

EXPLANATORY MEMORANDUM TO
THE FIRE PRECAUTIONS (SUB-SURFACE RAILWAY STATIONS) (ENGLAND)
REGULATIONS 2009

2009 No. 782

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This instrument sets out requirements for fire precautions in sub-surface railway stations in England.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 This instrument is the first instrument made under its enabling power, article 24 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) (“the Order”).

4. **Legislative Context**

- 4.1 The Fire Precautions (Sub-surface Railway Stations) Regulations 1989 (S.I. 1989/1401; “the 1989 Regulations”) were made under sections 12, 37 and 40 of the Fire Precautions Act 1971, which was repealed by the Order, but the 1989 Regulations (with some exceptions) remained in force by virtue of the saving in section 17(2)(b) of the Interpretation Act 1978. This instrument is made under the power in article 24 of the Order, and repeals and replaces the 1989 Regulations.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to England.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- ***What is being done and why***

7.1 The 1989 Regulations were made after the tragic fire at Kings Cross in 1987 which claimed 31 lives. The Fennell Report (*Investigation into the King's Cross Underground Fire*, Cm 499, 1988) set out a number of recommendations to Ministers about changes that should be made to the fire safety regime of sub-surface railway stations.

7.2 Ministers undertook to review the 1989 Regulations once the Order was in force to look in detail at what provisions could be removed and which ones would remain. A working group was set up to carry out this review and a list of provisions to be retained was agreed. This work laid the foundation for a formal Government consultation.

7.3 The policy objective of this legislative change is to simplify fire safety regulations as they apply to sub-surface railway stations in line with the risk assessment approach of the Order and, following the Hampton report on regulatory inspection and enforcement, to reduce the burden on both business and enforcing authorities. The intended effect will be to provide railway companies and enforcing authorities with a simple, clear regulatory framework within which to operate and address fire safety issues on sub-surface railway stations.

8. Consultation outcome

8.1 Communities and Local Government published a consultation paper on 12 June 2008 with a closing date of 18 September 2008¹.

8.2 Three policy options were considered: (1) to accept the working group's recommendations and amend the regulations accordingly; (2) revoke the 1989 Regulations and remake them to implement the working group's recommendations; and (3) do nothing (but consider again in the future). Communities and Local Government received 17 responses to the consultation. Respondents favoured option (2) to modernise and simplify the fire safety regulations for sub-surface railway stations whilst recognising the unique circumstances of sub-surface railway stations and maintain appropriate fire safety standards. The Government's preferred option is option (2). The respondents were in favour of a six month transition period assisted by Government guidance.

9. Guidance

9.1 In line with the responses in favour of producing guidance for those affected by the changes to regulations, Communities and Local Government is publishing statutory guidance under article 26(2) of the Order. It is being developed by Communities and Local Government policy officials, drawing on expertise from technical consultants appointed for this task. It will be subject to oversight from a working group comprising representatives

¹ *Changes to fire safety regulations affecting sub-surface railway stations – Consultation at*
<http://www.communities.gov.uk/publications/fire/subsurfacerrailregs>.

from each of the stakeholder groups, comprising the rail industry and employer representatives, trade unions and other employee representatives, passenger groups and enforcing authorities. Communities and Local Government will advertise the guidance to all relevant stakeholder groups and has formed a peer review group of respondents to the consultation to give them the opportunity to review the guidance in draft.

10. Impact

10.1 The impact on business, charities or voluntary bodies is limited to the employers of staff who work on sub-surface railway stations. There are less than ten businesses affected. Consultees confirmed that there would be either little or no financial impact on their business as a result of the change.

10.2 The impact on the public sector is limited to the four fire and rescue authorities which have sub-surface railway stations in their areas: London Fire and Emergency Planning Authority, Merseyside Fire and Rescue Authority, Tyne and Wear Fire and Rescue Authority and West Midlands Fire and Rescue Authority: their response to the consultation was in line with that outlined in the previous sub-paragraph.

10.3 An Impact Assessment is attached to this memorandum.

11. Regulating small business

11.1 The legislation does not affect small business as the companies operating sub-surface railway stations are all large.

