
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 348

**Fire Precautions (Workplace)
Regulations (Northern Ireland) 2001**

Part IV

Enforcement and offences

Disapplication of the 1978 Order

9.—(1) For the purposes of Articles 18 to 26, 28, 30 to 37, 39 and 43 of the 1978 Order, the provisions of the workplace fire precautions legislation shall be deemed (to the extent they would otherwise be so regarded) not to be provisions of health and safety regulations or provisions forming part of the relevant statutory provisions.

(2) In these Regulations “the workplace fire precautions legislation” means—

(a) Part II except insofar as that Part applies to—

(i) any workplace which is or is in or on a ship within the meaning of section 313(1) of the Merchant Shipping Act 1995 when such a ship is in the course of construction or is in the course of repair by persons who include persons other than the master and crew of the ship;

(ii) any workplace, other than a building on the surface at a mine, to the extent that it comprises premises to which the Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991(1) apply; and

(b) regulations 1 to 5, 7 to 12 and 13(2) and (3) of the 2000 Management Regulations (as amended by Part III), insofar as those regulations—

(i) impose requirements concerning general fire precautions to be taken or observed by an employer; and

(ii) have effect in relation to a workplace other than an excepted workplace,

and for this purpose “general fire precautions” means measures which are to be taken or observed in relation to the risk to the safety of employees in case of fire in a workplace, other than any special precautions in connection with the carrying on of any manufacturing process.

(3) In this regulation “health and safety regulations” and “relevant statutory provisions” have the meanings given to them by Article 2(2) of the 1978 Order.

Enforcement

10.—(1) It shall be the duty of the Authority to enforce the workplace fire precautions legislation.

(2) The Authority may perform its functions under these Regulations through members of the fire brigade authorised by the Chief Fire Officer pursuant to Article 39 of the 1984 Order⁽²⁾.

(3) In Articles 50 and 51 of the 1984 Order (which authorise the appointment of inspectors and the holding of inquiries for obtaining information as to the performance by the Authority of its functions under that Order) the references to that Order shall be read as including references to these Regulations.

Serious cases: offence

11.—(1) A person shall be guilty of an offence if—

- (a) being under a requirement to do so, he fails to comply with any provision of the workplace fire precautions legislation; and
- (b) that failure places one or more employees at risk of death or serious injury in case of fire.

(2) Any person guilty of an offence under this regulation shall be 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 both.

(3) In any proceedings for an offence under this regulation it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) A person is not guilty of an offence under this regulation in respect of any failure to comply with the workplace fire precautions legislation which is the subject of an enforcement notice.

Serious cases: prohibition notices

12.—(1) Articles 33 to 33B of the 1984 Order⁽³⁾ (special procedure in case of serious risk: prohibition notices) shall apply to—

- (a) tents and other movable structures (other than vessels);
- (b) places of work in the open air; and
- (c) vessels remaining moored or remaining on dry land,

which are relevant workplaces.

(2) For the purposes of paragraph (1), a “relevant workplace” is a workplace other than an excepted workplace.

Enforcement notices

13.—(1) Where the Authority is of the opinion that a person, being under an obligation to do so, has failed to comply with any provision of the workplace fire precautions legislation in respect of a workplace, or employees who work in a workplace, the Authority may serve on that person a notice (in these Regulations referred to as “an enforcement notice”) which—

- (a) states that it is of that opinion and why;
- (b) specifies what steps it considers are necessary to remedy that failure;
- (c) requires that person to take steps to remedy the failure within such period from the date of service of the notice (not being less than 21 days) as may be specified in the notice; and

(2) Article 39 is amended prospectively by [S.I. 1993/1578 \(N.I. 7\)](#), Article 13

(3) Article 33 was substituted, and Articles 33A and 33B were inserted by [S.I. 1993/1578 \(N.I. 7\)](#), Article 12

- (d) explains how, where, within what period and on what grounds an appeal may be brought against the enforcement notice.
- (2) Before serving an enforcement notice which would oblige a person to make an alteration to a building or structure, the Authority shall consult—
 - (a) such persons as it would have been required to consult under Article 38 of the 1984 Order⁽⁴⁾ (Authority to consult other authorities before requiring alterations to buildings) if the proposed enforcement notice had been an improvement notice proposed to be issued under Article 31C of that Order⁽⁵⁾; and
 - (b) any other person whose consent to the alteration would be required by or under any statutory provision.
- (3) Where an enforcement notice has been served—
 - (a) the Authority may withdraw the notice at any time before the end of the period specified in the notice; and
 - (b) if an appeal against the notice is not pending, the Authority may extend or further extend the period specified in the notice.
- (4) Without prejudice to the power of the court to cancel or modify an enforcement notice under regulation 14, no failure on the part of the Authority to consult under paragraph (2) shall make an enforcement notice void.

Enforcement notices: rights of appeal

- 14.—(1) A person on whom an enforcement notice is served may, within 21 days from the day on which the enforcement notice is served, appeal to the court.
- (2) On an appeal under this regulation the court may either cancel or affirm the enforcement notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.
- (3) Where an appeal is brought under this regulation against an enforcement notice, the bringing of the appeal shall have the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.
- (4) In this regulation “the court” means a county court having jurisdiction over the division in which any relevant workplace is situated, and for this purpose, “relevant workplace” is a workplace in respect of which the enforcement notice was served.

Enforcement notices: offence

- 15.—(1) It is an offence for a person to contravene any requirement imposed by an enforcement notice.
- (2) Any person guilty of an offence under paragraph (1) shall be 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 both.
- (3) In any proceedings for an offence under this regulation it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) Article 38 was amended by S.I. 1993/1578 (N.I. 7), Article 9(2)

(5) Article 31C was inserted by S.I. 1993/1578 (N.I. 7), Article 9(1)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
