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## STATUTORY INSTRUMENTS

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# 1984 No. 1821

## The Fire Services (Northern Ireland) Order 1984

### PART III

#### FIRE PRECAUTIONS

##### *Premises for which fire certificates are required*

#### **Interpretation**

**21.**—(1) In this Part—

“authorised member of the fire brigade” means any member of the fire brigade authorised under Article 39;

“building” includes a temporary or movable building and also includes any permanent structure and any temporary structure other than a movable one;

“building regulations” means regulations made under Article 3 of the Building Regulations (Northern Ireland) Order 1979<sup>F1</sup>;

“designated use” has the meaning assigned by Article 22 (1);

[<sup>F2</sup>“escape”, in relation to premises, means escape from them to some place of safety beyond the building which constitutes or comprises the premises and any area enclosed by it or enclosed with it;]

“fire certificate” has the meaning assigned by Article 22 (1);

“furniture” includes furnishings (including wall-coverings and ceiling-coverings of all sorts, as well as floor-coverings);

“premises” means building or part of a building;

[<sup>F2</sup>“prohibition notice” means a notice under Article 33(2);]

“the relevant building”, in relation to—

- (a) any premises with respect to which a notice under Article 24 is in force;
- (b) any premises which are the subject of an application for a fire certificate; or
- (c) any premises with respect to which a fire certificate is in force, means the building constituting or comprising the premises in question;

“work” has the same meaning as in the Health and Safety at Work (Northern Ireland) Order 1978<sup>F3</sup>.

[<sup>F2</sup>(2) For the purposes of any provision of this Part relating to means of escape, consideration may be given to, and conditions or requirements imposed as respects, any place or thing by means of which a person escapes from premises to a place of safety; and “means of escape” shall be construed accordingly.]

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Fire Services (Northern Ireland) Order 1984, Cross Heading: Premises for which fire certificates are required. (See end of Document for details)*

- F1** S.I. 1979/1709 (N.I. 16).  
**F2** 1993 NI 7  
**F3** S.I. 1978/1039 (N.I. 9).

### Uses of premises for which fire certificate is compulsory

**22.**—(1) A certificate issued under this Part by the Authority (in this Part referred to as a “fire certificate”) shall, subject to any exemption conferred by or under this Part, be required in respect of any premises which are put to a use for the time being designated under this Article (in this Part referred to as a “designated use”).

(2) For the purposes of this Article, the Department may by order designate particular uses of premises, but shall not so designate any particular use unless it falls within at least one of the following classes of use, that is to say—

- (a) use as, or for any purpose involving the provision of, sleeping accommodation;
- (b) use as, or as part of, an institution providing treatment or care;
- (c) use for purposes of entertainment, recreation or instruction or for purposes of any club, society or association;
- (d) use for purposes of teaching, training or research;
- (e) use for any purpose involving access to the premises by members of the public, whether on payment or otherwise;
- (f) use as a place of work.

(3) An order under this Article may provide that a fire certificate shall not by virtue of this Article be required for premises of any description specified in the order, notwithstanding that they are or form part of premises which are put to a designated use.

[<sup>F4</sup>(3A) An order under this Article may, as respects any designated use, specify descriptions of premises which qualify for exemption by the Authority under Article 26A from the requirement for a fire certificate in respect of premises which are put to that use.]

(4) For the purpose of any provision made in an order under this Article by virtue of paragraph (3)[<sup>F4</sup> or 3A], a description of premises may be framed by reference to the purpose for which premises are used or the frequency of their use for any purpose[<sup>F4</sup> or their situation, construction or arrangement] or by reference to any other circumstances whatsoever.

(5) An order under this Article may include such supplementary and incidental provisions as appear to the Department to be necessary or expedient for the purposes of the order.

(6) Without prejudice to any exemption conferred by or under this Part, where premises consisting of a part of a building are put to a designated use, any other part of the building which is occupied together with those premises in connection with that use of them shall for the purposes of this Part be treated as forming part of the premises put to that use.

- F4** 1993 NI 7

### Premises exempt from Article 22

**23.** No fire certificate shall by virtue of Article 22 be required in respect of—  
*Sub-para.(a) rep. by 1993 NI 7*

- (b) any premises consisting of or comprised in a house which is occupied as a single private dwelling; or

- (c) any premises to which health and safety regulations, made under Article 17 of the Health and Safety at Work (Northern Ireland) Order 1978 for the purposes of paragraph 11 of Schedule 3 to that Order, apply.

