

**EXPLANATORY MEMORANDUM TO
THE REGULATORY REFORM (FIRE SAFETY) SUBORDINATE PROVISIONS
ORDER**

2006 No. 484

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Regulatory Reform Committee and the Delegated Powers and Regulatory Reform Committee.

2. **Description**

- 2.1 This Order modifies the commencement date of the Regulatory Reform (Fire Safety) Order 2005 (the 2005 Order) from 1st April 2006 to 1st October 2006.

3. **Matters of special interest to the Regulatory Reform Committee and the Delegated Powers and Regulatory Reform Committee.**

- 3.1 This is the first time that the subordinate provision powers under section 1 of the Regulatory Reform Act 2001 (RRA 2001) have been used. The reason for use of these powers is explained in more detail under the policy background heading.

4. **Legislative Background**

- 4.1 In accordance with section 4(3) of the RRA 2001 provision was made in article 52(1)(a) of the 2005 Order to designate article 1(3), which makes provision for the coming into force of that Order, as a subordinate provision.

- 4.2 Accordingly, the Regulatory Reform (Fire Safety) Subordinate Provisions Order (the SPO) is made under section 1 of the RRA 2001 and amends the coming into force of the 2005 Order.

5. **Extent**

- 5.1 This instrument applies to England and Wales.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- 7.1 The objective of the 2005 Order is to reform existing fire safety legislation for non-domestic premises. On coming into force, the 2005 Order will replace a large

number of general fire safety regimes and requirements with, in the vast majority of cases, a single prevention based regime to be followed.

7.2 During the passage of the 2005 Order through Parliament, the Department explained (in paragraphs 69 – 70 of its explanatory statement (17 March 2005) to the 2005 Order) that although it expected the 2005 Order to come into force on 1 April 2006 it warned of the possibility that this may be deferred. This was due to the difficulties in securing agreement on the guidance and in respect of whether all the guidance documents could be published at least 12 weeks in advance of this date. The gap of 12 weeks was particularly important because the Department was committed to ensuring that those affected have sufficient time to prepare and implement the new fire safety regime. Therefore, the Department considered it prudent and necessary to make provision for deferring the coming into force of the 2005 Order. Accordingly, Article 1(3) was designated a subordinate provision to enable the First Secretary of State to change the coming into force date.

7.3 The Department's proposals for commencement and the consequent designation were considered by the Regulatory Reform Committee (9th Report of 2004 / 2005 session at paragraphs 61 to 64) and the Delegated Powers and Regulatory Reform Committee (14th Report (at paragraph 34) and 16th Report of the 2004 / 2005 session).

7.4 Production of guidance has taken longer than hoped but the Government remains committed to the assurances given to the public and Parliament. Ministers therefore announced to Parliament on 12 January 2006 that in order to honour the commitment given, the coming into force date would be put back.

7.5 Given the Parliamentary scrutiny already given to this provision and the public commitments given in respect of coming into force, no further consultation has been undertaken.

8. Impact

8.1 A regulatory impact assessment (RIA) has not been prepared for this SPO. An RIA was prepared for the 2005 Order and this was included with the document laid before Parliament on 10 May 2004 in accordance with section 6 of the Regulatory Reform Act 2001. The costs and savings set out in that RIA will, as a result of the delay in bringing into force the 2005 Order, be deferred.

9. Contact

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