

# THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

The Regulatory Reform (Fire Safety) Order 2005 came into force on 1st October 2006 and repeals and revokes all previous fire legislation in England and Wales.

Below we have attempted to sum up the main points. For detailed information, and information specific to various types of workplace you should visit <http://www.communities.gov.uk/index.asp?id=1162101>.

The Regulatory Reform order (Fire Safety) 2005 in full can be found at <http://www.opsi.gov.uk/si/si2005/20051541.htm> and we would be delighted to direct you should you need further information. Please call Fire Safety Training Ltd on 01344 867088.

## Application to premises

This order does not apply in relation to:

- Domestic premises
- Offshore installations
- Ships
- Fields, woods or other farming land
- Aircraft, locomotive or rolling stock, trailer or vehicle
- Mines
- Boreholes

## Duty to take general fire precautions

The responsible person must:

- Take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees.
- In relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

## General Fire Precautions

- Measures to reduce the risk and spread of fire on the premises
- Measures in relation to the means of escape
- Maintaining the means of escape at all material times safely and effectively
- Means for fighting fire
- Detection of fire and means of giving warning
- Arrangements for action to be taken in the event of fire including:
  - **Instruction and training of employees**
  - Measures to mitigate the effects of fire

## Responsible Person

In relation to a workplace, the employer, if the workplace is to any extent under his control

or

The person who has control of the premises in connection with the carrying on of a trade, business or other undertaking (for profit or not)

The owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking

## Competent person

A person is to be regarded as competent where they have received sufficient training and experience or knowledge and other qualities to enable them to properly implement the aforementioned measures

## Relevant person

- Any person (including the responsible person) who is or may be lawfully on the premises
- Any person in the immediate vicinity of the premises who is at risk from a fire on the premises

But does not include a fire-fighter who is carrying out his duties in relation to a function of a Fire and Rescue Authority

## Risk Assessment

The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions they need to take to comply with the requirements and prohibitions imposed under this order

Any such assessment must be reviewed by the responsible person regularly so as to keep it up to date and particularly if:

- There is reason to suspect it is no longer valid
- There has been a significant change in the matters to which it relates
- Where changes to an assessment are required as a result of any such review, the responsible person must make them

As soon as practicable after the assessment is made or reviewed, the responsible person must record the information where:

- They employ five or more employees
- A licence under an enactment is in force in relation to the premises
- An alterations notice requiring this is in force in relation to the premises

The prescribed information is:

- The significant findings of the assessment, including the measures which have or will be taken by the responsible person pursuant to this order
- Any group of persons identified by the assessment as being especially at risk

## Elimination or reduction of risk

Where a dangerous substance is present in or on the premises, the responsible person must ensure that risk to relevant persons related to the presence of the substance is either eliminated or reduced as far as is reasonably practicable

In complying with this duty the responsible person must, as far as is reasonably practicable, replace a dangerous substance, with a substance or process which either eliminates or reduces the risk to relevant persons

Where this is not possible measures must be applied consistent with the assessment and appropriate to the nature of the activity or operation to:

- Control the risk
- Mitigate the detrimental effects of a fire

## Fire fighting and fire detection

Where necessary in order to safeguard the relevant persons, the responsible person must ensure that:

- The premises are equipped appropriate fire fighting equipment and with detectors and alarms
- Any non automatic fire fighting equipment so provided is easily accessible, simple to use and indicated by signs
- What is appropriate is to be determined having regard to the dimensions and use of the premises, equipment contained on the premises, the physical and chemical properties of the substances likely to be present and the maximum number of persons who may be present at any one time

The responsible person must where necessary:

- Take measures for fire fighting in the premises, adapted to the nature of the activities carried out there and the size of the undertaking and of the premises concerned
- Nominate competent persons to implement those measures and ensure that the number of such persons, their training and the equipment available to them are adequate taking into consideration the size of and specific hazards involved in the premises concerned
- Arrange any necessary contacts with external emergency services, particularly as regards fire fighting, rescue work, first aid and emergency medical care

## Emergency routes and exits

Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that routes to emergency exits from premises and the exits themselves are kept clear at all times

- Emergency routes and exits must lead as directly as possible to a place of safety
- Possible for persons to evacuate the premises as quickly and safely as possible
- Number, distribution and dimensions of emergency routes and exits must be adequate having regard to the use, equipment, dimensions and maximum number of persons present at any one time
- Emergency doors must open in the direction of escape
- Sliding or revolving doors must not be used for emergency exits
- Emergency doors must not be so locked that they cannot easily and immediately be opened by any person who require to use them in an emergency

- Emergency routes and exits must be indicated by signs and emergency routes and exits requiring illumination must be provided with lighting of adequate intensity in case of failure of normal lighting

## Procedures for danger areas

The responsible person must:

