



Fire Precautions Act 1971

1971 CHAPTER 40

Fire certificates

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 a 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.

Status: This is the original version (as it was originally enacted).

- (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.