12. Monitoring and review

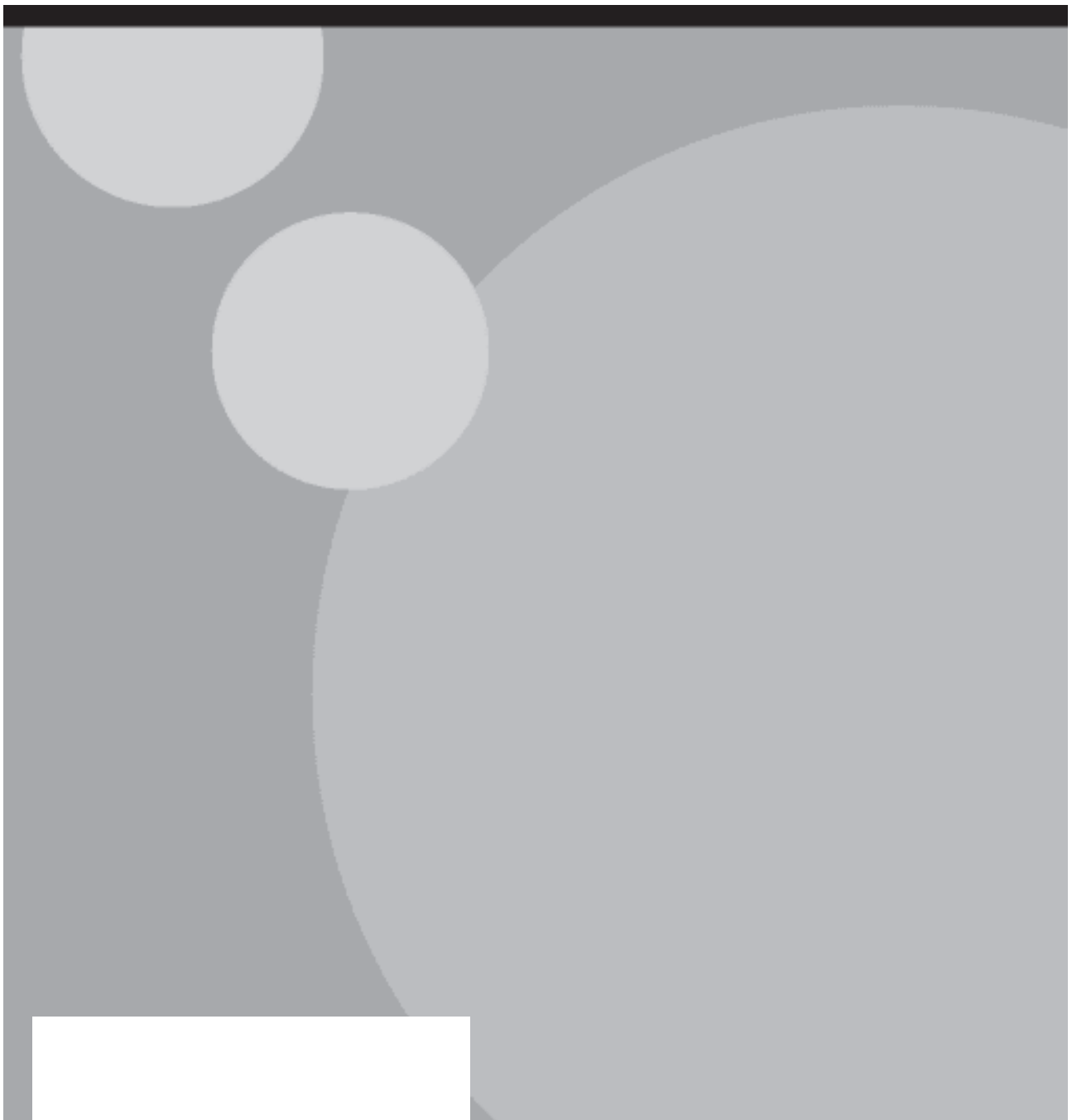
12.1 The intended effect is to provide railway companies and enforcing authorities with a simple, clear regulatory framework within which to operate and address fire safety issues on sub-surface railway stations. To determine the success of this, we will review the regulations when the Order is formally reviewed in the next three years.

13. Contact

Rhian Blackman at the Department for Communities and Local Government Tel: 020 7944 6152 or email: Rhian.Blackman@communities.gsi.gov.uk can answer any queries regarding the instrument.



Impact Assessment of changes to fire safety legislation on sub-surface railway stations





Impact Assessment of changes to fire safety legislation on sub-surface railway stations

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Summary: Intervention & Options

Department /Agency: Communities & Local Government	Title: Impact Assessment of changes to fire safety legislation on sub-surface railway stations	
Stage: Implementation	Version:	Date: 6 April 2009
Related Publications:		

Available to view or download at:

<http://www.communities.gov.uk>

Contact for enquiries: Rhian Blackman

Telephone: 020-7944-6152

What is the problem under consideration? Why is government intervention necessary?

Currently operators must comply with the Fire Precautions (Sub-surface railway stations) Regulations 1989. This enabling legislation was repealed by the Regulatory Reform (Fire Safety) Order 2005 (the Order). During its passage through Parliament, Ministers agreed to retain the 1989 Regulations and to provide detailed guidance before considering exercising their powers to revoke the Regulations. Operators must operate under both regimes and this may have increased the regulatory burden on them and Fire and Rescue Authorities as enforcing authorities. The guidance is now in place.

What are the policy objectives and the intended effects?

