

EXPLANATORY MEMORANDUM TO
THE FIRE SAFETY (ENGLAND) REGULATIONS 2022

2022 No. 547

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the Instrument

- 2.1 The Instrument seeks to improve fire safety in high-rise residential buildings and other multi-occupied residential buildings by implementing recommendations made by the Grenfell Tower Inquiry in its Phase 1 report in a practical and proportionate way. The Instrument imposes new duties on Responsible Persons (RPs) of high-rise and other multi-occupied residential buildings to improve the safety of residents, whilst providing useful information to the fire and rescue service (FRS), which is the operational part of each fire and rescue authority (FRA), to support an emergency response¹.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this Instrument is England and Wales.
- 4.2 The territorial application of this Instrument is England only. Whilst the Regulatory Reform (Fire Safety) Order 2005 (“the Fire Safety Order”) extends to England and Wales this Instrument will apply in England only. Fire safety is a devolved matter in Wales.

5. European Convention on Human Rights

- 5.1 As the Instrument is subject to the negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 The Fire Safety Order regulates fire safety in non-domestic premises, including workplaces and the non-domestic parts of multi-occupied residential buildings. The Fire Safety Order places fire safety duties on persons with control of buildings to the extent of their responsibilities under the Fire Safety Order. The Fire Safety Order

¹ An RP is defined in Article 3(b)(i) of the Fire Safety Order 2005 ([The Regulatory Reform \(Fire Safety\) Order 2005 \(legislation.gov.uk\)](#)) in the context of residential buildings, and FRAs are defined and their roles and functions set out in the Fire and Rescue Services Act 2004 ([Fire and Rescue Services Act 2004 \(legislation.gov.uk\)](#))

adopts a risk-based approach to fire safety, requiring RPs to ensure that general fire precautions are in place.

- 6.2 The Fire Safety Act 2021 clarified that the scope of the Fire Safety Order includes the structure, external walls, and individual flat entrance doors of multi-occupied residential buildings. The Fire Safety Act 2021 provides the underpinning for the parts of these regulations concerning checks on fire doors and information sharing on external walls. This made it necessary for the Fire Safety Act 2021 to have been commenced before these regulations were laid².

7. Policy background

What is being done and why?

- 7.1 The tragedy which occurred in Grenfell Tower on 14 June 2017 led to the greatest loss of life due to a residential fire in the UK since the Second World War. On 15 June 2017, the then Prime Minister announced a public inquiry into these events. The Government also commissioned and acted on the recommendations of Dame Judith Hackitt's independent review of building regulations and fire safety. A full list of the relevant Grenfell Tower Inquiry Phase 1 report recommendations can be found at [Annex A of the Fire Safety Consultation](#), and the Government has accepted in principle all report recommendations.
- 7.2 The Grenfell Tower Inquiry Phase 1 report was published on 30 October 2019. On publication, the Government accepted, in principle, all report recommendations for central government.³ This Instrument seeks to fulfil that commitment and those made by Home Office Ministers in the response to the Fire and Safety Consultation⁴ and during the passage of the Fire Safety Act 2021 to bring forward regulations to implement the Inquiry's recommendations.⁵
- 7.3 It was originally intended that the two Inquiry recommendations on Personal Emergency Evacuation Plans (PEEPs) be implemented at the same time as the other legislative recommendations. A consultation on PEEPs ran from 8 June to 19 July 2021 seeking further views on this issue. The Government's response to this consultation was published on the 18 May 2022⁶ and a further consultation on the Government's proposals to take forward the PEEPs recommendations has been launched. Due to the close relationship between the Inquiry recommendation on evacuation plans and the Government's position on PEEPs, this consultation will also look again at the issue of evacuation plans. Once this consultation has ended, the Government will publish its response and next steps; and pass any necessary legislation, in due course.

Explanations

What did any law do before the changes to be made by this Instrument?

- 7.4 The Fire Safety Order requires an RP to undertake, and review regularly, a fire risk assessment of the premises and to put in place and maintain fire precautions that are adequate and proportionate to manage the risk that lives could be lost in the event of a

² Sections One and Three of the Fire Safety Act 2021 commenced in England on 16 May 2022

³ Column 383 Grenfell Tower Inquiry – Wednesday 30 October 2019 – Hansard – UK Parliament

⁴ [Fire safety - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/fire-safety-consultation)

⁵ Column 322 Fire Safety Bill – Wednesday 17 March 2021 – Hansard – UK Parliament

⁶ The response can be found: [Personal Emergency Evacuation Plans - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/personal-emergency-evacuation-plans)

fire. The Fire Safety Order applies to all non-domestic premises and the common parts in residential buildings (Article 6 refers). Regulations made under Article 24 of the Fire Safety Order do not amend the Order nor do they create or amend any criminal offence or penalties. An offence of breaching regulations made under Article 24 already exists.

