



Fire Safety and Safety of Places of Sport Act 1987

1987 CHAPTER 27

PART I

FIRE SAFETY

Exemption from requirement to have fire certificate

1 Power to exempt from requirement to have fire certificate

- (1) The Fire Precautions Act 1971 (in this Part referred to as "the principal Act") shall have effect with the following amendments.
- (2) In section 1 (designated uses requiring cover by fire certificates)—
 - (a) after subsection (3) there shall be inserted the following subsection—

“(3A) An order under this section may, as respects any designated use, specify descriptions of premises which qualify for exemption by a fire authority under section 5A of this Act from the requirement for a fire certificate in respect of premises which are put to that use.”; and
 - (b) in subsection (4) (methods of description), after the words "subsection (3)" there shall be inserted the words "or (3A)", after the words "use for any purpose" there shall be inserted the words "or their situation, construction or arrangement" and for the words "that subsection" there shall be substituted the words "subsection (3) or (3A) above".
- (3) In section 5(3) (duty of fire authority to inspect premises on application for fire certificate) after the words "duty of the fire authority" there shall be inserted the words "to consider whether or not, in the case of premises which qualify for exemption under section 5A of this Act, to grant exemption and, if they do not grant it, it shall be their duty".
- (4) After section 5 there shall be inserted the following sections—

“5A Powers for fire authority to grant exemption in particular cases.

- (1) A fire authority may, if they think fit as regards any premises which appear to them to be premises qualifying for exemption under this section as respects any particular use, grant exemption from the requirement, to have a fire certificate covering that use.
- (2) Exemption under this section for any premises as respects any use of them may be granted by the fire authority, with or without the making of an application for the purpose,—
 - (a) on the making of an application for a fire certificate with respect to the premises covering that use; or
 - (b) at any time during the currency of a fire certificate with respect to the premises which covers that use.
- (3) In deciding whether or not to grant exemption under this section for any premises the fire authority shall have regard to all the circumstances of the case and in particular to the degree of seriousness of the risk in case of fire to persons in the premises.
- (4) For the purpose of making that decision the fire authority may—
 - (a) require the applicant or, as the case may be, the occupier of the premises to give such information as they require about the premises and any matter connected with them; and
 - (b) cause to be carried out an inspection of the relevant building.
- (5) The fire authority shall not grant exemption under this section for any premises without causing an inspection to be carried out under subsection (4) above unless they have caused the premises to be inspected (under that or any other power) within the preceding twelve months.
- (6) The effect of the grant of exemption under this section as respects any particular use of premises is that, during the currency of the exemption, no fire certificate in respect of the premises is required to cover that use and accordingly—
 - (a) where the grant is made on an application for a fire certificate, the grant disposes of the application or of so much of it as relates to that use; and
 - (b) where the grant is made during the currency of a fire certificate, the certificate shall wholly or as respects that use cease to have effect.
- (7) On granting an exemption under this section, the fire authority shall, by notice to the applicant for the fire certificate or the occupier of the premises, as the case may be, inform him that they have granted exemption as respects the particular use or uses of the premises specified in the notice and of the effect of the grant.
- (8) A notice of the grant of exemption for any premises as respects a particular use of them may include a statement specifying the greatest number of persons of a description specified in the statement for the purposes of that use who, in the opinion of the fire authority, can safely be in the premises at any one time.

- (9) Where a notice of the grant of exemption for any premises includes a statement under subsection (8) above, the fire authority may, by notice served on the occupier of the premises, direct that, as from a date specified in the notice, the statement—
- (a) is cancelled; or
 - (b) is to have effect as varied by the notice;
- and, on such a variation the statement shall be treated, so long as the variation remains in force, as if the variation were specified in it.

5B Withdrawal of exemptions under s.5a.

- (1) A fire authority who have granted an exemption under section 5A of this Act from the requirement to have a fire certificate covering any particular use of premises may, if they think fit, at any time, withdraw the exemption in accordance with subsections (2) to (4) below.
- (2) In deciding whether or not to withdraw an exemption they have granted the fire authority shall have regard to all the circumstances of the case and in particular to the degree of seriousness of the risk in case of fire to persons in the premises.
- (3) The fire authority may withdraw an exemption they have granted as respects any particular use of premises without exercising any of the powers of inspection or inquiry conferred by section 19 of this Act but they shall not withdraw the exemption without first giving notice to the occupier of the premises that they propose to withdraw it and the reasons for the proposal, and giving him an opportunity of making representations on the matter.
- (4) An exemption shall be withdrawn by serving a notice on the occupier of the premises to which the exemption relates stating that the exemption will cease to have effect as respects the particular use or uses of the premises specified in the notice on such date as is so specified, being a date not earlier than the end of the period of fourteen days beginning with the date on which service of the notice is effected.
- (5) If premises cease to qualify for exemption under section 5A of this Act a fire authority who have granted an exemption under that section shall notify the occupier of the premises of the fact and date of the cessation of the exemption.”