

Fire Safety Law

Fire safety legislation in the UK is enacted differently under the three jurisdictions of England and Wales, Scotland and Northern Ireland. These differences are nothing to worry about as they are largely identical in terms of where they apply and what people have to do to comply with them.

This is a gentle introduction to the subject and is not a substitute for more detailed government advice, which is referenced towards the end of this document. The specific pieces of legislation to which the document refers are also listed towards the end.

WHERE DOES IT APPLY?

The law applies to virtually all premises and covers nearly every type of building, structure and open space.

For example, it applies to:

- ▶ Offices and shops
- ▶ Premises that provide care, including care homes and hospitals
- ▶ Community halls, places of worship and other community premises
- ▶ Pubs, clubs and restaurants
- ▶ Schools and sports centres
- ▶ Tents and marquees
- ▶ Hotels and hostels
- ▶ Factories and warehouses

WHERE DOES IT NOT APPLY?

The law does not apply to people's private homes, including individual flats in a block or house.

In England and Wales, the law applies to the common parts of flats and HMOs (staircases and corridors), but not in Scotland and Northern Ireland.

Broadly, the law does not apply to the underground parts of mines or of-shore installations. It also doesn't apply to anything that flies, floats or runs on wheels unless it is static and being used like a building, e.g. work in dry dock.



WHO IS RESPONSIBLE?

The person responsible for fire safety is anyone* who to any significant degree has:

- ▶ Control of the premises, e.g. the owner and the managing agent
- ▶ Control over the activities on the premises (occupier)
- ▶ Employs people

*In many instances this will be a company or other organisation

They are responsible for the safety of people who may be:

- ▶ Legitimately, on the premises, or
- ▶ Who is not on the premises but might be directly affected by a fire on the premises.

In many cases, responsibility may be shared between several people but it is not the responsibility of the fire service or any other statutory body.



WHAT DO YOU NEED TO DO?

The person responsible (or persons if there are more than one), must make sure that everyone is safe from fire.

If that is you, yourself or a person engaged by you must carry out a fire-risk assessment to determine what the risks are and to identify those measures necessary to minimise the risk to an acceptable level.



The guidance documents that support fire law recommend a 5 stage approach to fire risk assessment:

Step 1 – Hazards

Identify the hazards within your premises including: sources of ignition, sources of fuel and any oxidising agents other than air.



Step 2 - Who is at risk?

Identify people at risk. You must consider everyone who might be at risk from a fire on your premises, whether they are employees, visitors or members of the public.

You should pay particular attention to people who may be at particular risk such as people working near to fire hazards, lone workers, children, parents with babies, the elderly, the infirm and people with disabilities, or anyone who may need special help.

Step 3 – Evaluate the level of risk

You should remove or reduce fire hazards where possible. The residual risk should be minimised.

You need to look at:

- ▶ Means of detecting fire and giving warning
- ▶ Firefighting including first aid and summoning the fire and rescue service
- ▶ Escape routes including fire exits, emergency lighting and escape route signs
- ▶ Training for your staff
- ▶ Information on fire safety for anyone who may need it (e.g. staff and visitors)
- ▶ A management system to make sure that your fire precautions, including our risk assessment, remain effective



Step 4 – Record, plan, instruct, inform and train

You should:

- ▶ Record the findings from the fire risk assessment, as well as the fire safety measures you have taken and are going to take
- ▶ If you haven't already got one, make an emergency plan, tailored to your premises
- ▶ Give staff, and occasionally others, such as hotel guests or volunteer stewards, information
- ▶ Provide employees* training about the risks, the actions they should take to prevent fires and how to respond to fire if it occurs. Some, such as fire marshals, will need more training

*This includes full time, part time, temporary and unpaid employees



Step 5 – Review your fire-risk assessment to ensure it is up to date

You will need to re-examine your fire-risk assessment if you suspect it is no longer valid, such as after a near miss, or if there is a significant change such as a change of processes, occupants, or the layout of the building.



ENFORCEMENT

Fire authorities are the main agency responsible for enforcing the law. Fire authorities will look into complaints, carry out investigations after fires and carry out targeted inspections. Where poor fire safety management is discovered they may prosecute.

If there is a very serious risk to life, the fire authority can issue a notice preventing the premises being used for certain things, or preventing people from using all or part of the premises.



FIRE CERTIFICATES AND OLD LEGISLATION

The above legislation amended may other pieces of legislation. It also repealed or revoked, among others:

- ▶ The Fire Precautions (Workplace) Regulations 1997
- ▶ Fire Precautions (Workplace) Regulations (Northern Ireland) 2001
- ▶ Fire Precautions Act 1971



The Fire Precautions Act required the Fire Brigade or Local Authority to issue a Fire Certificate for certain classes of premises. The authorities no longer issue Fire Certificates and those previously in force will have no legal status, but don't throw them away. Any fire certificates you have may be useful as a starting point for your fire risk assessment.

FIRE SAFETY LAW

The following legal instruments are the principal pieces of legislation which govern fire safety in the UK and are the ones specifically referred to in this document.

England and Wales

- ▶ The Regulatory Reform (Fire Safety) Order 2005

Scotland

- ▶ The Fire (Scotland) Act 2005
- ▶ The Fire Safety (Scotland) Regulations 2006

Northern Ireland

- ▶ The Fire and Rescue Services (Northern Ireland) Order 2006
- ▶ The Fire Safety Regulations (Northern Ireland) 2010



LINKS

Guidance on how to comply with fire law can be obtained here:

- ▶ England and Wales
- ▶ Scotland
- ▶ Northern Ireland
- ▶ FIA Best Practice Guide



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