

The Regulatory Reform (Fire Safety) Order 2005

Introduction

This new piece of legislation came into force on 1 October 2006 and repeals or amends over 70 pieces of legislation, including the Fire Precautions Act 1971 and Fire Precautions (Workplace) Regulations 1997.

The most notable developments since this legislation was introduced are:

- fire certificates will no longer have legal status
- the focus of the Fire Safety Order is on risk assessment. This builds on the approach to fire safety established by the Fire Precautions (Workplace) Regulations 1997
- local fire authorities are responsible for enforcing the Fire Safety Order for most types of premises.

They will have new powers to enforce the legislation and issue fines, or even close down businesses, if it is deemed appropriate.

Who is responsible?

The Fire Safety Order places responsibility for complying with the requirements on the 'responsible person' who could be, for example:

- the employer for those parts of the premises that staff and visitors may go to
- the occupier, such as the self-employed or voluntary organisations if they have control over the premises
(or part of)
- the managing agent or owner for shared parts of premises or shared fire safety facilities such as sprinklers or fire detection systems
- any other person who may have some control over part of the premises.

In most instances it will be obvious who the responsible person is. However, in some circumstances responsibility may lie with a number of people.

Principle requirements

- Carry out a fire risk assessment of the premises
- Consider those who may be especially at risk
- Remove or reduce identified risks as far as reasonably practicable
- Provide appropriate fire precautions to deal with any remaining identified risks and ensure they are maintained
- Take appropriate precautions associated with the use and/or storage of flammable or explosive materials
- Develop an emergency plan to deal with any emergency
- Provide information to residents on the results of the fire risk assessment and emergency procedures
- Keep appropriate records
- Review the risk assessment, precautions and plans when necessary.

Applicable premises

The Fire Safety Order applies to virtually all premises with the exception of private homes including individual flats in a block or house.

Examples of the types of premises to which the order applies include:

- the shared areas of properties common to several households.

The fire risk assessment

The Fire Safety Order requires the responsible person in every workplace to make 'a suitable and sufficient assessment of the risks to which staff and visitors are exposed'. If five or more people are employed, or the premises are licensed or subject to an alterations notice, then the assessment must be recorded.

A fire risk assessment is required for every premise to help minimise the possibility that the premises, or activities carried out within it, might create harm to people working there, visiting, or in adjacent premises.

It should also aim to help prevent and reduce harm to the environment.

In the vast majority of cases, conducting a risk assessment will be a relatively straightforward and simple task that may be carried out by the responsible person, or a person nominated by him, such as a consultant.

The seven step risk assessment

Stage 1

Identify all the fire hazards:

- (a) All possible sources of ignition
- (b) Combustible materials that:
 - (i) are used or stored during business operations
 - (ii) are parts of furniture or furnishings,
 - (iii) form parts of the structure or fittings
- (c) Flammable liquids and gases
- (d) Structural features that could lead to the spread of fire.

Stage 2

Identify people who could be at risk.

Stage 3

Eliminate, control or avoid the fire hazards.

Stage 4

Consider whether the existing fire safety provisions are adequate or need improvement.

Stage 5

Record the findings.

Stage 6

Prepare an emergency plan.

Stage 7

Carry out a periodic review of the assessment.

Contact details

Contact Wiltshire Council Customer Services on **0300 456 0100** and ask for Private Sector Housing.