

THE



City**Fire**Safety
Expertise • **Service** • Integrity

Rather Helpful

GUIDE

TO

THE

REGULATORY

REFORM

(FIRE SAFETY ORDER)

2005

FOR

Confused

MANAGERS

INTRODUCTION

The Regulatory Reform (Fire Safety) Order 2005 (The RRO) is a piece of legislation that came into force in October 2006 and amalgamated just about every other piece of legislation that referred to fire safety. The purpose of this was so that the people responsible for businesses and properties became almost self managing with regard Fire Safety. This, for some, thankfully replaced decades of having Fire Certificates, agreed to archaic standards, for others it removed the confusing dark world of fire safety where at the stroke of a pen the local Fire Safety Officers could enforce this black art. Now some knowledgeable diligent fire safety loving managers could manage their own fire safety. However for most it just added to the confusion.

Chances are if you are reading this you are in the latter category one of the many who have so many other aspects of their working life to manage that you have not the time to read legal text and government guides to ensure that your workplace becomes a Fire Safety Shangri La. We call this category "normal people" and you should be proud of the company you keep as they number in their millions.

If you are in the former category and are still reading this, perhaps you don't need the knowledge, perhaps you have a real interest in fire safety and are keen to understand every aspect of the law and the current standards, perhaps you should just go out and get some real friends and brighten up that tatty social life of yours. Go on life's too short.

WHATS IT ALL FOR?

The RRO is a piece of legislation intended to simplify the way we look at fire safety. If used as intended, a business can manage its own fire safety, and decide on cost effective solutions to implement fire safety measures. The reality is different. At best you can generally understand bits of the RRO and get a grasp of sort of what it means, and then once you have then there is the challenge of knowing, understanding and interpreting the guidance on current standards. This generally means having an intimate knowledge of lots of different pieces of legislation, applying it to the right legal framework, and then knitting together many different standards from one for fire alarms and emergency lighting to ones for building constructions and road design. Unless Fire Safety is your job or you have an unhealthy interest in the subject, this for most will be an unachievable aspiration.

In the course of his work, the author has over the years seen, many highly intelligent professional people fail miserably in this task. In short it is probably best leaving fire safety to the professionals, such as those at City Fire Safety. But having a basic grasp of the relevant bits of fire safety law can get you thinking the right way and hopefully help you see into the dark and scary world of the Fire Safety Officer. These often grumpy creatures, who will tut and frown at the most minor contravention, as though such things would instantly cause the death of thousands, will appreciate you at least acknowledging their way of thinking or even understanding what they are referring to.

Even better when the more heated young bucks in the profession attempt to bluff and persuade you into fitting fire doors to the pan of your toilet, and it does happen, you will perhaps know that this animal is stepping outside of the pen and needs to be restrained.

So this guide will hopefully inform even the busiest of managers whose legal grasp sits below that of even the authors Uncle Ernie who thinks that not being able to smoke at the petrol station is health and safety gone mad.

THE QUICK TOUR

The RRO is a piece of legislation that is divided into sections, these are called Articles. Each Article refers to a set subject which is to do with one of 5 areas.

1. General Issues This is legal jargon and is of little real interest.
2. Fire Safety Duties This is the relevant stuff that you should understand.
3. Enforcement This is how your enforcing authority will work with the RRO.
4. Offences and Appeals This is how you might break the law and then appeal.
5. Miscellaneous This is all the other stuff

The really relevant Articles are those which place a direct duty upon the responsible person. Each will be explained in this guide, each article in this guide is divided into **4** sections.

WHAT THE LAW SAYS

This is the actual relevant extract from the RRO.

THIS MEANS

This is an explanation of the article in normal language.

THE BIG QUESTION

This is what you should ask to find out where you stand.

WHAT TO THINK ABOUT

Areas for thought which may ring some oversized alarm bells.

