

SCHEDULE 2

Article 53(1)

AMENDMENTS OF PRIMARY LEGISLATION.

**Celluloid and Cinematograph Film Act 1922**

1. In section 2 of the Celluloid and Cinematograph Film Act 1922<sup>(1)</sup> (purposes to which the Act applies) for the words “the Fire Precautions (Workplace) Regulations 1997” substitute “the Regulatory Reform (Fire Safety) Order 2005”.

**London Building Acts (Amendment) Act 1939**

2.—(1) The London Building Acts (Amendment) Act 1939<sup>(2)</sup> is amended as follows.

(2) In section 20 (precautions against fire in certain buildings)—

(a) in subsection (2A)—

(i) omit the words “and maintenance”;

(ii) omit paragraphs (a) and (b); and

(iii) in paragraph (e) omit the words “interior, exterior and”; and

(b) in subsection (2C)(b) omit the words “and maintenance”.

(3) Omit section 34 (protection against fire in certain new buildings).

(4) In section 35 (protection against fire in certain old buildings)—

(a) in subsection (1)—

(i) omit paragraphs (a), (b) and (d);

(ii) in paragraph (c), omit sub-paragraphs (ii) and (iii) and the final “or”; and

(iii) in paragraph (i) of the proviso, omit the words from “as respects a building” to “referred to in this subsection”; and

(b) omit subsection (5).

(5) In section 36 (projecting shops)—

(a) in subsection (1) for the words “Where any portion” substitute “Subject to subsection (4), where any portion”;

(b) after subsection (3) insert—

“(4) This section does not apply in relation to any building to which the Regulatory Reform (Fire Safety) Order 2005 applies.”.

(6) In section 37 (means of access to roofs)—

(a) in subsection (1) for the word “Each” substitute “Subject to subsection (3), each”; and

(b) after subsection (2) insert—

“(3) This section does not apply in relation to any building to which the Regulatory Reform (Fire Safety) Order 2005 applies.”.

(7) Omit section 38 (parts of building used for storage of inflammable liquid).

(8) In section 42 (appeals) omit paragraphs (a), (b), (c) and (f).

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(1) 1922 (c. 35). Section 2 was amended by the Cinemas Act 1985 (c. 13), section 24 and Schedule 2, by S.I. 1992/1811 and 2002/2776 and by the Licensing Act 2003, section 198(1) and paragraph 10 of Schedule 6.

(2) 1939 c. xcvi. Subsections (1), (2), (2A) and (2G) were inserted by S.I. 1985/1936 and subsequently amended by S.I. 1986/452. Section 35 was amended by the Greater London Council (General Powers) Act 1966 (c. xxviii), section 22(1)(b) and by S.I. 1986/452 and 1987/798. Sections 36 and 37 were amended by S.I. 1986/452. Section 133 was amended by S.I. 1985/1936.

- (9) In section 133 (maintenance of means of escape etc.)—
- (a) in subsection (1) for the words “All arrangements” substitute “Subject to subsection (4), all arrangements”; and
  - (b) after subsection (3) insert—
    - “(4) This section does not apply in relation to any building or part of a building to which the Regulatory Reform (Fire Safety) Order 2005 applies.”.

### **Pet Animals Act 1951**

3. In section 1 of the Pet Animals Act 1951(3) (licensing of pet shops) after subsection (3) insert

“(3A) No condition may be specified under subsection (3) of this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **East Ham Corporation Act 1957**

- 4.—(1) The East Ham Corporation Act 1957(4) is amended as follows.

- (2) In section 62(1) (fire and safety precautions in public and other buildings) for the words from “If it appears” to “thereto” substitute—

“If it appears to the Corporation that for the purpose of preventing injury or danger (other than injury or danger arising from fire) to persons resorting to any building to which section 24 of the Building Act 1984 (provision of passages) applies”.

- (3) Omit section 63 (firemen’s switches for luminous tube signs) and section 64 (storage of flammable substances).

- (4) In section 91 (safety of stands)—

- (a) in subsection (2) after the words “requirements which” insert “subject to subsection (2A); and

- (b) after subsection (2) insert—

“(2A) No modification or requirement may be required under subsection (2) of this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **Caravan Sites and Control of Development Act 1960**

- 5.—(1) The Caravan Sites and Control of Development Act 1960(5) is amended as follows.

- (2) In section 5 (site licences)—

- (a) after subsection (2) insert—

“(2A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the land, no condition is to be attached to a site licence in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.”;

- (b) after subsection (3B) insert—

“(3C) Subsections (3A) and (3B) of this section do not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.”;

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(3) 1951 (c. 35). Section 1 was amended by the Local Government Act 1974 (c. 7), sections 35 and 42 and Schedules 6 and 8.

(4) 1957 c. xxxvii.

(5) 1960 (c. 62).

