

F25 Art. 28(1A) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 12(4)(b), 183(1)(5)(e); S.I. 2017/726, reg. 2(c)

F26 Words in art. 28(2) substituted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 12(4)(c), 183(1)(5)(e); S.I. 2017/726, reg. 2(c)

F27 Art. 28(3) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 12(4)(d), 183(1)(5)(e); S.I. 2017/726, reg. 2(c)

Alterations notices

29.—(1) The enforcing authority may serve on the responsible person a notice (in this Order referred to as “an alterations notice”) if the authority is of the opinion that the premises—

- (a) constitute a serious risk to relevant persons (whether due to the features of the premises, their use, any hazard present, or any other circumstances); or
- (b) may constitute such a risk if a change is made to them or the use to which they are put.

(2) An alterations notice must—

- (a) state that the enforcing authority is of the opinion referred to in paragraph (1); and

- (b) specify the matters which in their opinion, constitute a risk to relevant persons or may constitute such a risk if a change is made to the premises or the use to which they are put.
- (3) Where an alterations notice has been served in respect of premises, the responsible person must, before making any of the changes specified in paragraph (4) which may result in a significant increase in risk, notify the enforcing authority of the proposed changes.
- (4) The changes referred to in paragraph (3) are—
 - (a) a change to the premises;
 - (b) a change to the services, fittings or equipment in or on the premises;
 - (c) an increase in the quantities of dangerous substances which are present in or on the premises;
 - (d) a change to the use of the premises.
- (5) An alterations notice may include a requirement that, in addition to the notification required by paragraph (3), the responsible person must —
 - (a) take all reasonable steps to notify the terms of the notice to any other person who has duties under article 5(3) in respect of the premises;
 - (b) record the information prescribed in article 9(7), in accordance with article 9(6);
 - (c) record the arrangements required by article 11(1), in accordance with article 11(2); and
 - (d) before making the changes referred to in paragraph (3), send the enforcing authority the following —
 - (i) a copy of the risk assessment; and
 - (ii) a summary of the changes he proposes to make to the existing general fire precautions.
- (6) An alterations notice served under paragraph (1) may be withdrawn at any time and, for the purposes of this article, the notice is deemed to be in force until such time as it is withdrawn or cancelled by the court under article 35(2).
- (7) Nothing in this article prevents an enforcing authority from serving an enforcement notice or a prohibition notice in respect of the premises.

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

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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 ^{M16}, 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 ^{M17} is in force, the approved inspector 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 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.

Marginal Citations

M16 1974 c. 37.

M17 1984 c. 55. Section 47 was amended by S.I. 1996/1905.

Prohibition notices

31.—(1) If the enforcing authority is of the opinion that use of premises involves or will involve a risk to relevant persons so serious that use of the premises ought to be prohibited or restricted, the authority may serve on the responsible person or any other person mentioned in article 5(3) a notice (in this Order referred to as “a prohibition notice”).

(2) The matters relevant to the assessment by the enforcing authority, for the purposes of paragraph (1), of the risk to relevant persons include anything affecting their escape from the premises in the event of fire.

(3) A prohibition notice must—

- (a) state that the enforcing authority is of the opinion referred to in paragraph (1);