DEFINITIONS

First we need to cover some basic definitions which should be understood before we go any further. These are explained in the part of the act called General Issues Articles 1 to 7

Premises

This is the place where the legislation applies it commonly covers all places It is generally referring to workplaces but also surprisingly may cover vehicles, vessels, hovercraft, aircraft, tents / moveable structure or even any other structure.

The only real exemptions are a single domestic dwelling (house or flat inclusive of a garden or linked garage), offshore installations, ships not in dry dock, fields and woods, mines and quarries, borehole sites and finally any kind of transport for which a vehicle registration and excise act licence applies.

Relevant Persons

These are the people that can lawfully be expected to be on your premises and should be catered for in the event of a fire. This may include staff, customers, landlords, tenants, visitors amongst many. Burglars however may for the purposes of the legislation burn to death without consequence.

Responsible Person

This is the person who has legal responsibility to implement the Fire Safety measures. This is the person who is in any way **in control** of the premises in relation to the trade or business carried out on that premises. This may be the owner of the premises or a director / proprietor of a business. This gets tricky in leased premises where the responsibility for fitting a fire alarm for example may fall on the premises owner but training the staff may fall on the tenant / proprietor of the business. Thus in many cases there may be a shared responsibility.

FIRE SAFETY DUTIES

THE ARTICLES

ARTICLE 8 – GENERAL FIRE PRECAUTIONS

THE LAW SAYS:

“The responsible person must take such general fire precautions as will ensure...the safety of any of his employees and; in relation to relevant persons who are not his employeesensure that the premises are safe

THIS MEANS

Put in place fire safety measures to protect the people who use your premises

THE BIG QUESTION

Have adequate general fire precautions been taken to ensure the safety of all relevant persons?

WHAT TO THINK ABOUT

How to reduce the risk of fire and of fire spread on the premises i.e. fire doors and seals?

How relevant people can escape from the premises?

How to ensure that the escape routes can be safely and effectively used at the right time?

How people would fight a fire on the premises?

How would fire be detected and warning be given if there was a fire on the premises?

What should and would happen in the event of fire. Think about training and how to reduce the effects of a fire?

ARTICLE 9 - RISK ASSESSMENT

THE LAW SAYS

“The responsible person shall make a suitable and sufficient assessment of the risks to which relevant persons are exposed to identify the preventive & protective measures”

THIS MEANS

Get a fire safety risk assessment done, and make sure it's good. City Fire Safety Ltd can do this.

THE BIG QUESTION

Has a suitable and sufficient Fire Safety Risk Assessment been carried out for the premises?

WHAT TO THINK ABOUT

Has the fire safety risk assessment been undertaken?

Is the fire safety risk assessment completed and available?

Is the Fire risk assessment suitable and sufficient, covering all risks, and relevant people who may be affected by fire including access and escape for the premises?

What will be the evidence confirming the Fire Risk Assessment is reviewed on regular basis?

ARTICLE 10 – PRINCIPLES OF PREVENTION TO BE APPLIED

THE LAW SAYS

“Where the responsible person implements any preventative and protective measures he must do so on the basis of the principles specified in Part 3 of schedule 1”

THIS MEANS

Stop the fires happening, but if they do make sure people can get out.

THE BIG QUESTION

What have you done to ensure that fire is prevented and the relevant persons protected from fire?

WHAT TO THINK ABOUT

How do you avoid fire risks?

How do you evaluate the fire risks which cannot be avoided?

What have you done about dealing with the source of any risk?

What have you done to replace the dangerous things with less dangerous things?

Can you develop a workable fire prevention policy that relates to the working environment?

Will you give collective protection of people at risk priority over individuals at risk?

How do you give fire safety relevant instructions to employees?

ARTICLE 11 - FIRE SAFETY ARRANGEMENTS

THE LAW SAYS

“The responsible person shall make ... appropriate arrangements...for the effective planning, organisation control, monitoring & review of preventive and protective measures”

THIS MEANS

Make fire safety a key part of your management.

THE BIG QUESTION

Is there effective Fire Safety Management?

WHAT TO THINK ABOUT

Is there an effective management attitude to fire safety?

