
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 348

**Fire Precautions (Workplace)
Regulations (Northern Ireland) 2001**

Part V

Further consequential and miscellaneous provisions

Application of the 1984 Order

16.—(1) Subject to paragraph (3), the provisions of the 1984 Order 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 Article 34 of that Order⁽¹⁾; and
- (b) any reference (however expressed) in those Articles to—
 - (i) “premises” included reference to a workplace, other than an excepted workplace;
 - (ii) premises to which regulations made under Article 34 of that Order 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 1984 Order included a reference to the workplace fire precautions legislation.

(2) The provisions of the 1984 Order referred to in paragraph (1) are—

- (a) Articles 2 and 21⁽²⁾ (interpretation);
- (b) Article 37 (district councils to consult Authority in certain cases before passing plans);
- (c) Article 40⁽²⁾ (powers of authorised members of the fire brigade);
- (d) Article 41⁽²⁾ (restriction on disclosure of information);
- (e) Article 42(1) (falsification of documents, false statements, etc.);
- (f) Article 44 (defence available to persons charged with offences); and
- (g) Article 44A⁽³⁾ (civil and other liability).

(3) The following provisions of the 1984 Order referred to in paragraph (2) shall have effect for the purposes of these Regulations with the following modifications—

- (a) Articles 2 and 21 shall have effect only for the purposes of the provisions of the 1984 Order applied by this regulation;

(1) Article 34 was amended by [S.I. 1991/1462 \(N.I. 12\)](#), paragraph 2 of Schedule 2

(2) Articles 21, 40 and 41 were amended by Articles 5, 7(2) and 14 respectively of [S.I. 1993/1578 \(N.I. 7\)](#)

(3) Article 44A was inserted by [S.I. 1993/1578 \(N.I. 7\)](#), Article 15

- (b) Article 37 shall have effect as if the references therein to “a designated use” included a reference to use as a workplace to which Part II applies;
- (c) Article 42(1) shall have effect as if sub-paragraphs (a) and (b) were omitted; and
- (d) Article 44 shall only have effect in connection with Articles 41 and 42(1) of the 1984 Order as applied by this regulation.

(4) A fire certificate issued under the 1984 Order or deemed to have been issued under the 1984 Order by virtue of paragraph 4 of Schedule 4 to that Order 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 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 Article 27(1) of the 1984 Order⁽⁴⁾, 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 it for the purposes of the amendment of the certificate (other than the cost of any inspection of the premises).

Application to the Crown

17.—(1) Subject to paragraphs (2) to (5), these Regulations, other than regulations 10, 11 and 13 to 15 shall bind the Crown.

(2) Article 33 of the 1984 Order, to the extent it is extended by regulation 12, shall only bind the Crown insofar as it applies to premises and workplaces owned by the Crown but not occupied by it.

(3) Regulation 16 shall only bind the Crown to the extent that it applies Articles 40 and 41 of the 1984 Order and then only insofar as those Articles apply to premises and workplaces owned by the Crown and not occupied by it.

(4) To the extent that they apply to the Crown, these Regulations, together with any provision of the 1984 Order applied by these Regulations, shall have effect with the substitution, for any reference to the 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 person authorised by the Health and Safety Executive for Northern Ireland under paragraph (3)(a) or (4) of Article 49 of the 1984 Order⁽⁵⁾ to act for the purposes of this regulation.

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

Application to visiting forces, etc.

18.—(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⁽⁶⁾—

- (a) only to the extent that they apply to the Crown; and

(4) Article 27(1) was amended by S.I. 1993/1578 (N.I. 7), Article 18(2)

(5) Article 49 was amended by S.I. 1991/1462 (N.I. 12), Schedule 6, S.I. 1993/1578 (N.I. 7), Article 20 and S.I. 1998/2795 (N.I. 18), paragraph 21 of Schedule 1

(6) 1964 c. 5

(b) with the substitution, for any reference in these Regulations (and in any provision of the 1984 Order applied by these Regulations) to the 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(7).

Employee consultation

19.—(1) In regulation 4A(1) of the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979(8), at the end of sub-paragraph (b), there shall be added the words “or regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001”.

(2) In regulation 3 of the Health and Safety (Consultation with Employees) Regulations (Northern Ireland) 1996(9), at the end of paragraph (b), there shall be added the words “or regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001”.

(3) The provisions of the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979 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 1978 Order.

Disapplication of Article 31 of the 1984 Order

20. In Article 31 of the 1984 Order(10) (duty as to means of escape and for fighting fire), at the end of paragraph (2), there shall be added the words “but this Article does not apply where Part II of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001 applies”.

(7) 1952 c. 67

(8) S.R. 1979 No. 437; regulation 4A was inserted by regulation 16 of, and the Schedule to, S.R. 1992 No. 459 and was amended by S.R. 2000 No. 388

(9) S.R. 1996 No. 511, relevant amending Regulations are S.R. 2000 No. 388

(10) Article 31 was substituted by S.I. 1993/1578 (N.I. 7), Article 9(1)