
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 456

The Fire Safety (Scotland) Regulations 2006

PART III

FIRE SAFETY

Fire safety arrangements

10.—(1) In carrying out duties to which a person is subject by virtue of section 53(2)(b), 53(3)(b), 54(2)(b) or 54(5)(b), a person must make and give effect to such arrangements as are appropriate, having regard to the size of his or her undertaking and the nature of its activities, for the effective planning, organisation, control, monitoring and review of the fire safety measures within the meaning of schedule 2 to the 2005 Act.

- (2) That person must record the arrangements referred to in paragraph (1) where—
- (a) he or she employs five or more employees; or
 - (b) a licence or registration under an enactment is required in relation to the relevant premises; or
 - (c) an alterations notice requiring this by virtue of section 65(6)(b) is in force in relation to the relevant premises.

Elimination or reduction of risks from dangerous substances

11.—(1) Where a dangerous substance is present in relevant premises, a person having duties under section 53 or 54 must ensure that risk to relevant persons related to the presence of the substance is either eliminated or reduced so far as is reasonably practicable.

(2) In complying with the duty under paragraph (1), a person must, so far as is reasonably practicable, replace a dangerous substance, or the use of a dangerous substance, with a substance or process which either eliminates or reduces the risk to relevant persons.

(3) Where it is not reasonably practicable to eliminate risk pursuant to paragraphs (1) and (2), a person must, so far as is reasonably practicable, apply measures consistent with the assessment under section 53 or 54 and appropriate to the nature of the activity or operation, including the measures specified in the Schedule to—

- (a) control the risk, and
 - (b) mitigate the detrimental effects of fire.
- (4) The person with duties under section 53 or 54 must also—
- (a) arrange for the safe handling, storage and transport of dangerous substances and waste containing dangerous substances; and
 - (b) ensure that any conditions necessary pursuant to these Regulations and the 2005 Act for ensuring the elimination or reduction of risk are maintained.

Means for fighting fire and means for giving warning in the event of fire

12.—(1) Where necessary (whether due to the features of the relevant premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to ensure the safety of relevant persons in respect of harm caused by fire, a person with duties under section 53 or 54 must ensure that—

- (a) the relevant premises are, to the extent that it is appropriate, equipped with appropriate means for fighting fire and means for giving warning in the event of fire; and
- (b) any non-automatic fire-fighting equipment so provided is easily accessible, simple to use and indicated by signs.

(2) For the purposes of paragraph (1), what is appropriate is to be determined having regard to the dimensions and use of the relevant premises, the equipment contained in the relevant premises, the physical and chemical properties of the substances likely to be present and the maximum number of persons who may be present at any one time.

(3) The person with duties under section 53 or 54 must, where necessary—

- (a) take measures for fighting fire in the relevant premises, adapted to the nature of the activities carried on there and the size of the undertaking and of the relevant premises concerned;
- (b) nominate competent persons to implement those measures and ensure that the number of such persons, their training and the equipment available to them are adequate, taking into account the size of, and the specific hazards involved in, the relevant premises concerned; and
- (c) arrange any necessary contacts with external emergency services, particularly as regards fire fighting and rescue work.

Means of escape

13.—(1) Where necessary in order to ensure the safety of relevant persons in respect of harm caused by fire, the person with duties under section 53 or 54 must ensure that routes to emergency exits from relevant premises and the exits themselves are kept free from obstruction at all times.

(2) The following requirements must be complied with in respect of relevant premises where necessary (whether due to the features of the relevant premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to ensure the safety of relevant persons in respect of harm caused by fire:—

- (a) emergency routes and exits must lead as directly as possible to a safe area beyond the relevant premises;
- (b) in the event of danger from fire, it must be possible for persons to evacuate the relevant premises as quickly and as safely as possible;
- (c) the number, distribution and dimensions of emergency routes and exits must be adequate having regard to the use of, equipment contained in, and the dimensions of the relevant premises and the maximum number of persons who may be present there at any one time;
- (d) doors on the emergency route shall open in the direction of escape;
- (e) sliding or revolving doors must not be used for exits specifically intended as emergency exits;
- (f) doors on the emergency route must not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency;
- (g) emergency routes and exits must be indicated by signs; and

- (h) emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in the case of failure of their normal lighting.