**Power to make fire certificate compulsory for use of premises as dwelling etc.**

**24.—**(1) This Article applies to any premises not for the time being excluded by paragraph (2) which have been, are being or are to be, used as a dwelling if—

- (a) the premises consist of or comprise a room which has been, is being or is to be, used as living accommodation and which—
  - (i) is below the ground floor of the building which constitutes or comprises the premises;
  - (ii) is two or more floors above the ground floor of that building; or
  - (iii) is a room of which the floor is 6 metres or more above the surface of the ground on any side of that building; or
- (b) explosive or highly flammable materials of any prescribed kind have been, are being or are to be, kept anywhere under, in or on the building which constitutes or comprises the premises in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this sub-paragraph as the maximum in relation to materials of that kind.

(2) This Article does not apply to—

- (a) any premises consisting of or comprised in a house which is occupied as a single private dwelling;
- (b) any premises consisting of or comprised in a house which is occupied by persons who do not form a single household.

(3) If in the case of any premises it appears to the Authority that they are premises to which this Article applies, the Authority may serve a notice under this Article relating to those premises on either—

- (a) the occupier of the premises;
- (b) the owner of the premises; or
- (c) a person (whether the occupier or owner of the premises or not) having the overall management of the building constituting or comprising the premises.

(4) A notice under this Article shall—

- (a) specify the premises to which it relates;
- (b) give particulars of the facts by reason of which it appears to the Authority that this Article applies to the premises;
- (c) specify one of the positions mentioned in paragraph (3) and state that the person on whom the notice is served is being served with it as the occupier of that position;
- (d) indicate that on the coming into force of the notice a fire certificate will, in the circumstances mentioned in paragraph (6), be required in respect of the premises to which the notice relates; and
- (e) state the right of appeal against the notice conferred by Article 25 and the time within which such an appeal may be brought.

(5) Before serving a notice under this Article the Authority shall consult the Northern Ireland Housing Executive.

(6) A fire certificate shall be required in respect of any premises which, while this Article applies to them and there is in force a notice under this Article relating to them, are used as a dwelling.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Fire Services (Northern Ireland) Order 1984, Cross Heading: Premises for which fire certificates are required. (See end of Document for details)*

(7) Where, in the case of any premises, there is in force a notice under this Article relating to them and it appears to the Authority that the notified person has ceased to occupy the specified position, the Authority may serve a fresh notice under this Article in respect of the premises; and on the coming into force of a notice served by virtue of this paragraph, the previous notice relating to the premises shall cease to have effect.

(8) In this Part—

- (a) “the notified persons”, in relation to any premises in respect of which a notice under this Article is in force, means the person on whom that notice was served; and
- (b) “the specified position”, in relation to a notice served under this Article, means the position specified in the notice in pursuance of paragraph (4) (c).

#### **Right of appeal against, and coming into force of, notices under Article 24**

**25.**—(1) Where a notice under Article 24 is served in respect of any premises, the person on whom it is served may within 21 days from the service of the notice appeal to the county court, in accordance with county court rules, on either or both of the following grounds, that is to say—

- (a) that the premises to which the notice relates are not premises to which Article 24 applies; or
- (b) that he does not occupy the specified position.

(2) On an appeal under this Article the court, if satisfied as to either of the grounds mentioned in paragraph (1), shall by order cancel the notice, but shall otherwise by order confirm it.

(3) A notice served under Article 24 shall come into force only if it does so by virtue of paragraph (4).

(4) A notice served under Article 24 shall, unless previously withdrawn by the Authority, come into force—

- (a) where no appeal under this Article is brought against it within the time mentioned in paragraph (1), at the end of 21 days from the expiration of that time;
- (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, at the end of 21 days from the date of withdrawal or dismissal of the appeal;
- (c) where such an appeal is so brought, is not withdrawn or dismissed as aforesaid, and is finally determined by the confirmation of the notice, at the end of 21 days from the date of the final determination of the appeal.

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the The Fire Services (Northern Ireland) Order 1984, Cross Heading: Premises for which fire certificates are required.