- (b) specify the matters which in their opinion give or, as the case may be, will give rise to that risk; and
- (c) direct that the use to which the prohibition notice relates is prohibited or restricted to such extent as may be specified in the notice until the specified matters have been remedied.
- (4) A prohibition notice may include directions as to the measures which will have to be taken to remedy the matters specified in the notice 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 matters.
- (5) A prohibition or restriction contained in a prohibition notice pursuant to paragraph (3)(c) takes effect immediately it is served if the enforcing authority is of the opinion, and so states in the notice, that the risk of serious personal injury is or, as the case may be, will be imminent, and in any other case takes effect at the end of the period specified in the prohibition notice.
- (6) Before serving a prohibition notice in relation to a house in multiple occupation, the enforcing authority shall, where practicable, notify the local housing authority of their intention and the use which they intend to prohibit or restrict.
- (7) For the purposes of paragraph (6)—
- “house in multiple occupation” means a house in multiple occupation as defined by sections 254 to 259 of the Housing Act 2004 ^{M18}, as they have effect for the purposes of Part 1 of that Act (that is, without the exclusions contained in Schedule 14 to that Act); and
- “local housing authority” has the same meaning as in section 261(2) of the Housing Act 2004.
- (8) Without prejudice to the power of the court to cancel or modify a prohibition notice under article 35(2), no failure on the part of an enforcing authority to notify under paragraph (6) makes a prohibition notice void.
- (9) Where a prohibition notice has been served under paragraph (1) the enforcing authority may withdraw it at any time.
- (10) In this article, “premises” includes domestic premises other than premises consisting of or comprised in a house which is occupied as a single private dwelling and article 27 (powers of inspectors) shall be construed accordingly.

Marginal Citations

M18 2004 c. 34.

PART 4

OFFENCES AND APPEALS

Offences

- 32.**—(1) It is an offence for any responsible person or any other person mentioned in article 5(3) to—
- (a) fail to comply with any requirement or prohibition imposed by articles 8 to 22 and 38 (fire safety duties) where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
- (b) fail to comply with any requirement or prohibition imposed by regulations made, or having effect as if made, under article 24 where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
- (c) fail to comply with any requirement imposed by article 29(3) or (4) (alterations notices);

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- (d) fail to comply with any requirement imposed by an enforcement notice;
- (e) fail, without reasonable excuse, in relation to apparatus to which article 37 applies (luminous tube signs)—
 - (i) to ensure that such apparatus which is installed in premises complies with article 37 (3) and (4);
 - (ii) to give a notice required by article 37(6) or (8), unless he establishes that some other person duly gave the notice in question;
 - (iii) to comply with a notice served under article 37(9).
- (2) It is an offence for any person to—
 - (a) fail to comply with article 23 (general duties of employees at work) where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
 - (b) make in any register, book, notice or other document required to be kept, served or given by or under, this Order, an entry which he knows to be false in a material particular;
 - (c) give any information which he knows to be false in a material particular or recklessly give any information which is so false, in purported compliance with any obligation to give information to which he is subject under or by virtue of this Order, or in response to any inquiry made by virtue of article 27(1)(b);
 - (d) obstruct, intentionally, an inspector in the exercise or performance of his powers or duties under this Order;
 - (e) fail, without reasonable excuse, to comply with any requirements imposed by an inspector under article 27(1)(c) or (d);
 - (f) pretend, with intent to deceive, to be an inspector;
 - (g) fail to comply with the prohibition imposed by article 40 (duty not to charge employees);
 - (h) fail to comply with any prohibition or restriction imposed by a prohibition notice.
- (3) Any person guilty of an offence under paragraph (1)(a) to (d) and (2)(h) is liable—
 - (a) on summary conviction to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both.
- (4) Any person guilty of an offence under paragraph (1)(e)(i) to (iii) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Any person guilty of an offence under paragraph (2)(a) is liable—
 - (a) on summary conviction to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.
- (6) Any person guilty of an offence under paragraph (2)(b), (c), (d) or (g) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) Any person guilty of an offence under paragraph (2)(e) or (f) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Where an offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of that offence, and is liable to be proceeded against and punished accordingly.
- (9) Where the affairs of a body corporate are managed by its members, paragraph (8) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(10) Where the commission by any person of an offence under this Order, is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(11) Nothing in this Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of—

- (a) an employee of his; or
- (b) a person nominated under articles 13(3)(b) or 15(1)(b) or appointed under 18(1).

Defence

33. Subject to article 32(11), in any proceedings for an offence under this Order, except for a failure to comply with articles 8(1)(a) or 12, it is a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

Onus of proving limits of what is practicable or reasonably practicable

34. In any proceedings for an offence under this Order consisting of a failure to comply with a duty or requirement so far as is practicable or so far as is reasonably practicable, it is for the accused to prove that it was not practicable or reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

Appeals

35.—(1) A person on whom an alterations notice, an enforcement notice, a prohibition notice or a notice given by the fire and rescue authority under article 37 (fire-fighters' switches for luminous tube signs) is served may, within 21 days from the day on which the notice is served, appeal to the court.

