
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 348

EUROPEAN COMMUNITIES

FIRE SERVICES

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

Made 5th October 2001

Coming into operation 1st December 2001

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The Department of Health, Social Services and Public Safety(**a**), being a department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to measures relating to the minimum health and safety requirements for the workplace that relate to fire safety, in exercise of the powers conferred by that section and by Articles 48 and 49(6) of the Fire Services (Northern Ireland) Order 1984(**d**), and now vested in it(**e**), and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001 and shall come into operation on 1st December 2001.

Interpretation

2.—(1) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978(**f**);

“the 1984 Order” means the Fire Services (Northern Ireland) Order 1984;

(a) See Article 3(6) of S.I. 1999/283 (N.I.)

(b) S.I. 1992/1711

(c) 1972 c. 68

(d) S.I. 1984/1821 (N.I. 11); see Article 2(2) for the definition of “prescribed”; Article 48 was amended by S.I. 1993/1578 (N.I. 7), Article 19

(e) See Article 6(c) of, and Part III of Schedule 4 to, S.R. 1999 No. 481

(f) S.I. 1978/1039 (N.I. 9), as amended by S.I. 1998/2795 (N.I. 18)

“the 2000 Management Regulations” means the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(a);

“domestic premises” has the meaning given to it by Article 2(2) of the 1978 Order;

“employee” means a person who is or is treated as an employee for the purposes of the 2000 Management Regulations;

“employer” means a person who is or is treated as an employer for the purposes of the 2000 Management Regulations;

“enforcement notice” has the meaning given to it by regulation 13(1);

“excepted workplace” has the meaning given to it by regulation 3(5);

“mine” has the same meaning as in the Mines Act (Northern Ireland) 1969(b);

“premises” includes any place and, in particular, includes—

(a) any vehicle, vessel, aircraft or hovercraft;

(b) any installation on land (including the foreshore and other land intermittently covered by water), any offshore installation, and any other installation (whether floating, or resting on the seabed or the subsoil thereof, or resting on other land covered with water or the subsoil thereof); and

(c) any tent or movable structure;

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

“workplace” means any premises or part of premises, not being domestic premises, used for the purposes of an employer’s undertaking and which are made available to an employee of the employer as a place of work and includes—

(a) any place within the premises to which such employee has access while at work; and

(b) any room, lobby, corridor, staircase, road or other place—

(i) used as a means of access to or egress from that place of work; or

(ii) where facilities are provided for use in connection with that place of work,

other than a public road; and

“the workplace fire precautions legislation” has the meaning given to it by regulation 9(2).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

(a) S.R. 2000 No. 388
(b) 1969 c. 6 (N.I.)
(c) S.I. 1997/276 (N.I. 2)
(d) 1954 c. 33 (N.I.)

PART II

FIRE PRECAUTIONS IN THE WORKPLACE

Application of Part II

3.—(1) Every employer shall ensure that the requirements of this Part are complied with in respect of every workplace, other than an excepted workplace, which is to any extent under his control.

(2) Every person, other than the employer referred to in paragraph (1), who has, to any extent, control of a workplace, other than an excepted workplace, shall ensure that, so far as it relates to matters within his control, the workplace complies with any applicable requirement of this Part.

(3) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

- (a) the maintenance or repair of any workplace; or
- (b) the safety of any workplace,

that person shall be treated, for the purposes of paragraph (2), as being a person who has control of the workplace to the extent that his obligation so extends.

(4) Any reference in this regulation to a person having control of any workplace is a reference to a person having control of the workplace in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

(5) For the purposes of these Regulations, an “excepted workplace” is—

- (a) any workplace which is or is on a construction site within the meaning of regulation 2 of the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996^(a) and to which those Regulations apply;
- (b) any workplace which is or is in or on a ship within the meaning of section 313(1) of the Merchant Shipping Act 1995^(b) other than a ship which is—
 - (i) in the course of construction; or
 - (ii) in the course of repair by persons who include persons other than the master and crew of the ship;
- (c) any workplace which forms part of a mine, other than any building on the surface at such a mine;
- (d) any workplace which is or is on an offshore installation within the meaning of regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995^(c);
- (e) any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle

(a) S.R. 1996 No. 510, to which there are amendments not relevant to these Regulations

(b) 1995 c. 21

(c) S.R. 1995 No. 340 to which there is an amendment not relevant to these Regulations

for which a licence is in force under the Vehicle Excise and Registration Act 1994^(a) or a vehicle exempted from duty under that Act; and

(f) any workplace which is in fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings.