- (c) after subsection (6) insert—
  - “(6A) No model standards may be specified under subsection (6) of this section in relation to land to which the Regulatory Reform (Fire Safety) Order 2005 applies in so far as the standards relate to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.”; and
- (d) in subsection (8) for the words “that subsection” substitute “this section”.
- (3) In section 8 (power to alter conditions attached to site licences)—
  - (a) after subsection (1) insert—
    - “(1A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the land to which the site licence relates, no condition may be attached to a site licence under subsection (1) of this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.”; and
  - (b) after subsection (5) insert—
    - “(5A) Subsection (5) of this section does not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.”.

### **Public Health Act 1961**

- 6. In section 75 of the Public Health Act 1961(6) (byelaws as to pleasure fairs and roller skating rinks) after subsection (1) insert—
  - “(1A) No byelaw may be made under this section which applies to a pleasure fair or rolling skating rink, in so far as the byelaw relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **Gaming Act 1968**

- 7.—(1) The Gaming Act 1968(7) is amended as follows.
- (2) In section 43(9) (rights of entry and related rights) for the words from “fire and rescue authority” to “situated” substitute “appropriate fire and rescue authority”.
- (3) In section 52(1) (interpretation) after the definition of “the Act of 1963” insert—
  - ““the appropriate fire and rescue authority”, in relation to premises, means—
  - (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, the enforcing authority within the meaning given by article 25 of that Order; and
  - (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area where the premises are (or are to be) situated;”.
- (4) In Schedule 2 (grant, renewal, cancellation and transfer of licences)—
  - (a) in paragraph 2(2), omit the definition of “the appropriate fire and rescue authority”;
  - (b) in paragraph 20(1) after paragraph (a) insert—
    - “(aa) where the Regulatory Reform (Fire Safety) Order 2005 applies to the relevant premises, that the Order or regulations made under it have not been complied with in respect of the relevant premises;”;
  - (c) after paragraph 20(2) insert—

(6) 1961 (c. 64). Section 75 was amended by the Local Government (Miscellaneous Provisions) Act 1976 (c. 57), section 22.

(7) 1968 (c. 65). Relevant amendments to section 43(9) and Schedule 2 were made by the Gaming (Amendment) Act 1990 (c. 26), section 1 and the Schedule and by the Fire and Rescue Services Act 2004 (c. 21), section 53 and paragraph 24 of Schedule 1.

“(2A) For the purposes of sub-paragraph (1), a person shall be taken not to be a fit and proper person to be the holder of a licence under this Act if he has been convicted of an offence under the Regulatory Reform (Fire Safety) Order 2005 in respect of the relevant premises.”; and

(d) omit paragraph 21(1)(f).

### **Fire Precautions Act 1971**

8. The Fire Precautions Act 1971(8) ceases to have effect.

### **Health and Safety at Work etc. Act 1974**

9. In section 23(4) of the Health and Safety at Work etc. Act 1974(9) (supplementary provisions about notices) for the words from “has the meaning” to the end substitute the following—

“, in relation to premises, means—

- (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, the enforcing authority within the meaning given by article 25 of that Order;
- (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area where the premises are (or are to be) situated.”.

### **Safety of Sports Grounds Act 1975**

10.—(1) The Safety of Sports Grounds Act 1975(10) is amended as follows.

(2) In section 2 (contents of safety certificates) after subsection (2A) insert—

“(2B) No condition of a safety certificate shall require a person to contravene any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it.”.

(3) In section 4 (amendment etc of certificate)—

(a) after subsection (1) insert—

“(1A) The local authority shall, if it appears to them that a safety certificate would require a person to contravene any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it, amend the safety certificate by notice in writing to its holder; but nothing in this subsection shall be taken to require the local authority to take any action unless they are aware of any such inconsistency between a safety certificate and the Order.”;

(b) in subsection (4) after “(1)(a)” insert “or (1A)”.

(4) After section 4 insert—

#### **“Safety certificates: fire safety**

4A. A safety certificate has no effect to the extent that it would require a person to contravene any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it.”.

(5) In section 9(1) (exclusion of other statutory requirements)—

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(8) 1971 (c. 40).

(9) 1974 (c. 37). Section 23(4) was amended by the Fire and Rescue Services Act 2004 (c. 21), section 53(1) and paragraph 44 of Schedule 1.

(10) 1975 c. 52. Relevant amendments were made by the Fire Safety and Safety of Places of Sport Act 1987 (c. 27), Part 2 and Schedule 2, the Local Government Act 1985 (c. 51), section 16 and Schedule 8 and by the Local Government (Wales) Act 1994 (c. 19), section 66 and Schedule 16.

- (a) in paragraph (c) for “sections 24 and 71” substitute “section 24”;
- (b) omit paragraph (d); and
- (c) in paragraph (e) for “those terms and conditions” substitute “the terms and conditions of the safety certificate”.