The policy objectives of this legislative change are to simplify fire safety regulations as they apply to sub-surface railway stations in line with the risk assessment approach of the Order and the Hampton report to reduce the burden on both business and enforcing authorities. The intended effect will be to provide operators and enforcing authorities with a simple, clear regulatory framework within which to operate and address fire safety issues on sub-surface railway stations. The options were recently consulted on.

What policy options have been considered? Please justify any preferred option.

Three options were considered at the consultation: (1) to accept the working party's recommendations and amend the Regulations accordingly; (2) revoke the 1989 Regulations and remake them in line with the working party's recommendations; and (3) do nothing (but consider again in the future). The Government's preferred option is option (2). The public consultation clearly favoured this approach too.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? We anticipate carrying out a longer term evaluation of the Order, planned to start in the next 3 -5 years; this will provide the opportunity to scrutinise the impact of these regulations.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

A handwritten signature in black ink, appearing to read 'Sadiq Khan', written in a cursive style.

Sadiq Khan

Parliamentary Under Secretary of State

Date: 03/03/09

Summary: Analysis & Evidence

Policy Option: Preferred option is (2)

Description: Acceptance of the working party's recommendations. Move to revoke and remake 1989 Regulations

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' re-drafting and remaking costs for CLG; production of guidance costs for CLG; little information on costs came from the consultation, followed up with the enforcers and operators and assumed one day of familiarisation is required. Further detail is set out in the narrative below.
	One-off (Transition)	Yrs	
	£130,000	1	
	Average Annual Cost (excluding one-off)		
	£ N/A		
Other key non-monetised costs			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups'. Savings for operators and enforcers in simplifying the regulatory burden by reducing the admin/inspection burden. Our analysis focuses on reduced time spent on exemptions, the benefits of simplifying the legislation and admin burdens. This is likely to be an upper limit. More detail is set out in the narrative below.
	One-off	Yrs	
	£0	1	
	Average Annual Benefit (excluding one-off)		
	£3m		
Other key non-monetised benefits by 'main affected groups' The Government considers that burdens should be reduced on both the small number of Fire and Rescue Services and businesses affected by the change to the regulations. Burdens will be reduced by the likely removal of time spent on exemptions and simplifying the regulatory regime.			

Key Assumptions/Sensitivities/Risks 1 day familiarisation training is the only additional requirement; staff costs based on 'FBU Grey book' and rounded costings of operators provided by the operators; exemptions on a London and non-London pro-rata basis (London has 87.5% of SSR stations; exemptions have been reduced by 75%).

Price Base Year 2009	Time Period Years 10	Net Benefit Range (NPV) £28m	NET BENEFIT (NPV Best estimate) £27m
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What is the geographic coverage of the policy/option?		England		
On what date will the policy be implemented?		October 2009		
Which organisation(s) will enforce the policy?		Fire Authorities		
What is the total annual cost of enforcement for these organisations?		£0 net cost		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		N/A		
What is the value of the proposed offsetting measure per year?		£ N/A		
What is the value of changes in greenhouse gas emissions?		£ N/A		
Will the proposal have a significant impact on competition?		No		
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A
Impact on Admin Burdens Baseline (2005 Prices)		(Increase – Decrease)		
Increase of £0		Decrease of £2.9m		Net Impact £2.9m
Key:	Annual costs and benefits: Constant Prices		(Net) Present Value	

Evidence Base (for summary sheets)

Introduction

Reform of fire safety legislation led to the creation of the Regulatory Reform (Fire Safety) Order 2005 (“the Order”). The only piece of existing fire safety legislation that was retained was the Fire Precautions (Sub-surface Railway Stations) Regulations 1989 (“1989 Regulations”). Ministers feel that the specific circumstances of sub-surface railway stations are so compelling that they have accepted that a degree of prescription is essential. Current sub-surface railway station legislation stems from the tragic fire at Kings Cross Underground station in 1987. Ministers agreed to retain the full 1989 Regulations until such time that technical guidance was available.

The guidance for transport premises and facilities was published by Communities and Local Government in February 2007. Subsequently a group of representatives from interested organisations met to consider the continued need for the 1989 Regulations. This working party recommended that a sub-set of the 1989 Regulations could be removed without compromising safety with further consideration given to the remaining regulations to decide whether their removal would see an acceptable level of fire protection retained. Ministers accepted the recommendations of the working party that 23 of the original provisions of the 1989 Regulations have no comparable requirement in the Order and that they should be retained. The recommendations of the working party were discussed in the consultation document (<http://www.communities.gov.uk/publications/fire/subsurfacerrailregs>) and a summary of the recommendations are set out at annexes A and B to this impact assessment.

The Government is mindful of the need to work within the Hampton Principles of better regulation and the preferred option discussed below aims to simplify the regulations so that they are modernised, more easily understood, and simple to implement and enforce. The preferred option was consulted on, with other options, and focuses on the principles of risk assessment by reducing the number of prescriptive measures whilst retaining a level of reassurance that meets the specific needs of sub-surface railway stations.