- Establish and give effect to appropriate procedures, including safety drills, to be followed in the event of serious and imminent danger to relevant persons
- Nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation of relevant persons from the premises
- Ensure that no relevant person has access to any area to which it is necessary to restrict access on grounds of safety, unless the person concerned has received adequate safety instruction
- Any relevant persons who are exposed to serious or imminent danger to be informed of the hazard and the steps taken to protect them
- Enable the persons concerned to stop work and proceed to a place of safety
- Save in exceptional cases for reasons duly substantiated require the persons concerned to be prevented from resuming work in any situation where there is still a serious and imminent danger

## Additional measures in respect of dangerous substances

In order to safeguard the safety of relevant persons arising from an accident, incident or emergency related to the presence of a dangerous substance in or on the premises, the responsible person must ensure that:

- Information on emergency procedures is available including:
  - Details of relevant work hazards and identification arrangements
  - Specific hazards likely to arise at the time of the incident
- Suitable warning and communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs
- Where necessary, before any explosion conditions are reached, visual or audible warnings are given and relevant persons are withdrawn
- Where the risk assessment indicates it is necessary, escape facilities are provided and maintained to ensure that, in the event of danger, relevant persons can leave endangered places promptly and safely
- Make available to relevant accident and emergency to prepare their own response procedures and precautionary measures

The responsible person must ensure that:

- Immediate steps are taken to
  - Mitigate the effects of the fire
  - Restore the situation to normal
  - Inform those relevant persons who may be affected
- Only those persons essential for carrying out repairs or other necessary work are permitted in the area with appropriate ppe

## **Maintenance**

Where necessary to safeguard the safety of relevant persons the responsible person must ensure that the premises, and any facilities, equipment and devices are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair

Where the premises form part of a building, the responsible person may make arrangements with the occupier of any other premises forming part of the building for the purpose of ensuring that the above paragraph are met

## **Safety assistance**

The responsible person must appoint one or more competent persons to assist them in undertaking the preventive and protective measures, number of persons appointed, time available to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks and distribution of the risks throughout the premises

## **Provision of information to employees**

The responsible person must provide his employees with comprehensible and relevant information on:

- The risks identified by the risk assessment
- The preventive and protective measures
- The procedures and measures for serious and imminent danger
- Identity of those persons nominated as competent persons
- The name of any dangerous substance and risk presented
- Access to any relevant safety data sheet
- Legislative provisions which apply to the substance

## **Provision of information to employers and outside contractors**

The responsible person must ensure that the employer of any employees from an outside undertaking who are working on the premises is provided with comprehensible and relevant information on:

- The preventive and protective measures taken by the responsible person
- The risks to those employees

## **Training**

The responsible person must ensure that their employees are provided with adequate safety training:

- At the time when they are first employed
- On being exposed to new or increased risks because of:
  - Change of responsibilities
  - Introduction of new equipment
  - Introduction of new technology
  - New system of work
- Suitable and sufficient instruction and training on precautions and actions
- Be repeated periodically where appropriate
- Adapted to take account of new or changed risks
- Provided in an appropriate manner to the risk identified
- Takes place during working hours



## Power to make regulations about Fire Precautions

The Secretary of State may impose requirements

- Provision, maintenance and keeping free from obstruction means of escape in the event of fire
- Securing that means of escape for safe and effective use at all material times
- Provision and maintenance of fire fighting equipment and giving warning
- Internal construction and materials used in construction
- Standards and construction of furniture and equipment
- Appropriate instruction and training in fire procedures
- Specified numbers of attendants in specified parts of premises
- Keeping of records of instruction and training
- Impose requirements on persons other than the responsible person

## Maintenance of measures for the protection of fire fighters

Where necessary in order to safeguard the safety of fire fighters in the event of fire, the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises for the use by or protection of fire fighters under this Order including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

- Dry Risers
- Fire fighting shafts
- Fire Brigade inlets
- Access for fire appliances

## Offences

- Failure to comply with any of the previous requirements

## Fines or imprisonment

### Offences

- False entry in records
- To knowingly give false information
- Intentional obstruction of an Inspector
- Failure to comply with any requirements imposed by an Inspector

## Enforcement Notices

An enforcement notice must:

- State the failure and why
- Specify the provisions which have not been complied with
- Require steps to be taken to remedy the failure and set time frame
- The notice gives measures necessary to remedy the failure you do not have to follow these but you must satisfy the enforcing authority

## Prohibitions Notices

If the enforcing authority is of the opinion that use of the premises involves or will involve a risk to relevant persons so serious that use of the premises ought to be prohibited or restricted, the authority may serve on the responsible person a prohibition notice which will take effect immediately

Where a prohibition notice has been served the enforcing authority may withdraw it at any time

## Burden of proof

As in Health and Safety Law:

**It is for the accused to prove that it was not practicable to do more than was in fact done**

### Fire Service attend a fire

- Have you failed in your duty to prevent fire
- Have you failed in your duty to prevent fire spread
- Possible Fire Safety inspection after any serious fire
- Employee injury – civil liability claim
- Burden of proof on the responsible person
- Audit trails become vital
- How secure from fire are your records?