### **Greater London Council (General Powers) Act 1975**

**11.** Omit section 3 of the Greater London Council (General Powers) Act 1975<sup>(11)</sup> (protection for fire brigade in respect of certain substances).

### **County of South Glamorgan Act 1976**

**12.**—(1) The County of South Glamorgan Act 1976<sup>(12)</sup> is amended as follows.

(2) In section 27 (safety of stands)—

- (a) in subsection (2) after the words “requirements which” insert “subject to subsection (2A),”; and
- (b) after subsection (2) insert—

“(2A) No modification or requirement may be required under subsection (2) of this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) In section 51 (modification of section 60 of the Public Health Act 1936)—

- (a) in subsection (1)(b), omit paragraph (b) and the preceding “or” of the substituted subsection (4); and
- (b) omit subsection (3)(b) and the preceding “or”.

(4) Omit section 52 (firemen’s switches for luminous tube signs).

(5) In section 54(1) (byelaws with regard to certain temporary structures), after the words “Public Health Act 1961” insert “and provided that no byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005”.

### **Rent Act 1977**

**13.** Omit section 140 of, and Schedule 20 to, the Rent Act 1977<sup>(13)</sup> (modification of Act in relation to fire precautions).

### **County of Merseyside Act 1980**

**14.**—(1) The County of Merseyside Act 1980<sup>(14)</sup> is amended as follows.

(2) In section 20 (safety of stands)—

- (a) in subsection (6), after the words “conditions which” insert “subject to subsection (6A),”; and
- (b) after subsection (6) insert—

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<sup>(11)</sup> 1975 (c. xxx).

<sup>(12)</sup> 1976 (c. xxxv).

<sup>(13)</sup> 1977 (c. 42).

<sup>(14)</sup> 1980 (c. x).

“(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) In section 51(1) (fire and safety precautions in public and other buildings) for the words from “If it appears” to “such building” substitute “If it appears to a district council that for the purpose of preventing injury or danger (other than injury or danger arising from fire) to persons resorting to any building to which section 24 of the Building Act 1984 (provision of passages) applies”.

(4) Omit section 54 (firemen’s switches for luminous tube signs) and section 57 (byelaws etc. in relation to oil-burning equipment).

(5) In section 69 (registration of entertainment clubs)—

(a) in subsection (3)—

(i) in paragraph (c) omit the words “and suitable fire-fighting appliances,”; and

(ii) omit paragraph (d);

(b) after subsection (3) insert—

“(3A) The district council may not refuse to register or renew the registration of premises under subsection (3) above on grounds that relate to precautions against fire.”.

(c) in subsection (4)(b) omit the words “the taking of proper precautions against fire, and” and the words “fire-fighting appliances”;

(d) after subsection (4) insert—

“(4A) No condition may be imposed under subsection (4) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **West Midlands County Council Act 1980**

**15.**—(1) The West Midlands County Council Act 1980(**15**) is amended as follows.

(2) In section 39 (safety of stands)—

(a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”; and

(b) after subsection (6) insert—

“(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) Omit section 45 (firemen’s switches for luminous tube signs) and section 47 (byelaws etc. in relation to oil-burning equipment).

(4) In section 49 (provision of means of escape from fire in certain buildings) omit subsection (3) (b) and the preceding “or”.

### **Cheshire County Council Act 1980**

**16.**—(1) The Cheshire County Council Act 1980(**16**) is amended as follows.

(2) In section 29 (safety of stands)—

(a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”; and

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(15) 1980 (c. xi).

(16) 1980 (c. xiii).

- (b) after subsection (6) insert—
  - “(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
- (3) Omit section 49 (firemen’s switches for luminous tube signs) and section 51 (byelaws etc. in relation to oil-burning equipment).
- (4) In section 52(1) (fire and safety precautions in public and other buildings) for the words from “If it appears” to “such building” substitute “If it appears to a district council that for the purpose of preventing injury or danger (other than injury or danger arising from fire) to persons resorting to any building to which section 24 of the Building Act 1984 (provision of passages) applies”.
- (5) Omit section 53 (fire precautions in buildings used for storage of flammable substances).
- (6) In section 54 (modification of section 60 of the Public Health Act 1936) omit subsection (4) (b) and the preceding “or”.
- (7) In section 56 (byelaws with regard to certain temporary structures)—
  - (a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”; and
  - (b) after subsection (1) insert—
    - “(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **West Yorkshire Act 1980**

- 17.—(1) The West Yorkshire Act 1980(17) is amended as follows.
- (2) In section 40 (registration of entertainment clubs)—
  - (a) in subsection (3)—
    - (i) in paragraph (c) omit the words “and suitable fire-fighting appliances,”; and
    - (ii) omit paragraph (d);
  - (b) after subsection (3) insert—
    - “(3A) The district council may not refuse to register or renew the registration of premises under subsection (3) above on grounds that relate to precautions against fire.”;
  - (c) in subsection (4)(b) omit the words “the taking of proper precautions against fire, and” and the words “fire-fighting appliances”; and
  - (d) after subsection (4) insert—
    - “(4A) No condition may be imposed under subsection (4) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
- (3) Omit section 51 (firemen’s switches for luminous tube signs).