It is against this background that the consultation was conducted. The Government considered two legislative routes to making changes to the 1989 Regulations – these were discussed in the previous version of this impact assessment www.communities.gov.uk/publications/fire/subsurfacerrail. The public consultation concluded that Option 2 – revoke and remake the regulations in line with the working party’s recommendations was the best option. The Government agrees with this. This option offers the cleanest approach to simplifying and updating the regulations whilst recognising the unique circumstances of sub-surface railway stations.

Costs and benefits of the policy

Questions on costs and benefits were asked in the consultation.

Preferred Option – Revoke the 1989 Regulations and Remake in line with the working party's recommendations (Option 2 of consultation document)

This option recognises that Ministers have accepted the working party's recommendations. It seeks to harmonise the 1989 Regulations with the Regulatory Reform (Fire Safety) Order 2005 for sub surface railway stations and revoking the 1989 Regulations entirely and remake them in line with the working party's recommendations and use modern drafting to clarify the requirements.

Costs

There is some administrative cost to CLG in re-making the regulations. Additionally there may be some familiarisation costs for business and enforcers as the regulations will be re-made. We will ensure that legislative changes retain the meaning of the original regulations as far as possible, which coupled with the savings operators and enforcers should be able to make from the simplified legislative regime, should mean that there is no net additional cost to either enforcers or operators.

There is a continued burden for both the responsible person and for enforcing authorities of running both pieces of legislation in parallel. However, there are only a small number of businesses who have sub-surface railway stations – in England they are London Underground Limited, Network Rail, Merseyrail, First Capital Connect, and Northern Rail.

There is an equally small number of enforcing authorities - London Fire and Emergency Planning Authority; West Midlands Fire and Rescue Authority; Merseyside Fire and Rescue Authority; and Tyne and Wear Fire and Rescue Authority.

The consultation asked a question specifically relating to the anticipated costs for both operators and enforcers, respondents were unable to provide robust estimates for any costs they might incur. However in order to progress this impact assessment we have gone back to each of the operators to establish the range of costs, the numbers of staff affected to develop a London and a non-London model. Our assumptions in this work are:

1. Each member of staff who needs to know about the regulations will need one additional day of training.
2. That a day of training costs £220 based on the typical cost of a one day fire safety course at the Fire Service College.

3. The opportunity cost of that day's training is based on averaged costs provided by enforcers and operators; (details are set out in Tables 1 and 2 below)
- Enforcers – the cost of employing 34 watch manager staff and that cost of £140/£120 per day has been factored in; *and*
 - Operators – the cost of employing 276 staff at a cost of 175/£280 per day.
4. There is a London cost and a non-London cost for the purposes of calculating the aggregate cost of training.
5. This would be a one-off training requirement.

Even though operators and enforcers provided this information, most caveated it by saying that they did not anticipate any additional costs (including administrative costs) and that this would form part of their normal annual training plans. This view reflected what was said in the consultation. The costs given by operators and enforcers have been included in the tables below.

Table 1

Enforcers					
	No of staff	Average daily rate (£)	Opportunity cost (£ total) *	Cost of 1 day training course**	Total (£) rounded
London	6	140	840	1,320	2,000
Non-London	28	120	3,360	6,160	10,000
Total (£)					12,000

*assessed by 1day of work lost x no of staff

** assessed by no of staff x £220 (average cost of 1 day training course)

Table 2

Operators					
	No of staff	Average daily rate (£)	Opportunity cost (£ total)	Cost of 1 day training course	Total (£) rounded
London	85	280	23,800	18,700	43,000
Non-London	191	175	33,425	42,020	75,000
Total (£)					118,000

The Government will be providing detailed guidance for operators and enforcers and 'at a glance guidance' for staff. This should further reduce familiarisation costs.

There is therefore likely to be a range of costs to both enforcers and operator, from potential savings to a small familiarisation cost, which would then be off-set by the savings set out below.

Benefits

The preferred option offers the opportunity to simplify, update and carefully consider the necessity of the 1989 Regulations. It updates fire safety precautions to take account of changes in technology and other areas, but retains a level of reassurance that meets the specific needs of sub-surface railway stations. There are four areas where we have identified benefits, each is likely to have a range of savings.

- 1) Updating the regulations allows the legislation to be written using modern drafting techniques and represents a clean, simple approach making the law clearer and more accessible, particularly for non-lawyers. It represents a clean break with the old fire safety legislation, where prescriptive measures that only apply to modern sub-surface railway stations are set out and agreed by all affected parties.
- 2) CLG has written guidance which will be published when the 2009 Regulations are laid in Parliament. A working group has been set up comprising key stakeholders to ensure that the guidance is fit for purpose. As an extra layer of quality assurance, a peer review group of all those with an interest in the new regulations was set up and also reviewed the guidance in draft. With the assistance of technical consultants, the resulting guidance will be helpful to those working at a technical level on sub-surface railway stations.
- 3) A key financial benefit to the new regulations is the reduction of circumstances when the exemption provisions can be used. In the 1989 Regulations there are 11 provisions where exemptions can be used whereas in the 2009 Regulations there are only four. Each exemption takes time to draft by the operator and time for the enforcer to consider and respond. There is an administrative burden on both sides as a result of this provision and by reducing the number of circumstances where this can be used, there is a reduction in the cost of complying.

