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STATUTORY INSTRUMENTS

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**2006 No. 1254**

**The Fire and Rescue Services (Northern Ireland) Order 2006**

**PART III**

**FIRE SAFETY**

**CHAPTER I**

**FIRE SAFETY DUTIES**

*Duties*

**Duties of employers to employees**

**25.**—(1) Each employer shall ensure, so far as is reasonably practicable, the safety of his employees in respect of harm caused by fire in the workplace.

(2) Each employer shall—

- (a) carry out an assessment of the workplace for the purpose of identifying any risks to the safety of his employees in respect of harm caused by fire in the workplace; and
- (b) take in relation to the workplace such of the fire safety measures as are necessary to enable him to comply with the duty imposed by paragraph (1).

(3) Where under paragraph (2)(a) an employer carries out an assessment, he shall—

- (a) in accordance with regulations under Article 29, review the assessment; and
- (b) take in relation to the workplace such of the fire safety measures as are necessary to enable him to comply with the duty imposed by paragraph (1).

**Duties in relation to relevant premises**

**26.**—(1) Where a person has control to any extent of relevant premises he shall, to that extent, comply with paragraph (2).

(2) The person shall—

- (a) carry out an assessment of the relevant premises for the purpose of identifying any risks to the safety of relevant persons in respect of harm caused by fire in the relevant premises; and
- (b) take in relation to the relevant premises such of the fire safety measures as in all the circumstances it is reasonable for a person in his position to take to ensure the safety of relevant persons in respect of harm caused by fire in the relevant premises.

(3) If a person falls within paragraph (1) other than by virtue of—

- (a) having control to any extent of relevant premises in connection with the carrying on by the person (whether for profit or not) of an undertaking; or
- (b) owning relevant premises,

the owner of the relevant premises shall also comply with paragraph (2).

- (4) A person who has, by virtue of a contract or tenancy, an obligation of any extent in relation to—
  - (a) the maintenance or repair of—
    - (i) relevant premises; or
    - (ii) anything in or on relevant premises; or
  - (b) safety in respect of harm caused by fire in relevant premises,shall also comply, to the extent of the obligation, with paragraph (2).
- (5) Where under paragraph (2)(a) a person carries out an assessment, he shall—
  - (a) in accordance with regulations under Article 29, review the assessment; and
  - (b) take in relation to the relevant premises such of the fire safety measures as in all the circumstances it is reasonable for a person in his position to take to ensure the safety of relevant persons in respect of harm caused by fire in the relevant premises.

#### **Taking of measures under Article 25 or 26: considerations**

27.—(1) Paragraph (2) applies where under Article 25(2)(b) or (3)(b) or 26(2)(b) or (5)(b) a person is required to take any fire safety measures.

(2) The person shall implement the fire safety measures on the basis of the considerations specified in paragraph (3).

- (3) The considerations referred to in paragraph (2) are—
  - (a) avoiding risks;
  - (b) evaluating risks which cannot be avoided;
  - (c) combating risks at source;
  - (d) adapting to technical progress;
  - (e) replacing the dangerous with the non-dangerous or the less dangerous;
  - (f) developing a coherent overall fire prevention policy which covers technology, organisation of work and the influence of factors relating to the working environment;
  - (g) giving collective fire safety protective measures priority over individual measures; and
  - (h) giving appropriate instructions to employees.

#### **Duties of employees**

28. Each employee shall while at work—

- (a) take reasonable care for the safety in respect of harm caused by fire of himself and any other relevant person who may be affected by his acts or omissions; and
- (b) in relation to any requirement imposed by virtue of this Part on his employer, co-operate with his employer in so far as is necessary for the purpose of enabling the employer to comply with the requirement.