



# Fire Precautions Act 1971 (repealed)

## 1971 CHAPTER 40

### *Building and other regulations about fire precautions*

11 .....<sup>F1</sup>

#### **Textual Amendments**

**F1** S. 11 repealed by Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), Sch. 10

#### **12 Power of Secretary of State to make regulations about fire precautions.**

- (1) In the case of any particular use of premises which he has power to designate under section 1 of this Act the Secretary of State may by regulations make provision as to the precautions which, as regards premises put to that use, or any specified class of such premises, are to be taken or observed in relation to the risk to persons in case of fire, but so that nothing in any regulations made under this section shall apply to premises of [<sup>F2</sup>the description given in] section 2 of this Act . . . [<sup>F3</sup>and nothing in this section shall confer on the Secretary of State power to make provision with respect to the taking or observance of special precautions in connection with the carrying on of any manufacturing process.]
- (2) The Secretary of State may by regulations make provision as to the precautions which are to be taken or observed in relation to the risk to persons in case of fire as regards premises which, while section 3 of this Act applies to them and a notice under that section is in force in relation to them, are used as a dwelling, or any specified class of such premises.
- (3) Without prejudice to the generality of the powers conferred on the Secretary of State by subsections (1) and (2) above, regulations made by him under this section may in particular, as regards any premises to which they apply, impose requirements—
  - (a) as to the provision, maintenance and keeping free from obstruction of means of escape in case of fire;

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- (b) as to the provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;
  - (c) as to the provision and maintenance of means for fighting fire and means for giving warning in case of fire;
  - (d) as to the internal construction of the premises and the materials used in that construction;
  - (e) for prohibiting altogether the presence or use in the premises of furniture or equipment of any specified description, or prohibiting its presence or use unless specified standards or conditions are complied with;
  - (f) for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire;
  - (g) for securing that, in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises; and
  - (h) as to the keeping of records of instruction or training given, or other things done, in pursuance of the regulations.
- (4) Regulations under this section—
- (a) may impose requirements on persons other than occupiers of premises to which they apply; and
  - (b) may, as regards any of their provisions, make provision as to the person or persons who are to be responsible for any contravention thereof; and
  - (c) may provide that if any specified provision of the regulations is contravened, the person or each of the persons who under the regulations is or are responsible for the contravention shall be guilty of an offence under this section.
- (5) It shall be the duty of the Secretary of State, before making any regulations under this section, to consult with such persons or bodies of persons as appear to him requisite.
- (6) A person guilty of an offence under this section by virtue of subsection (4)(c) above shall be liable—
- (a) on summary conviction, to a fine not exceeding £400;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.
- (7) While there are in force under this section any regulations applying to premises put to a particular use, or to any specified class of such premises, a —
- (a) in determining under subsection (3) of section 5 of this Act whether to issue a fire certificate covering that use with respect to any premises to which the regulations apply, shall proceed on the footing that, as regards any matter mentioned in paragraphs (a) to (d) of that subsection about which provision is made in the regulations, no more can reasonably be required in the circumstances of the case than is required by the regulations; and
  - (b) shall not in any fire certificate covering that use issued with respect to any premises to which the regulations apply impose in pursuance of section 6(2) of this Act in relation to that use any requirement as to any matter about which provision is made in the regulations which is more onerous than the requirements of the regulations as to that matter.
- (8) Where there are in force under this section any regulations applying to premises put to a particular use, or to any specified class of such premises, and a fire certificate

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covering that use is in force with respect to any premises to which the regulations apply, then—

- (a) so long as the requirements as to any matter which are imposed by the fire certificate in relation to that use are complied with, no person shall be guilty of an offence under the regulations by reason of any contravention of a requirement of the regulations as to that matter;
- (b) if as a result of an inspection made under section 8(1) of this Act it appears to the that any of the matters mentioned in section 6(1)(b) to (e) of this Act is not in conformity with any provision made in the regulations about that matter, the authority shall by notice served on the occupier—
  - (i) inform him of that fact and of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to bring the matter in question into conformity with that provision; and
  - (ii) notify him that if those steps are not taken (whether by himself or otherwise) within such period as may be specified in the notice, the fire certificate may be cancelled;

and if those steps are duly taken, the shall, if necessary, amend the fire certificate or issue a new one.