Is there a clear company policy?

Has anyone created an effective emergency plan?

Are individual responsibilities, with regard fire safety, clearly defined?

Are there effective systems of communication in place to inform employees and other responsible persons?

Are there Fire Marshals and Fire Wardens appointed where appropriate?

ARTICLE 12 – ELIMINATION OR REDUCTION OF RISKS FROM DANGEROUS SUBSTANCES

WHAT THE LAW SAYS

“Where a dangerous substance is present ... the responsible person shall ensure that risk related to the ... substance is either eliminated or reduced as far as is reasonably practicable”

THIS MEANS

Keep people safe from nasty stuff.

THE BIG QUESTION

Are suitable arrangements in place to manage the reduction of risk from dangerous substances?

WHAT TO THINK ABOUT

Are controls adequate?

How have you controlled ignition sources?

What have you done to mitigate the detrimental effects of a fire?

What are the considerations for safe handling, storage & transportation of dangerous substances?

What are the controls to eliminate and reduce risk?

Is there suitable signage & safety information available to relevant people?

Who are the persons especially at risk?

ARTICLE 13 – FIRE-FIGHTING AND FIRE DETECTION

THE LAW SAYS

“Where necessary...the responsible person must ensure that the premises are equipped with appropriate fire detection equipment, alarms, and fire-fighting equipment”.

THIS MEANS

Get a fire alarm system and fire fighting equipment suitable for your premises.

THE BIG QUESTION

Are effective fire warning and fire -fighting arrangements provided?

WHAT TO THINK ABOUT

Is the fire detection / alarm system appropriate for the risk and the premises?

Can all relevant persons hear it?

Is the detection where you need it to be for the premises its occupants and its use?

How do you manage unwanted fire alarm signals?

Are commissioning / Installation certificates available?

Is there appropriate fire fighting equipment available?

Is the fire fighting equipment suitably positioned?

Is there suitable signage for fire fighting equipment provided?

Are some relevant persons sufficiently trained in fire fighting equipment available on site?

ARTICLE 14 – EMERGENCY ROUTES AND EXITS

THE LAW SAYS

“Where necessary to safeguard the safety of relevant persons in case of fire the responsible person must ensure that routes to emergency exits ... and exits...are kept clear at all times and where required, to be adequately illuminated by emergency lighting.

THIS MEANS

Where people will need to get out in a fire make sure they can safely.

THE BIG QUESTION

Are effective fire escape routes being provided and maintained?

WHAT TO THINK ABOUT

Have you sufficient emergency routes and exits to allow a safe and quick evacuation?
What is the number and distribution of emergency routes and exits, for relevant persons?
Do doors open in the direction of exit?
Are there suitable methods of securing and opening doors?
Are the escape routes adequately signed?
Is there sufficient emergency lighting available to ensure routes can be used safely?

ARTICLE 15 – PROCEDURES FOR SERIOUS AND IMMINENT DANGER AND FOR DANGER AREAS

THE LAW SAYS

“The responsible person must establish & where necessary give effect to ...procedures...to be followed in the event of serious & imminent danger to relevant persons, nominate...competent persons to implement procedures, inform & instruct relevant persons concerned”

THIS MEANS

Sort out what happens in the event of a fire

THE BIG QUESTION

Are there adequate procedures for serious and imminent danger and for danger areas?

WHAT TO THINK ABOUT

Are there appropriate emergency procedures in place?
Do you carry out safety drills?
Is there sufficient number of people to manage a full evacuation?
What are the prevention measures to restrict exposure of relevant persons to risk from immediate danger in the event of fire?
How do you select and train certain people to react and deal with such situations
Is there suitable and sufficient information and signage for people to reduce the risk?