We were provided with information by the London Fire and Emergency Planning Authority on the time taken to deal with exemptions under the 1989 Regulations. We have used this data to estimate how much time is currently spent on exemption work by all bodies. This calculation is shown in tables 3 and 4 below:

Table 3

Enforcers					
	Av no of exemptions	Av time spent (hours)	Cost/hour	Total (£)	Saving (£) rounded
London	272	2	20	10,900	8000
Non-London	34*	2	17	1200	1000
Total (£)					9,000

*Exemptions outside London have been assumed according to the pro-rata number of stations (London has 87.5 per cent of total stations)

Table 4

Operators					
	Av no of exemptions	Av time spent hours	Cost/hour	Total (£)	Saving (£)rounded
London	272	4	40	43,500	33,000
Non-London	34*	4	25	3,400	3,000
Total (£)					36,000

*Exemptions outside London have been assumed according to the pro-rata number of stations (London has 87.5 per cent of total stations)

4) The CLG simplification plan identifies nearly £3m potential savings in admin budgets for operators and enforcers with the revision of these regulations. This is through the removal of information obligations. However it is difficult to analyse how far these savings will be realised, this figure is the upper limit of the benefits. The revised regulations may remove nearly all of the prescriptive requirement for specific types of information, however operators must still use the non-prescriptive Order, and their risk assessment may indicate that such measures are still required. The regulations will remove Information Obligations 374,364,362,539 and 382, as identified by Price Waterhouse Cooper, details of which may be found at: www.abcalculator.berr.gov.uk. The admin baseline figures are indicative they are based primarily on the removal of mandatory signage requirements.

We anticipate evaluating the impact of these regulations when we carry out a full evaluation of the Order which is likely to take place in the next three – five years.

Discounted option – Amend the 1989 Regulations in line with the working party recommendations

This option recognised that Ministers have accepted the working party's recommendations. It sought to harmonise the 1989 Regulations with the Order for sub surface railway stations and would amend the regulations to reflect the working party's recommendations.

Costs

The monetised costs of this option would be analogous to this of the preferred option. However the regulations made under this option would need to list articles to be amended or removed and would need to be read alongside the original 1989 Regulations and the Order. This would not make the legislation more accessible to non-lawyers as we would not have the opportunity to update the drafting of the regulations. It would increase the chance of practitioners misinterpreting their roles and responsibilities under the legislation.

Benefits

The benefits of this option are analogous to the preferred option. There is a general benefit of dealing with something that is familiar. The 1989 Regulations have been around for nearly 20 years and both business and enforcing authorities are well versed with the detail and application. This option, although repealing some of the regulations, would enable retention of some of this knowledge.

This option, although streamlining the regulations to an extent does not offer a clean, simple and clear solution to address the confusing nature of the 1989 Regulations applying to sub-surface railway stations running in parallel to the Order. We would not be taking the opportunity to simplify cleanly the regulations into one easy to use document and have therefore discounted it.

Options given consideration but not taken further

One further option of 'do nothing' was consulted on but rejected. It was not a realistic option because it did not address the need to update the 1989 Regulations.

Specific impact tests carried out

We have looked at the specific impact test checklist below and consider that the 2009 Regulations have no impact on the competition assessment; small firms; legal aid; sustainable development; carbon awareness; 'other environment'; race equality; gender equality; human rights and rural proof. We have carried out a stage 1 equality impact assessment and have not identified any high level negative/positive impacts to any groups. We have also specifically examined the health impact and disability impact tests. We have considered the impact of these regulations on fire safety with key stakeholders. The working party of key stakeholders, recognising the unique safety circumstances of sub-surface railway stations and the need for

a degree of prescription, considered where provisions in the 1989 Regulations were covered by the Order and could be safely removed from the proposed regulations. Where there was no comparable cover in the Order, legislative changes retain the provision. We have involved the Disabled Persons Transport Advisory Committee in the production of the guidance to the 2009 Regulations. This involvement will help ensure that the 2009 Regulations do not adversely affect those with disabilities.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	Yes	No
Sustainable Development	Yes	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	Yes	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	Yes	No
Rural Proofing	Yes	No

