



# Fire Precautions Act 1971

## 1971 CHAPTER 40

### *Fire certificates*

#### **5 Application for, and issue of, fire certificate**

- (1) An application for a fire certificate with respect to any premises must be made to the fire authority in the prescribed form and—
  - (a) must specify the particular use or uses of the premises which it is desired to have covered by the certificate; and
  - (b) must give such information as may be prescribed about the premises and any prescribed matter connected with them; and
  - (c) if the premises consist of part of a building, must, in so far as it is available to the applicant, give such information as may be prescribed about the rest of the building and any prescribed matter connected with it.

- (2) On receipt of an application for a fire certificate with respect to any premises the fire authority may require the applicant within such time as they may specify—
  - (a) to furnish them with such plans of the premises as they may specify; and
  - (b) if the premises consist of part of a building, to furnish them, in so far as it is possible for him to do so, with such plans of such other part or parts of the building as they may specify ;

and if the applicant fails to furnish the required plans within that time or such further time as the authority may allow, the application shall be deemed to have been withdrawn at the end of that time or further time, as the case may be.

- (3) Where an application for a fire certificate with respect to any premises has been duly made and all such plans (if any) as are required to be furnished under subsection (2) above in connection with it have been duly furnished, it shall be the duty of the fire authority to cause to be carried out an inspection of the relevant building (including any part of it which consists of premises to which any exemption conferred by or under this Act applies), and if the fire authority are satisfied as regards any use of the premises which is specified in the application that—
  - (a) the means of escape in case of fire with which the premises are provided : and

- (b) the means (other than means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times; and
- (c) the means for fighting fire (whether in the premises or affecting the means of escape) with which the relevant building is provided for use in case of fire by persons in the building; and
- (d) the means with which the relevant building is provided for giving to persons in the premises warning in case of fire,

are such as may reasonably be required in the circumstances of the case in connection with that use of the premises, the authority shall issue a certificate covering that use.

- (4) Where the fire authority, after causing to be carried out under subsection (3) above an inspection of the relevant building, are, as regards any use of the premises specified in the application, not satisfied that the means mentioned in that subsection are such as may reasonably be required in the circumstances of the case in connection with that use, they shall by notice served on the applicant—
  - (a) inform him of that fact and of the steps which would have to be taken (whether by way of making alterations to any part of the relevant building or of otherwise providing that building or, as the case may be, the premises with any of those means) to satisfy them as aforesaid as regards that use ; and
  - (b) notify him that they will not issue a fire certificate covering that use unless those steps are taken (whether by the applicant or otherwise) within a specified time;

and if at the end of that time or such further time as may be allowed by the authority or by any order made by a court on, or in proceedings arising out of, an appeal under section 9 of this Act against the notice, a certificate covering that use has not been issued, it shall be deemed to have been refused.

## **6 Contents of fire certificate**

- (1) Every fire certificate issued with respect to any premises shall specify—
  - (a) the particular use or uses of the premises which the certificate covers; and
  - (b) the means of escape in case of fire with which the premises are provided ; and
  - (c) the means (other than means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times; and
  - (d) the type, number and location of the means for fighting fire (whether in the premises or affecting the means of escape) with which the relevant building is provided for use in case of fire by persons in the building; and
  - (e) the type, number and location of the means with which the relevant building is provided for giving to persons in the premises warning in case of fire,
 and may, where appropriate, do so by means of or by reference to a plan.
- (2) A fire certificate issued with respect to any premises may impose such requirements as the fire authority consider appropriate in the circumstances—
  - (a) for securing that the means of escape in case of fire with which the premises are provided are properly maintained and kept free from obstruction;
  - (b) for securing that the means with which the relevant building is provided as mentioned in subsection (1)(c) to (e) above are properly maintained ;