ARTICLE 16 – ADDITIONAL EMERGENCY MEASURES IN RESPECT OF DANGEROUS SUBSTANCES

THE LAW SAYS

“The responsible person subject to the risk assessment, must ensure that information on emergency arrangements is available, suitable warning and other communication systems are established, escape facilities are provided and maintained, provide information to relevant accident and emergency services and display information at the premises. In the event to an incident occurring take immediate steps and permit only essential persons to the affected area and provide PPE, specialised equipment and plant”

THIS MEANS

Keep people safe from nasty stuff even when it all goes wrong.

THE BIG QUESTION

Are there suitable additional emergency measures provided to safeguard all relevant persons from an accident, incident or emergency related to dangerous substances in or on the premises?

WHAT TO THINK ABOUT

Is information on emergency arrangements available?

Is there suitable warning and communication systems established to support response, remedial actions and where necessary assist rescue operations?

Is information provided to emergency services and additionally displayed at the premises?

Are plans in place for immediate steps to be taken in the event of an incident?

Are protective equipment, clothing, equipment and plant provided / available in case of an incident?

ARTICLE 17 – MAINTENANCE OF PROVISIONS

WHAT THE LAW SAYS

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

THIS MEANS

If you have got fire safety stuff, make sure it's kept in good condition.

THE BIG QUESTIONS

Are fire safety provisions being adequately maintained?

WHAT TO THINK ABOUT

Are the premises fire systems and all associated equipment subject to suitable maintenance?

Is there a regime of regular testing by undertaken by competent person/s?

Are adequate records being maintained of the maintenance regime?

ARTICLE 18 – SAFETY ASSISTANCE

THE LAW SAYS

“The responsible person must...appoint...competent persons to assist him in undertaking preventive and protective measures”

THIS MEANS

You can get people in to help you with all this. For example City Fire Safety Ltd.

THE BIG QUESTION

Are there adequate number of competent persons and arrangements in place to assist the responsible person in undertaking the preventative and protective measures?

WHAT TO THINK ABOUT

Have you appointed any competent persons, if so are there enough?

If required what training has been given to competent persons?

Do you require co-operation between appointed person?

What information is given to non-employees appointed as competent persons?

Should there be co-operation between responsible persons over appointing competent persons?

ARTICLE 19 – PROVISION OF INFORMATION TO EMPLOYEES

THE LAW SAYS

“The responsible person must provide his employees with comprehensible and relevant information”

THIS MEANS

Tell your staff about fire safety.

THE BIG QUESTION

Is adequate provision made to provide information to employees?

WHAT TO THINK ABOUT

What are the risks to employees identified from risk assessment?

What are the associated preventative and protective measures?

Are there appropriate procedures to be taken in the event of an emergency?

Have you nominated sufficient number of competent persons to secure evacuation?

Have you informed other responsible persons in relation to the risk and action plan?

What additional controls are in place for persons at special risk i.e. young or less able?

How do you provide information on dangerous substances to employees?

ARTICLE 20 – PROVISION OF INFORMATION TO EMPLOYERS AND THE SELF-EMPLOYED FROM OUTSIDE UNDERTAKINGS

THE LAW SAYS

“The responsible person must ensure that comprehensible and relevant information is provided to employees from outside undertakings and to ensure such employees from outside undertakings are provided with appropriate instructions and comprehensible and relevant information regarding any risks to that person”.

THIS MEANS

Tell everyone who works on your premises about your fire safety arrangements. Get control of your contractors

THE BIG QUESTION

Is adequate information provided to employers and employees from outside undertakings?

WHAT TO THINK ABOUT

How is understandable, relevant fire safety information provided to outside employers?

How is understandable, relevant fire safety information provided to outside employees?

Are outside employees provided with appropriate instructions and relevant information regarding fire risks and emergency action?

ARTICLE 21 - TRAINING

WHAT THE LAW SAYS

“The responsible person must ensure that his employees are provided with adequate safety training”

THIS MEANS

Train your staff in fire safety. City Fire Safety Ltd can do this.

THE BIG QUESTION

Are employees being effectively trained?

WHAT TO THINK ABOUT

Do staff receive fire safety training on induction, transfer or if working with new systems of work?

Would the fire safety training change with new technology or new equipment?

