

The History of Fire Safety Legislation

Modern fire legislation can be traced to "Great Fires" in the Middle Ages, after which followed requirements to prevent fire spread between buildings. Subsequently, all fire legislation has been traceable to fire disasters.

The Factories Act 1961 followed a fire at a mill, the Offices Shops and Railway Premises Act 1963 followed a fire at a department store, while the Bradford stadium and King's Cross fires each led to further legislation.

The cornerstone of fire legislation for the past 30 years, the Fire Precautions Act, came into force after a disastrous fire at an hotel in 1969.

This "stable door" approach has caused fire safety legislation to be fragmented. The new Fire Safety Order comes not from a disaster, but from the need for rationalization, and from deregulation policies. It heralds a new era of risk proportionate fire precautions, based on assessment of fire risk ■

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risk assessment, which must be "suitable and sufficient". It is essential that the risk assessment is carried out properly, as the fire and rescue authority no longer issue fire certificates that specify the fire precautions required.

The Fire Safety Order also makes other specific requirements for managerial arrangements. These relate to fire procedures, maintenance of fire precautions, recording of fire safety arrangements and provision of information to third parties and their employees who work in, or share, the building. The RP must also, where necessary, appoint competent persons to use the fire extinguishing appliances, and to assist with evacuation. The RP must also appoint competent persons to advise on compliance with the Fire Safety Order.

Virtually all requirements imposed on the RP are also imposed on other persons having control of premises. Such persons can include landlords and managing agents in buildings in multiple occupation, but duties also extend to, for example, the common parts of blocks of flats, and can be imposed on contractors carrying out maintenance of fire protection equipment.

What are the implications of not complying with the new legislation?

If the Fire Safety Order is breached by an organisation, an enforcement notice may be issued; failure to comply with the notice is an offence. In more serious cases, prosecution may occur if one or more persons is placed at risk of serious injury or death. The maximum penalty for such an offence is two years' imprisonment and/or a heavy fine. The only defence is to prove that all due diligence was shown and everything reasonably practicable was done to prevent the breach; even this defence is not available if it is an employee who is exposed to such risk ■

Trading Tip!

The new legislation has defined your customer as the Responsible Person - this is who you need to focus on. They can delegate their tasks but they CAN'T delegate their duties!