STATUTORY INSTRUMENTS

2005 No. 1541

The Regulatory Reform (Fire Safety) Order 2005

PART 1

GENERAL

Interpretation

2. In this Order—

"alterations notice" has the meaning given by article 29;

[F1]…

[F2]…

"child" means a person who is not over compulsory school age, construed in accordance with section 8 of the Education Act 1996 [M1];

[[F3]"the CLP Regulation" means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;**]**

"dangerous substance" means—

(a) **[**[F4]a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, other than "corrosive to metals" or "gases under pressure", whether or not the substance or mixture is classified under that Regulation**]**

(b) a substance or **[**[F5]mixture**]** which because of its physico-chemical or chemical properties and the way it is used or is present in or on premises creates a risk; and

(c) any dust, whether in the form of solid particles or fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere;

"domestic premises" means premises occupied as a private dwelling (including any garden, yard, garage, outhouse, or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling);

"employee" means a person who is or is treated as an employee for the purposes of the Health and Safety at Work etc. Act 1974 [M2] and related expressions are to be construed accordingly;

"enforcement notice" has the meaning given by article 30;

"enforcing authority" has the meaning given by article 25;

"explosive atmosphere" means a mixture, under atmospheric conditions, of air and one or more dangerous substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture;

"fire and rescue authority" means a fire and rescue authority under the Fire and Rescue Services Act 2004 [M3];

"fire inspector" **[**[F6], in relation to Wales,**]** means an inspector or assistant inspector appointed under **[**[F7]section 28(1)**]** of the Fire and Rescue Services Act 2004;

"general fire precautions" has the meaning given by article 4;

"hazard", in relation to a dangerous substance, means the physico-chemical or chemical property of that substance which has the potential to give rise to fire affecting the safety of a person, and references in this Order to "hazardous" are to be construed accordingly;

"inspector" means an inspector appointed under article 26 or a fire inspector;

"licensing authority" has the meaning given by article 42(3);

"normal ship-board activities" include the repair of a ship, save repair when carried out in dry dock;

"owner" means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent;

"personal protective equipment" means all equipment which is intended to be worn or held by a person in or on premises and which protects that person against one or more risks to his safety, and any addition or accessory designed to meet that objective;

"place of safety" in relation to premises, means a safe area beyond the premises.

"premises" includes any place and, in particular, includes—

(a) any workplace;

(b) any vehicle, vessel, aircraft or hovercraft;

(c) any installation on land (including the foreshore and other land intermittently covered by water), and any other installation (whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof); and

(d) any tent or movable structure;

"preparation" means a mixture or solution of two or more substances;

"preventive and protective measures" means the measures which have been identified by the responsible person in consequence of a risk assessment as the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Order;

"prohibition notice" has the meaning given by article 31;

"public road" means a highway maintainable at public expense within the meaning of section 329 of the Highways Act 1980 [M4];

"rackrent" in relation to premises, means a rent that is not less than two-thirds of the rent at which the property might reasonably be expected to be let from year to year, free from all usual tenant's rates and taxes, and deducting from it the probable average cost of the repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command such rent;

"the relevant local authority", in relation to premises, means—

(a) if the premises are in Greater London but are not in the City of London, the London Borough in the area of which the premises are situated;

(b) if the premises are in the City of London, the Common Council of the City of London;

(c) if the premises are in England in a metropolitan county, the district council in the area of which the premises are situated;

(d) if the premises are in England but are not in Greater London or a metropolitan county—

(i) the county council in the area of which the premises are situated; or

(ii) if there is no county council in the area of which the premises are situated, the district council in that area;

(e) if the premises are in Wales, the county council or county borough council in the area of which the premises are situated;

"relevant persons" means—

(a) any person (including the responsible person) who is or may be lawfully on the premises; and

(b) any person in the immediate vicinity of the premises who is at risk from a fire on the premises,

but does not include a fire-fighter who is carrying out his duties in relation to a function of a fire and rescue authority under section 7, 8 or 9 of the Fire and Rescue Services Act 2004 (fire-fighting, road traffic accidents and other emergencies), other than in relation to a function under section 7(2)(d), 8(2)(d) or 9(3)(d) of that Act;

"responsible person" has the meaning given by article 3;

"risk" means the risk to the safety of persons from fire;

"risk assessment" means the assessment required by article 9(1);

"safety" means the safety of persons in respect of harm caused by fire; and "safe" shall be interpreted accordingly;

"safety data sheet" means a safety data sheet within the meaning of **[**[F8]Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC**]**;

"ship" includes every description of vessel used in navigation;

"special, technical and organisational measures" include—

(a) technical means of supervision;

(b) connecting devices;

(c) control and protection systems;

(d) engineering controls and solutions;

(e) equipment;

(f) materials;

(g) protective systems; and

(h) warning and other communication systems;

"substance" means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

"visiting force" means any such body, contingent, or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952 [M5];

"workplace" means any premises or parts of premises, not being domestic premises, used for the purposes of an employer's undertaking and which are made available to an employee of the employer as a place of work and includes—

(a) any place within the premises to which such employee has access while at work; and

(b) any room, lobby, corridor, staircase, road, or other place—

(i) used as a means of access to or egress from that place of work; or

(ii) where facilities are provided for use in connection with that place of work,

other than a public road;

"young person" means any person who has not attained the age of 18.

Textual Amendments

F1 Words in art. 2 omitted (1.6.2015) by virtue of The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **14(2)(a)**

F2 Words in art. 2 omitted (1.6.2015) by virtue of The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **14(2)(b)**

F3 Words in art. 2 inserted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **14(2)(c)**

F4 Words in art. 2 substituted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **14(2)(d)(i)**

F5 Word in art. 2 substituted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **14(2)(d)(ii)**

F6 Words in art. 2 inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 12(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(c)

F7 Words in art. 2 substituted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 12(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(c)

F8 Words in art. 2 substituted (1.6.2015) by The Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 (S.I. 2015/21), regs. 1(3), **14(2)(e)**

Marginal Citations

M1 1996 c. 56; section 8 was amended by the Education Act 1997 (c. 44), **section 52**.

M2 1974 c. 37; the meaning of "employee" was extended by the Police (Health and Safety) Act 1997 (c. 42), **section 1**.

M3 2004 c. 21.

M4 1980 c. 66.

M5 1952 c. 67.

Changes to legislation:
The Regulatory Reform (Fire Safety) Order 2005, Section 2 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:
Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

– art. 9A inserted by 2022 c. 30 s. 156(4)