- (9) Where there is in force a notice under section 3 of this Act relating to any premises, subsection (8)(b) above shall apply to them subject to the modification that the first reference to the occupier shall be read as a reference to the occupier or the notified person, and the other references to the occupier shall be read as references to the occupier or the notified person, as the case may be.
- (10) Sections 8(9) and 9 of this Act shall (with the necessary modifications) have effect in a case where a notice is served under subsection (8)(b) above with respect to any premises as they have effect in a case where a notice is served under section 8(5); and where in pursuance of this section the amend a fire certificate of which by virtue of section 6(9) of this Act a copy is required to be kept in the premises to which the certificate relates, they shall cause the copy to be similarly amended.
- (11) No regulations shall after the coming into operation of this subsection be made [<sup>F8</sup>under section 4(2)(a) of the <sup>M1</sup>Cinema Act 1985]; but any regulations so made which are in force when this subsection comes into operation shall have effect as if made under this section, and may be amended or revoked accordingly.

(12) ..... <sup>F9</sup>

#### Subordinate Legislation Made

- P1** S. 12: for exercises of this power see Index to Government orders.
- P2** S. 12(1) (with ss. 12(3)(4), 37(2)(3) and 40(1)) power exercised by [S.I. 1991/259](#).

#### Textual Amendments

- F2** Words substituted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), [s. 13\(b\)](#)
- F3** Words repealed by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), [ss. 13\(b\)](#), 49 Sch. 4
- F4** Words added by [Health and Safety at Work etc. Act 1974 \(c. 37\)](#), [s. 78\(1\)\(5\)](#)
- F5** Words in s. 12(7) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [s. 61](#), [Sch. 1 para. 28\(1\)\(2\)\(o\)](#); [S.I. 2004/2304](#), [art. 2](#), [S.I. 2004/2917](#), [art. 2](#)

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- F6** Words in s. 12(8) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(o); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F7** Words in s. 12(10) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(o); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F8** Words substituted by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(1), [Sch. 2 para. 9](#)
- F9** S. 12(12) repealed by [Cinemas Act 1985 \(c. 13, SIF 45A\)](#), s. 24(2), [Sch. 3](#)

**Marginal Citations**

- M1** [1985 c. 13 \(45A\)](#)

**13 Exercise of certain powers of fire authority in England or Wales where building regulations as to means of escape apply.**

- (1) Where an application is made for a fire certificate with respect to any premises and—
- (a) the relevant building 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 local authority,
- the [<sup>F10</sup>fire and rescue authority] shall not in pursuance of section 5(4) of this Act make the issue of a certificate conditional on the making to the building of structural or other alterations relating to escape from the premises unless—
- (i) there are in force under section 12 of this Act regulations applying to the premises in relation to any use of the premises specified in the application, being regulations which impose requirements as to means of escape in case of fire or means for securing that any means of escape can be safely and effectively used at all material times, and the [<sup>F10</sup>fire and rescue authority] are satisfied that alterations to the relevant building are necessary to bring the premises into compliance with the regulations in respect of those requirements; or
  - (ii) the [<sup>F10</sup>fire and rescue authority] are satisfied that the means of escape in case of fire with which the premises are provided or the means of the sort mentioned in section 5(3)(b) of this Act with which the relevant building is provided are inadequate in relation to any use of the premises so specified by reason of matters or circumstances of which particulars were not required by or under the building regulations to be supplied to the local authority in connection with the deposit of plans.
- (2) Where an application is made for a fire certificate with respect to any premises in the circumstances described in subsection (1)(a) and (b) above and since the erection of the building plans have, in accordance with building regulations, been deposited with a local authority in connection with any proposals relating to the building, subsection (1) above shall have effect in relation to that application as if in paragraph (ii) the reference to the deposit of plans included a reference to the deposit of plans in connection with those proposals.
- (3) Where, while a fire certificate is in force with respect to any premises, the [<sup>F11</sup>fire and rescue authority] receive notice under subsection (2) of section 8 of this Act of any proposals falling within that subsection to which building regulations imposing requirements as to means of escape in case of fire apply, and in connection with those