Do staff receive training in emergency procedures, safe practice, fire fighting equipment and where required dangerous substances.

Is the training being delivered by competent person?

Are there accurate training records available?

ARTICLE 22 – CO-OPERATION AND CO-ORDINATION

THE LAW SAYS

“Where two or more responsible persons share, or have duties in respect of, premises (Whether on a temporary or a permanent basis) each such person must, co-operate, Take all reasonable steps to co-ordinate necessary measures, and provide information.

THIS MEANS

Get together with any decision makers who have responsibility for your premises. Landlords other tenants and leaseholders etc, and discuss arrangements with them.

THE BIG QUESTION

Is there adequate co-operation and co-ordination between responsible persons where there are two or more sharing responsibilities or have duties in respect of premises?

WHAT TO THINK ABOUT

Do you need co-operation to comply with requirements imposed by this order?

Have reasonable steps been taken to enable compliance with requirements imposed by this order?

Have reasonable steps been taken to inform other relevant persons with regard to risks?

In case of explosive atmospheres the person with overall responsibility for the premises should take responsibility to co-ordinate the implementation of all relevant measures to protect relevant persons.

ARTICLE 23 – GENERAL DUTIES OF EMPLOYEES AT WORK

THE LAW SAYS

“Every employee must, while at work take reasonable care for the safety of himself and others, co-operate with their employer, inform their employer or any other employee with specific responsibility for the safety of his fellow employees of any hazard

THIS MEANS

Everyone is responsible in some way for fire safety.

THE BIG QUESTION

Are employees carrying out their general duties while at work?

WHAT TO THINK ABOUT

What reasonable care is being taken by employees to prevent harm to others who may be affected by their acts or omissions at work?

How do Employees co-operate with their employer to enable compliance with any duty or requirement?

Are hazards identified by the employee reported to the employer or other employee with specific responsibility for safety?

ARTICLE 29 – ALTERATIONS NOTICES

THE LAW SAYS

“Where an alterations notice has been served in respect of premises, the responsible person must, before making any of the specific changes which may result in a significant increase in risk, notify the enforcing authority of the proposed changes”.

THIS MEANS

The fire service may need to know if you want to make changes to your premises.

THE BIG QUESTION

Where an Alterations Notice is in force has the enforcing authority been informed prior to alterations being implemented?

WHAT TO THINK ABOUT

Is there an Alterations Notice in force?

Is there going to be, or has there been, a significant increase in risk as the result of changes being made to the premises, services, fittings, or equipment in the premises, increase in the quantity of dangerous substances, or a change in use of the premises?

If such a notice is in force the responsible person must; record information, before making changes send a copy of the risk assessment and provide a summary of the proposed changes to be made to the general fire precautions.

ARTICLE (37) – FIRE-FIGHTERS’ SWITCHES FOR LUMINOUS TUBE SIGNS ETC

THE LAW SAYS

“This article applies to apparatus” “designed to work at a voltage exceeding the prescribed voltage” “The cut off switch must be” “placed, coloured or marked as to satisfy” “the fire authority” The responsible person must give suitable notice to the fire authority showing where the cut off switch is to be sited, coloured or marked” Note This article does not apply to licensed premises authorised to for the exhibition of a film” “Prescribed voltage” means 1000v AC or 1500v DC between two conductors or 600 v AC or 900 v Dc between conductor and earth

THIS MEANS

If you have big neon signs, are they safe and well maintained.

THE BIG QUESTION

Has suitable notice been given to the fire authority regarding the installation of fire-fighters switches?

WHAT TO THINK ABOUT

Are luminous discharge tubes fitted in the premises?

Are cut off switches provided?

Are cut off switches sited coloured and marked in accordance with current IEE Regulations?

Has correct notice been given to the Fire Service or other enforcing authority?

