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STATUTORY INSTRUMENTS

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**1997 No. 1840**

**The Fire Precautions (Workplace) Regulations 1997**

**PART V**

**FURTHER, CONSEQUENTIAL AND MISCELLANEOUS PROVISIONS**

**Application of the 1971 Act**

**17.**—(1) Subject to paragraph (3), the sections of the 1971 Act<sup>(1)</sup> listed in paragraph (2) shall have effect in relation to these Regulations as if—

- (a) the requirements of the workplace fire precautions legislation were requirements of regulations made under section 12 of that Act; and
- (b) any reference (however expressed) in those sections to—
  - (i) “premises” included a reference to a workplace, other than an excepted workplace;
  - (ii) premises to which regulations made under section 12 of that Act apply included a reference to a workplace in connection with which obligations are imposed by the workplace fire precautions legislation;
  - (iii) an “owner” or “occupier” of premises included a reference to an employer or other person on whom obligations are imposed under the workplace fire precautions legislation in respect of a workplace; and
  - (iv) the 1971 Act included a reference to the workplace fire precautions legislation.

(2) The sections of the 1971 Act referred to in paragraph (1) are—

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16	(duty of local authority to consult fire authority in certain cases before passing plans);
19	(powers of inspectors);
20	(exercise on behalf of fire inspectors of their powers by officers of fire brigades);
21	(restrictions on disclosure of information);
22(1)	(falsification of documents, false statements etc.);
23	(offences by bodies corporate);
25	(defence available to persons charged with offences);
26	(appeals to magistrates' courts);

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<sup>(1)</sup> As amended in relevant respects by the Fire Safety and Safety of Places of Sport Act 1987 (in the case of sections 21, 22 and 27A); the Criminal Justice Act 1982 (c. 48) (in the case of section 21); the Magistrates' Courts Act 1980 (c. 43) (in the case of section 26); and the Building Act 1984 (c. 55) (in the case of section 30).

27	(appeal from order made on complaint);
27A	(civil and other liability);
30	(provisions as to sections 59 and 60 of Public Health Act 1936 and certain similar enactments);
32	(provision for securing exercise of local Act powers in conformity with the 1971 Act);
38	(service of documents); and
43	(interpretation).

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(3) The following sections of the 1971 Act referred to in paragraph (2) shall have effect for the purposes of these Regulations with the following modifications—

- (a) section 16 shall have effect as if the references therein to “a designated use” included a reference to use as a workplace to which Part II of these Regulations applies;
- (b) section 22(1) shall have effect as if paragraphs (a) and (b) were omitted;
- (c) section 25 shall only have effect in connection with sections 21 and 22(1) of the 1971 Act as applied by this regulation; and
- (d) section 43 shall have effect only for the purposes of the provisions of the 1971 Act applied by this regulation.

(4) A fire certificate deemed to have been issued under the 1971 Act by virtue of paragraph 2 of Schedule 8 to the 1974 Act shall not have effect to the extent that it would require a person to contravene any provision of the workplace fire precautions legislation; and the fire authority may amend the certificate to the extent necessary to prevent the certificate requiring such contravention.

(5) Where an amendment under paragraph (4) is made on the application of any person affected by the certificate and is confined to requirements of the kind referred to in section 6(1) of the 1971 Act, the applicant shall pay to the authority such fee as the authority may determine, not exceeding an amount which represents the cost to the authority of the work reasonably done by them for the purposes of the amendment of the certificate (other than the cost of any inspection of the premises).

### **Application to the Crown**

**18.—**(1) Subject to paragraphs (2) to (7), these Regulations, other than regulations 10, 11 and 13 to 16, shall bind the Crown.

(2) Section 10 of the 1971 Act, to the extent it is extended by regulation 12, shall only bind the Crown in so far as it applies to premises and workplaces owned by the Crown but not occupied by it.

(3) Regulation 17 shall only bind the Crown to the extent that it applies sections 19, 21 and 32 of the 1971 Act and then only in so far as those sections apply to premises and workplaces owned by the Crown but not occupied by it.

(4) To the extent that they apply to the Crown, these Regulations, together with any provision of the 1971 Act applied by these Regulations, shall have effect with the substitution, for any reference to a fire authority, of—

- (a) in the case of workplaces occupied solely for the purposes of the armed forces of the Crown, a reference to the fire service maintained by the Secretary of State for Defence; and
- (b) in any other case, a reference to a fire inspector or any person authorised by the Secretary of State to act for the purposes of this regulation.

(5) Any power exercisable by virtue of paragraph (4) by a fire inspector shall be exercisable also by any person if and so far as he is authorised in writing by such an inspector to exercise that power; but a fire inspector shall not authorise an officer of a fire brigade under this paragraph except with the consent of the fire authority who maintain that brigade.

(6) In this regulation “fire inspector” means an inspector or assistant inspector appointed under section 24 of the Fire Services Act 1947.

(7) Nothing in these Regulations shall be taken to authorise the entry of any premises occupied by the Crown.

#### **Application to visiting forces, etc.**

**19.**—(1) These Regulations shall apply to a visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(2)—

- (a) only to the extent that they apply to the Crown; and
- (b) with the substitution, for any reference in these Regulations (and in any provision of the 1971 Act applied by these Regulations) to a fire authority, of a reference to the fire service maintained by the Secretary of State for Defence.

(2) In paragraph (1) “visiting force” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952(3).

#### **Application to premises occupied by the UK Atomic Energy Authority**

**20.** Regulation 10 and section 30 of the 1971 Act as applied by regulation 17 shall not apply to any workplace over which the United Kingdom Atomic Energy Authority has control; and in the application of the remaining provisions of these Regulations to such a workplace—

- (a) for any reference to a fire authority in these Regulations (and in any provision of the 1971 Act applied by these Regulations) there shall be substituted a reference to a fire inspector (within the meaning of regulation 18(6)) or any person authorised by the Secretary of State to act for the purposes of this regulation; and
- (b) for the reference in section 20(1) of the 1971 Act as applied by regulation 17 to an officer of the fire brigade maintained by the fire authority there shall be substituted a reference to any person.

#### **Employee consultation**

**21.**—(1) The Safety Representatives and Safety Committees Regulations 1977(4) shall be amended by the insertion of the words “or regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations 1997” at the end of regulation 4A(1)(b).

(2) The Health and Safety (Consultation with Employees) Regulations 1996(5) shall be amended by the insertion of the words “or regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations 1997” at the end of regulation 3(b).

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(2) 1964 c. 5.

(3) 1952 c. 67.

(4) S.I.1977/500; regulation 4A was inserted by regulation 17 of, and the Schedule to, the 1992 Management Regulations, S.I. 1992/2051.

(5) S.I. 1996/1513.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(3) The provisions of the Safety Representatives and Safety Committees Regulations 1977 amended by this regulation shall continue to be regarded (to the extent that they would otherwise be so regarded) as provisions of health and safety regulations within the meaning of the 1974 Act.

**Disapplication of section 9A of the 1971 Act**

**22.** In section 9A of the 1971 Act (duty as to means of escape and for fighting fire) there shall be inserted, at the end of subsection (2), the words “but this section does not apply where Part II of the Fire Precautions (Workplace) Regulations 1997 applies”.