Why is it being changed?

- 7.5 The Instrument will add to the requirements on RPs for multi-occupied residential buildings to improve the safety of residents whilst also ensuring that FRSs have information required to provide an effective operational response in the event of a fire in a high-rise residential building. Additionally, this Instrument will ensure that residents of multi-occupied residential buildings are provided with instructions on how to remain safe in the event of a fire.

What will it now do?

- 7.6 The regulations in this Instrument mostly impose duties on RPs of high-rise multi-occupied residential buildings only (paragraph 7.10).
- 7.7 The Instrument will include a definition of what is meant by a “high-rise residential building” (regulation 3). The definition will align with that used in the Building Safety Act 2022 for a “higher risk building”; one that is at least 18 metres in height or has seven or more storeys. To determine the height of a building RPs should measure from the lowest ground level adjoining the outside of the building to the height of the top storey⁷.
- 7.8 The new regulations will set out a minimum frequency for regular checks on fire doors. These checks will apply to all multi-occupied residential buildings with storeys above 11 metres in height, which includes all high-rise residential buildings. The new regulations will also require RPs to provide residents with fire safety instructions and information on fire doors and these will extend to all multi-occupied residential buildings which have common parts and contain two or more sets of domestic premises regardless of height (paragraph 7.11 – 7.12). The regulations do not seek to make RPs share fire safety instructions in converted houses consisting of maisonettes which have separate front access doors and no common parts inside the building.
- 7.9 The scope of the Instrument excludes Ministry of Defence occupied and operated residential buildings housing service personnel and their families, and the two apartments contained within the Houses of Parliament. Similar fire safety measures are in place in both locations and there are valid security concerns about sharing certain information about a secure estate. Government do not consider it was the intent of the Inquiry to capture the Houses of Parliament in the scope of its recommendations by virtue of the residencies of the Speakers of the Lords and Commons, and neither is it in the intent of the wider policy aims to include the Parliament buildings which are already covered by the Fire Safety Order.
- 7.10 High-rise residential buildings only
- Secure information box (regulation 4)
RPs will be required to install and maintain a secure information box in their building that will contain information for the FRS in the event of a fire. This box should contain the name and contact details of the RP as well as hard

⁷ Appendix D to Approved Document B

copies of the building floor plans and the single-page building plan. These information boxes need to be secure and accessible only by the RP and the FRS.

- Design and materials of external walls (regulations 5 and 11)
RPs will be required to provide to the FRS in a standard electronic format information about the design, construction, and level of risk (including mitigating steps) of a high-rise building's external wall system and to inform the FRS of any material changes to these walls.
- Floor plans and building plans (regulations 6 and 11)
RPs will be required to provide the FRS with up-to-date electronic building floor plans (for floors with different layouts) which identify key fire-fighting equipment and to place a hard copy of these plans, alongside an additional single page building plan in the secure information box on site. RPs will also be required to keep these plans up to date.
- Lifts and essential fire-fighting equipment (regulation 7)
RPs will be required to undertake monthly checks on the operation of lifts intended for use by firefighters (such as fire-fighting lifts and fireman's lifts) and evacuation lifts in their building and check the functionality of other key pieces of fire-fighting equipment. RPs will also be required to report any broken lifts or equipment to the FRS as soon as possible once the fault has been identified and it has been established it will take longer than a 24-hour period to rectify. RPs will also be required to record the outcome of these checks and make them available to residents.
- Wayfinding signage (regulation 8)
RPs will be required to install wayfinding signage to indicate floor and flat numbers visible in low level lighting conditions or when illuminated with a torch. Signage should mirror the requirements set out in Volume One of Approved Document B.

7.11 Multi-occupied residential buildings with storeys above 11 metres in height (including high-rise residential buildings).

- Fire doors (regulation 10)
RPs will be required to undertake annual checks on flat entrance doors and quarterly checks of all fire doors in the common parts of relevant buildings.

