



# Fire Precautions Act 1971

## 1971 CHAPTER 40

### *Offences, penalties and legal proceedings*

#### **22 Falsification of documents, false statements etc.**

(1) If a person—

- (a) with intent to deceive, forges a fire certificate or makes or has in his possession a document so closely resembling a fire certificate as to be calculated to deceive; or
- (b) for the purpose of procuring the issue of a fire certificate, makes any statement or gives any information which he knows to be false in a material particular or recklessly makes any statement or gives any information which is so false ; or
- (c) in purported compliance with any obligation to give information to which he is subject under or by virtue of this Act, or in response to any inquiry made by virtue of section 19(1)(b) of this Act, gives any information which he knows to be false in a material particular or recklessly gives any information which is so false ; or
- (d) makes in any register, book, notice or other document required by or by virtue of regulations made under this Act to be kept, served or given, an entry which he knows to be false in a material particular,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.

(2) If a person with intent to deceive pretends to be—

- (a) an inspector within the meaning of section 19 of this Act, or
- (b) a person by whom the powers conferred by that section on a fire inspector are exercisable by virtue of section 20 of this Act,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

(3) In this section in its application to England and Wales the expression " forges " has the same meaning as in the Forgery Act 1913.

**23 Offences by bodies corporate**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

**24 Offences due to fault of other person**

Where the commission by any person of an offence under this Act or any regulations made thereunder is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

**25 Defence available to persons charged with offences**

In any proceedings for an offence under this Act or under regulations made thereunder, it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

**26 Appeals to magistrates' courts**

- (1) Where any provision of this Act provides for an appeal to a magistrates' court, the procedure shall be by way of complaint for an order, and the Magistrates' Courts Act 1952 shall apply to the proceedings.
- (2) For the purposes of any such provision of this Act the making of the complaint shall be deemed to be the bringing of the appeal.

**27 Appeal from order made on complaint**

- (1) A person aggrieved by an order made by a magistrates' court on determining a complaint under this Act may appeal therefrom to the Crown Court; and for the avoidance of doubt it is hereby declared that a fire authority or local authority may be a person aggrieved within the meaning of this section.
- (2) Before the coming into force of section 3 of the Courts Act 1971 subsection (1) above shall have effect as if for the reference to the Crown Court there were substituted a reference to a court of quarter sessions.

**28 Power of county court or sheriff, where notice under s. 3 is in force, to modify agreements and leases and apportion expenses**

- (1) Where there is in force a notice under section 3 of this Act relating to any premises (in this section referred to as "the relevant premises"), this section shall apply to any premises consisting of or comprised in the relevant building.
- (2) A person who, by reason of the terms and conditions of an agreement or lease relating to any premises to which this section applies, is prevented from carrying out or doing with respect to the premises any structural or other alterations or other thing whose carrying out or doing is requisite—
  - (a) as being a step mentioned in a notice served in connection with the relevant premises under any of the following provisions of this Act, namely sections 5(4), 8(4), 8(5) and 12(8)(b); or
  - (b) in order to secure compliance with a requirement imposed by a fire certificate issued with respect to the relevant premises; or
  - (c) in order to secure compliance with a provision of regulations under section 12 of this Act which is, or will become, applicable to the premises by virtue of there being in force a notice under section 3 of this Act relating to the relevant premises,

may apply to the county court within whose jurisdiction the premises are situated, and the court may make such an order setting aside or modifying any of the terms and conditions of the agreement or lease as the court considers just and equitable in the circumstances of the case.

References in this subsection to the terms and conditions of an agreement or lease relating to any premises include references to the terms and conditions on or subject to which by virtue of section 12 of the Rent Act 1968 a statutory tenant retains possession of any premises.

- (3) Where, in the case of any premises to which this section applies, the carrying out or doing with respect to those premises of any structural or other alterations or other thing whose carrying out or doing is requisite as mentioned in subsection (2) above involves a person having an interest in the premises in expense or in increased expense, and he alleges that the whole or part of the expense or, as the case may be, the increase, ought to be borne by some other person having an interest in the premises, the first-mentioned person may apply to the county court within whose jurisdiction the premises are situated, and the court may by order give such directions—
  - (a) with respect to the persons by whom the expense or increase is to be borne, and the proportions in which it is to be borne by them ; and
  - (b) if need be, for modification of the terms of any agreement or lease relating to the premises so far as concerns rent payable in respect of the premises,

as the court considers just and equitable in the circumstances of the case:

Provided that on an application under this subsection the court shall not direct the whole or any part of the expense or increase to be borne by a person other than the applicant by reason only of that other person being a statutory tenant of the premises or any part of the premises.

- (4) In this section "statutory tenant" has the same meaning as in the Rent Act 1968.
- (5) In the application of this section to Scotland—
  - (a) for references to the county court there shall be substituted references to the sheriff;

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*Status: This is the original version (as it was originally enacted).*

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- (b) in subsection (2), for the reference to section 12 of the Rent Act 1968 there shall be substituted a reference to section 12 of the Rent (Scotland) Act 1971;
- (c) " statutory tenant" has the same meaning as in section 133(1) of the Rent (Scotland) Act 1971;
- (d) subsection (4) shall be omitted:

Provided that until the said Act of 1971 comes into force this subsection shall have effect as if in paragraph (b) for the reference to section 12 of the Rent (Scotland) Act 1971 there were substituted a reference to sections 15(1) and 16(2) of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920, and in paragraph (c) for the reference to section 133(1) of the Rent (Scotland) Act 1971 there were substituted a reference to section 39(1) of the Housing (Repairs and Rents) (Scotland) Act 1954.