
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations (“the Regulations”) give effect in Northern Ireland to:

- (a) Article 8(1) and (2) of Council Directive [89/391/EEC](#) on the introduction of measures to encourage improvements in the safety and health of workers at work (O.J. No. L183, 29.6.89, p. 1) (“the Framework Directive”); and
- (b) Article 6 of, together with paragraphs 4 and 5 of each of the Annexes to, Council Directive [89/654/EEC](#) concerning the minimum safety and health requirements for the workplace (O.J. No. L393, 30.12.89, p. 1) (“the Workplace Directive”),

insofar as those provisions relate to fire precautions and insofar as more specific legislation does not make appropriate provision. In this note, those provisions, insofar as they relate to fire precautions, are referred to as “the substantive provisions”.

The Regulations also give effect to certain other Articles of the Framework Directive, insofar as they concern the substantive provisions (including Article 10(1) and (2) of that Directive).

Part I

Part I of the Regulations makes preliminary provision.

Regulation 2 provides for the interpretation of the Regulations.

Part II

Part II of the Regulations sets out the requirements of the substantive provisions.

Regulation 3 provides that—

- (a) it is the duty of an employer to comply with the requirements of Part II of the Regulations in respect of every workplace, other than an excepted workplace, which is to any extent under his control; and
- (b) it is the duty of every person, other than the employer referred to in (a), where he has control of a workplace to any extent, other than an excepted workplace, to ensure that the requirements of Part II of the Regulations are complied with.

The excepted workplaces are listed in regulation 3(5) and comprise workplaces for which more specific fire safety requirements exist or which are excluded from the Directives.

Regulation 4 makes provisions for fire-fighting and fire detection (implementing paragraph 5 of each of the Annexes to the Workplace Directive and Article 8(1) and (2) of the Framework Directive (insofar as they relate to fire precautions)).

Regulation 5 makes provision for emergency routes and exits in case of fire (implementing the first indent of Article 6 of, and paragraph 4 of each of the Annexes to, the Workplace Directive (insofar as they relate to fire precautions)).

Regulation 6 makes provision for maintenance of the workplace and safety devices (implementing the second and fourth indents of Article 6 of the Workplace Directive (insofar as they relate to fire precautions)).

Part III

Part III of the Regulations amends the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 ([S.R. 2000 No. 388](#)) (“the 2000 Management Regulations”) so as to extend certain of their requirements to encompass Part II of the Regulations.

The 2000 Management Regulations implement much of the Framework Directive. The following provisions of those Regulations, which derive from provisions of the Framework Directive which are ancillary to the substantive provisions, are extended directly, or (through an amendment to a definition) indirectly, so as to encompass Part II of the Regulations: regulations 3 (risk assessment), 4 (principles of prevention to be applied), 5 (health and safety arrangements), 7 (health and safety assistance), 10 (information for employees), 11 (co-operation and co-ordination) and 12 (persons working in host employers' or self-employed persons' undertakings).

Part IV

Part IV of the Regulations makes provision for enforcement and offences.

Under regulation 10 the Fire Authority for Northern Ireland (“the Authority”) is given responsibility not only for enforcing the provisions of Part II of the Regulations but also a number of provisions of the 2000 Management Regulations so far as they extend to general fire precautions (as defined) in non-excepted workplaces. Together these provisions are referred to in the Regulations as “the workplace fire precautions legislation”. The relevant provisions of the 2000 Management Regulations not only include those amended by Part III of the Regulations but also certain other provisions which extend to general fire precautions and implement provisions of the Framework Directive, namely regulations 8 (procedures for serious and imminent danger and for danger areas) and 13(2) and (3) (training). Regulation 9 disapplies the enforcement regime of the Health and Safety at Work (Northern Ireland) Order 1978 from these provisions of the 2000 Management Regulations, to the extent the Authority is given responsibility for them under the present Regulations.

Part IV distinguishes between serious breaches of the workplace fire precautions legislation and other breaches. Regulation 11 makes a serious breach of that legislation a criminal offence, but allows for a defence of due diligence. Regulation 13 enables the Authority to issue enforcement notices; regulation 14 provides for appeals against such enforcement notices; and regulation 15 makes breach of an enforcement notice a criminal offence.

Regulation 12 extends Article 33 of the Fire Services (Northern Ireland) Order 1984—which presently enables the Authority to serve a prohibition notice to immediately close down an unsafe building or part of a building used as a place of work—to allow such notices to be issued in respect of places of work in tents and movable structures (other than vessels); in the open air; and on vessels remaining moored or on dry land.

Part V

Part V of the Regulations makes further, consequential and miscellaneous provisions.

Regulation 16 makes further and miscellaneous provision by applying a number of Articles of the Fire Services (Northern Ireland) Order 1984 for the purposes of the Regulations. These include: Articles 41 and 42 (which create offences respectively of unauthorised disclosure of information and the making of false statements); and Article 40 (conferring powers on authorised members of the fire brigade).

Regulations 17 and 18 make special provision for the application of the Regulations respectively to the Crown and to visiting forces etc.

Regulation 19 amends two sets of Regulations dealing with employee consultation so as to extend them to cover certain requirements of Part II of the Regulations.

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

Regulation 20 makes a consequential amendment to Article 31 of the Fire Services (Northern Ireland) Order 1984, so as to disapply it where Part II of the Regulations applies.

A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from Public Safety Unit, Annexe 4, Castle Buildings, Stormont, Belfast, BT4 3SJ.