(6) The requirements of this Part shall not have effect to the extent that they would prevent—

(a) any member of the armed forces of the Crown or of any visiting force (within the meaning of regulation 18);

(b) any constable; or

(c) any member of any emergency service,

from carrying out his duties.

(7) Without prejudice to paragraph (6), regulation 5(2)(f) shall not apply to any premises falling within the scope of Article 49(2)(a) of the 1984 Order (prisons) or any part of any other premises used for keeping persons in lawful custody or detention.

(8) Where paragraph (6) or (7) applies, the safety of employees in case of fire shall nevertheless be ensured so far as is possible.

Fire-fighting and fire detection

4.—(1) Where necessary (whether due to the features of a workplace, the activity carried on there, any hazard present there or any other relevant circumstances) in order to safeguard the safety of employees in case of fire—

(a) a workplace shall, to the extent that it is appropriate, be equipped with appropriate fire-fighting equipment and with fire detectors and alarms; and

(b) any non-automatic fire-fighting equipment so provided shall be easily accessible, simple to use and indicated by signs^(b),

and for the purposes of sub-paragraph (a) what is appropriate is to be determined having regard to the dimensions and use of the buildings at the workplace, the equipment they contain, the physical and chemical properties of the substances likely to be present and the maximum number of people that may be present at any one time.

(2) An employer shall, where necessary in order to safeguard the safety of his employees in case of fire—

(a) take measures for fire-fighting in the workplace, adapted to the nature of the activities carried on there and the size of his undertaking and of the workplace concerned and taking into account persons other than his employees who may be present;

(a) 1994 c. 22

(b) See the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 119), which impose requirements in relation to fire safety signs

- (b) nominate employees to implement those measures and ensure that the number of such employees, their training and the equipment available to them are adequate, taking into account the size of, and the specific hazards involved in, the workplace concerned; and
- (c) arrange any necessary contacts with external emergency services, particularly as regards rescue work and fire-fighting.

Emergency routes and exits

5.—(1) Where necessary in order to safeguard the safety of employees in case of fire, routes to emergency exits from a workplace and the exits themselves shall be kept clear at all times.

(2) The following requirements shall be complied with in respect of a workplace where necessary (whether due to the features of the workplace, the activity carried on there, any hazard present there or any other relevant circumstances) in order to safeguard the safety of employees in case of fire—

- (a) emergency routes and exits shall lead as directly as possible to a place of safety;
- (b) in the event of danger, it shall be possible for employees to evacuate the workplace quickly and as safely as possible;
- (c) the number, distribution and dimensions of emergency routes and exits shall be adequate having regard to the use, equipment and dimensions of the workplace and the maximum number of persons that may be present there at any one time;
- (d) emergency doors shall open in the direction of escape;
- (e) sliding or revolving doors shall not be used for exits specifically intended as emergency exits;
- (f) emergency doors shall not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency;
- (g) emergency routes and exits shall be indicated by signs^(a); and
- (h) emergency routes and exits requiring illumination shall be provided with emergency lighting of adequate intensity in the case of failure of their normal lighting.

Maintenance

6. Where necessary in order to safeguard the safety of employees in case of fire, the workplace and any equipment and devices provided in respect of the workplace under regulations 4 and 5 shall be subject to a suitable system of maintenance and be maintained in an efficient state, in efficient working order and in good repair.

(a) See the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 119), which impose requirements in relation to fire safety signs

PART III

AMENDMENT OF THE MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS (NORTHERN IRELAND) 2000

Amendment of the 2000 Management Regulations: general provisions

7. Subject to regulation 9, the provisions of the 2000 Management Regulations amended by this Part shall continue to be regarded (if they would not otherwise continue to be so regarded) as provisions of health and safety regulations within the meaning of the 1978 Order^(a).

