

2009 No. 782

FIRE PRECAUTIONS, ENGLAND

**The Fire Precautions (Sub-surface Railway Stations) (England)
Regulations 2009**

<i>Made</i>	- - - -	<i>24th March 2009</i>
<i>Laid before Parliament</i>		<i>31st March 2009</i>
<i>Coming into force</i>	- -	<i>1st October 2009</i>

These Regulations are made in exercise of the powers conferred by article 24 of the Regulatory Reform (Fire Safety) Order 2005^(a).

In accordance with article 24(4) of that Order the Secretary of State has consulted such persons or bodies of persons as appeared to the Secretary of State to be appropriate.

The Secretary of State makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fire Precautions (Sub-surface Railway Stations) (England) Regulations 2009 and shall come into force on 1st October 2009.

Interpretation

2. In these Regulations—

“basic instruction” means instruction in the fire precautions to be taken or observed in the station premises, so far as those precautions relate to the member of staff’s duties, and includes instruction as to—

- (a) the means of escape from the premises in case of fire;
- (b) the action to be taken in case of fire in the premises;
- (c) the location of, and method of operating, equipment provided in the premises for fighting fire; and
- (d) the location and use of the means for giving warning in case of fire in the premises;

“fire-fighter” means a fire-fighter employed by a fire and rescue authority;

“member of staff” means a person employed to work in station premises as a member of the staff of the station premises;

“public area” means a part of station premises to which members of the public have access;

(a) S.I. 2005/1541; amended by S.I. 2006/484.

“station manager” means the member of staff who is for the time being in charge of station premises; and

“station premises” means premises to which these Regulations apply.

Application of Regulations

3.—(1) These Regulations apply to any premises where—

- (a) the premises are used as a railway station;
- (b) members of the public have access to the premises (whether on payment or otherwise); and
- (c) there is a railway platform in the premises which is an enclosed underground platform.

(2) A railway platform is an enclosed platform if the platform and the permanent way to which it is adjacent are situated wholly or mainly in a tunnel or wholly or mainly within or under any building.

(3) A railway platform is an underground platform if the level of the roof or ceiling immediately above the platform and the permanent way to which it is adjacent is below the level of the surface of the ground adjacent to any exit from the railway station providing a means of escape from the station in case of fire.

(4) A railway platform is situated mainly in a tunnel or mainly within or under a building if the platform and the permanent way to which it is adjacent are covered by any part of a tunnel or building for more than half the length of the platform.

(5) These Regulations apply to premises owned or occupied by the Crown.

Doors to be kept locked

4.—(1) Paragraph (2) applies to any passage or other area affording a means of escape from station premises in case of fire or giving access to such a means of escape.

(2) Every door which does not form part of, or give access to, the means of escape must be kept locked at all times when the part of the premises to which the door gives access is neither in use by any person who is at work in the premises nor available for use by members of the public.

Means for fighting fire

5.—(1) Paragraph (2) applies to these parts of station premises—

- (a) a room containing any electricity generator, transformer or switchgear, other than one in which any machinery for operating an escalator, passenger conveyor or lift is installed;
- (b) any storage area, including an area set aside for storing refuse pending its disposal; and
- (c) any part of the premises used as a shop.

(2) The parts to which this paragraph applies must be provided with a means for fighting fire comprising a system which is activated automatically in that part of the premises in case of fire in that part.

(3) When any member of staff reasonably suspects that there is an outbreak of fire in the premises, immediate steps must be taken to activate the warning system referred to in regulation 6(3) and call for the assistance of the fire and rescue authority.

(4) A plan of the station premises suitable for use by fire-fighters when attending the premises for fire-fighting purposes must be kept in a part of the premises where it is accessible to fire-fighters.

(5) In this Regulation “passenger conveyor” includes any mechanically operated moving footway other than an escalator.

Means for detecting fire and giving warning in case of fire

6.—(1) Paragraph (2) applies to these parts of station premises—

- (a) those referred to in regulation 5(1);
- (b) any office which is not separated from other parts of the premises by fire-resisting construction; and
- (c) any staff room for persons employed to work in the premises.

(2) The parts to which this paragraph applies must be provided with a means for detecting fire which is activated automatically in case of fire in that part.

(3) The station premises must be provided with an electrically operated system for giving warning in case of fire.

(4) The system referred to in paragraph (3) must—

- (a) be designed to transmit a warning to a place where it can be received by the station manager or by some other member of staff; and
- (b) be capable of being activated both by manual operation at call points in the premises, including call points for use by members of the public, and by the means referred to in paragraph (2) for detecting fire in the premises.

(5) The station premises must be provided with a public address system for use by or on behalf of the occupier of the premises to give warning of fire to members of the public in the premises and advise them of the action to be taken in case of fire.

(6) Arrangements must be made to secure that in case of fire the station manager and any member of staff who is on duty in any part of the station premises can communicate with each other by personal radio or by telephone.

Combustible matter

7.—(1) All parts of station premises must be kept clear of any accumulation of combustible refuse or other combustible matter.

(2) Any area set aside for storing combustible refuse in station premises pending its disposal must be separated from other parts of the premises by fire-resisting construction.

Materials used in internal construction of premises

8.—(1) Any material which is used in the construction of an internal wall or ceiling in any public area must be of limited combustibility.