### **Isle of Wight Act 1980**

- 18. Omit section 31 (firemen’s switches for luminous tube signs) and section 33 (byelaws etc. in relation to oil-burning equipment) of the Isle of Wight Act 1980(18).

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(17) 1980 (c. xiv).

(18) 1980 (c. xv).

### South Yorkshire Act 1980

**19.**—(1) The South Yorkshire Act 1980(**19**) is amended as follows.

(2) In section 45 (safety of stands)—

(a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”;  
and

(b) after subsection (6) insert—

“(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) In section 46 (byelaws with regard to certain temporary structures)—

(a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”;  
and

(b) after subsection (1) insert—

“(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(4) Omit section 54 (firemen’s switches for luminous tube signs).

(5) In section 58(1) (fire and safety precautions in public and other buildings) for the words from “If it appears” to “such building” substitute “If it appears to a district council that for the purpose of preventing injury or danger (other than injury or danger arising from fire) to persons resorting to any building to which section 24 of the Building Act 1984 (provision of passages) applies”.

(6) Omit section 59 (byelaws etc. in relation to oil-burning equipment).

### Tyne and Wear Act 1980

**20.**—(1) The Tyne and Wear Act 1980(**20**) is amended as follows.

(2) In section 17 (safety of stands)—

(a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”;  
and

(b) after subsection (6) insert—

“(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) In section 18 (byelaws with regard to certain temporary structures)—

(a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”;  
and

(b) after subsection (1), insert—

“(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

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(19) 1980 (c. xxxvii).

(20) 1980 (c. xliii).



## Zoo Licensing Act 1981

**21.** Section 3 of the Zoo Licensing Act 1981(**21**) (consideration of application for licence) is amended as follows—

- (a) in subsection (2), for paragraph (c) substitute “(c) the relevant fire and rescue authority”;  
and
- (b) after subsection (2) insert—
  - “(3) In subsection (2) “the relevant fire and rescue authority” means—
    - (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the zoo—
      - (i) the enforcing authority within the meaning given by article 25 of that Order, and
      - (ii) the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the whole or any part of the zoo is situated, if that authority is not the enforcing authority mentioned in subparagraph (i);
    - (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the whole or any part of the zoo is situated .”.

## Greater Manchester Act 1981

**22.**—(1) The Greater Manchester Act 1981(**22**) is amended as follows.

- (2) In section 58 (safety of stands)—
  - (a) in subsection (6), after the words “conditions which” insert “subject to subsection (6A),”;  
and
  - (b) after subsection (6) insert—
    - “(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
- (3) In section 59 (byelaws with regard to certain temporary structures)—
  - (a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”;  
and
  - (b) after subsection (1) insert—
    - “(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
- (4) Omit section 62 (firemen’s switches for luminous tube signs).
- (5) In section 66(1) (fire and safety precautions in public and other buildings) for the words from “If it appears” to “such building” substitute “If it appears to a district council that for the purpose of preventing injury or danger (other than injury or danger arising from fire) to persons resorting to any building to which section 24 of the Building Act 1984 (provision of passages) applies”.
- (6) In section 78 (registration of entertainment clubs)—
  - (a) in subsection (3)—

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(21) 1981 (c. 37). Section 3 was amended by the Local Government Act 1985 (c. 51), section 102 and Schedule 17, by the Local Government (Wales) Act 1994 (c. 19), section 66 and Schedule 16 and by the Fire and Rescue Services Act 2004 (c. 21), section 53(1) and paragraph 51 of Schedule 1.

(22) 1981 (c. ix).

- (i) in paragraph (c) omit the words “and suitable fire-fighting appliances,”; and
- (ii) omit paragraph (d);
- (b) after subsection (3) insert—
  - “(3A) The district council may not refuse to register or renew the registration of premises under subsection (3) above on grounds that relate to precautions against fire.”.
- (c) in subsection (4)(b) omit the words “the taking of proper precautions against fire, and” and the words “fire-fighting appliances”; and
- (d) after subsection (4) insert—
  - “(4A) No condition may be imposed under subsection (4) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **County of Kent Act 1981**

**23.** Omit section 52 (firemen’s switches for luminous tube signs) and section 54 (byelaws etc. in relation to oil-burning equipment) of the County of Kent Act 1981**(23)**.