Amendment of the 2000 Management Regulations

8.—(1) The words “and by Part II of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001” shall be inserted into the following provisions of the 2000 Management Regulations, as follows—

- (a) in regulation 1(2) (interpretation), at the end of the definition of “the preventive and protective measures”;
- (b) in regulation 3 (risk assessment), at the end of paragraph (1);
- (c) in regulation 7 (health and safety assistance), at the end of paragraph (1);
- (d) in regulation 11 (co-operation and co-ordination), in paragraph (1)(a) after the words “the relevant statutory provisions”; and
- (e) in regulation 12 (persons working in host employers’ or self-employed persons’ undertakings), in paragraph (1)(b) after the words “the relevant statutory provisions”.

(2) In regulation 10(1) of the 2000 Management Regulations (information for employees)—

- (a) in sub-paragraph (c), after the words “regulation 8(1)(a)”, there shall be inserted “and the measures referred to in regulation 4(2)(a) of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001”; and
- (b) in sub-paragraph (d), after the words “regulation 8(1)(b)”, there shall be inserted “and regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001”.

(3) In regulation 11(1) of the 2000 Management Regulations (co-operation and co-ordination), for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001 with the measures the other employers concerned are taking to

(a) See Article 2(2) of the 1978 Order

comply with the requirements and prohibitions imposed upon them by that legislation;”.

(4) In regulations 11(2) and 12(2) of the 2000 Management Regulations, after the words “Paragraph (1)” in each case where they occur, there shall be inserted “(except insofar as it refers to Part II of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001)”.

PART IV

ENFORCEMENT AND OFFENCES

Disapplication of the 1978 Order

9.—(1) For the purposes of Articles 18 to 26, 28, 30 to 37, 39 and 43 of the 1978 Order, the provisions of the workplace fire precautions legislation shall be deemed (to the extent they would otherwise be so regarded) not to be provisions of health and safety regulations or provisions forming part of the relevant statutory provisions.

(2) In these Regulations “the workplace fire precautions legislation” means—

(a) Part II except insofar as that Part applies to—

- (i) any workplace which is or is in or on a ship within the meaning of section 313(1) of the Merchant Shipping Act 1995 when such a ship is in the course of construction or is in the course of repair by persons who include persons other than the master and crew of the ship;
- (ii) any workplace, other than a building on the surface at a mine, to the extent that it comprises premises to which the Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991(a) apply; and

(b) regulations 1 to 5, 7 to 12 and 13(2) and (3) of the 2000 Management Regulations (as amended by Part III), insofar as those regulations—

- (i) impose requirements concerning general fire precautions to be taken or observed by an employer; and
- (ii) have effect in relation to a workplace other than an excepted workplace,

and for this purpose “general fire precautions” means measures which are to be taken or observed in relation to the risk to the safety of employees in case of fire in a workplace, other than any special precautions in connection with the carrying on of any manufacturing process.

(3) In this regulation “health and safety regulations” and “relevant statutory provisions” have the meanings given to them by Article 2(2) of the 1978 Order.

(a) S.R. 1991 No. 446

Enforcement

10.—(1) It shall be the duty of the Authority to enforce the workplace fire precautions legislation.

(2) The Authority may perform its functions under these Regulations through members of the fire brigade authorised by the Chief Fire Officer pursuant to Article 39 of the 1984 Order(a).

(3) In Articles 50 and 51 of the 1984 Order (which authorise the appointment of inspectors and the holding of inquiries for obtaining information as to the performance by the Authority of its functions under that Order) the references to that Order shall be read as including references to these Regulations.

Serious cases: offence

11.—(1) A person shall be guilty of an offence if—

- (a) being under a requirement to do so, he fails to comply with any provision of the workplace fire precautions legislation; and
- (b) that failure places one or more employees at risk of death or serious injury in case of fire.

(2) Any person guilty of an offence under this regulation shall be liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or both.

(3) In any proceedings for an offence under this regulation it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) A person is not guilty of an offence under this regulation in respect of any failure to comply with the workplace fire precautions legislation which is the subject of an enforcement notice.

