
STATUTORY INSTRUMENTS

1993 No. 1578

The Fire Services (Amendment) (Northern Ireland) Order 1993

General duty as to means of escape and for fighting fire; codes of practice and improvement notices

9.—(1) For Article 31 of the principal Order (duty to provide certain premises with means of escape in case of fire) there shall be substituted—

“Duty as to means of escape and for fighting fire

31.—(1) All premises to which this Article applies shall be provided with—

- (a) such means of escape in case of fire, and
- (b) such means for fighting fire,

as may reasonably be required in the circumstances of the case.

(2) The premises to which this Article applies are premises which are exempt from the requirement for a fire certificate by virtue of—

- (a) a provision made in an order under Article 22 by virtue of paragraph (3) of that Article, or
- (b) the grant of exemption by the Authority under Article 26A.

(3) In the event of a contravention of the duty imposed by paragraph (1) the occupier of the premises shall, except as provided in paragraph (4), be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person is not guilty of an offence under this Article in respect of any contravention of the duty imposed by paragraph (1) which is the subject of an improvement notice under Article 31C.

Codes of practice as to means of escape and for fighting fire

31A.—(1) The Department may, after consultation with such persons or bodies of persons as appear to the Department requisite,—

- (a) prepare and issue codes of practice for the purpose of providing practical guidance on how to comply with the duty imposed by Article 31; and
- (b) revise any such code by revoking, varying, amending or adding to the provisions of the code.

(2) A code shall not be issued or revised unless a draft of it has been laid before and approved by a resolution of the Assembly.

(3) In this Order references to a code of practice under this Article are references to such a code as it has effect for the time being, with any revisions, under this Article.

Legal effect of codes of practice

31B.—(1) A failure on the part of a person to observe any provision of a code of practice under Article 31A shall not of itself render him liable to any criminal or civil proceedings.

(2) If, in any proceedings whether civil or criminal under this Order, it is alleged that there has been a contravention on the part of any person of the duty imposed by Article 31—

- (a) a failure to observe a provision of a code of practice under Article 31A may be relied on as tending to establish liability, and
- (b) compliance with such a code may be relied on as tending to negative liability.

Improvement notices

31C.—(1) Where the Authority is of the opinion that the duty imposed by Article 31 has been contravened in respect of any premises to which that Article applies, the Authority may serve on the occupier of those premises a notice (“an improvement notice”) which—

- (a) states the Authority is of that opinion;
- (b) specifies, by reference to a code of practice under Article 31A if the Authority thinks fit, what steps the Authority considers are necessary to remedy that contravention; and
- (c) requires the occupier to take steps to remedy that contravention within such period (ending not earlier than the period within which an appeal against the improvement notice can be brought under Article 31D) as may be specified in the notice.

(2) Where an improvement notice has been served under paragraph (1)—

- (a) the Authority may withdraw that notice at any time before the end of the period specified in the notice; and
- (b) if an appeal against the improvement notice is not pending, the Authority may extend or further extend the period specified in the notice.

(3) Where any premises are premises to which Article 31 applies and—

- (a) the building which constitutes or comprises the premises is a building to which at the time of its erection building regulations imposing requirements as to means of escape in case of fire applied; and
- (b) in connection with the erection of that building plans were, in accordance with building regulations, deposited with a district council, or former local authority,

the Authority shall not in pursuance of paragraph (1) serve an improvement notice requiring structural or other alterations relating to the means of escape from the premises unless the requirements of paragraph (4) are satisfied in relation to those premises.

(4) The requirements of this paragraph are satisfied in relation to such premises as are mentioned in paragraph (3) if—

- (a) regulations are in operation under Article 34 applying to the premises in relation to any use of them as respects which exemption under Article 26A has been granted, being regulations which impose requirements as to means of escape in case of fire, and the Authority is satisfied that alterations to the building which constitutes or comprises the premises are necessary to bring the premises into compliance with the regulations in respect of those requirements; or
- (b) the Authority is satisfied that the means of escape in case of fire with which the premises are provided are inadequate in relation to any such use of the premises by reason of matters or circumstances of which particulars were not required by or under the building regulations to be supplied in connection with the deposit of plans.

(5) In this Article “structural or other alterations relating to means of escape from the premises”, in relation to any such premises as are mentioned in this Article, means structural or other alterations directly connected with the provision of the premises with adequate means of escape in case of fire.

Rights of appeal against improvement notices

31D.—(1) A person on whom an improvement notice is served may, within 21 days from the date on which the improvement notice is served, appeal to the county court in accordance with county court rules.

(2) On an appeal under this Article, the county court may either cancel or affirm the 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 Article against an improvement 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.

Provision as to offences

31E.—(1) It is an offence for a person to contravene any requirement imposed by an improvement 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;

(b) on conviction on indictment, to a fine, or imprisonment for a term not exceeding 2 years, or both.”.

(2) In Article 38(1) of the principal Order (Authority to consult other authorities before requiring alterations to buildings), in sub-paragraph (b), after “Article 29(6) or (7)” there shall be inserted “Article 31C” and after the words “would have to be taken” there shall be inserted “or, in the case of a notice under Article 31C, which must be taken”.