



# Fire Precautions Act 1971

## 1971 CHAPTER 40

### *Amendments of other Acts*

#### **29 Extension of ss. 24 and 33 of Fire Services Act 1947**

In sections 24 and 33(1) of the Fire Services Act 1947 (which authorise the appointment of inspectors and the holding of inquiries for obtaining information as to the performance by fire authorities of their functions under that Act) the references to that Act shall be read as including references to this Act.

#### **30 Provisions as to ss. 59 and 60 of Public Health Act 1936 and certain similar enactments**

- (1) Where building regulations imposing requirements as to the provision of means of escape in case of fire are applicable to a proposed building or proposed extension of a building or would be so applicable but for a direction under section 6 of the Public Health Act 1961 dispensing with such requirements, none of the following provisions shall apply in relation thereto, that is to say—
  - (a) subsection (1) of section 59 (exits, entrances etc. in the case of certain public, and other, buildings) of the Public Health Act 1936 ;
  - (b) section 60 (means of escape from fire in the case of certain high buildings) of that Act; and
  - (c) any provision of a local Act which has effect in place of any of the provisions mentioned in paragraphs (a) and (b) above.
- (2) So long as a fire certificate is in force with respect to any premises, any provision of a local Act which apart from this subsection would apply in the case of those premises shall not apply in their case in so far as it relates to any matter in relation to which requirements are imposed by that certificate; and so long as any regulations made under section 12 of this Act apply to any premises, any provision of a local Act which apart from this subsection would apply in the case of those premises shall not apply in their case in so far as it relates to any matter about which provision is made in the regulations.

- (3) While this subsection applies to any premises, none of the following provisions shall apply to the premises, that is to say—
- (a) subsections (2) to (4) of section 59 of the Public Health Act 1936;
  - (b) section 60 of that Act;
  - (c) section 35 (means of escape in buildings in inner London) of the London Building Acts (Amendment) Act 1939; and
  - (d) any provision of a local Act which is for the time being designated for the purposes of this paragraph under subsection (5) below.
- (4) Subsection (3) above applies to—
- (a) any premises in respect of which a fire certificate is for the time being in force ;
  - (b) any premises to which a notice for the time being in force under section 3 of this Act relates ; and
  - (c) any premises to which any regulations made under section 12 of this Act apply.
- (5) Where it appears to the Secretary of State, as regards any provision contained in a local Act, that it is unnecessary or would be impracticable for that provision to apply to premises while they are premises to which subsection (3) above applies, he may by order designate that provision for the purposes of subsection (3)(d) above.
- (6) An order under subsection (5) above may be varied or revoked by a subsequent order thereunder.
- (7) The power to make orders under subsection (5) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section does not extend to Scotland.

### **31      Suspension of terms and conditions of licences dealing with same matters as fire certificates or regulations**

- (1) Where any enactment provides for the licensing of premises of any class or description and the authority responsible for issuing licences thereunder is required or authorised to impose terms, conditions or restrictions in connection with the issue of such licences, then, in the case of any premises of that class or description—
- (a) so long as there is in force with respect to the premises a fire certificate covering the use of the premises by reason of which a licence under that enactment is required, any term, condition or restriction imposed in connection with the issue under that enactment of any licence with respect to those premises shall be of no effect in so far as it relates to any matter in relation to which requirements are or could be imposed by that certificate; and
  - (b) without prejudice to paragraph (a) above, so long as there are in force under section 12 of this Act any regulations applying to the premises in respect of that use, any term, condition or restriction imposed as aforesaid shall be of no effect in so far as it relates to any matter about which provision is made in the regulations.
- (2) References in this section to the issue of licences include references to their renewal, transfer or variation.

## **32 Provision for securing exercise of local Act powers in conformity with this Act**

A person required by or under a local Act to do any thing in relation to any premises shall not be treated as having acted in contravention of that Act by reason of his failure to do that thing in so far as the failure is attributable to the fact that remedying it would involve a contravention of this Act or of regulations made under section 12 thereof.

## **33 Amendment of Offices, Shops and Railway Premises Act 1963**

- (1) Section 29 of the Offices, Shops and Railway Premises Act 1963 (which provides for the issue of fire certificates under that section and which, with section 30 of that Act, enables the appropriate authority in that connection to stipulate for the making of specified alterations to premises) shall be amended as follows:—

- (a) after subsection (9) there shall be inserted as subsection (9A)—

“(9A) In the case of premises consisting of or comprised in a building to which building regulations (within the meaning of section 4 of the Public Health Act 1961) imposing requirements as to means of escape in case of fire apply, the appropriate authority shall not for the purposes of this or the next following section specify any structural alterations in respect of those premises beyond such as may be necessary to bring the premises into compliance with the regulations in respect of those requirements.”;

- (b) for subsection (10), there shall be substituted the following—

“(10) In the case of premises consisting of or comprised in a building to which building standards regulations (within the meaning of the Building (Scotland) Act 1959) imposing requirements as to means of escape in case of fire apply, the appropriate authority shall not for the purposes of this or the next following section specify any structural alterations in respect of those premises to a standard higher than that of the said regulations.”;

- (c) after subsection (11) there shall be added as subsection (12)—

“(12) References in subsection (9A) above to building regulations shall, in any particular case in relation to which there is in force a direction under section 6 of the Public Health Act 1961 dispensing with or relaxing any requirement in such regulations, be construed as references to building regulations as they apply in that case.”

- (2) In subsection (3) of section 83 of the Offices, Shops and Railway Premises Act 1963 (application to Crown), after the words " sections 29(2) to (8)" there shall be inserted the word " (9A) ".

## **34 Modification of Rent Act 1968 and corresponding Scottish Acts**

The provisions of Part I of the Schedule to this Act shall have effect for purposes of the modification, in connection with certain provisions of this Act, of the Rent Act 1968 ; the provisions of Part II of that Schedule shall have effect until the Rent (Scotland) Act 1971 comes into force for purposes of the modification, in connection with those provisions, of the enactments applicable to Scotland which correspond to the Rent Act 1968 ; and the provisions of Part III of that Schedule shall have effect after the Rent (Scotland) Act 1971 comes into force for purposes of the modification, in connection with certain provisions of this Act, of the said Act of 1971.