Procedures for serious and imminent danger from fire and for danger areas

14.—(1) A person with duties under section 53 or 54 must—

- (a) establish and, where necessary, give effect to appropriate procedures, including fire safety drills, to be followed in relevant premises in the event of serious and imminent danger to relevant persons from fire;
- (b) nominate a sufficient number of competent persons to implement those procedures in so far as they relate to the evacuation of relevant persons from the relevant premises; and
- (c) ensure that no relevant person has access to any area to which it is necessary to restrict access on grounds of safety in respect of harm caused by fire, unless the person concerned has received adequate safety instruction.

(2) Without prejudice to the generality of paragraph (1)(a), the procedures referred to in that subparagraph must—

- (a) so far as is practicable, require any relevant persons who are exposed to serious and imminent danger from fire to be informed of the nature of the hazard and of the steps taken or to be taken to protect them from it;
- (b) enable the relevant persons concerned (if necessary by taking appropriate steps in the absence of guidance or instruction and in the light of their knowledge and the technical means at their disposal) to stop work and immediately proceed to a safe area beyond the relevant premises in the event of their being exposed to serious, imminent and unavoidable danger from fire; and
- (c) save in exceptional cases for reasons duly substantiated (which cases and reasons must be specified in those procedures), require the relevant persons concerned to be prevented from resuming work in any situation where there is still a serious and imminent danger from fire.

Additional emergency measures in respect of dangerous substances

15.—(1) Subject to paragraph (4), in order to ensure the safety in respect of harm caused by fire of relevant persons arising from an accident, incident or emergency related to the presence of a dangerous substance in the relevant premises, the person with duties under section 53 or 54 must ensure that—

- (a) information on emergency arrangements is available, including—
 - (i) details of relevant work hazards and hazard identification arrangements; and
 - (ii) specific hazards likely to arise at the time of an accident, incident or emergency;
- (b) suitable warning and other communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs;
- (c) where necessary, before any explosion conditions are reached, visual or audible warnings are given and relevant persons withdrawn; and
- (d) where the assessment indicates it is necessary, escape facilities are provided and maintained to ensure that, in the event of danger, relevant persons can leave endangered places promptly and safely.

(2) Subject to paragraph (4), the person with duties under section 53 or 54 must ensure that the information required by regulation 14(1)(a) and paragraph (1)(a) of this regulation, together with information on the matters referred to in paragraphs (1)(b) and (d) is—

- (a) made available to relevant accident and emergency services to enable those services, whether internal or external to the relevant premises, to prepare their own response procedures and precautionary measures; and
- (b) displayed at the relevant premises, unless the results of the assessment make this unnecessary.

(3) Subject to paragraph (4), in the event of a fire arising from an accident, incident or emergency related to the presence of a dangerous substance in the relevant premises, the person with duties under section 53 or 54 must ensure that—

- (a) immediate steps are taken to—
 - (i) mitigate the effects of the fire;
 - (ii) restore the situation to normal; and
 - (iii) inform those relevant persons who may be affected; and
- (b) only those persons who are essential for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with—
 - (i) appropriate personal protective equipment and protective clothing; and
 - (ii) any necessary specialised safety equipment and plant,

which must be used until the situation is restored to normal.

(4) Paragraphs (1) to (3) do not apply where—

- (a) the results of the assessment show that, because of the quantity of each dangerous substance in the premises, there is only a slight risk to relevant persons; and
- (b) the measures taken by the person with duties under section 53 or 54 to comply with his or her duty under regulation 11 are sufficient to control that risk.

Maintenance

16.—(1) Where necessary in order to ensure the safety of relevant persons in respect of harm caused by fire the person with duties under section 53 or 54 must ensure that the relevant premises and any facilities, equipment and devices provided in respect of the relevant premises under these Regulations or, subject to paragraph (5), under any other enactment, including any enactment repealed or revoked by, under, or by virtue of the 2005 Act, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

(2) Where the relevant premises form part of a building, the person with duties under section 53 or 54 may make arrangements with the occupier of any premises forming part of the building for the purpose of ensuring that the requirements of paragraph (1) are met.