(2) On an appeal under this article the court may either cancel or affirm the notice, and if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(3) Where an appeal is brought against an alterations notice or an enforcement notice, the bringing of the appeal has the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

(4) Where an appeal is brought against a prohibition notice, the bringing of the appeal does not have the effect of suspending the operation of the notice, unless, on the application of the appellant, the court so directs (and then only from the giving of the direction).

(5) In this article “the court” means a magistrates' court.

(6) The procedure for an appeal under paragraph (1) is by way of complaint for an order, and—

- (a) the Magistrates' Courts Act 1980^{M19} applies to the proceedings; and
- (b) the making of the complaint is deemed to be the bringing of the appeal.

(7) A person aggrieved by an order made by a magistrates' court on determining a complaint under this Order may appeal to the Crown Court; and for the avoidance of doubt, an enforcing authority may be a person aggrieved for the purposes of this paragraph.

Marginal Citations

M19 1980 c. 43.

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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.

PART 5

MISCELLANEOUS

Fire-fighters' switches for luminous tube signs etc.

37.—(1) Subject to paragraph (11), this article applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding the prescribed voltage, or other equipment so designed, and references in this article to a cut-off switch are, in a case where a transformer is provided to raise the voltage to operate the apparatus, references to a cut-off switch on the low-voltage side of the transformer.

(2) In paragraph (1) the “prescribed voltage” means—

- (a) 1000 volts AC or 1500 volts DC if measured between any two conductors; or
- (b) 600 volts AC or 900 volts DC if measured between a conductor and earth.

(3) No apparatus to which this article applies is to be installed unless it is provided with a cut-off switch.

(4) Subject to paragraph (5), the cut-off switch must be so placed, and coloured or marked as to satisfy such reasonable requirements as the fire and rescue authority may impose to secure that it must be readily recognisable by and accessible to fire-fighters.

(5) If a cut-off switch complies in position, colour and marking with the current regulations of the Institution of Electrical Engineers for a fire-fighter's emergency switch ^{M20}, the fire and rescue authority may not impose any further requirements pursuant to paragraph (4).

(6) Not less than 42 days before work is begun to install apparatus to which this article applies, the responsible person must give notice to the fire and rescue authority showing where the cut-off switch is to be placed and how it is to be coloured or marked.

(7) Where notice has been given to the fire and rescue authority as required by paragraph (6), the proposed position, colouring or marking of the switch is deemed to satisfy the requirements of the fire authority unless, within 21 days from the date of the service of the notice, the fire and rescue authority has served on the responsible person a counter-notice stating that their requirements are not satisfied.

(8) Where apparatus to which this article applies has been installed in or on premises before the day on which this article comes into force, the responsible person must, not more than 21 days after that day, give notice to the fire and rescue authority stating whether the apparatus is already provided with a cut-off switch and, if so, where the switch is placed and how it is coloured or marked.

(9) Subject to paragraph (10), where apparatus to which this article applies has been installed in or on premises before the day on which this article comes into force, the fire and rescue authority may serve on the responsible person a notice—

- (a) in the case of apparatus already provided with a cut-off switch, stating that they are not satisfied with the position, colouring or marking of the switch and requiring the responsible person, within such period as may be specified in the notice, to take such steps as will secure that the switch will be so placed or coloured or marked as to be readily recognisable by, and accessible to, fire-fighters in accordance with the reasonable requirements of the fire and rescue authority; or
- (b) in the case of apparatus not already provided with a cut-off switch, requiring him, within such period as may be specified in the notice, to provide such a cut-off switch in such a position and so coloured or marked as to be readily recognisable by, and accessible to, fire-fighters in accordance with the reasonable requirements of the fire and rescue authority.