### **Derbyshire Act 1981**

- 24.**—(1) The Derbyshire Act 1981**(24)** is amended as follows.
- (2) In section 16 (safety of stands)—
    - (a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”; and
    - (b) after subsection (6) insert—
      - “(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
  - (3) In section 24 (modification of section 60 of the Public Health Act 1936)—
    - (a) in subsection (1)(b), omit paragraphs (b) and (c) and the preceding “or” of the substituted subsection (4); and
    - (b) omit subsection (3)(b) and the preceding “or”.
  - (4) Omit section 25 (firemen’s switches for luminous tube signs) and section 26 (byelaws etc. in relation to oil-burning equipment).

### **East Sussex Act 1981**

- 25.**—(1) The East Sussex Act 1981**(25)** is amended as follows.
- (2) Omit section 34 (fireman’s switches for luminous tube signs).
  - (3) In section 47 (registration of entertainment clubs)—
    - (a) in subsection (3)—
      - (i) in paragraph (c) omit the words “and suitable fire-fighting appliances,”; and
      - (ii) omit paragraph (d);
    - (b) after subsection (3) insert—

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**(23)** 1981 (c. xviii).  
**(24)** 1981 (c. xxxiv).  
**(25)** 1981 (c. xxv).

- “(3A) The district council may not refuse to register or renew the registration of premises under subsection (3) above on grounds that relate to precautions against fire.”.
- (c) in subsection (4)(b) omit the words “the taking of proper precautions against fire, and” and the words “fire-fighting appliances”; and
- (d) after subsection (4) insert—
- “(4A) No condition may be imposed under subsection (4) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **Local Government (Miscellaneous Provisions) Act 1982**

**26.**—(1) The Local Government (Miscellaneous Provisions) Act 1982(**26**) is amended as follows.

(2) Omit sections 9 and 10 (firemen’s switches for luminous tube signs).

(3) In Schedule 3 (control of sex establishments)—

(a) in paragraph 8—

(i) at the beginning insert “(1)”;

(ii) after the words “Subject to” insert “sub-paragraph (2) and”; and

(iii) at the end insert—

“(2) No term, condition or restriction may be specified under sub-paragraph (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005 in respect of the premises, vehicle, vessel or stall.”;

(b) after paragraph 13(1) insert—

“(1A) No standard condition may be prescribed by regulation under sub-paragraph (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”;

(c) in paragraph 18(2) at the beginning insert “Subject to sub-paragraph (4) below,”; and

(d) after paragraph 18(3) insert—

“(4) No variation is to be made under this paragraph in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **Humberside Act 1982**

**27.**—(1) The Humberside Act 1982(**27**) is amended as follows.

(2) Omit section 13 (firemen’s switches for luminous tube signs).

(3) In section 15 (modification of section 60 of the Public Health Act 1936)—

(a) in subsection (1) omit paragraphs (b) and (c) and the preceding “or” of the substituted subsection (4); and

(b) omit subsection (3)(b) and the preceding “or”.

(4) In section 17 (byelaws with regard to certain temporary structures)—

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(26) 1982 (c. 30). Sections 9 and 10 were amended by the Fire and Rescue Services Act 2004 (c. 21), section 53(1) and paragraph 54 of Schedule 1. Schedule 3 was amended by the Licensing Act 2003 (c. 17), section 198 and paragraph 85 of Schedule 6 from a date to be appointed, and by the Greater London Council (General Powers) Act 1986 (c. iv), section 12.

(27) 1982 (c. iii).

- (a) in subsection (1) after the words “county council may” insert “subject to subsection (1A),”; and
- (b) after subsection (1) insert—
  - “(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **County of Avon Act 1982**

**28.** Section 6 of the County of Avon Act 1982(**28**) (byelaws with regard to certain temporary structures) is amended as follows—

- (a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A),”; and
- (b) after subsection (1) insert—
  - “(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **Cumbria Act 1982**

**29.**—(1) The Cumbria Act 1982(**29**) is amended as follows.

- (2) Omit section 27 (byelaws etc. in relation to oil-burning equipment).
- (3) In section 28 (modification of section 60 of the Public Health Act 1936)—
  - (a) in subsection (1) omit paragraphs (b) and (c) and the preceding “or” of the substituted subsection (4); and
  - (b) omit subsection (4)(b) and the preceding “or”.
- (4) Omit section 29 (fire precautions in buildings used for storage of flammable substances).

### **Hampshire Act 1983**

**30.** Omit section 14 of the Hampshire Act 1983(**30**) (automatic fire alarms).

### **Staffordshire Act 1983**

**31.**—(1) The Staffordshire Act 1983(**31**) is amended as follows.

- (2) Omit section 27 (byelaws etc. in relation to oil-burning equipment).
- (3) In section 28 (byelaws with regard to certain temporary structures)—
  - (a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A),”; and
  - (b) after subsection (1) insert—
    - “(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

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(28) 1982 (c. iv).

(29) 1982 (c. xv).

(30) 1983 (c. v).

(31) 1983 (c. xviii).

