



Fire Precautions Act 1971 (repealed)

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 [^{F1}fire authority [^{F1}fire and rescue 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 [^{F2}fire authority [^{F2}fire and rescue authority]] [^{F3}shall notify the applicant of his duties under subsection (2A) below and] 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plans within that time or such further time as the authority may allow, the application shall be deemed to have been withdrawn at the end of that time or further time, as the case may be.

[^{F4}(2A) Where an application is made for a fire certificate with respect to any premises it is the duty of the occupier to secure that, when the application is made and pending its disposal—

- (a) the means of escape in case of fire with which the premises are provided can be safely and effectively used at all material times;
- (b) the means for fighting fire with which the premises are provided are maintained in efficient working order; and

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Changes to legislation: There are currently no known outstanding effects for the Fire Precautions Act 1971 (repealed), Section 5. (See end of Document for details)

- (c) any person employed to work in the premises receives instruction or training in what to do in case of fire.]
- (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 [^{F5}fire authority [^{F5}fire and rescue authority]] [^{F6}to consider whether or not, in the case of premises which qualify for exemption under section 5A of this Act, to grant exemption and, if they do not grant it, it shall be their duty] 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 [^{F5}fire authority [^{F5}fire and rescue 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 [^{F7}. . .]; 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 [^{F8}fire authority [^{F8}fire and rescue 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.
- [^{F9}(5) In this Act, “ escape ”, in relation to premises, means escape from them to some place of safety beyond the building which constitutes or comprises the premises and any area enclosed by it or enclosed with it; and according, for the purposes of any provision of this Act relating to means of escape, consideration may be given to, and conditions or requirements imposed as respects, any place or thing by means of which a person escapes from premises to a place of safety.]

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Textual Amendments

- F1** Words in s. 5(1) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(d); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F2** Words in s. 5(2) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(d); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F3** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 8(2)(a)
- F4** S. 5(2A) inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 8(2)(b)
- F5** Words in s. 5(3) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(d); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F6** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 1(3), 50(2)
- F7** Words in s. 5(3)(c) repealed (1.8.1993) by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), ss. 15, 49(1), Sch. 4; S.I. 1993/1411, art. 2, Sch. Appendix
- F8** Words in s. 5(4) substituted (E.W.) (1.10.2004 except in relation to W., 11.10.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, Sch. 1 para. 28(1)(2)(d); S.I. 2004/2304, art. 2, S.I. 2004/2917, art. 2
- F9** S. 5(5) added by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 50\)](#), s. 4(2)

Modifications etc. (not altering text)

- C1** S. 5 amended by Health and Safety at [Work etc. Act 1974 \(c. 37\)](#), Sch. 8 para. 3
- C2** S. 5: Functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table B28

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