



Fire Precautions Act 1971

1971 CHAPTER 40

Premises for which fire certificates are required

1 Uses of premises for which fire certificate is compulsory

- (1) A certificate issued under this Act by the fire authority (in this Act referred to as a "fire certificate ") shall, subject to any exemption conferred by or under this Act, be required in respect of any premises which are put to a use for the time being designated under this section (in this Act referred to as a "designated use").
- (2) For the purposes of this section the Secretary of State may by order designate particular uses of premises, but shall not so designate any particular use unless it falls within at least one of the following classes of use, that is to say—
 - (a) use as, or for any purpose involving the provision of, sleeping accommodation;
 - (b) use as, or as part of, an institution providing treatment or care;
 - (c) use for purposes of entertainment, recreation or instruction or for purposes of any club, society or association;
 - (d) use for purposes of teaching, training or research ;
 - (e) use for any purpose involving access to the premises by members of the public, whether on payment or otherwise.
- (3) An order under this section may provide that a fire certificate shall not by virtue of this section be required for premises of any description specified in the order, notwithstanding that they are or form part of premises which are put to a designated use.
- (4) For the purposes of any provision made in an order under this section by virtue of subsection (3) above a description of premises may be framed by reference to the purpose for which premises are used or the frequency of their use for any purpose or by reference to any other circumstances whatsoever; and different provision may be made in pursuance of that subsection in relation to different designated uses.

- (5) An order under this section may include such supplementary and incidental provisions as appear to the Secretary of State to be necessary or expedient for the purposes of the order.
- (6) An order under this section may be varied or revoked by a subsequent order thereunder.
- (7) The power to make orders under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Without prejudice to any exemption conferred by or under this Act, where premises consisting of a part of a building are put to a designated use, any other part of the building which is occupied together with those premises in connection with that use of them shall for the purposes of this Act be treated as forming part of the premises put to that use.

2 Premises exempt from s. 1

No fire certificate shall by virtue of section 1 of this Act be required in respect of premises of any of the following descriptions, that is to say—

- (a) office premises, shop premises or railway premises within the meaning of the Offices, Shops and Railway Premises Act 1963, or premises which are deemed to be such premises for the purposes of that Act;
- (b) any premises constituting, or forming part of, a factory within the meaning of the Factories Act 1961 or to which any provisions of that Act apply by virtue of section 124 (institutions) or section 125 (docks, etc.) thereof;
- (c) any premises which for the purposes of the Mines and Quarries Act 1954 are deemed to form part of a mine or quarry;
- (d) any premises appropriated to, and used solely or mainly for, public religious worship ;
- (e) any premises consisting of or comprised in a house which is occupied as a single private dwelling.

3 Power of fire authority to make fire certificate compulsory for use of certain premises as a dwelling

- (1) This section applies to any premises not for the time being excluded by subsection (2) below which have been, are being or are to be used as a dwelling if—
 - (a) the premises consist of or comprise a room which has been, is being or is to be used as living accommodation and which—
 - (i) is below the ground floor of the building which constitutes or comprises the premises; or
 - (ii) is two or more floors above the ground floor of that building ; or
 - (iii) is a room of which the floor is six metres or more above the surface of the ground on any side of that building; or
 - (b) explosive or highly flammable materials of any prescribed kind have been, are being or are to be kept anywhere under, in or on the building which constitutes or comprises the premises 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.

- (2) This section does not apply to—
 - (a) any premises consisting of or comprised in a house which is occupied as a single private dwelling; or
 - (b) any premises consisting of or comprised in a house which is occupied by persons who do not form a single household.
- (3) If in the case of any premises it appears to the fire authority that they are premises to which this section applies, the authority may serve a notice under this section relating to those premises on either—
 - (a) the occupier of the premises ; or
 - (b) the owner of the premises ; or
 - (c) a person (whether the occupier or owner of the premises or not) having the overall management of the building constituting or comprising the premises.
- (4) A notice under this section shall be in the prescribed form and shall—
 - (a) specify the premises to which it relates; and
 - (b) give particulars of the facts by reason of which it appears to the fire authority that this section applies to the premises; and
 - (c) specify one of the positions mentioned in subsection (3) above and state that the person on whom the notice is served is being served with it as the occupier of that position; and
 - (d) indicate that on the coming into force of the notice a fire certificate will, in the circumstances mentioned in subsection (6) below, be required in respect of the premises to which the notice relates ; and
 - (e) state the right of appeal against the notice conferred by section 4 of this Act and the time within which such an appeal may be brought.
- (5) Before a fire authority serve a notice under this section relating to any premises, they shall, if they are not the local authority for the area in which the premises are situated, consult that local authority.
- (6) A fire certificate shall be required in respect of any premises which, while this section applies to them and there is in force a notice under this section relating to them, are used as a dwelling.
- (7) Where, in the case of any premises, there is in force a notice under this section relating to them and it appears to the fire authority that the notified person has ceased to occupy the specified position, they may serve a fresh notice under this section in respect of the premises; and on the coming into force of a notice served by virtue of this subsection, the previous notice relating to the premises shall cease to have effect.
- (8) In this Act—
 - (a) " the notified persons ", in relation to any premises in respect of which a notice under this section is in force, means the person on whom that notice was served; and
 - (b) " the specified position ", in relation to a notice served under this section, means the position specified in the notice in pursuance of subsection (4)(c) above.

4 Right of appeal against, and coming into force of, notices under s. 3

- (1) Where a notice under section 3 of this Act is served in respect of any premises, the person on whom it is served may within twenty-one days from the service of the notice appeal to the court on either or both of the following grounds, that is to say—
 - (a) that the premises to which the notice relates are not premises to which section 3 applies; or
 - (b) that he does not occupy the specified position.
- (2) On an appeal under this section the court, if satisfied as to either of the grounds mentioned in subsection (1) above, shall by order cancel the notice, but shall otherwise by order confirm it.
- (3) A notice served under section 3 of this Act shall come into force only if it does so by virtue of subsection (4) below.
- (4) A notice served under section 3 of this Act shall, unless previously withdrawn by the fire authority, come into force—
 - (a) where no appeal under this section is brought against it within the time mentioned in subsection (1) above, at the end of twenty-one days from the expiration of that time;
 - (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, at the end of twenty-one days from the date of withdrawal or dismissal of the appeal;
 - (c) where such an appeal is so brought, is not withdrawn or dismissed as aforesaid, and is finally determined by the confirmation of the notice, at the end of twenty-one days from the date of the final determination of the appeal.