## Food Act 1984

- 32.**—(1) The Food Act 1984(**32**) is amended as follows.
- (2) In section 60(d) (market byelaws) omit the words “for the area in which the market is situated”.
- (3) In section 61 (interpretation) for the definition of “fire and rescue authority” substitute—
- ““fire and rescue authority” in relation to a market, means—
- (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the market, the enforcing authority within the meaning given by article 25 of that Order; or
- (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the market is situated .”.

## Building Act 1984

- 33.**—(1) The Building Act 1984(**33**) is amended as follows.
- (2) In section 48 (effect of initial notice), omit subsection (4).
- (3) In section 51B(**34**) (effect of amendment notice), omit subsection (2).
- (4) Omit section 71 (entrances and exits required in certain cases).
- (5) In section 72 (means of escape from fire)—
- (a) in subsection (6), omit paragraphs (b) and (c); and
- (b) omit subsection (7).
- (6) In section 81(**35**) (local authority power to serve notice about demolition)—
- (a) for subsection (6)(b) substitute—
- “(b) if it contains such a requirement as is specified in section 82(1)(i) below, to the fire and rescue authority, if they are not themselves the fire and rescue authority.”; and
- (b) omit subsection (7).
- (7) In section 82 (notices under section 81), for subsection (1)(i) substitute—
- “(i) to make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required by the fire and rescue authority;”.
- (8) In section 126 (interpretation) for the definition of “fire and rescue authority” substitute—
- ““fire and rescue authority” in relation to any premises or proposed premises, means—
- (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises or proposed premises, the enforcing authority within the meaning given by article 25 of that Order;
- (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the premises are or are to be situated ;”.

(32) 1984 (c. 30). Section 60(d) was added by the Food Safety Act 1990 (c. 16), section 52(a) and paragraphs 1 and 10 of Schedule 2. Sections 60 and 61 were amended by the Fire and Rescue Services Act 2004 (c. 21), section 53 and paragraph 56 of Schedule 1.

(33) 1984 (c. 55). Relevant amendments were made by the Fire and Rescue Services Act 2004 (c. 21), section 53 and paragraph 57 of Schedule 1.

(34) Section 51B was inserted by S.I. 1996/1905.

(35) Section 81(1)(a) was amended by the Housing and Planning Act 1986 (c. 63), section 24 and paragraph 11 of Schedule 5 and by the Housing (Consequential Provisions) Act 1985 (c. 71), section 4 and paragraph 58 of Schedule 2.

#### **County of Lancashire Act 1984**

- 34.**—(1) The County of Lancashire Act 1984(**36**) is amended as follows.
- (2) Omit section 32 (fire precautions in buildings used for storage of flammable substances).
- (3) In section 35 (byelaws with regard to certain temporary structures)—
- (a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”;
- and
- (b) after subsection (1) insert—
- “(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

#### **Cornwall County Council Act 1984**

- 35.** Section 20 of the Cornwall County Council Act 1984(**37**) (safety of stands) is amended as follows—
- (a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”;
- and
- (b) after subsection (6) insert—
- “(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

#### **Bournemouth Borough Council Act 1985**

- 36.** In section 19 of the Bournemouth Borough Council Act 1985(**38**) (modification of section 72 of the Building Act 1984) omit subsection (3)(b) and the preceding “or”.

#### **Leicestershire Act 1985**

- 37.**—(1) The Leicestershire Act 1985(**39**) is amended as follows.
- (2) In section 21 (safety of stands)—
- (a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”;
- and
- (b) after subsection (6) insert—
- “(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
- (3) Omit section 47 (automatic fire alarms) and section 48 (fire precautions in buildings used for storage of flammable substances).
- (4) In section 51 (byelaws with regard to certain temporary structures)—
- (a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”;
- and
- (b) after subsection (1) insert—

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**(36)** 1984 (c. xxi).

**(37)** 1984 (xix).

**(38)** 1985 (c. v).

**(39)** 1985 (c. xvii).

“(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(5) In section 54(6) (means of escape from fire in certain buildings) omit the word “or” at the end of paragraph (a) and the words following “or” to the end of the subsection.

### **Clwyd County Council Act 1985**

**38.**—(1) The Clwyd County Council Act 1985(**40**) is amended as follows.

(2) Omit section 21 (byelaws etc. in relation to oil-burning equipment) and section 23 (fire precautions in buildings used for storage of flammable substances).

(3) In section 24(1) (fire and safety precautions in public and other buildings) for the words from “If it appears” to “such building” substitute “If it appears to a district council that for the purpose of preventing injury or danger (other than injury or danger arising from fire) to persons resorting to any building to which section 24 of the Building Act 1984 (provision of passages) applies”.

(4) In section 26 (modification of section 72 of the Building Act 1984) omit subsection (3).