(10) If a cut-off switch complies in position, colour and marking with the current regulations of the Institution of Electrical Engineers for a fire-fighter's emergency switch, the fire and rescue authority may not serve a notice in respect of it under paragraph (9).

(11) This article does not apply to—

- (a) apparatus installed or proposed to be installed in or on premises in respect of which a premises licence under the Licensing Act 2003 ^{M21} has effect authorising the use of premises for the exhibition of a film, within the meaning of paragraph 15 of Schedule 1 to that Act; or
- (b) apparatus installed in or on premises before the day on which this article comes into force where, immediately before that date—
 - (i) the apparatus complied with section 10(2) and (3) (requirement to provide cut-off switch) of the Local Government (Miscellaneous Provisions) Act 1982 ^{M22}; and
 - (ii) the owner or occupier of the premises, as the case may be, had complied with either subsection (5) or subsection (7) (notice of location and type of switch) of section 10 of that Act.

Marginal Citations

M20 The current regulations are the IEE Wiring Regulations, version 16 published in June 2001 (as amended by amendment 1 of 2002 published in February 2002) - BS 7671: 2001 (ISBN 058296 998 0). Copies may be obtained from any of the sales outlets operated by the British Standards Institute (BSI) or by post from the BSI at Milton Keynes.

M21 2003 c. 17.

M22 1982 c. 30.

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Maintenance of measures provided for protection of fire-fighters

38.—(1) Where necessary in order to safeguard the safety of fire-fighters in the event of a fire, the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises for the use by or protection of fire-fighters under this Order or under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

(2) Where the premises form part of a building, the responsible person may make arrangements with the occupier of any premises forming part of the building for the purpose of ensuring that the requirements of paragraph (1) are met.

(3) Paragraph (2) applies even if the other premises are not premises to which this Order applies.

(4) The occupier of the other premises must co-operate with the responsible person for the purposes of paragraph (2).

(5) Where the occupier of the other premises is not also the owner of those premises, the reference to the occupier in paragraphs (2) and (4) are to be taken to be references to both the occupier and the owner.

Civil liability for breach of statutory duty

39.—(1) Subject to paragraph (2), nothing in this Order is to be construed as conferring a right of action in any civil proceedings (other than proceedings for recovery of a fine).

(2) Notwithstanding section 86 of the Fires Prevention (Metropolis) Act 1774^{M23}, breach of a duty imposed on an employer by or under this Order, so far as it causes damage to an employee, confers a right of action on that employee in civil proceedings.

Marginal Citations

M23 1774 14 Geo 3 c. 78.

Duty not to charge employees for things done or provided

40. No employer may levy or permit to be levied on any employee of his any charge in respect of anything done or provided in pursuance of any requirement of this Order or of regulations made under it.

Duty to consult employees

41.—(1) In regulation 4A of the Safety Representatives and Safety Committees Regulations 1977^{M24} (employer's duty to consult and provide facilities and assistance), in paragraph (1)(b), for “or regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations 1997” substitute “ or article 13(3)(b) of the Regulatory Reform (Fire Safety) Order 2005 ”.

(2) In regulation 3 of the Health and Safety (Consultation with Employees) Regulations 1996^{M25} (duty of employer to consult), in paragraph (b), for “or regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations 1997” substitute “ or article 13(3)(b) of the Regulatory Reform (Fire Safety) Order 2005 ”.

Marginal Citations

M24 S.I. 1977/500. Regulation 4A was inserted by S.I. 1992/2051 and amended by S.I. 1997/1840 and 1999/3242.

M25 S.I. 1996/1513 amended by S.I. 1997/1840 and 1999/3242.

Special provisions in respect of licensed etc. premises

42.—(1) Subject to paragraph (2), where any enactment provides for the licensing of premises in relation to which this Order applies, or the licensing of persons in respect of any such premises—

- (a) the licensing authority must ensure that the enforcing authority for the premises has the opportunity to make representations before issuing the licence; and
- (b) the enforcing authority must notify the licensing authority of any action that the enforcing authority takes in relation to premises to which the licence relates; but no failure on the part of an enforcing authority to notify under this paragraph shall affect the validity of any such action taken.

