
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 348

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

Part II

Fire precautions in the workplace

Application of Part II

3.—(1) Every employer shall ensure that the requirements of this Part are complied with in respect of every workplace, other than an excepted workplace, which is to any extent under his control.

(2) Every person, other than the employer referred to in paragraph (1), who has, to any extent, control of a workplace, other than an excepted workplace, shall ensure that, so far as it relates to matters within his control, the workplace complies with any applicable requirement of this Part.

(3) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

- (a) the maintenance or repair of any workplace; or
- (b) the safety of any workplace,

that person shall be treated, for the purposes of paragraph (2), as being a person who has control of the workplace to the extent that his obligation so extends.

(4) Any reference in this regulation to a person having control of any workplace is a reference to a person having control of the workplace in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

(5) For the purposes of these Regulations, an “excepted workplace” is—

- (a) any workplace which is or is on a construction site within the meaning of regulation 2 of the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996⁽¹⁾ and to which those Regulations apply;
- (b) any workplace which is or is in or on a ship within the meaning of section 313(1) of the Merchant Shipping Act 1995⁽²⁾ other than a ship which is—
 - (i) in the course of construction; or
 - (ii) in the course of repair by persons who include persons other than the master and crew of the ship;
- (c) any workplace which forms part of a mine, other than any building on the surface at such a mine;

(1) S.R. 1996 No. 510, to which there are amendments not relevant to these Regulations
(2) 1995 c. 21

- (d) any workplace which is or is on an offshore installation within the meaning of regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995⁽³⁾;
 - (e) any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994⁽⁴⁾ or a vehicle exempted from duty under that Act; and
 - (f) any workplace which is in fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings.
- (6) The requirements of this Part shall not have effect to the extent that they would prevent—
- (a) any member of the armed forces of the Crown or of any visiting force (within the meaning of regulation 18);
 - (b) any constable; or
 - (c) any member of any emergency service,
- from carrying out his duties.
- (7) Without prejudice to paragraph (6), regulation 5(2)(f) shall not apply to any premises falling within the scope of Article 49(2)(a) of the 1984 Order (prisons) or any part of any other premises used for keeping persons in lawful custody or detention.
- (8) Where paragraph (6) or (7) applies, the safety of employees in case of fire shall nevertheless be ensured so far as is possible.

⁽³⁾ S.R. 1995 No. 340 to which there is an amendment not relevant to these Regulations
⁽⁴⁾ 1994 c. 22