

Draft Order laid before Parliament under section 4(2) of the Regulatory Reform Act 2001, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

**REGULATORY REFORM,
ENGLAND AND WALES**

**The Regulatory Reform (Fire Safety) (Custodial
Premises) Subordinate Provisions Order 2018**

Made - - - -

Coming into force in accordance with article 1(1)

The Secretary of State makes the following Order in exercise of the powers conferred by section 1(1) (d) and (6)(a) of the Regulatory Reform Act 2001(1).

In accordance with section 4(2) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

The Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

This Order makes only provision which modifies a subordinate provision of the Regulatory Reform (Fire Safety) Order 2005(2).

This Order modifies a function of the Welsh Ministers and the Welsh Ministers have agreed that it be made.

Citation, commencement and extent

1.—(1) This Order may be cited as the Regulatory Reform (Fire Safety) (Custodial Premises) Subordinate Provisions Order 2018 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales only.

(1) [2001 c. 6](#). Section 1 was repealed by the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#), section 30(4) of which contains savings provisions in relation to powers to make subordinate provisions orders. Article 25 of the Regulatory Reform (Fire Safety) Order 2005 is a subordinate provision by virtue of article 52(1)(j) of that Order.

(2) [S.I. 2005/1541](#).

Modification of the Regulatory Reform (Fire Safety) Order 2005

2.—(1) The Regulatory Reform (Fire Safety) Order 2005 (“Fire Safety Order”) is modified as follows.

- (2) In article 25 (enforcing authorities) after paragraph (1)(e)(ii) insert—
- “(iii) a prison within the meaning of the Prison Act 1952(3);
 - (iv) custodial premises provided under section 43 of the Prison Act 1952 (places for the detention of young offenders etc.)(4);
 - (v) premises which are for the time being approved under section 13(1) of the Offender Management Act 2007 (approved premises)(5);
 - (vi) accommodation provided by a court and used for the detention of persons who have been sentenced to imprisonment or detention or remanded in custody;
 - (vii) a removal centre, pre-departure accommodation or short-term holding facility within the meaning of section 147 of the Immigration and Asylum Act 1999 (interpretation of Part VIII)(6);
 - (viii) a customs office designated under section 35(1) of the Police and Criminal Evidence Act 1984(7) as applied and modified by articles 12 (application of the Police and Criminal Evidence Act 1984) and 22 (modification of section 35 of the Act (designated police stations)) of the Police and Criminal Evidence Act (Application to immigration officers and designated customs officials in England and Wales) Order 2013(8);
 - (ix) an office of Revenue and Customs designated under section 35(1) of the Police and Criminal Evidence Act 1984 as applied and modified by articles 3 (application) and 10 (modification of section 35 of the Act (designated police stations)) of the Police and Criminal Evidence Act 1984 (Application to Revenue and Customs) Order 2015(9).”.

Transitional Provision

3.—(1) After article 2(2) of this Order comes into force, anything done by, or in relation to, the former enforcing authority for the premises falling within any of the paragraphs inserted by article 2(2) of this Order, is to be treated as having been done by, or in relation to, the fire inspector or the person authorised by the Secretary of State under article 25(1)(e) of the Fire Safety Order.

(2) In this article “the former enforcing authority” is the fire and rescue authority for the area in which the premises are situated.

Date

Name
Minister of State
Home Office

-
- (3) 1952 c. 52. Section 33 was amended by section 100 of the Criminal Justice and Public Order Act 1994 (c. 33) and by article 3 of and Schedule 1 to the Prison Commissioners Dissolution Order 1963 (S.I. 1963/597).
 - (4) Section 43 was substituted by section 38(1) of the Criminal Justice and Courts Act 2015 (c. 2) and was amended by section 84(3) of the Deregulation Act 2015 (c. 20).
 - (5) 2007 c. 21.
 - (6) 1999 c. 33. Section 147 was amended by section 66 of the Nationality, Immigration and Asylum Act 2002 (c. 41), section 25 of the Borders, Citizenship and Immigration Act 2009 (c. 11) and by section 6(2)(b) and (c) of the Immigration Act 2014 (c. 22). There are other amendments which are not relevant to this Order.
 - (7) 1984 c. 60.
 - (8) S.I. 2013/1542.
 - (9) S.I. 2015/1783.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies article 25 of the Regulatory Reform (Fire Safety) Order 2005 ([S.I.2005/1541](#)) to provide that certain types of custodial premises now fall within sub-paragraph (e) of article 25(1) irrespective of whether they are owned or occupied by the Crown. The effect is that a fire inspector, or any person authorised by the Secretary of State for the purposes of the Order, is the enforcing authority in relation to those premises in accordance with article 25(1)(e).

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from www.legislation.gov.uk.