



DON'T GET YOUR FINGERS BURNT

The Regulatory Reform (Fire Safety) Order 2005 ("the FSO")

The FSO will come into force on 1 October 2006 and replace over 100 separate pieces of fire safety legislation including the requirement for fire certificates. The FSO introduces a new risk assessment based regime that necessitates the introduction of General Fire Precautions.

Employers, property owners, landlords and tenants should all be considering the impact of the FSO on their activities.

SUMMARY OF OBLIGATIONS

The FSO addresses 'General Fire Precautions' and other duties, which are needed to protect 'Relevant Persons' in case of fire. The FSO requires fire precautions to be put in place "where necessary" and "to the extent reasonably practicable".

The key provisions of the FSO are as follows:

1. THE RESPONSIBLE PERSON

The FSO specifies that it is the responsibility of the 'Responsible Person' to implement the requirements of the FSO at any given premises or within a company/business. The Responsible Person will be:

- the employer if they have control of the workplace; or
- the person in control of the premises; or
- the owner of the premises; or
- any other person who exercises control over all or part of the premises.

2. GENERAL FIRE PRECAUTIONS

The Responsible Person must ensure that General Fire Precautions are implemented. Such precautions would include the following:

- measures to reduce the risk or spread of fire;
- means of escape;
- the provision of fire fighting and fire detection/warning equipment; and
- training for employees on the action to be taken in the event of a fire.

3. NON-DOMESTIC PREMISES

The FSO does not apply to 'domestic premises', which are defined as "a house occupied as a single private dwelling". This means that all other premises, including common areas will be subject to the requirements of the FSO.

4. FIRE SAFETY DUTIES

There are 15 separate fire safety duties, including the duty to undertake a risk assessment and record the significant findings of such an assessment, the elimination/reduction of risks from dangerous substances, the provision of information and safety training to employees and the requirement for parties to co-operate and co-ordinate their efforts in meeting their obligations.

5. ENFORCEMENT

The enforcing authority is the Fire and Rescue Authority ("the FRA") assisted by the HSE and the Local Authority in special cases. The FRA will have powers of entry, inspection, inquiry and will also be able to dismantle/remove any equipment or dangerous substances that pose an immediate threat. The FRA will also be able to serve alteration, enforcement and prohibition notices to ensure compliance with the FSO.

6. IMPLICATIONS

• Offences and Appeals

Failure to comply with the FSO constitutes a criminal offence. Offences are punishable by way of unlimited fine and/or imprisonment depending on the severity of the offence. It is a defence to show that you

took all reasonable precautions and exercised all due diligence to avoid the commission of an offence.

• Insurance

Failure to comply with your obligations may impact on your ability to claim under your insurance in the event of an incident.

ACT NOW

If you are affected by the FSO you need to take action now. The financial and practical implications of the FSO may be extensive for your business and you need to plan now to ensure compliance prior to the implementation of the FSO.



If you have any questions or require any assistance in implementing the requirements of the FSO,

or if you need assistance in relation to any other Health & Safety or Environmental matter please contact:

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