(2) Paragraph (1) does not apply where the licensing authority is also the enforcing authority.

(3) In this article and article 43(1)(a)—

- (a) “licensing authority” means the authority responsible for issuing the licence; and
- (b) “licensing” includes certification and registration and “licence” is to be construed accordingly; and
- (c) references to the issue of licences include references to their renewal, transfer or variation.

Suspension of terms and conditions of licences dealing with same matters as this Order

43.—(1) Subject to paragraph (3), paragraph (2) applies if—

- (a) an enactment provides for the licensing of premises in relation to which this Order applies, or the licensing of persons in respect of any such premises;
- (b) a licence is issued in respect of the premises (whether before or after the coming into force of this Order); and
- (c) the licensing authority is required or authorised to impose terms, conditions or restrictions in connection with the issue of the licences.

(2) At any time when this Order applies in relation to the premises, any term, condition or restriction imposed by the licensing authority has no effect in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under this Order.

(3) Paragraph (1) does not apply where the licensing authority is also the enforcing authority.

Suspension of byelaws dealing with same matters as this Order

44. Where any enactment provides for the making of byelaws in relation to premises to which this Order applies, then, so long as this Order continues to apply to the premises, any byelaw has no effect in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under this Order.

Duty to consult enforcing authority before passing plans

45.—(1) Where it is proposed to erect a building, or to make any extension of or structural alteration to a building and, in connection with the proposals, plans are, in accordance with building

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regulations, deposited with a local authority, the local authority must, subject to paragraph (3), consult the enforcing authority before passing those plans.

(2) Where it is proposed to change the use to which a building or part of a building is put and, in connection with that proposal, plans are, in accordance with building regulations, deposited with a local authority, the authority must, subject to paragraph (3), consult with the enforcing authority before passing the plans.

(3) The duty to consult imposed by paragraphs (1) and (2)—

- (a) only applies in relation to buildings or parts of buildings to which this Order applies, or would apply following the erection, extension, structural alteration or change of use;
- (b) does not apply where the local authority is also the enforcing authority.

Other consultation by authorities

46.—(1) Where a government department or other public authority intends to take any action in respect of premises which will or may result in changes to any of the measures required by or under this Order, that department or authority must consult the enforcing authority for the premises before taking that action.

(2) Without prejudice to any power of the court to cancel or modify a notice served by a government department or other authority, no failure on the part of the department or authority to consult under paragraph (1) invalidates the action taken.

(3) In paragraph (1), “public authority” includes an approved inspector within the meaning of section 49 of the Building Act 1984 ^{M26}.

Marginal Citations

M26 1984 c. 55.

Disapplication of the Health and Safety at Work etc. Act 1974 in relation to general fire precautions

47.—(1) Subject to paragraph (2), the Health and Safety at Work etc. Act 1974^{M27} and any regulations made under that Act shall not apply to premises to which this Order applies, in so far as that Act or any regulations made under it relate to any matter in relation to which requirements are or could be imposed by or under this Order.

(2) Paragraph (1) does not apply—

- (a) where the enforcing authority is also the enforcing authority within the meaning of the Health and Safety at Work etc Act 1974 ^{M28};
- (b) in relation to the Control of Major Accident Hazards Regulations [^{F28}2015].

Textual Amendments

F28 Word in art. 47(2)(b) substituted (1.6.2015) by [The Control of Major Accident Hazards Regulations 2015 \(S.I. 2015/483\)](#), reg. 1(1), [Sch. 6 para. 2](#) (with reg. 3(2))

Marginal Citations

M27 1974 c. 37.

M28 See section 18 and the [Health and Safety \(Enforcing Authority\) Regulations 1998 \(S.I. 1998/494\)](#).

Service of notices etc.

48.—(1) Any notice required or authorised by or by virtue of this Order to be served on any person may be served on him either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.