Annexes

Annex A – Regulations to be deleted

No.	Regulations to be deleted
4 (1)	All parts of station premises providing means of escape from the premises in case of fire, including railway platforms, escalators, travolators and lifts, shall be kept free from obstruction at all times when members of the public have access to the premises and shall be so maintained as to secure that they can be safely used as such means of escape at those times.
4 (2) – partial	... combustible refuse stored in the premises pending its disposal shall be stored in an area set aside for that purpose.
4 (3)	At all times when members of the public have access to station premises, and at other times when persons are at work in the premises, the door of, or barrier in, any doorway or exit through which a person might have to pass in order to leave the premises shall not be so locked or fastened that it cannot be easily and immediately opened in case of fire in the premises.
4 (4)	Where a door in station premises is designed to be held open by an electromagnetic or electromechanical device to which this paragraph applies, the door and the means for holding open and closing the door shall be maintained in efficient working order and the door shall not be held open by any device or object other than the electromagnetic or electromechanical device.
4 (5)	Paragraph (4) above applies to an electromagnetic or electromechanical device which allows a door held open by it to be operated manually at all times and to close automatically on each or any of the following occurrences, that is to say – (a) the operation of a system for giving warning in case of fire; (b) the manual operation of a switch for releasing the device; (c) a failure in the supply of electricity to the device.

No.	Regulations to be deleted
4 (7)	Every doorway or other exit affording a means of escape from the station premises in case of fire or giving access to such a means of escape, including the means of exit in ordinary use by members of the public, shall be distinctively and conspicuously marked by a notice indicating that it is an ordinary means of exit or (as the case may be) an emergency exit from the premises.
4 (8)	All parts of station premises forming part of the means of escape from the premises in case of fire shall be provided with artificial lighting capable of providing sufficient illumination of those parts of the premises and any notice required by paragraph (7) above to enable persons in the premises to leave the premises safely in case of fire.
4 (9)	The lighting required by paragraph (8) above shall be provided by electricity supplied from two independent sources of supply so controlled that, so far as is reasonably practicable, the requirements of that paragraph continue to be met in the event of any failure in the supply of electricity from one of the two sources of supply.
5 (1)	Subject to the provisions of this regulation, station premises shall be provided with such means for fighting fire as are appropriate and adequate in relation to the risk to persons in case of fire in the premises.
5 (2)	The location of each fire hydrant in station premises shall be indicated by a distinctive and conspicuous notice in a position above or adjacent to the fire hydrant.
5 (3)	The outlet connection of every fire hydrant in station premises shall be of such a type as is compatible with the type of attachment on hoses used by the fire brigade for the purpose of drawing water from fire hydrants.
5 (4)	Every escalator and travolator in station premises shall be provided with a means for fighting fire comprising a water sprinkler system which is activated automatically on the operation of the means for detecting fire with which the escalator or travolator is provided under regulation 6(1) below.
5 (6)	All means for fighting fire in station premises shall be maintained in efficient working order and all portable equipment for fighting fire in the premises shall be so placed as to be readily available for use.
6 (1)	Every escalator and travolator in station premises shall be provided with a means for detecting fire comprising a linear heat detector system.

No.	Regulations to be deleted
6 (2)	Any machine room in station premises in which machinery for operating an escalator, travolator or lift is installed shall be provided with a means for detecting the presence of smoke in the room.
6 (5)	Where a call point for a system for giving warning in case of fire is situated in a part of station premises to which members of the public have access, there shall be displayed at or near the call point a notice giving information as to how to use the call point to activate the system.
6 (7)	All means for detecting fire and for giving warning in case of fire in station premises shall be maintained in efficient working order.
7 (1)	A part of station premises to which this paragraph applies shall, so far as is reasonably practicable, be separated by fire-resisting construction from other parts of the premises, including any other part of the premises to which this paragraph applies.
7 (2)	Paragraph (1) above applies to the following parts of station premises, that is to say a machine room, any storage area other than an area referred to in paragraph (3) or (4) below, and a staff room for persons employed to work in the premises.
7 (3)	Any explosive or highly flammable materials kept in station premises shall be stored in an area separated from other parts of the premises by fire-resisting construction.
7 (5)	Where a door forms part of any fire-resisting construction required by this regulation, the door shall be fitted with a self-closing device and each face of the door shall have affixed to it a notice displaying the words "FIRE DOOR—KEEP SHUT" .
8 (2)	The material of which any balustrade, decking or skirting board of an escalator or travolator in station premises is constructed, and the material of which any display panel for advertisements or notices in an escalator shaft in the premises is constructed, shall offer adequate resistance to the spread of flame over the surface of the material and shall have, if ignited, a reasonable rate of heat release.
8 (3)	The material of which the treads and risers in the steps of any escalator in station premises are constructed shall offer adequate resistance to the spread of flame over the surface of the material and shall have, if ignited, a reasonable rate of heat release.