Serious cases: prohibition notices

12.—(1) Articles 33 to 33B of the 1984 Order(b) (special procedure in case of serious risk: prohibition notices) shall apply to—

- (a) tents and other movable structures (other than vessels);
- (b) places of work in the open air; and
- (c) vessels remaining moored or remaining on dry land,

which are relevant workplaces.

(2) For the purposes of paragraph (1), a “relevant workplace” is a workplace other than an excepted workplace.

(a) Article 39 is amended prospectively by S.I. 1993/1578 (N.I. 7), Article 13

(b) Article 33 was substituted, and Articles 33A and 33B were inserted by S.I. 1993/1578 (N.I. 7), Article 12

Enforcement notices

13.—(1) Where the Authority is of the opinion that a person, being under an obligation to do so, has failed to comply with any provision of the workplace fire precautions legislation in respect of a workplace, or employees who work in a workplace, the Authority may serve on that person a notice (in these Regulations referred to as “an enforcement notice”) which—

- (a) states that it is of that opinion and why;
- (b) specifies what steps it considers are necessary to remedy that failure;
- (c) requires that person to take steps to remedy the failure within such period from the date of service of the notice (not being less than 21 days) as may be specified in the notice; and
- (d) explains how, where, within what period and on what grounds an appeal may be brought against the enforcement notice.

(2) Before serving an enforcement notice which would oblige a person to make an alteration to a building or structure, the Authority shall consult—

- (a) such persons as it would have been required to consult under Article 38 of the 1984 Order^(a) (Authority to consult other authorities before requiring alterations to buildings) if the proposed enforcement notice had been an improvement notice proposed to be issued under Article 31C of that Order^(b); and
- (b) any other person whose consent to the alteration would be required by or under any statutory provision.

(3) Where an enforcement notice has been served—

- (a) the Authority may withdraw the notice at any time before the end of the period specified in the notice; and
- (b) if an appeal against the notice is not pending, the Authority may extend or further extend the period specified in the notice.

(4) Without prejudice to the power of the court to cancel or modify an enforcement notice under regulation 14, no failure on the part of the Authority to consult under paragraph (2) shall make an enforcement notice void.

Enforcement notices: rights of appeal

14.—(1) A person on whom an enforcement notice is served may, within 21 days from the day on which the enforcement notice is served, appeal to the court.

(2) On an appeal under this regulation the court may either cancel or affirm the enforcement notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(3) Where an appeal is brought under this regulation against an enforcement notice, the bringing of the appeal shall have the effect of suspending the operation of the notice until the appeal is finally disposed of or, if the appeal is withdrawn, until the withdrawal of the appeal.

(a) Article 38 was amended by S.I. 1993/1578 (N.I. 7), Article 9(2)

(b) Article 31C was inserted by S.I. 1993/1578 (N.I. 7), Article 9(1)

(4) In this regulation “the court” means a county court having jurisdiction over the division in which any relevant workplace is situated, and for this purpose, “relevant workplace” is a workplace in respect of which the enforcement notice was served.

Enforcement notices: offence

15.—(1) It is an offence for a person to contravene any requirement imposed by an enforcement notice.

(2) Any person guilty of an offence under paragraph (1) shall be liable—

(a) on summary conviction to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or both.

(3) In any proceedings for an offence under this regulation it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

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(a); 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) Article 34 was amended by S.I. 1991/1462 (N.I. 12), paragraph 2 of Schedule 2

- (a) Articles 2 and 21(a) (interpretation);
- (b) Article 37 (district councils to consult Authority in certain cases before passing plans);
- (c) Article 40(a) (powers of authorised members of the fire brigade);
- (d) Article 41(a) (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(b) (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;
- (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(c), 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 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.

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

(b) Article 44A was inserted by S.I. 1993/1578 (N.I. 7), Article 15

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

(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(a) 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(b)—

(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 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(c).

Employee consultation

19.—(1) In regulation 4A(1) of the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979(d), at the end of subparagraph (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(e), 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”.

(a) 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

(b) 1964 c. 5

(c) 1952 c. 67

(d) 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

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

(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(a) (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”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 5th October 2001.

(L.S.)

Denis McMahon
Senior Officer of the Department of
Health, Social Services and Public Safety

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

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.

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.

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