

1976 No. 2009

FIRE PRECAUTIONS

The Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1976

Made - - - 26th November 1976

Laid before Parliament 6th December 1976

Coming into Operation 1st January 1977

In exercise of the powers conferred on me by section 1 of the Fire Precautions Act 1971(a), I hereby make the following Order:—

1. This Order may be cited as the Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1976 and shall come into operation on 1st January 1977.

2.—(1) In this Order—

“the Act” means the Fire Precautions Act 1971;

“covered market place” shall be construed generally and not as limited to a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority;

“factory premises” means premises constituting, or forming part of, a factory within the meaning of the Factories Act 1961(b), and premises to which sections 123(1) and 124 of that Act (application to electrical stations and institutions, respectively) apply;

“office premises”, “shop premises” and “railway premises” mean premises to which the Offices, Shops and Railway Premises Act 1963(c) applies and premises which are deemed to be such premises for the purposes of that Act, other than premises consisting of a covered market place wherein shop premises are aggregated.

(2) The Interpretation Act 1889(d) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) A reference in this Order to an enactment shall be construed as a reference to that enactment as amended or replaced by or under any other enactment.

3. The following uses of premises are hereby designated for the purposes of section 1 of the Act (which requires fire certificates for premises put to designated uses), that is to say use as factory premises, office premises, shop premises, or railway premises, being (in each case) premises in which persons are employed to work.

(a) 1971 c. 40.

(b) 1961 c. 34.

(c) 1963 c. 41.

(d) 1889 c. 63.

4.—(1) Notwithstanding the foregoing provisions of this Order, a fire certificate shall not by virtue of section 1 of the Act be required for factory premises, office premises, shop premises or railway premises being premises—

- (a) in which—
 - (i) not more than twenty persons are employed to work at any one time; or
 - (ii) not more than ten persons are so employed elsewhere than on the ground floor,
unless any one of the conditions specified in paragraph (2) below applies to the premises; or
- (b) of a description specified in regulations which are from time to time made under the provisions of the Health and Safety at Work etc. Act 1974(a) and which provide for the issue of fire certificates by the Health and Safety Executive.

(2) The conditions mentioned in paragraph (1)(a) above are—

- (a) that the premises are in a building which contains two or more of the premises described in Article 3 above and the aggregate of persons employed to work at any one time in all those premises exceeds twenty;
- (b) that the premises are in a building which contains two or more of the premises so described and in all those premises the aggregate of persons employed to work at any one time elsewhere than on the ground floor of the building exceeds ten;
- (c) that in the case of factory premises explosive or highly flammable materials (other than materials of such a kind and in such a quantity that the fire authority have determined that they do not constitute a serious additional risk to persons in the premises in case of fire) are stored or used in or under the premises.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

26th November 1976.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 1 of the Fire Precautions Act 1971 provides that a fire certificate is required in respect of any premises which are put to a designated use.

This Order designates generally for this purpose the use of factory, office, shop and railway premises in which persons are employed to work. By Article 4 a fire certificate is not required for premises in which the persons employed at any one time do not exceed the numbers specified in the Order or for certain other premises.

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