ARTICLE (38) – MAINTENANCE OF MEASURES PROVIDED FOR PROTECTION OF FIRE-FIGHTERS

THE LAW SAYS

“Where necessary...to safeguard the safety of fire-fighters in the event of fire, the responsible person must ensure...facilities, equipment and devices provided...use by or protection of fire-fighters...suitable system of maintenance...maintained...working order and in good repair”.

THIS MEANS

If you have facilities to help fire fighters to do their job then it should be in good condition.

THE BIG QUESTION

Are suitable arrangements in place to ensure that facilities, equipment and devices for use by or the protection of fire fighters are maintained in an efficient state, in efficient working order and in good repair?

WHAT TO THINK ABOUT

Are testing and maintenance records available and up to date?

Are fire fighting shafts fully protected?

Are access boxes to dry/wet risers secured?

Are measures in place to ensure co-operation between occupiers for the maintenance of facilities?

WHAT HAPPENS IF I GET IT WRONG

OK this section is important so we are going to explain this thoroughly. Effectively this section deals with the powers of Fire Safety Inspecting Officers, and Offences under the Order. Powers of Inspectors largely deals with the powers of Fire Safety Officers to collect evidence, but it is this evidence that is used as the basis to issue formal notices. These largely fall into the following categories:

Enforcement Notices:	A formal notice of deficiencies which goes on public record that can enforce certain provisions or works to be done.
Prohibition Notices	A formal notice that prevents the use of the premises.
Restriction Notice	A formal notice that restricts the use of the premises to either certain parts or certain uses.
Alterations Notice	A formal notice that requires you to inform your local Fire Authority of any changes to the premises

Having any of these notices issued against your premises means that a Fire Safety Inspector has formed a poor opinion of your premises. They are all on public record, depending on where you live, so if people type your businesses name into an internet search and on the first page your name comes up in a public deficiencies notice, this does not exactly form the best advert. Consequently it is worth knowing that a Fire Safety Officer can drop in unannounced at any reasonable time. This means either in normal office hours or at any time when you are trading.

WARNING

These people don't need appointments, and are often short on humour.

So read the next bit carefully and try to absorb the content.

NO REALLY, TAKE A BREAK IF YOU NEED TO, COME BACK TO THIS REFRESHED. BUT ABOVE ALL THIS NEXT BIT NEEDS REMEMBERING!!!

ENFORCEMENT THE ARTICLES

ARTICLE 27 – POWERS OF INSPECTORS

WHAT THE LAW SAYS

(1) Subject to the provisions of this article, an inspector may do anything necessary for the purpose of carrying out this Order and any regulations made under it into effect and in particular, so far as may be necessary for that purpose, shall have power to do at any reasonable time the following—

(a) to enter any premises which he has reason to believe it is necessary for him to enter for the purpose mentioned above and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force;

(b) to make such inquiry as may be necessary for any of the following purposes—
(i) to ascertain, as regards any premises, whether the provisions of this Order or any regulations made under it apply or have been complied with; and
(ii) to identify the responsible person in relation to the premises;

(c) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records (including plans)—
(i) which are required to be kept by virtue of any provision of this Order or regulations made under it; or
(ii) which it is necessary for him to see for the purposes of an examination or inspection under this article, and to inspect and take copies of, or of any entry in, the records.

(d) to require any person having responsibilities in relation to any premises (whether or not the responsible person) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this article;

(e) to take samples of any articles or substances found in any premises which he has power to enter for the purpose of ascertaining their fire resistance or flammability; and

(f) in the case of any article or substance found in any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is, in the circumstances, necessary).

(2) An inspector must, if so required when visiting any premises in the exercise of powers conferred by this article, produce to the occupier of the premises evidence of his authority.

(3) Where an inspector proposes to exercise the power conferred by paragraph (1)(f) he must, if requested by a person who at the time is present in and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in the presence of that person.

(4) Before exercising the power conferred by paragraph (1)(f) an inspector must consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under that power.