- (c) for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire, and that records are kept of instruction or training given for that purpose ;
  - (d) for limiting the number of persons who may be in the premises at any one time ; and
  - (e) as to other precautions to be observed in the relevant building in relation to the risk, in case of fire, to persons in the premises.
- (3) Any requirements imposed by virtue of subsection (2) above by a fire certificate issued with respect to any premises—
- (a) may, in so far as they apply to the premises, be framed either so as to apply to the whole of the premises or so as to apply to one or more parts of them ; and
  - (b) where the premises do not constitute the whole of the relevant building, may (where appropriate) be framed either so as to apply to the whole of the rest of that building or so as to apply to one or more parts of the rest of it,
- and different requirements may, in either case, be imposed in relation to different parts; and a fire certificate covering more than one use of the premises to which it relates may by virtue of subsection (2) above impose different requirements in relation to different uses of the premises or of any part of the premises.
- (4) For the purposes of this Act a fire certificate issued with respect to any premises shall be treated as requiring every matter specified in the certificate in accordance with subsection (1)(b), (c), (d) or (e) above to be kept in accordance with its specification in the certificate; and references in this Act to requirements imposed by a fire certificate shall be construed accordingly.
- (5) In so far as a requirement imposed by a fire certificate issued with respect to any premises requires anything to be done or not to be done to or in relation to any part of the relevant building, the person responsible for any contravention thereof shall (subject to any provision included in the certificate in pursuance of this subsection) be the occupier of that part; but if as regards any such requirement, in so far as it requires anything to be done or not to be done to or in relation to any part of the relevant building, the fire authority consider it appropriate in the circumstances to provide that some other person or persons shall be responsible for any contravention thereof instead of, or in addition to, the occupier of that part, they may so provide in the certificate and, if the certificate covers more than one use of the premises, may in pursuance of this subsection make different provision therein in relation to different uses of the premises.
- (6) Subject to subsection (7) below, a fire authority—
- (a) shall not issue a fire certificate which would have the effect of making a person responsible under or by virtue of subsection (5) above for contraventions of a requirement imposed by the certificate, or make in a fire certificate any amendment which would have that effect, unless (in either case) they have previously consulted the person in question about his proposed responsibility for contraventions of the requirement; and
  - (b) shall not amend a fire certificate so as to vary any requirement imposed by it, in a case where any person already responsible under or by virtue of subsection (5) above for contraventions of that requirement is to continue to be so responsible when the variation takes effect, unless they have previously consulted that person about the proposed variation ;

but, without prejudice to any right of appeal conferred by section 9 of this Act, a fire certificate shall not be invalidated by any failure of the fire authority by whom it is issued to comply with the requirements of this subsection.

- (7) Where a fire authority propose to issue a new fire certificate with respect to any premises as an alternative to amending an existing fire certificate, and the new certificate would have the effect of reimposing without variation a requirement imposed by the existing certificate and of making any person who is responsible under or by virtue of subsection (5) above for contraventions of the existing requirement continue to be so responsible for contraventions of it as reimposed, the authority shall not be required under subsection (6) above to consult that person by reason only of that fact.
- (8) A fire certificate issued with respect to any premises other than premises in relation to which a notice under section 3 of this Act is in force shall be sent to the occupier of the premises and shall be kept in the premises so long as it is in force.
- (9) A fire certificate issued with respect to any premises in relation to which a notice under section 3 of this Act is in force shall be sent to the notified person and, if that person is not the occupier of the premises, a copy of the certificate shall be sent to the occupier of the premises; and so long as the certificate is in force—
  - (a) the certificate shall be kept in the relevant building; and
  - (b) where a copy of the certificate is by this subsection required to be sent to the occupier of the premises, the copy shall be kept in the premises.

## **7 Offences in relation to foregoing provisions**

- (1) Subject to subsection (3) below and section 9(3) of this Act, if any premises are at any time put to a designated use, being premises such that, where they are put to that use, a fire certificate is by virtue of section 1 of this Act required in respect of them, then, if no fire certificate covering that use is at that time in force in respect of the premises, the occupier of the premises shall be guilty of an offence.
- (2) Subject to subsection (3) below and section 9(3) of this Act, if any premises are used as a dwelling at any time while section 3 of this Act applies to them and a notice under that section relating to them is in force, then, if no fire certificate covering that use is at that time in force in respect of the premises, the notified person shall, unless he proves that at that time he no longer occupied the specified position, be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (1) or (2) above by reason of any premises being put to a designated use or used as a dwelling at a time after an application for a fire certificate with respect to them covering that use has been duly made and before the certificate is granted or refused.
- (4) Subject to section 9(4) and (5) of this Act, if, while a fire certificate is in force in respect of any premises, any requirement imposed thereby is contravened by reason of anything done or not done to or in relation to any part of the relevant building, every person who under or by virtue of section 6(5) of this Act is responsible for that contravention shall be guilty of an offence:

Provided that a person shall not be convicted of an offence under this subsection unless it is proved that his responsibility for contraventions of the requirement in question had been made known to him before the occurrence of the contravention in respect of which he is charged.