(3) Paragraph (2) applies even if the other premises are not relevant premises.

(4) Where the occupier of the other premises is not also the owner of those premises, the reference to the occupier in paragraph (2) is taken to be a reference to both the occupier and the owner.

(5) Paragraph (1) only applies to facilities, equipment and devices provided under other enactments where they are provided in connection with fire safety measures.

Safety assistance

17.—(1) The person with duties under section 53 or 54 must, subject to paragraphs (5) and (6), nominate one or more competent persons to assist him or her in undertaking the measures necessary to comply with the Chapter 1 duties.

(2) Where the person with duties under section 53 or 54 nominates persons in accordance with paragraph (1), he or she must make arrangements for ensuring adequate co-operation between them.

(3) The person with duties under section 53 or 54 must ensure that the number of persons nominated under paragraph (1), the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks to which relevant persons are exposed and the distribution of those risks throughout the relevant premises.

(4) The person with duties under section 53 or 54 must ensure that—

(a) any person nominated by him or her in accordance with paragraph (1) who is not in his or her employment—

(i) is informed of the factors known or suspected by him or her to affect the safety in respect of harm caused by fire of any other person who may be affected by the carrying on by him or her (whether for profit or not) of an undertaking; and

(ii) where regulation 18(3) applies, has access to the information referred to in regulation 18(3); and

(b) any person nominated by him or her in accordance with paragraph (1) is given such information about any person working in his or her undertaking who is—

(i) employed by him or her under a fixed-term contract of employment, or

(ii) employed in an employment business,

as is necessary to enable that person properly to carry out the function specified in that paragraph.

(5) Paragraph (1) does not apply to a self-employed person who is not in partnership with any other person, where he or she has sufficient training and experience or knowledge and other qualities properly to undertake the fire safety measures.

(6) Paragraph (1) does not apply to individuals who are together carrying on business in partnership, where at least one of the individuals concerned has sufficient training and experience or knowledge and other qualities—

(a) properly to undertake the fire safety measures; and

(b) properly to assist his or her fellow partners in undertaking those measures.

(7) Where there is a competent person in the employment of a person with duties under section 53 or 54, that competent person must be nominated for the purposes of paragraph (1) in preference to a competent person not in his or her employment.

Provision of information to employees

18.—(1) An employer must provide his or her employees with comprehensible and relevant information on—

(a) the risks to them identified by the assessment carried out or reviewed under section 53 and these Regulations;

(b) the fire safety measures taken in accordance with section 53(2)(b) or section 53(3)(b);

(c) the procedures referred to in regulation 14(1)(a);

(d) the identities of those persons nominated by him or her in accordance with regulation 12(3) (b) or nominated in accordance with regulation 14(1)(b); and

(e) the risks notified to him or her in accordance with regulation 21(1)(c).

(2) An employer must, before employing a child, provide a parent of the child with comprehensible and relevant information on—

- (a) the risks to that child identified by the assessment carried out or reviewed under section 53 and these Regulations;
- (b) the fire safety measures taken in accordance with section 53(2)(b) or section 53(3)(b); and
- (c) the risks notified to him or her in accordance with regulation 21(1)(c),

and for the purposes of this paragraph, “parent of the child” includes a person with parental responsibilities, within the meaning of section 1(3) of the Children (Scotland) Act 1995(1), in relation to the child.

(3) Where a dangerous substance is present in the relevant premises, an employer must, in addition to the information provided under paragraph (1) provide his or her employees with—

- (a) the details of any such substance including—
 - (i) the name of the substance and the risk which it presents;
 - (ii) access to any relevant safety data sheet; and
 - (iii) legislative provisions (concerning the hazardous properties of any such substance) which apply to the substance; and
 - (b) the significant findings of the assessment carried out or reviewed under section 53 and these Regulations.
- (4) The information required by paragraph (3) must be—
- (a) adapted to take account of significant changes in the activity carried out or methods of work used by the employer; and
 - (b) provided in a manner appropriate to the risk identified by the assessment carried out or reviewed under section 53 and these Regulations.

