
STATUTORY INSTRUMENTS

2006 No. 1254

The Fire and Rescue Services (Northern Ireland) Order 2006

PART III

FIRE SAFETY

CHAPTER V

INTERPRETATION

Meaning of “relevant premises”

- 50.**—(1) In this Part, “relevant premises” means any premises other than—
- (a) domestic premises;
 - (b) ships, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
 - (c) mines and offshore installations;
 - (d) borehole sites to which the Borehole Sites and Operations Regulations (Northern Ireland) 1995 (SR 1995/491) apply;
 - (e) premises occupied solely for the purposes of the armed forces of the Crown;
 - (f) premises occupied solely by any visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 (c. 5);
 - (g) premises which are situated within premises occupied solely for the purposes of the armed forces of the Crown but which are not themselves so occupied; or
 - (h) if the undertaking carried on in premises is agriculture or forestry, any land other than buildings which is situated away from the undertaking's buildings.
- (2) For the purposes of paragraph (1), “premises” includes any place, and, in particular—
- (a) any installation on land;
 - (b) any tent or movable structure; and
 - (c) vehicles other than—
 - (i) an aircraft, locomotive, rolling stock, trailer or semi-trailer used as a means of transport;
 - (ii) a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 (c. 22); or
 - (iii) a vehicle which is exempt from duty under that Act.
- (3) References in this Part to relevant premises include references to a part of relevant premises.
- (4) The Department may by regulations modify paragraphs (1), (2) and (6).

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(5) Where the Department exercises the power in paragraph (4), it may by regulations make any modifications of this Part in its application, in consequence of the exercise of that power, to relevant premises specified in the regulations under that paragraph that the Department considers necessary or expedient.

(6) For the purposes of paragraph (1)–

“domestic premises” means premises occupied as a private dwelling (including a stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is used in common by the occupants of more than one such dwelling), but does not include a house in multiple occupation;

“mine” has the same meaning as in the Mines Act (Northern Ireland) 1969 (c. 6), but does not include any building on the surface at a mine;

“normal ship-board activities” include the repair of a ship, save repair when carried out in dry dock;

“ship” includes every description of vessel used in navigation.

Meaning of “fire safety measures”

51.—(1) Subject to paragraph (2), the fire safety measures are–

- (a) measures to reduce the risk of–
 - (i) fire in relevant premises; and
 - (ii) the risk of the spread of fire there;
- (b) measures in relation to the means of escape from relevant premises;
- (c) measures for securing that, at all material times, the means of escape from relevant premises can be safely and effectively used;
- (d) measures in relation to the means of extinguishing fires in relevant premises;
- (e) measures in relation to the means of–
 - (i) detecting fires in relevant premises; and
 - (ii) giving warning in the event of fire, or suspected fire, in relevant premises;
- (f) measures in relation to the arrangements for action to be taken in the event of fire in relevant premises (including, in particular, measures for the instruction and training of employees and for mitigation of the effects of fire); and
- (g) such other measures in relation to relevant premises as may be prescribed.

(2) The measures referred to in paragraph (1) do not include special, technical or organisational measures required to be taken or observed in any workplace in connection with the carrying on of any work process where those measures–

- (a) are designed to prevent or reduce the likelihood of fire arising from such a work process or reduce its intensity; and
- (b) are required to be taken or observed to ensure compliance with any requirement of the relevant statutory provisions within the meaning given by Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978 (NI 9).

(3) In paragraph (2) “work process” means all aspects of work involving, or in connection with–

- (a) the use of plant or machinery; or
- (b) the use or storage of any dangerous substance.

Interpretation of Part III

52.—(1) In this Part—

“authorised officer” means a fire and rescue officer who is authorised in writing by the Chief Fire and Rescue Officer under Article 33;

“employee” has the meaning given by Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978 (NI 9);

“fire safety duties” means—

- (a) the duties imposed by Articles 25, 26, 27 and 28; and
- (b) any duties imposed by regulations made under Article 29 or 30;

“fire safety measures” shall be construed in accordance with Article 51;

“house in multiple occupation” has the meaning given by Article 75 of the Housing (Northern Ireland) Order 1992 (NI 15);

“operational task” means—

- (a) a function such as is mentioned in sub-paragraph (a) or (b) of paragraph (1) of Article 5;
- (b) a function such as is mentioned in sub-paragraph (a) or (b) of paragraph (1) of Article 6; or
- (c) a function such as is mentioned in an order under Article 7(1);

“owner”, in relation to premises, means any person who is for the time being receiving a rack rent of the premises, whether on his own account or as agent or trustee for any other person or who would so receive the same if the premises were let at a rack rent;

“public road” has the meaning given by Article 2(2) of the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2);

“rack rent” has the meaning given by Article 2(2) of the Rates (Northern Ireland) Order 1977 (NI 28);

“relevant person”, in relation to premises, means—

- (a) any person who is, or may be, lawfully in the premises; or
- (b) any person—
 - (i) who is, or may be, in the immediate vicinity of the premises; and
 - (ii) whose safety would be at risk in the event of fire in the premises;

but does not include a fire and rescue officer who is engaged in the performance of an operational task and, in its application to Article 26, a person such as is mentioned in paragraph (2);

“relevant premises” shall be construed in accordance with Article 50;

“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 (c. 67);

“work” and “at work” shall be construed in accordance with Article 2 of the Health and Safety at Work (Northern Ireland) Order 1978 (NI 9);

“workplace”, in relation to an employer and his employees, means any relevant premises which are used for the purposes of an undertaking carried on by the employer and made available to an employee of the employer as a place of work; and includes—

- (a) any part of those premises to which an employee of the employer has access while at work; and
- (b) any relevant premises (other than a public road)—

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- (i) which are a means of access to or egress from the place of work; or
- (ii) where facilities are provided for use in connection with the place of work.

(2) The person is, where the person (“the employer”) subject to the requirement to carry out an assessment or a review under Article 26 is also subject to the requirement to carry out an assessment or a review under Article 25, any employee of that employer.

(3) For the purposes of Article 28, references in the definition of “relevant person” in paragraph (1) to premises shall be construed as references to the workplace.

Status:

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