- (5) A person guilty of an offence under subsection (1), (2) or (4) 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.
- (6) In the event of a contravention of subsection (8) of section 6 of this Act in the case of a fire certificate required by that subsection to be kept in any premises or of a contravention of subsection (9) of that section in the case of a copy of a fire certificate required by subsection (9)(b) of that section to be kept in any premises, the occupier of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.
- (7) If, while there is in force a notice under section 3 of this Act relating to any premises, there occurs a contravention of subsection (9) of section 6 of this Act in the case of a fire certificate issued with respect to those premises and required by paragraph (a) of that subsection to be kept in the relevant building, the notified person shall, unless he proves that at the material time he no longer occupied the specified position, be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

## **8 Change of conditions affecting adequacy of certain matters specified in fire certificate, etc.**

- (1) So long as a fire certificate is in force with respect to any premises, the fire authority may cause any part of the relevant building to be inspected at any reasonable time for the purpose of ascertaining whether there has been a change of conditions by reason of which any of the matters mentioned in section 6(1)(b) to (e) of this Act have become inadequate in relation to any use of the premises covered by the certificate; but where a building or part of a building is used as at dwelling or consists of premises of any other description prescribed for the purposes of this subsection, an inspection of the building or, as the case may be, of such a part shall not be made under this subsection as of right unless twenty-four hours' notice has been given to the occupier of the building or, as the case may be, of the part in question.

For the purposes of this subsection a description of premises may be framed in any of the ways mentioned in section 1(4) of this Act.

- (2) If, while a fire certificate is in force with respect to any premises—
- (a) it is proposed to make a material extension of, or material structural alteration to, the premises; or
  - (b) it is proposed to make a material alteration in the internal arrangement of the premises or in the furniture or equipment with which the premises are provided; or
  - (c) the occupier of the premises proposes to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the relevant building in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind,

the occupier shall, before the carrying out of the proposals is begun, give notice of the proposals to the fire authority; and if the carrying out of the proposals is begun without such notice having been given, the occupier shall be guilty of an offence.

- (3) If, while a fire certificate is in force with respect to any premises not constituting the whole of the relevant building, any person who as occupier of any other part of

that building is under section 6(5) of this Act responsible for contraventions of any requirement imposed by the certificate proposes to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on that building in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this subsection as the maximum in relation to materials of that kind, that person shall, before the carrying out of the proposals is begun, give notice of the proposals to the fire authority; and if the carrying out of the proposals is begun without such notice having been given, that person shall be guilty of an offence.

- (4) If the fire authority are satisfied, as regards any premises with respect to which a notice under subsection (2) above has been given to them, that the carrying out of the proposals notified would result in any of the matters mentioned in section 6(1)(b) to (e) of this Act becoming inadequate in relation to any use of the premises covered by the relevant fire certificate, they may by notice served on the occupier within two months from the receipt of the notice under subsection (2)—

- (a) inform the occupier 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 prevent the matters in question from becoming in their opinion inadequate in relation to that use in the event of the proposals being carried out; and
- (b) give him such directions as the fire authority consider appropriate for securing, as regards any of the proposals which may be specified in the directions, that that proposal, or any stage of it which may be so specified, is not carried out until such of those steps as may be so specified in relation to that proposal or stage have been taken (whether by him or otherwise);

and if those steps are duly taken in connection with the carrying out of the proposals, the fire authority shall amend the fire certificate or issue a new one.

- (5) If the fire authority are satisfied (whether as a result of an inspection made under subsection (1) above or otherwise) that, as regards any premises with respect to which a fire certificate is in force, any of the matters mentioned in section 6(1)(b) to (e) of this Act has, in consequence of a change of conditions, become inadequate in relation to any use of the premises covered by the certificate, they may by notice served on the occupier—

- (a) 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 make the matter in question adequate in their opinion in relation to that use; and
- (b) notify him that if those steps are not taken (whether by him 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 fire authority shall, if necessary, amend the fire certificate or issue a new one.

- (6) If the fire authority consider (whether as a result of an inspection made under subsection (1) above or otherwise) that, as regards any premises with respect to which a fire certificate is in force, it would, in consequence of a change of conditions or of the coming into force of any regulations made under section 12 of this Act, be appropriate to amend the certificate for any of the following purposes, that is to say—

- (a) to vary or revoke any requirement which the certificate imposes by virtue of section 6(2) of this Act; or
- (b) to add to the requirements which the certificate so imposes; or