(5) In section 42 (byelaws with regard to certain temporary structures)—

(a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”;

and

(b) after subsection (1) insert—

“(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **Worcester City Council Act 1985**

**39.**—(1) The Worcester City Council Act 1985(**41**) is amended as follows.

(2) In section 27 (safety of stands)—

(a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”;

and

(b) after subsection (6) insert—

“(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) In section 28 (byelaws with regard to certain temporary structures)—

(a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”;

and

(b) after subsection (1) insert—

“(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(4) In section 45 (provision of means of escape from fire in certain buildings), omit subsection (1)(b)(iv) and subsection (3).

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**(40)** 1985 (c. xliv).

**(41)** 1985 (c. xliii).

### **Poole Borough Council Act 1986**

**40.**—(1) The Poole Borough Council Act 1986(**42**) is amended as follows.

(2) In section 6 (safety of stands)—

(a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”;  
and

(b) after subsection (6) insert—

“(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) In section 12(1) (fire and safety precautions in public and other buildings) for the words from “If it appears” to “such building” substitute “If it appears to the Council that for the purpose of preventing injury or danger (other than injury or danger arising from fire) to persons resorting to any building to which section 24 of the Building Act 1984 (provision of passages) applies”.

(4) Omit section 13 (fire precautions in buildings used for storage of flammable substances).

(5) In section 16 (modification of section 72 of the Building Act 1984) omit subsection (3).

### **Berkshire Act 1986**

**41.**—(1) The Berkshire Act 1986(**43**) is amended as follows.

(2) In section 28 (safety of stands)—

(a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”;  
and

(b) after subsection (6) insert—

“(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) Omit section 30 (fire precautions in building used for storage of flammable substances).

(4) In section 31 (byelaws with regard to certain temporary structures)—

(a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”;  
and

(b) after subsection (1) insert—

“(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(5) In section 33 (modification of section 72 of the Building Act 1984)—

(a) in subsection (1), omit paragraphs (b) and (c) and the preceding “or” of the substituted subsection (6); and

(b) in subsection (3) paragraphs (b) and (c) and the preceding “or” are omitted.

(6) In section 35(1) (fire and safety precautions in public and other buildings), for the words from “If it appears” to “such building” substitute “If it appears to a district council that for the purpose of preventing injury or danger (other than injury or danger arising from fire) to persons resorting to any building to which section 24 of the Building Act 1984 (provision of passages) applies”.

(7) Omit section 40 (automatic fire alarms).

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(42) 1986 (c. i).

(43) 1986 (c. ii).



### **Fire Safety and Safety of Places of Sport Act 1987**

**42.**—(1) The Fire Safety and Safety of Places of Sport Act 1987<sup>(44)</sup> is amended as follows.

(2) In section 27 (contents of safety certificates) after subsection (3) insert—

“(3A) No condition of a safety certificate shall require a person to contravene any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it.”.

(3) In section 29 (amendment, cancellation etc. of certificates)—

(a) after subsection (1) insert—

“(1A) The local authority shall, if it appears to them that a safety certificate would require a person to contravene any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it, amend the safety certificate by notice in writing to its holder; but nothing in this subsection shall be taken to require the local authority to take any action unless they are aware of such an inconsistency between a safety certificate and the Order.”;

(b) in subsection (4) after “(1)(b)” insert “or (1A)”; and

(4) After section 29 insert—

#### **“Safety certificates: fire safety**

**29A.** A safety certificate has no effect to the extent that it would require a person to contravene any provision of the Regulatory Reform (Fire Safety) Order 2005 or regulations made under it.”.

(5) In section 33(1)<sup>(45)</sup> (exclusion of other statutory requirements)—

(a) omit paragraph (b); and

(b) in paragraph (d) for the words “sections 24 and 71” substitute “section 24”.

### **Plymouth City Council Act 1987**

**43.**—(1) The Plymouth City Council Act 1987<sup>(46)</sup> is amended as follows.

(2) In section 7 (safety of stands)—

(a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”; and

(b) after subsection (6) insert—

“(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

(3) In section 10 of the Plymouth City Council Act 1987 (provision of means of escape from fire in certain buildings), omit subsection (3).

### **West Glamorgan Act 1987**

**44.**—(1) The West Glamorgan Act 1987<sup>(47)</sup> is amended as follows.

(2) In section 41 (byelaws with regard to certain temporary structures)—

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<sup>(44)</sup> 1987 (c. 27). Relevant amendments were made by the Local Government (Wales) Act 1994 (c. 19), section 66 and Schedule 16 and by the Fire and Rescue Services Act 2004, section 53 and paragraph 63 of Schedule 1.

<sup>(45)</sup> Section 33 was amended by the Licensing Act 2003 (c. 17), section 198 and paragraph 106 of Schedule 6.

<sup>(46)</sup> 1987 (c. iv).

<sup>(47)</sup> 1987 (c. viii).

