

# The Regulatory Reform (Fire Safety) Order 2005

## What is it?

The Regulatory Reform Order was made under the Regulatory Reform Act 2001 to suit modern business needs better, regulating fire safety only where necessary. It mandates that anyone who has a level of control in premises must take reasonable precautions to reduce the risk of fire, and to make sure that people can safely escape in the case of a fire.

The Fire Safety Order is a Fire Risk Assessment based approach where the responsible person(s) for the premises must decide how to address the risks identified, while meeting certain basic requirements.

## Where does this apply?

The order applies to nearly all premises, barring private homes, including individual flats. It covers any public building or structure, such as offices, shops, care homes, restaurants, schools, factories, tents, factories and more.

## Who is responsible for meeting the order?

Those responsible are anyone who has control of the premises or a degree of control over particular areas. This could include:

- the employer
- manager
- the occupier of a premises
- anyone else who holds management control for a premises

This can mean that in some cases, more than one person could be responsible for meeting the order.

## What are the rules?

By adopting a fire risk assessment approach, the responsible person will need to look at how to prevent fire from occurring in the first place, by removing or reducing hazards and risks (ignition sources) and then look at the precautions to ensure that people are adequately protected, if a fire were still to occur.

The fire risk assessment must also take into consideration the effect a fire may have on anyone in or around your premises plus neighbouring property and will need to be kept under regular review. The building fire risk assessment concentrates on the following areas:

- Elimination or reduction of risks (ignition sources);
- Suitable means of detecting and raising the alarm in the event of fire;
- Adequate emergency escape routes and exits;
- Adequate fire compartmentation (fire & smoke spread and the protection of escape routes);
- The appropriate type and sufficient quantities of fire extinguishers;
- Correct type and sufficient quantities of fire signs and notices;
- Provisions for the correct maintenance of installed fire equipment;
- Suitable provisions for the protection of Fire Brigade personnel;
- To ensure that occupants receive the appropriate instructions & training.

## Who enforces the order?

Lancashire combined fire authority enforces all fire-safety legislation, with resources targeted at premises deemed to be high risk.

You will be provided with practical advice or a formal notice if you do not meet the order to ensure that the correct level of fire safety is achieved. Inspectors can also take action if they think your fire safety measures aren't adequate. For example, they might issue an informal notice suggesting safety measures.

They could also give you a formal fire safety notice. They'll tell you how to fix the problems described in the notice.

### *Alterations notice*

You could get an alterations notice if your premises have high safety risks or will have high safety risks if the use of the premises changes.

### *Enforcement notice*

You could get an enforcement notice if the fire and rescue authority finds a serious risk that's not being managed. It will say what improvements are needed by when.

### *Prohibition notice*

These take effect immediately if the fire and rescue authority thinks the fire risk is so great that access to your premises needs to be prohibited or restricted.

### *Appeals*

You may be able to arrange an informal review from your fire and rescue authority if you disagree with the decision to issue a fire safety notice.

You can appeal to your local magistrates' court within 21 days of receiving a notice.

In certain circumstances, you and the fire and rescue authority can ask for a 'determination' from the Communities Secretary to resolve a dispute.

### *Penalties*

You could be fined or go to prison if you don't follow fire safety regulations. Minor penalties can be up to £5,000. Major penalties can have unlimited fines and up to 2 years in prison.