Provision of information to employers and the self-employed from outside undertakings

19.—(1) A person with duties under section 53 or 54 must ensure that the employer of any employees from an outside undertaking who are working in the relevant premises is provided with comprehensible and relevant information on—

- (a) the risks to those employees; and
- (b) the fire safety measures taken by the person with duties under section 53 or 54.

(2) A person with duties under section 53 or 54 must ensure that any person working in his or her undertaking who is not his or her employee is provided with appropriate instructions and comprehensible and relevant information regarding any risks to that person.

(3) A person with duties under section 53 or 54 must—

- (a) ensure that the employer of any employees from an outside undertaking who are working in the relevant premises is provided with sufficient information to enable that employer to identify any person nominated by the person with duties under section 53 or 54 in accordance with regulation 14(1)(b) to implement evacuation procedures as far as those employees are concerned; and
- (b) take all reasonable steps to ensure that any person from an outside undertaking who is working in the relevant premises receives sufficient information to enable that person to identify any person nominated by the person with duties under section 53 or 54 in accordance with regulation 14(1)(b) to implement evacuation procedures as far as they are concerned.

Training

20.—(1) An employer with duties under section 53 must ensure that his or her employees are provided with adequate fire safety training—

- (a) at the time when they are first employed; and
- (b) on their being exposed to new or increased risks because of—
 - (i) their being transferred or given a change of responsibilities within the employer’s undertaking; or
 - (ii) the introduction of new work equipment into, or a change respecting work equipment already in use within, the employer’s undertaking; or
 - (iii) the introduction of new technology into the employer’s undertaking; or
 - (iv) the introduction of a new system of work into, or a change respecting a system of work already in use within, the employer’s undertaking.

(2) The training referred to in paragraph (1) must—

- (a) include sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard himself or herself and other relevant persons on the premises;
- (b) be repeated periodically when appropriate;
- (c) be adapted to take account of any new or changed risks;
- (d) be provided in a manner appropriate to the risk identified by the assessment carried out or reviewed under section 53; and
- (e) take place during working hours.

Co-operation and co-ordination

21.—(1) Where two or more persons with duties under section 53 or 54 share, or have duties in respect of, relevant premises (whether on a temporary or a permanent basis) each such person must—

- (a) co-operate with the other persons concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed on them by or under these Regulations and the 2005 Act;
- (b) (taking into account the nature of his or her activities) take all reasonable steps to co-ordinate the measures he or she takes to comply with the requirements and prohibitions imposed on him or her by or under these Regulations and the 2005 Act with the measures the other persons are taking to comply with the requirements and prohibitions imposed on them by or under these Regulations and the 2005 Act; and
- (c) take all reasonable steps to inform the other persons with duties under section 53 or 54 concerned of the risks to relevant persons arising out of or in connection with the conduct by him or her of his or her undertaking.

(2) Where two or more persons with duties under section 53 or 54 share relevant premises (whether on a temporary or a permanent basis) where an explosive atmosphere may occur, the person with such duties who has overall responsibility for the relevant premises must co ordinate the implementation of all the measures required by the Chapter 1 duties to be taken to protect relevant persons from any risk from the explosive atmosphere.

Duties of employees

22. Each employee must, while at work, inform his or her employer or any other employee with specific responsibility for the safety in respect of harm caused by fire of his or her fellow employees—

- (a) of any work situation which a person with the first-mentioned employee's training and instruction would reasonably consider represented a serious and immediate danger to safety in respect of harm caused by fire; and
- (b) of any matter which a person with the first-mentioned employee's training and instruction would reasonably consider represented a shortcoming in the employer's protection arrangements for safety in respect of harm caused by fire,

in so far as that situation or matter either affects the safety in respect of harm caused by fire of that first-mentioned employee or arises out of or in connection with his or her own activities at work, and has not previously been reported to his or her employer or to any other employee of that employer in accordance with this regulation.