No.	Regulations to be deleted
9 (3)	A person who is employed to work in station premises otherwise than as a member of the staff of the station premises shall be given instruction in the fire precautions to be observed by him in the course of his work in the premises and the action to be taken by him in case of fire in the premises.
10 (1)	The occupier of station premises shall prepare and keep up to date an emergency plan setting out details of the action to be taken in the event of an outbreak of fire in the premises by persons employed to work in the premises and the procedure to be followed for the evacuation of members of the public from the premises in that event.
10 (2)	All practicable steps shall be taken to prevent smoking by persons in any part of station premises which is a machine room, storage area or part of the premises used as a shop or to which members of the public have access.

Annex B – Regulations to be retained

No.	Regulations to be retained
1 (1)	These Regulations may be cited as the Fire Precautions (Sub-surface Railway Stations) Regulations 1989.
1 (2)	These Regulations, with the exception of the provisions specified in paragraph (3) below, shall come into force on 18th September 1989.
1 (3)	Regulations 6(3) and 7(1) and (2) shall come into force on 1st January 1990, regulations 5(4) and (5) and 6(4), (6) and (8) shall come into force on 1st January 1991 and regulation 8(3) shall come into force on 1st January 1996.
2	<p>In these Regulations –</p> <p>“fire brigade” means a fire brigade maintained by a fire authority;</p> <p>“machine room” means a room containing any electricity generator, transformer or switchgear, or in which any machinery for operating an escalator, travolator or lift is installed;</p> <p>“station manager” means the person employed to work in station premises who is for the time being in charge of the premises;</p> <p>“station premises” means the premises to which these Regulations apply by virtue of regulation 3 below; and</p> <p>“travolator” includes any mechanically operated moving footway other than an escalator.</p>
3	These Regulations apply to any premises used as a railway station to which members of the public have access (whether on payment or otherwise) and in which any railway platform is an enclosed underground platform.

No.	Regulations to be retained
3 (2)	<p>For the purposes of paragraph (1) above a railway platform –</p> <p>(a) is an enclosed platform if the platform and the permanent way to which it is adjacent (whether with or without one or more other railway platforms) are situated wholly or mainly in a tunnel or wholly or mainly within or under any building; and</p> <p>(b) 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, and a railway platform shall be regarded as 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.</p>
3 (3)	<p>In their application to the premises referred to in paragraph (1) above these Regulations apply, subject to regulation 13(4) below, to any part of the premises which is owned or occupied by the Crown.</p>
4 (2)	<p>All parts of station premises shall be kept clear of any accumulation of combustible refuse or other combustible matter,</p>
4 (6)	<p>In 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, every door of a doorway which does not form part of, or give access to, the means of escape shall be kept locked at all times when the part of the premises to which the doorway 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.</p>
5 (5)	<p>The following parts of station premises shall be provided with a means for fighting fire comprising a system which is activated automatically in such a part of the premises in the event of any outbreak of fire in that part of the premises, that is to say –</p> <p>(a) a machine room, other than a machine room in which machinery for operating an escalator, travolator or lift is installed;</p> <p>(b) any storage area, including an area set aside for storing refuse pending its disposal;</p> <p>(c) any part of the premises used as a shop.</p>

No.	Regulations to be retained
5 (7)	When any person employed to work in station premises reasonably suspects that there is an outbreak of fire in the premises, immediate steps shall be taken to activate the system for giving warning in case of fire referred to in regulation 6(4) below and to call for the assistance of the fire brigade.
5 (8)	A plan of the station premises suitable for use by members of the fire brigade when attending the premises for fire fighting purposes shall be kept in, or affixed to, a part of the premises where it is accessible to members of the fire brigade in such an event.
6 (3)	<p>The following parts of station premises shall be provided with a means for detecting fire which is activated automatically in case of fire in such a part of the premises, that is to say –</p> <ul style="list-style-type: none"> (a) every part of the premises required by regulation 5(5) above to be provided with the means for fighting fire referred to in that provision; (b) any office which is not separated from other parts of the premises by fire-resisting construction within the meaning of regulation 7(6) below; (c) any staff room for persons employed to work in the premises.
6 (4)	<p>The station premises shall be provided with an electrically operated system for giving warning in case of fire which –</p> <ul style="list-style-type: none"> (a) is designed to transmit any such warning to a place where it can be received by the station manager or by some other person employed by the occupier of the premises; and (b) is 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 any of the means referred to in paragraphs (1) to (3) above for detecting fire or the presence of smoke in the premises.
6 (6)	The station premises shall 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 by them in case of fire.

