

Regulatory Reform (Fire Safety) Order 2005: Guidance Note & Summary

The Order was the biggest single reform of fire safety legislation in over 30 years. N It **simplifies the law** for thousands of businesses while placing **greater focus on prevention**.

The Order **amends or replaces 118 pieces of legislation**, in particular the repeal of the Fire Precautions Act 1971 and the revocation of the Fire Precautions (Workplace) Regulations 1997. Businesses will **no longer need a Fire Certificate**. Those familiar with the 1997 Regulations and current Health & Safety legislation will recognise much that is within the Order and the way it has developed and extended many of the concepts within them.

The Order allows the Enforcing Authority to make sure of compliance (by force if necessary) and **sets penalties if compliance is not achieved**.

Major points of note

- The Order places **firm responsibility on the Responsible Person** and outlines all the measures that must be taken, to ensure the safety of all the people the Responsible Person is directly or indirectly responsible for
- The Order contains the phrase **‘The Responsible Person must... appoint one or more Competent Persons to assist him...’**
- It goes on to say **the Competent Person must have ‘...sufficient training, experience and knowledge....’**
- Where the **Competent Person is a contractor, the Order implies that the competent person should have third party accreditation**

The Order requires the Responsible Person to

- Carry out a Fire Risk Assessment
- Produce a Fire Policy
- Develop Procedures (for example fire evacuation)
- Provide staff training
- Carry out fire drills
- Consult with their employees on fire safety matters
- Ensure the provision and maintenance of
 - Clear Means of Escape
 - Signs
 - Notices
 - Emergency Lighting
 - Fire Detection & Alarm
 - Fire Extinguishers
- **Cooperate, share information and collaborate where responsibility is shared with other responsible persons (e.g. adjacent premises, Tenant / Landlord or multiple tenancy building)**

Employees have rights and responsibilities under the Order

- The **Responsible Person must consult employees on fire safety matters and provide information** for them

- An employee must not act in a way that endangers himself or others, must inform on co-workers who do, and cooperate with the employer
- An employer cannot charge an employee for providing any fire safety measures but employees are entitled to recover their losses if the employer fails to comply with the Order

Fire Wardens (nominated competent person)

Must be appointed to:

- Carry out fire fighting duties
- Make contact with emergency services
- Assist in evacuations

A Competent Person can only be regarded as competent if they have appropriate training, experience, knowledge or other qualities.

The law came into effect in April 2006 and was implemented under the Regulatory Reform Act. This Act was intended to allow Ministers to reform over-complex regulatory regimes.

Key Words

Responsible Person

This is the person who owns the premises or business or the person with control over the business, premises or activity. Where two or more responsible persons, (e.g. tenant/landlord, multiple tenancy building or adjacent premises) the responsible persons must co-operate, share information and collaborate to provide measures.

Competent Person

Anyone appointed by the Responsible Person and could be anyone from a company fire warden to a fire alarm service engineer, they may be directly employed or a sub-contractor but the important word is competent.

Relevant Person

Anyone who is not an employee but is legally on the premises or anyone who is not on the premises but who may be affected.

Employee

This has a broad definition and can include sub contractors, self-employed and casual workers.

Inspector

Person appointed by the Enforcing Authority (normally a Fire Officer from the local Brigade. (Enforcing Authority: normally the Fire Brigade, but may be the HSE, MOD or Local Authority)

Fire Risk Assessment

The key element of the Order is the Risk Assessment.

This must be reviewed regularly and amended if necessary and it must be recorded if the Responsible Person employs five or more people or the Inspector requires it.

Maintenance

All equipment provided for the purpose of fire safety or for the use and protection of fire fighters must be maintained and kept in good order.

Enforcement

Failing to comply with articles 8 to 21 & 38 may **result in a fine or up to two years in prison**. Articles 8 to 21 cover all the main provisions from carrying out risk assessments to maintenance and training.

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