

Fire Safety Legislation

The Republic of Ireland and the four Countries of the United Kingdom each have their own National fire safety legislation. For example, The Regulatory Reform (Fire Safety) Order 2005 (as amended by the Fire Safety Act 2021), commonly known as the Fire Safety Order, is the relevant legislation in England and Wales.

Although each Country has its own distinct legislation, the Responsible Person or Duty Holder is commonly responsible for compliance with the legislation. Generally, the overall Responsible Person (RP), or Primary Duty Holder (PDH), is the person who has control of the premises, be they the building owner, the landlord, or the employer.

The RP / PDH have a key statutory duty to undertake a Fire Risk Assessment of the premises under their control. The Fire Risk Assessment's objective is to identify fire safety hazards, evaluate the risks arising from those hazards, and devise and implement a plan to eliminate or reduce the risks, so far as is reasonably practical.

The RP / PDH can commonly delegate duties to employees, third party contractors and / or managing agents and the like. While delegation of a duty places a responsibility on the delegate, the overall duty always remains with the RP / PDH. Consequently, it is important that the RP / PDH appoint competent assistance. Failure to do so is a breach of Fire Safety legislation.

There are fourteen distinct duties set out in The Regulatory Reform (Fire Safety) Order 2005 (as amended by the Fire Safety Act 2021). The Government produces guidance documents on how to comply with the relevant legislation and how to carry out a Fire Risk Assessment. It should be noted that the Responsible Person or Primary Duty Holder is liable for prosecution if they are found to be in breach of legislation and the enforcing authorities are of the opinion that the circumstances which have given rise to the breach would, in the event of a fire, place relevant persons at risk of injury or death.

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Key Legislation

England

- The Building Safety Act 2022
- The Regulatory Reform (Fire Safety) Order 2005 (as amended by the Fire Safety Act 2021)
- The Fire Safety (England) Regulations 2022
- Smoke Free (Premises and Enforcement) Regulations 2006

Wales

- The Building Safety Act 2022
- The Regulatory Reform (Fire Safety) Order 2005 (as amended by the Fire Safety Act 2021)

Scotland

- Part 3 of the Fire (Scotland) Act 2005
- Supported by the Fire Safety (Scotland) Regulations 2006.
- Northern Ireland
- The Fire and Rescue Services (Northern Ireland) Order 2006
- The Fire Safety Regulations (Northern Ireland) 2010

Republic of Ireland

- Fire Services Act 1981 & 2003.
- Safety, Health and Welfare Act (2005) and Safety, Health and Welfare at Work Act (2007)
- Building Control Act 1990 & 2007.
- Channel Isles
- Fire Precautions (Jersey) Law 1977
- Fire Precautions (Designated Premises) (Jersey) Regulations 2012

Isle of Man

- Fire Precautions Act 1975 (FP Act 75)
- Management of Health & Safety at Work Regulations 2003 (MH&SW)

For more information, please contact us on **020 7960 3939** or visit our website: www.metro-safety.co.uk

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