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proposals plans have, in accordance with building regulations, been deposited with a local authority, the [F11 fire and rescue authority] shall not in pursuance of subsection (4) of that section make the carrying out of those proposals conditional on the making to the relevant building of structural or other alterations relating to escape from the premises unless—

- (a) there are in force under section 12 of this Act regulations applying to the premises in relation to any use of the premises covered by the certificate, being regulations which impose requirements such as are mentioned in subsection (1)(i) above, and the [F11 fire and rescue authority] are satisfied that the carrying out of the proposals in compliance with the requirements of the building regulations will not of itself ensure that, when the proposals have been carried out, the premises will comply with the regulations under section 12 in respect of the requirements such as are mentioned in subsection (1)(i) above which the regulations under section 12 impose; or
- (b) the [F11 fire and rescue authority] are satisfied that, by reason of matters or circumstances of which particulars are not required by or under the building regulations to be supplied to the local authority in connection with the deposit of plans, the carrying out of the proposals in compliance with the requirements of the building regulations will not of itself ensure that, when the proposals have been carried out, the means of escape in case of fire with which the premises will then be provided and the means of the sort mentioned in section 5(3)(b) of this Act with which the relevant building will then be provided will be adequate in relation to every use of the premises covered by the certificate.

(4) In this section “structural or other alterations relating to escape from the premises”, in relation to any such premises as are mentioned in this section, means structural or other alterations directly connected with the provision of the premises with adequate means of escape in case of fire or the provision of the relevant building with adequate means of the sort mentioned in section 5(3)(b) of this Act.

(5) ..... F12

(6) This section does not extend to Scotland.

**Textual Amendments**

**F10** Words in s. 13(1) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(p\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

**F11** Words in s. 13(3) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), s. 61, Sch. 1 para. 28\(1\)\(2\)\(p\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

**F12** S. 13(5) repealed by [Building Act 1984 \(c. 55, SIF 15\), s. 133\(2\), Sch. 7](#)

**Modifications etc. (not altering text)**

**C1** S. 13 modified by [Building Act 1984 \(c. 55, SIF 15\), ss. 48\(2\)\(4\), 49\(8\)](#)

**14 Exercise of certain powers of fire authority in Scotland where building standards regulations as to means of escape apply.**

(1) Subject to subsection (2) below, where—

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- (a) building standards regulations imposing requirements as to means of escape in case of fire apply to any building; or
- (b) the sheriff, on an appeal to him under section 16 of the <sup>M2</sup>Building (Scotland) Act 1959—
  - (i) against an order under section 10 of that Act requiring the execution of operations necessary to make a building conform to a provision of building standards regulations with respect to requirements of the means of escape in case of fire, or
  - (ii) against an order under section 11 of that Act requiring the building to be made to conform to such a provision,

has varied the order by determining that such operations shall be executed as are necessary to make the building conform to a different standard, or, as the case may be, that the building should conform to a different standard, and the fire authority are satisfied that the building so conforms,

then the fire authority shall not, for the purposes of section 5 [<sup>F13</sup>, 8 or (in relation to premises to which section 9A applies) 9D(1) and (2)] of this Act, specify any alterations in respect of that building to a standard higher than that of the said regulations or, as the case may be, than that determined by the sheriff.

- (2) The restrictions imposed on the fire authority by the foregoing subsection shall not apply where—
  - (a) there are in force under section 12 of this Act regulations applying to the building in relation to any use of the building, being regulations which impose requirements as to means of escape from fire or means for securing that any means of escape can be safely and effectively used at all material times, and the fire authority are satisfied that alterations to the building are necessary to bring the building into compliance with the regulations in respect of those requirements; or
  - (b) the fire authority are satisfied that the means of escape in case of fire with which the building is provided or the means of the sort mentioned in section 5(3)(b) of this Act with which the building is provided are inadequate in relation to any use of the building by reason of matters or circumstances of which particulars were not required by or under the building standards regulations.

- (3) In this section “building standards regulations” has the same meaning as in the <sup>M3</sup>Building (Scotland) Act 1959.

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**Textual Amendments**

**F13** Words substituted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\), ss. 7\(2\), 50\(2\)](#)

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**Marginal Citations**

**M2** 1959 c. 24.

**M3** 1959 c. 24.

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