THIS MEANS

- Fire Safety inspecting officers can go anywhere. But not all Fire Service employees have the authority to do so and should carry warrant cards if they have this legal responsibility. However they can't force an entry.
- They can ask anyone anything as long as it's to do with enforcing the Regulatory Reform (Fire Safety) Order 2005.
- They can take copies of any relevant information or remove information to take copies, but they must agree to return the originals within a reasonable time.
- They can find out who the responsible person is for any premises.
- They can legitimately ask people for help.
- They can take samples of things for evidence or testing, or subject any item to any relevant test
- They can have things removed or dismantled to reduce a risk.

BUT THEY MUST

- Be able to produce evidence of their authority, ie. Warrant and / or ID.
- If requested exercise their power in front of any present responsible persons.
- Consult appropriate persons to determine any negative outcomes of their actions.

THE BIG QUESTION

Are you ready to accept a Fire Safety Inspecting Officer onto your premises if they literally called in **now?**

WHAT TO THINK ABOUT

In some respects Fire Safety Officers have greater powers than the Police!

Have you a Fire Risk Assessment on site?

What records, licences or copies have you available on site?

How would you be able to assist a Fire Safety Inspector?

How are you managing your fire safety?

Would your staff respond favourably to questioning?

What questions or information would you not like to be asked?

Can you demonstrate and evidence a diligent approach to Fire Safety showing that you have done everything reasonable and practicable to comply with the law?

OFFENCES AND APPEALS

THE ARTICLES

ARTICLE 32 OFFENCES

- (1) It is an offence for any responsible person or any other person mentioned in article 5(3) to—
- (a) fail to comply with any requirement or prohibition imposed by articles 8 to 22 and 38 (fire safety duties) where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
 - (b) fail to comply with any requirement or prohibition imposed by regulations made, or having effect as if made, under article 24 where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
 - (c) fail to comply with any requirement imposed by article 29(3) or (4) (alterations notices);
 - (d) fail to comply with any requirement imposed by an enforcement notice;
 - (e) fail, without reasonable excuse, in relation to apparatus to which article 37 applies (luminous tube signs)—
 - (i) to ensure that such apparatus which is installed in premises complies with article 37 (3) and (4);
 - (ii) to give a notice required by article 37(6) or (8), unless he establishes that some other person duly gave the notice in question;
 - (iii) to comply with a notice served under article 37(9).
- (2) It is an offence for any person to—
- (a) fail to comply with article 23 (general duties of employees at work) where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
 - (b) make in any register, book, notice or other document required to be kept, served or given by or under, this Order, an entry which he knows to be false in a material particular;
 - (c) give any information which he knows to be false in a material particular or recklessly give any information which is so false, in purported compliance with any obligation to give information to which he is subject under or by virtue of this Order, or in response to any inquiry made by virtue of article 27(1)(b);
 - (d) obstruct, intentionally, an inspector in the exercise or performance of his powers or duties under this Order;
 - (e) fail, without reasonable excuse, to comply with any requirements imposed by an inspector under article 27(1)(c) or (d);
 - (f) pretend, with intent to deceive, to be an inspector;
 - (g) fail to comply with the prohibition imposed by article 40 (duty not to charge employees);
 - (h) fail to comply with any prohibition or restriction imposed by a prohibition notice.
- (3) Any person guilty of an offence under paragraph (1)(a) to (d) and (2)(h) is liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both.

(4) Any person guilty of an offence under paragraph (1)(e)(i) to (iii) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Any person guilty of an offence under paragraph (2)(a) is liable—

(a) on summary conviction to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine.

(6) Any person guilty of an offence under paragraph (2)(b), (c), (d) or (g) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) Any person guilty of an offence under paragraph (2)(e) or (f) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Where an offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of that offence, and is liable to be proceeded against and punished accordingly.

(9) Where the affairs of a body corporate are managed by its members, paragraph (8) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(10) Where the commission by any person of an offence under this Order, is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(11) Nothing in this Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of—

(a) an employee of his; or

(b) a person nominated under articles 13(3)(b) or 15(1)(b) or appointed under 18(1).