No.	Regulations to be retained
6 (8)	In station premises arrangements shall be made to secure that in case of fire the station manager and any person employed to work as a member of the staff of the station premises who is on duty in any part of the premises can communicate with each other by personal radio or by telephone.
7 (4)	An area set aside for storing combustible refuse in station premises pending its disposal shall be separated from other parts of the premises by fire-resisting construction.
7 (6)	Any reference in this regulation to fire-resisting construction is a reference to construction of such a nature as to be capable of providing resistance to fire for a period of not less than one hour.
8 (1)	Any material which is used on or after 18th September 1989 in the construction of an internal wall or ceiling in any part of station premises to which members of the public have access shall be non-combustible or have low heat emission, and any material which is applied on or after that date to the surface of an internal wall or ceiling in such a part of the premises shall offer adequate resistance to the spread of flame over the surface of the material and shall have, if ignited, a reasonable rate of heat release.
8 (4)	For the purposes of this regulation material shall be regarded – (a) as non-combustible if it is material deemed non-combustible according to the test criteria specified in British Standard 476: Part 4: 1970 (as amended by amendment slips AMD 2483 and AMD 4390); (b) as having low heat emission if it is of such a nature that if tested in accordance with British Standard 476: Part 11: 1982 it would not flame and would produce no rise in temperature on either the specimen or the furnace thermocouples; (c) as offering adequate resistance to the spread of flame over its surface and having a reasonable rate of heat release if the material or, where it is bonded throughout to a substrate, the material combined with the substrate, is of such a nature that it would comply with the test criteria set out in relation to Class 1 in British Standard 476: Part 7: 1987 and, when tested in accordance with British Standard 476: Part 6: 1989, would have an index of performance (I) not exceeding 12 and sub-index (ii) not exceeding 6.

No.	Regulations to be retained
9 (1)	<p>Every person employed to work in station premises as a member of the staff of the station premises shall be given instruction in the fire precautions to be taken or observed there, so far as those precautions relate to his duties, including instruction as to –</p> <ul style="list-style-type: none"> (a) the means of escape from the premises in case of fire; (b) the action to be taken by him 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, and he shall be given such further instruction at least once in every period of seven months as is necessary to ensure that he is familiar with those matters.
9 (2)	<p>No person employed to work in station premises shall be employed as the station manager unless he has been given instruction in the matters specified in paragraph (1) above and, in addition, instruction-</p> <ul style="list-style-type: none"> (a) as to supervising and controlling action to be taken in case of fire in the premises by other persons employed to work there as members of the staff of the station premises; (b) in arrangements for calling for the assistance of the fire brigade and securing that members of the fire brigade 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 arrangements for securing that the means of escape from the premises can be immediately used in case of fire and for enabling persons to leave the premises by train in case of fire.
9 (4)	<p>A fire drill for persons employed to work in station premises as members of the staff of the station premises shall be held there not less than once in every period of six months for the purpose of providing those persons with training in the action to be taken in case of fire in the premises.</p>

No.	Regulations to be retained
9 (5)	The attendance at a fire drill of the persons referred to in paragraph (4) above shall 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.
9 (6)	Each fire drill in station premises shall be held at a time when members of the public have access to the premises.
10 (3)	All practicable steps shall be taken to supervise the carrying out by persons other than members of the staff of station premises of any work of construction or maintenance in the premises which presents a risk to persons in case of fire.
10 (4)	The periods of duty of the persons employed to work in station premises as members of the staff of the station premises shall be so arranged as to secure that not less than two of those persons are present on duty in the premises at all times when members of the public have access to the premises.
11 (1)	A record shall be made – (a) of all work of maintenance done in station premises in pursuance of regulations 4(4), 5(6) and 6(7) above; (b) of the occasions on which instruction is given in pursuance of regulation 9 above to each person employed to work in the premises; and (c) of the fire drills held in the premises in pursuance of regulation 9 above and of the names of the persons attending each fire drill.
11 (2)	A record made under paragraph (1) above in relation to station premises shall be kept in the premises for a period of not less than three years from the date on which it was made.
12 (1)	Where a fire authority are satisfied in respect of any particular station premises that compliance with a requirement of any of the provisions of regulations 4(1) and (3), 5(4) and (5), 6(1) and (3), 7(1), 8(2), 10(2) and (4) and 11(2) above is inappropriate, unnecessary or not reasonably practicable, they 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.

No.	Regulations to be retained
12 (2)	A fire authority may grant an exemption under paragraph (1) above subject to such conditions as may be specified in the notice granting the exemption and the authority may by notice in writing to the occupier of the premises withdraw the exemption if the occupier fails to comply with any condition subject to which the exemption was granted.
13 (1)	The requirements of regulations 4 to 11 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 12 above and to paragraph (2) below, the occupier of the premises shall be responsible for any contravention of the provisions of those regulations.
13 (2)	The requirements of regulations 4(8), 4(9) and 5(3) above shall be deemed to be satisfied in station premises in Scotland if the premises comply with the provisions, respectively, of regulations E15, E16 and E22(1) of the Building Standards (Scotland) Regulations 1981 to 1987.
13 (3)	If any provision of regulations 4 to 11 above is contravened the person who under this regulation is responsible for the contravention shall be guilty of an offence under section 12 of the Fire Precautions Act 1971.
13 (4)	Paragraph (3) above shall not apply to the Crown.