- (a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”; and
- (b) after subsection (1) insert—
  - “(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
- (3) In section 42 (safety of stands)—
  - (a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”; and
  - (b) after subsection (6) insert—
    - “(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

### **Dyfed Act 1987**

- 45.**—(1) The Dyfed Act 1987(**48**) is amended as follows.
- (2) In section 45 (byelaws as to temporary structures)—
    - (a) in subsection (1) after the words “fire authority” insert “and subject to subsection (1A)”; and
    - (b) after subsection (1) insert—
      - “(1A) No byelaw may be made under this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
  - (3) In section 46 (safety of stands)—
    - (a) in subsection (6) after the words “conditions which” insert “subject to subsection (6A),”; and
    - (b) after subsection (6) insert—
      - “(6A) No modification or condition may be required under subsection (6) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.
  - (4) Omit section 48 (byelaws etc. in relation to oil-burning equipment).
  - (5) In section 50 (amendment of section 72 of the Building Act 1984) omit subsection (3)(b) and the preceding “or”.
  - (6) Omit section 53 (automatic fire alarms).

### **Environment and Safety Information Act 1988**

- 46.** In the Schedule to the Environment and Safety Information Act 1988(**49**) (authorities and statutory functions) after the entry for the Food and Environment Protection Act 1985 insert the following entry—

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(48) 1987 (c. xxiv).

(49) 1988 (c. 30).

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S.I.2005/1541	The Regulatory Reform (Fire Safety) Order 2005	The enforcing authority as defined in article 25.	Articles 29, 30 and 31.
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### Smoke Detectors Act 1991

47. The Smoke Detectors Act 1991(50) ceases to have effect.

### London Local Authorities Act 1995

48.—(1) The London Local Authorities Act 1995(51) is amended as follows.

(2) In section 2 (interpretation) for the definition of “the fire and rescue authority” substitute—

““the fire and rescue authority”, in relation to premises, means—

(a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, the enforcing authority within the meaning given by article 25 of that Order; or

(b) in any other case, the London Fire and Emergency Planning Authority;”.

(3) In section 16 (near beer licensing) after subsection (3) insert—

“(3A) No term, condition or restriction is to be imposed under subsection (2) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005 in respect of the premises.”.

(4) In section 18(1) (refusal of licence) for paragraphs (f) and (g) substitute—

“(f) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, that Order or any regulations made under it are not being complied with in respect of the premises;

(g) where the Regulatory Reform (Fire Safety) Order 2005 does not apply to the premises—

(i) proper precautions against fire on the premises are not being taken;

(ii) satisfactory means of escape in case of fire and suitable fire-fighting appliances are not provided on the premises; or”.

(5) In section 20 (power to prescribe standard terms, conditions and restrictions) after subsection (1) insert—

“(1A) No standard condition that is applicable to premises to which the Regulatory Reform (Fire Safety) Order 2005 applies may be prescribed by regulation under subsection (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.”.

(6) In section 22 (variation of near beer licence)—

(a) in subsection (3) after the words “The council may” insert “, subject to subsection (4) below”; and

(b) after subsection (3) insert—

“(4) No term, condition or restriction may be varied under this section in so far as the effect of the variation would be that the term, condition or restriction as varied would relate to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.”.

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(50) 1991 (c. 37).

(51) 1995 (c. x). The definition of “fire authority” was substituted by the Greater London Authority Act 1999 (c. 29), section 328 and Schedule 29. Further amendments were made by the Fire and Rescue Services Act 2004 (c. 21), section 53 and paragraph 86 of Schedule 1.

### Capital Allowances Act 2001

- 49.** In section 29 of the Capital Allowances Act 2001(**52**) (allowances for fire safety)—
- (a) omit subsections (2) to (4); and
  - (b) after subsection (4) insert—
    - “(4A) A person takes required fire precautions in respect of premises if—
    - (a) he has been served with a notice under article 31 of the Regulatory Reform (Fire Safety) Order 2005 (prohibition notices) in respect of the premises specifying matters giving rise to a risk of a kind mentioned in paragraph (1) of that article, and
    - (b) he takes steps to remedy the matters specified in the prohibition notice.”.

### Licensing Act 2003

- 50.**—(1) The Licensing Act 2003(**53**) is amended as follows.
- (2) In sections 13 (authorised persons, interested parties and responsible authorities) and 69 (authorised persons, interested parties and responsible authorities) for paragraph (b) of subsection (2), in each case, substitute—
- “(b) an inspector appointed by the fire and rescue authority for the area in which the premises are situated.”
- (3) In section 177(8) (dancing and live music in certain small premises) in the definition of “permitted capacity”—
- (a) omit paragraph (a);
  - (b) in paragraph (b), omit the words “in any other case,”.

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(52) 2001 (c. 2). Relevant amendments were made by the Fire and Rescue Services Act 2004 (c. 21), section 53 and paragraph 96 of Schedule 1.

(53) 2003 (c. 17)