



WOODFORD AND COMPANY FACTSHEET

No. 5 **FIRE SAFETY IN NON-DOMESTIC PREMISES**

ARE YOU AWARE OF YOUR RESPONSIBILITIES?

From the 1ST October 2006, the Fire Precautions Act 1971, together with other fire protection legislation was repealed and replaced by the **Regulatory Reform (Fire Safety) Order 2005**. This Order applies to almost all premises except private residential properties.

What are the main rules under the Order?

The responsible person must:-

- Carry out a fire-risk assessment identifying any possible dangers and risks;
- Consider who may be especially at risk
- Get rid of or reduce the risk from fire as far as is reasonably possible and provide general fire precautions to deal with any possible risk left;
- Take other measures to make sure there is protection if flammable or explosive materials are used or stored;
- Create a plan to deal with any emergency and, in most cases, keep a record of the findings; and
- Review your findings when necessary.

Who is responsible?

Under the Order, anyone who has control of premises or anyone who has a degree of control over certain areas or systems may be a 'responsible person'. For example, it could be:

- The employer for those parts of premises staff may go to;
- the managing agent or owner for shared parts of premises or shared fire safety equipment such as fire-warning systems or sprinklers;
- the occupier, such as self-employed people or voluntary organisations if they have any control; or
- any other person who has some control over a part of the premises.

Although in many premises the responsible person will be obvious, there may be times when a number of people have some responsibility.

Who enforces the Order?

The Fire Authority is responsible for enforcement but they will not carry out the risk assessment. The Fire authority can serve notices for improvement, alteration and prohibition.

Who carries out the assessment?

It is not compulsory but it is recommended that a fire safety risk assessment is undertaken by a professional expert. If you are the responsible person, you cannot delegate criminal liability so you should ensure that the risk assessment is satisfactory.

What are the consequences of non-compliance?

If you fail to comply with the Order, you could be prosecuted.

Non compliance with the order may vitiate a buildings insurance policy. Insurance companies may refuse to insure a property or pay on a claim unless a satisfactory fire risk assessment is produced.

If you are a tenant and the responsible person, the landlord could threaten to forfeit the lease for failure to comply with statute.

We are not experts in fire safety matters but we can put you in touch with people with the necessary expertise if you require assistance.

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