(2) To inhibit the spread of fire within the premises, any material which is applied to the surface of an internal wall or ceiling in any public area must—

- (a) adequately resist the spread of flame over the surface; and
- (b) have, if ignited, either a rate of heat release or a rate of fire growth, which is reasonable in the circumstances.

Instruction and training of persons working in premises

9.—(1) Every member of staff must be given basic instruction as soon as reasonably practicable after beginning work in station premises.

(2) Every member of staff must be given further basic instruction at least once in every period of seven months.

(3) No member of staff may be employed as the station manager unless the member of staff has been given basic instruction and, in addition, instruction—

- (a) as to supervising and controlling action to be taken in case of fire in the premises by other members of staff;

- (b) in making arrangements for calling for the assistance of the fire and rescue authority and securing that fire-fighters are directed to the source of any fire in the premises;
- (c) as to taking action in case of fire in the premises to prevent the entry of members of the public to the premises;
- (d) in the use of the means for advising members of the public in the premises on the action to be taken by them in case of fire in the premises; and
- (e) in making arrangements for securing that the means of escape from the premises can immediately be used in case of fire and for enabling persons to leave the premises by train in case of fire.

(4) A fire drill must be held for members of staff not less than once in every period of six months for the purpose of providing them with training in the action to be taken in case of fire in the premises.

(5) The attendance of members of staff at a fire drill must be so organised as to secure that not less than one third of the number of those persons at work in the station premises at any one time have attended a fire drill in the preceding six months.

(6) Each fire drill in station premises must be held at a time when members of the public have access to the premises.

(7) A record must be made—

- (a) of the occasions on which instruction is given under this regulation to each member of staff; and
- (b) of the fire drills held in the premises under this regulation and of the names of the persons attending each fire drill.

(8) A record made under paragraph (7) above in relation to station premises must be kept in the premises for a period of not less than three years from the date on which it was made.

Additional precautions to be taken

10.—(1) All practicable steps must be taken to supervise the carrying out by persons other than members of staff of any work of construction or maintenance in the premises which presents a risk to persons in case of fire.

(2) The periods of duty of members of staff must be so arranged as to secure that not less than two of them are present on duty in the premises at all times when members of the public have access to the premises.

Exemption from requirements

11.—(1) Paragraph (2) applies where a fire and rescue authority is satisfied in respect of any particular station premises that compliance with a requirement of any of the provisions of regulations 5(2), 6(2), 9(8) and 10(2) is inappropriate, unnecessary or not reasonably practicable.

(2) Where this paragraph applies the fire and rescue authority may by notice in writing to the occupier of the premises grant exemption from compliance with the requirement to such extent as is reasonable having regard to all the circumstances of the case and in particular to the risk in case of fire to persons in the premises.

(3) A fire and rescue authority may grant an exemption under paragraph (2) subject to such conditions as may be specified in the notice granting the exemption.

(4) A fire and rescue authority may by notice in writing to the occupier of the premises withdraw an exemption under paragraph (2) if the occupier fails to comply with any condition subject to which the exemption was granted.

Contravention of requirements

12. The requirements of regulations 4 to 10 above are imposed on the occupier of the station premises to which those regulations apply and, subject to any exemption granted (and not

withdrawn) under regulation 11, the occupier of the premises shall be responsible for any contravention of the provisions of those regulations.

Revocation

13. The following instruments are revoked so far as they apply to England—

- (a) the Fire Precautions (Sub-surface Railway Stations) Regulations 1989(a);
- (b) the Fire Precautions (Sub-surface Railway Stations) (Amendment) Regulations 1994(b).

Signed by authority of the Secretary of State for Communities and Local Government

Sadiq Khan

Parliamentary Under Secretary of State

Department for Communities and Local Government

24th March 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and partially replace the Fire Precautions (Sub-surface Railway Stations) Regulations 1989 (S.I. 1989/1401; “the 1989 Regulations”), which set out the specific requirements as to fire precautions at sub-surface railway stations. Provisions in relation to general fire precautions governing sub-surface railway stations are found in the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541; “the 2005 Order”).

These Regulations, which are made under article 24 of the 2005 Order and apply only to England, include the following provisions:

- (a) a requirement to lock doors giving access to fire escapes (regulation 4(2));
- (b) requirements to provide means for fighting fires and detection and warning systems for certain parts of stations (regulations 5 and 6);
- (c) requirements for stations to be kept clear of combustible refuse and for areas for storing such refuse to be separated by fire-resisting construction (regulation 7);
- (d) requirements in relation to materials used in the internal construction of station premises (regulation 8);
- (e) requirements as to instruction and training of members of staff (regulation 9);
- (f) exemptions from the requirements of the Regulations in certain circumstances (regulation 11).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.communities.gov.uk/fire.

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- (a) S.I. 1989/1401. The enabling powers for those Regulations – the Fire Precautions Act 1971 (c.40), ss 12(1), (3) and (4), 37(2) and (3) and 40(1) – were repealed by the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), Sch 2 para 8 – but the 1989 Regulations were preserved in effect as if made under art 24 of that Order, by virtue of the Interpretation Act 1978 (c.30), s 17(2)(b). The powers of the Secretary of State under the Regulatory Reform (Fire Safety) Order 2005 were transferred, so far as they are exercisable in relation to Wales, to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 2006 (S.I. 2006/1458).
 - (b) S.I. 1994/2184.

STATUTORY INSTRUMENTS

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£4.00