7.12 All multi-occupied residential buildings with common parts (including high-rise residential buildings and those between 11-18 metres in height).

- Information to residents (regulation 9)
RPs will be required to provide relevant fire safety instructions to their residents, including instructions related to the evacuation strategy for the building, how to report a fire and any other document which sets out what a resident must do once a fire has occurred. RPs will be required to ensure that the instructions they provide consider the nature of the building, and their knowledge of the residents. RPs will also be required to provide residents with information regarding the importance of fire doors (regulation 10).

8. European Union withdrawal and future relationship

8.1 This Instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This Instrument does not consolidate any relevant legislation.

10. Consultation outcome

10.1 These regulations follow from the proposals to implement the Inquiry recommendations contained in the Fire Safety Consultation which ran from July to October 2020.

10.2 Section One and Three of the Fire Safety Consultation are intended to be implemented, subject to Parliamentary approval, through the Building Safety Act 2022. These regulations implement the relevant proposals in Section Two.

10.3 The Government response to the Fire Safety Consultation, published in March 2021, is available here: [Fire safety - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/fire-safety-consultation). For Section Two, a summary of responses was provided and not a full Government response, as at the time of the consultation response publication Section Two policies were still under development and these form the regulations contained in this Instrument.

10.4 The Fire Safety Consultation included proposals regarding checks on all fire doors, however 20% of responses said quarterly checks of flat entrance doors were unrealistic due to there being no guarantee that RPs would be able to access individual flats. To enable the Instrument to be realistically implemented the regulations create a duty on RPs to use best endeavours to undertake annual inspections of flat entrance doors. There is also a duty on the RP to undertake quarterly inspections of communal fire doors, in relevant buildings. RPs will also be required to provide information to residents on the importance of fire doors. This goes beyond the Inquiry's recommendation.

11. Guidance

11.1 Supporting guidance, which will be issued under Article 50 of the Fire Safety Order, is being drafted to support implementation of the Instrument. It will be made available through gov.uk in autumn 2022 ahead of the commencement of these regulations on 23 January 2023. Hard copies of this guidance will be available from the Home Office on request.

12. Impact

12.1 The total cost of the legislation is estimated to be £390.8 million (present value (PV) over 10 years), with a range of £255.0 to £526.0 million. The costs of the policy are expected to fall to the public sector (FRAs and RPs of social residential property sector) and businesses. It is not possible to monetise any benefits from the proposals due to a lack of evidence on potential impacts.

12.2 The impact on business is estimated to be £230.6 million (PV over 10 years), with a range of £153.8 to £306.1 million. Business costs will be incurred by businesses who act as RPs. Some of the impact will be on small and micro-businesses, however it is not expected that they will be disproportionately impacted by the legislation compared to larger businesses. It is not possible to give small and micro-businesses an exemption from the measures whilst still achieving the policy and strategic objectives, and without compromising fire safety or creating loopholes.

12.3 The remainder of the costs falls to the public sector. The central estimate for the impact on the public sector is £160.3 million (PV over 10 years), with a range of

£101.1 to £219.9 million. This cost is expected to mostly fall on RPs within the social residential property sector. Some of the cost is expected to fall on FRAs, as the budget holders for FRSs (public sector). This cost is estimated to be £1.3 million (PV) over the ten-year appraisal period, with a range of £0.5 million to £2.6 million (PV). This consists of the cost to familiarise themselves with new guidance, and to review information provided to them as a result of the proposals.

12.4 A full Impact Assessment is published on the legislation.gov.uk website.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 No specific action is proposed to minimise regulatory burdens on small businesses; it is not expected they will be disproportionately impacted compared to larger businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is to review the Instrument at intervals of no more than 5 years in line with the statutory review clause at regulation 12.

14.2 The Instrument will also be reviewed within the context of the implementation of the Building Safety Act 2022 and its associated secondary legislation. This review is to ensure that the two legislative regimes align.

14.3 The Home Office and FRSs collect data on fire safety audits, other FRS activity and incident data. This will be monitored following the commencement of the legislation. The enforcement of this Instrument will be the same as other Fire Safety Order matters.

15. Contact

15.1 Email: firesafetyreform@homeoffice.gov.uk with any queries regarding the Instrument.

15.2 Zoe Wilkinson, Deputy Director for Fire Safety, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Minister for Building Safety, Fire and Communities, Lord Stephen Greenhalgh, can confirm that this Explanatory Memorandum meets the required standard.