(2) Any such notice may—

- (a) in the case of a body corporate, be served on or given to the secretary or clerk of that body; and
- (b) in the case of a partnership, be served on or given to a partner or a person having control or management of the partnership business.

(3) For the purposes of this article, and of section 7 of the Interpretation Act 1978 ^{M29} (service of documents by post) in its application to this Order, the proper address of any person is his last known address, except that—

- (a) in the case of a body corporate or their secretary or clerk, it is the address of the registered or principal office of that body;
- (b) in the case of a partnership or person having control or the management of the partnership business, it is the principal office of the partnership,

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is their principal office within the United Kingdom.

(4) If the person to be served with or given any such notice has specified an address in the United Kingdom other than his proper address as the one at which he or someone on his behalf will accept notices and other documents, that address is also to be treated for the purposes of this article and section 7 of the Interpretation Act 1978 as his proper address.

(5) Without prejudice to any other provision of this article, any such notice required or authorised to be served on or given to the responsible person in respect of any premises (whether a body corporate or not) may be served or given by sending it by post to him at those premises, or by addressing it by name to the person on or to whom it is to be served or given and delivering it to some responsible individual who is or appears to be resident or employed in the premises.

(6) If the name or the address of the responsible person on whom any such notice is to be served cannot after reasonable inquiry be ascertained by the person seeking to serve it, the document may be served by addressing it to the person on whom it is to be served by the description of “responsible person” for the premises (describing them) to which the notice relates, and by delivering it to some responsible individual resident or appearing to be resident on the premises or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

(7) Any notice required or authorised to be given to or served on the responsible person or enforcing authority may be transmitted to that person or authority—

- (a) by means of an electronic communications network (within the meaning given by section 32 of the Communications Act 2003 ^{M30}); or
- (b) by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

(8) Where the recipient of the transmission is the responsible person, the transmission has effect as a delivery of the notice to that person only if he has indicated to the enforcing authority on whose behalf the transmission is made his willingness to receive a notice transmitted in the form and manner used.

(9) An indication to an enforcing authority for the purposes of paragraph (8)—

- (a) must be given to the authority in any manner it requires;

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- (b) may be a general indication or one that is limited to notices of a particular description;
 - (c) must state the address to be used and must be accompanied by any other information which the authority requires for the making of the transmission;
 - (d) may be modified or withdrawn at any time by a notice given to the authority in any manner it requires.
- (10) Where the recipient of the transmission is the enforcing authority, the transmission has effect as a delivery of the notice only if the enforcing authority has indicated its willingness to receive a notice transmitted in the form and manner used.
- (11) An indication for the purposes of paragraph (10)—
- (a) may be given in any manner the enforcing authority thinks fit;
 - (b) may be a general indication or one that is limited to notices of a particular description;
 - (c) must state the address to be used and must be accompanied by any other information which the responsible person requires for the making of the transmission;
 - (d) may be modified or withdrawn at any time in any manner the enforcing authority thinks fit.
- (12) If the making or receipt of the transmission has been recorded in the computer system of the enforcing authority, it must be presumed, unless the contrary is proved, that the transmission—
- (a) was made to the person recorded in that system as receiving it;
 - (b) was made at the time recorded in that system as the time of delivery;
 - (c) contained the information recorded on that system in respect of it.
- (13) For the purposes of this article—
- “notice” includes any document or information; and
 - “transmission” means the transmission referred to in paragraph (7).

Marginal Citations

M29 1978 c. 30.

M30 2003 c. 21.

Application to the Crown and to the Houses of Parliament

49.—(1) Subject to paragraphs (2) to (4), this Order, except for articles 29, 30 and 32 to 36, binds the Crown.

(2) Articles 27 and 31 only bind the Crown in so far as they apply in relation to premises owned by the Crown but not occupied by it.