- (c) to alter the effect of the certificate as to the person or persons responsible under or by virtue of section 6(5) of this Act for contraventions of any requirement imposed (whether by virtue of section 6(2) or otherwise) by the certificate, the authority may, subject to section 6(6) of this Act, make such amendments in the certificate as they think appropriate for that purpose or issue a new certificate embodying those amendments.
- (7) If any person contravenes a direction given to him in pursuance of subsection (4) (b) above, he shall be guilty of an offence; and the fire authority may cancel the fire certificate issued with respect to any premises if they are satisfied that there has been such a contravention as aforesaid by the occupier, whether or not proceedings are brought in respect of the contravention.
- (8) A person guilty of an offence under subsection (2), (3) or (7) 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.
- (9) Where a notice has been served under subsection (5) above in connection with any premises and the steps mentioned in it in accordance with paragraph (a) of that subsection are not taken within the period specified in the notice in accordance with paragraph (b) of that subsection or such longer period as may be allowed by the fire authority or by any order made by a court on, or in proceedings arising out of, an appeal under section 9 of this Act against the notice, the fire authority may cancel the fire certificate in force with respect to the premises or, if it covers two or more uses of the premises, may either cancel it or amend it so as to remove from those uses one or more of them (and in that case may make in it all such amendments as they think appropriate in connection with the removal of the use or uses in question).
- (10) Where there is in force a notice under section 3 of this Act relating to any premises, the foregoing provisions of this section shall apply to them subject to the following modifications, that is to say—
- (a) in subsection (2), the first reference to the occupier shall be read as a reference to the occupier or the notified person, the second reference to the occupier shall be read as a reference to the occupier or the notified person, as the case may be, and the third reference to the occupier shall be read as a reference to the person required by that subsection to give notice of the proposals;
  - (b) in subsections (4) and (7), references to the occupier shall, if the notice under subsection (2) was given by the notified person, be read as references to that person ; and
  - (c) in subsection (5), references to the occupier shall be read as references to the notified person.
- (11) Where the fire authority are satisfied, as regards any premises with respect to which a notice under subsection (2) above has been given to them, that the carrying out of the proposals notified would not result in any of the matters mentioned in section 6(1)(b) to (e) of this Act becoming inadequate, they shall, on production of the fire certificate in force with respect to the premises, cause to be attached to it a copy of the notice together with a written statement that they are so satisfied.
- (12) Where in pursuance of this section the fire authority 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; and where in pursuance of subsection (11) above the fire authority cause any document to

be attached to such a fire certificate, they shall cause the like document to be attached to the copy of the certificate required to be kept in the premises to which the certificate relates.

## **9 Right of appeal as regards matters arising out of ss. 5 to 8**

- (1) A person who is aggrieved—
- (a) by anything mentioned in a notice served under section 5(4) of this Act as a step which would have to be taken as a condition of the issue of a fire certificate with respect to any premises, or by the period allowed by such a notice for the taking of any steps mentioned in it; or
  - (b) by the refusal of the fire authority to issue a fire certificate with respect to any premises; or
  - (c) by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises by the fire authority; or
  - (d) by the refusal of the fire authority to cancel or to amend a fire certificate issued with respect to any premises; or
  - (e) by any direction given in pursuance of section 8(4)(6) of this Act; or
  - (f) by anything mentioned in a notice served under section 8(5) of this Act with respect to any premises as a step which must be taken if the fire authority are not to become entitled to cancel the fire certificate relating to the premises, or by the period allowed by such a notice for the taking of any steps mentioned in it; or
  - (g) by the amendment or cancellation in pursuance of section 8(6), (7) or (9) of this Act of a fire certificate issued with respect to any premises,
- may, within twenty-one days from the relevant date, appeal to the court; and on any such appeal the court may make such order as it thinks fit.
- (2) In this section " the relevant date " means—
- (a) in relation to a person aggrieved by any such refusal, direction, cancellation or amendment as is mentioned in subsection (1) above or by any matter mentioned in paragraph (a) or (f) of that subsection, the date on which he was first served by the fire authority with notice of the refusal, direction, cancellation, amendment or matter in question ;
  - (b) in relation to a person aggrieved by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises, the date on which the inclusion or omission was first made known to him;
- and for the purposes of paragraph (b) above a person who is served with a fire certificate or a copy of, or of any part of, a fire certificate shall be taken to have had what the certificate or that part of it does and does not contain made known to him at the time of the service on him of the certificate or copy.
- (3) Where an appeal is brought under this section against the refusal of the fire authority to issue a fire certificate with respect to any premises or the cancellation or amendment in pursuance of section 8(7) or (9) of this Act of a fire certificate issued with respect to any premises, a person shall not be guilty of an offence under section 7(1) or (2) of this Act by reason of the premises in question being put to a designated use or used as a dwelling at a time between the relevant date and the final determination of the appeal.
- (4) Where an appeal is brought under this section against the inclusion in a fire certificate of anything which has the effect of making the certificate impose a requirement, a



person shall not be guilty of an offence under section 7(4) of this Act by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.

- (5) Where an appeal is brought under this section against—
- (a) the inclusion in a fire certificate, in pursuance of subsection (5) of section 6 of this Act, of a provision making any person responsible for contraventions of any requirement imposed by the certificate; or
  - (b) the omission from a fire certificate of a provision which, if included in pursuance of that subsection, would prevent any person from being, as the occupier of any premises, responsible under that subsection for contraventions of any requirement imposed by the certificate,

that person shall not be guilty of an offence under section 7(4) of this Act by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.