
STATUTORY INSTRUMENTS

2005 No. 1541

The Regulatory Reform (Fire Safety) Order 2005

PART 4

OFFENCES AND APPEALS

Offences

32.—(1) It is an offence for any responsible person or any other person mentioned in article 5(3) to—

- (a) fail to comply with any requirement or prohibition imposed by articles 8 to 22 and 38 (fire safety duties) where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
- (b) fail to comply with any requirement or prohibition imposed by regulations made, or having effect as if made, under article 24 where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
- (c) fail to comply with any requirement imposed by article 29(3) or (4) (alterations notices);
- (d) fail to comply with any requirement imposed by an enforcement notice;
- (e) fail, without reasonable excuse, in relation to apparatus to which article 37 applies (luminous tube signs)—
 - (i) to ensure that such apparatus which is installed in premises complies with article 37 (3) and (4);
 - (ii) to give a notice required by article 37(6) or (8), unless he establishes that some other person duly gave the notice in question;
 - (iii) to comply with a notice served under article 37(9).

(2) It is an offence for any person to—

- (a) fail to comply with article 23 (general duties of employees at work) where that failure places one or more relevant persons at risk of death or serious injury in case of fire;
- (b) make in any register, book, notice or other document required to be kept, served or given by or under, this Order, an entry which he knows to be false in a material particular;
- (c) give any information which he knows to be false in a material particular or recklessly give any information which is so false, in purported compliance with any obligation to give information to which he is subject under or by virtue of this Order, or in response to any inquiry made by virtue of article 27(1)(b);
- (d) obstruct, intentionally, an inspector in the exercise or performance of his powers or duties under this Order;
- (e) fail, without reasonable excuse, to comply with any requirements imposed by an inspector under article 27(1)(c) or (d);
- (f) pretend, with intent to deceive, to be an inspector;

- (g) fail to comply with the prohibition imposed by article 40 (duty not to charge employees);
 - (h) fail to comply with any prohibition or restriction imposed by a prohibition notice.
- (3) Any person guilty of an offence under paragraph (1)(a) to (d) and (2)(h) is liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both.
- (4) Any person guilty of an offence under paragraph (1)(e)(i) to (iii) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Any person guilty of an offence under paragraph (2)(a) is liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.
- (6) Any person guilty of an offence under paragraph (2)(b), (c), (d) or (g) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) Any person guilty of an offence under paragraph (2)(e) or (f) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Where an offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate is guilty of that offence, and is liable to be proceeded against and punished accordingly.
- (9) Where the affairs of a body corporate are managed by its members, paragraph (8) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (10) Where the commission by any person of an offence under this Order, is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.
- (11) Nothing in this Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of—
- (a) an employee of his; or
 - (b) a person nominated under articles 13(3)(b) or 15(1)(b) or appointed under 18(1).