(3) For the purposes of this article—

- (a) the occupation of any premises by the Corporate Officer of the House of Lords for the purposes of that House, by the Corporate Officer of the House of Commons for the purpose of that House, or by those Corporate Officers acting jointly for the purposes of both Houses, is to be regarded as occupation by the Crown;
- (b) any premises in which either or both of those Corporate Officers has or have an interest which is that of an owner are to be regarded as premises owned by the Crown; and
- (c) in relation to premises specified in sub-paragraphs (a) and (b), the relevant Corporate Officer is the responsible person.

(4) Nothing in this Order authorises the entry of any premises occupied by the Crown.

(5) Nothing in this Order authorises proceedings to be brought against Her Majesty in her private capacity, and this paragraph shall be construed as if section 38(3) of the Crown Proceedings Act 1947^{M31} (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Order.

Modifications etc. (not altering text)

C2 Art. 49 modified (3.5.2007) by The National Assembly for Wales Commission (Crown Status) Order 2007 (S.I. 2007/1118), arts. 1(2), 8

Marginal Citations

M31 1947 c. 44.

Guidance

50.—(1) The Secretary of State must ensure that such guidance, as he considers appropriate, is available to assist responsible persons in the discharge of the duties imposed by articles 8 to 22 and by regulations made under article 24.

(2) In relation to the duty in paragraph (1), the guidance may, from time to time, be revised.

(3) The Secretary of State shall be treated as having discharged his duty under paragraph (1) where—

- (a) guidance has been made available before this article comes into force; and
- (b) he considers that the guidance is appropriate for the purpose mentioned in paragraph (1).

Application to visiting forces, etc.

51. This Order applies to a visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964^{M32} only to the extent that it applies to the Crown.

Marginal Citations

M32 1964 c. 5.

Subordinate provisions

52.—(1) For the purposes of section 4(3) of the Regulatory Reform Act 2001^{M33} (subordinate provisions) the following are designated as subordinate provisions—

- (a) article 1(3);
- (b) in article 2, the definition of “relevant local authority”;
- (c) article 9(6) and (7);
- (d) in article 10, the reference to “Part 3 of Schedule 1”;
- (e) article 11(2);
- (f) article 14(2);
- (g) article 16(1)(a) to (d);
- (h) article 16(4);
- (i) article 18(6) and (7);

Status: Point in time view as at 17/07/2017.

Changes to legislation: The Regulatory Reform (Fire Safety) Order 2005 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (j) article 25;
- (k) article 45(3);
- (l) article 49; and
- (m) Schedule 1.

(2) A subordinate provisions order^{M34} made in relation to article 1(3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A subordinate provisions order made in relation to any of the provisions mentioned in article 52(1)(b) to (m) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Marginal Citations

M33 2001 c. 6.

M34 See section 4(4) of the Regulatory Reform Act 2001.

Repeals, revocations, amendments and transitional provisions

53.—(1) [^{F29}The enactments and instruments referred to in Schedules 2 and 3 are amended, repealed and revoked in accordance with those Schedules.]

(2) The enactments and instruments specified in column 1 of Schedules 4 and 5 are repealed or revoked, as the case may be, to the extent specified in the corresponding entry in column 3.

(3) Any conditions imposed under section 20(2A) or (2C) of the London Building Acts (Amendment) Act 1939^{M35} before the date when this Order comes into force and which relate to maintenance, shall cease to have effect from that date.

Textual Amendments

F29 Art. 53(1) revoked in part (1.10.2010 for specified purposes) by [The Health and Social Care Act 2008 \(Commencement No.16, Transitory and Transitional Provisions\) Order 2010 \(S.I. 2010/807\)](#), art. 1(1)(b), [Sch. 2](#)

Marginal Citations

M35 1939 c. xcvi. Section 20(2A) and (2C) were inserted by [S.I. 1985/1936](#) and subsequently amended by [S.I. 1986/452](#).

Signed by authority of the First Secretary of State

Jim Fitzpatrick
Parliamentary Under-Secretary of State Office of
the Deputy Prime Minister

Status:

Point in time view as at 17/07/2017.

Changes to legislation:

The Regulatory Reform (Fire Safety) Order 2005 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.