THIS MEANS

You are breaking the law if you don't comply with the duties imposed by the Order, or any notices written under the order, **and** as a result place any relevant person/s at risk. You are also breaking the law if you make any false entries into records or fail to give information to an Inspecting Officer.

You are also breaking the law if you obstruct a Fire Safety Inspecting Officer. For example although these inspectors cannot forcibly enter a premises it is an offence not knowingly let them in. If you fail to answer questions, are offensive or fail to provide information and records you are in breach of the law.

People are breaking the law if they pretend to be Fire Safety Inspecting Officers, remember there are very few people who have the powers of a Fire safety Officer bestowed upon them. If you do you could get really caught out by the law and get fined, but recently a person has been imprisoned. If you are a business the enforcing authority will come after the corporate body as well as any responsible managers. Its not looking good.

THE BIG QUESTION

How will you make sure that you are complying with the Law?

WHAT TO THINK ABOUT?

This is a powerful piece of Legislation.

Have you done everything you can to comply with the Order?

Would anything occur to obstruct a Fire safety Officer?

Are you keeping honest and diligent records?

Are the people calling themselves Fire Safety Inspecting Officers actually carrying the power of the local Fire Authority?

Challenge them for ID and Authorisation Warrant, real Fire Safety Inspecting Officers must carry these items and will not mind you asking to see them.

ARTICLE 33 DEFENCE

WHAT THE LAW SAYS

Subject to article 32(11), in any proceedings for an offence under this Order, except for a failure to comply with articles 8(1)(a) or 12, it is a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

WHAT THIS MEANS

Even if there are deficiencies in Fire Safety evidence of a diligent approach to Fire Safety management can avoid a prosecution, or limit sentencing. This in reality is probably your only defence.

THE BIG QUESTION

Can you evidence everything you have done to comply with the Order?

WHAT TO THINK ABOUT

Have you appropriate maintenance and testing records for fire safety?

Can you evidence how you have trained your staff?

Can you evidence how you have complied or attempted to comply with the duties in the Order?

Can you evidence how you have communicated with all responsible people over Fire Safety matters?

If standing in front of a Judge following a death in a fire at your premises, what would be your defence?

ARTICLE 34. ONUS OF PROVING LIMITS OF WHAT IS PRACTICABLE OR REASONABLY PRACTICABLE

WHAT THE LAW SAYS

In any proceedings for an offence under this Order consisting of a failure to comply with a duty or requirement so far as is practicable or so far as is reasonably practicable, it is for the accused to prove that it was not practicable or reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

WHAT THIS MEANS

If complying with the Order would mean closing your business then its not reasonably practical to do so, this is a defence in law, but its for the defendant to prove that this would be the case

THE BIG QUESTION

If in a Court of Law could you prove that it was not reasonably practicable to reduce the risk?

WHAT TO THINK ABOUT

Although this sounds like an easy get out in reality its very difficult to prove.

What does reasonably practicable mean for you and your business?

Have you considered all options? Ie.

Could you have moved to a safer premises without incurring terminal costs?

Could you have trained staff in a specific safety regime?

How could you prove irrefutably that making your premises safe from fire would cause your business to collapse?

CONCLUSION

Well that's it, the law in a nutshell. Hopefully we have made it simpler for you to understand what the Regulatory Reform Order is all about. There are specific government websites to download the Order from and other sites to help you understand it, but none we have encountered actually explained what you need to know. Many create more questions than answers others simplify it too much and don't really stimulate any thought at all.

The basic premise for City Fire Safety in writing this document is this, as simple as possible but no simpler. We hope this has demystified the Order and makes it easier to understand and as a result make your premises and staff safer from fire. This document is intended as helpful advice only. We at City Fire Safety do not accept responsibility for any acts or omissions carried out in respect of or as a result of the persons reading the content of this document.

***If you have any suggestions as to how we can improve this document
or
would like help or advice with regard Fire Safety from industry professionals
or our tamed team of Fire Safety Inspecting Officers,
then please contact us either using the web site
or call***

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