

SCHEDULE 3

Article 53(1)

AMENDMENTS OF SUBORDINATE LEGISLATION

**The Dangerous Substances in Harbour Areas Regulations 1987**

1. Regulation 30 of the Dangerous Substances in Harbour Areas Regulations 1987<sup>(1)</sup> (storage tanks) is amended as follows—

- (a) in paragraph (1) for the words “appropriate fire and rescue authority” substitute “relevant authority”; and
- (b) after paragraph (4) insert—
  - “(5) In paragraph (1) “relevant authority” means—
    - (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the harbour or harbour areas within which the storage tank is situated, the enforcing authority within the meaning given by article 25 of that Order; and
    - (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the harbour or harbour area is situated .”.

**The Marriages (Approved Premises) Regulations 1995**

2. In Schedule 1 to the Marriages (Approved Premises) Regulations 1995<sup>(2)</sup> (requirements for the grant of approval) at the end of paragraph 3 insert—

- “; and in this paragraph “fire and rescue authority” means—
  - (a) where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises, the enforcing authority within the meaning given by article 25 of that Order;
  - (b) in any other case, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the premises are situated .”.

**The Construction (Health, Safety and Welfare) Regulations 1996**

3. For regulation 33 of the Construction (Health, Safety and Welfare) Regulations 1996<sup>(3)</sup> (enforcement in respect of fire precautions) substitute—

**“Enforcement in respect of fire**

**33.—**(1) Subject to paragraph (2), the enforcing authority within the meaning given by article 25 of the Regulatory Reform (Fire Safety) Order 2005 is the enforcing authority as regards—

- (a) regulations 19 and 20 in so far as those regulations relate to fire; and
- (b) regulation 21,

in respect of a construction site which is contained within, or forms part of, premises which are occupied by persons other than those carrying out the construction work or any activity arising from such work.

(2) Paragraph (1) only applies in respect of premises to which the Regulatory Reform (Fire Safety) Order 2005 applies.”.

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(1) S.I.1987/37. Relevant amendments were made by S.I. 2004/3168.

(2) S.I. 1995/510. Relevant amendments were made by S.I. 2004/3168.

(3) S.I. 1996/1592.

### **The Housing (Fire Safety in Houses in Multiple Occupation) Order 1997**

4. In regulation 3 of the Housing (Fire Safety in Houses in Multiple Occupation) Order 1997(4) (description of house – consultation requirements) in paragraph (2)(f) for the words “a valid fire certificate issued under section 1 of the Fire Precautions Act 1971 is in force” substitute “the Regulatory Reform (Fire Safety) Order 2005 applies”.

### **The Health and Safety (Enforcing Authority) Regulations 1998**

5. In regulation 4 of the Health and Safety (Enforcing Authority) Regulations 1998(5) (enforcement by the Executive) for paragraph (3)(e) substitute—

“(e) a fire and rescue authority under the Fire and Rescue Services Act 2004;”.

### **The Building Regulations 2000**

6.—(1) The Building Regulations 2000(6) are amended as follows.

(2) In regulation 12 (giving of a building notice or deposit of plans)—

(a) omit paragraph (1);

(b) for paragraph (4) substitute—

“(4) A person shall deposit full plans where he intends to carry out building work in relation to a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.”.

(3) In regulation 14 (full plans) for paragraph (4) substitute—

“(4) Full plans shall be accompanied by a statement as to whether the building is a building in relation to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the building work.”.

(4) In regulation 17 (completion certificates) for paragraph (1)(b)(i) substitute—

“(i) been notified, in accordance with regulation 14(4), that the building is a building to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of the work; or”.

### **The Building (Approved Inspectors etc.) Regulations 2000**

7.—(1) The Building (Approved Inspectors etc.) Regulations 2000(7) are amended as follows.

(2) In regulation 2 (interpretation) omit the definition of “fire and rescue authority”.

(3) In regulation 13(1) (approved inspector’s consultation with the fire authority)—

(a) omit sub-paragraph (a);

(b) for sub-paragraph (b) substitute—

“(b) a “relevant building” is a building or any part of it to which the Regulatory Reform (Fire Safety) Order 2005 applies, or will apply after the completion of building work;”;

(c) for sub-paragraph (c) substitute—

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(4) S.I. [1997/230](#).

(5) S.I. [1998/494](#) to which there are amendments not relevant to this Order.

(6) S.I. [2000/2531](#) to which there are amendments not relevant to this Order.

(7) S.I. [2000/2532](#); relevant amendments were made by S.I. [2004/3168](#).

“(c) a “relevant change of use” is a material change of use where, after the change of use takes place, the Regulatory Reform (Fire Safety) Order 2005 will apply, or continue to apply, to the building or any part of it.”.

(4) In regulation 18 (events causing initial notice to cease to be in force) for paragraph (2)(i) substitute—

“(i) if the building is a relevant building as defined by regulation 13(1)(b), on the expiry of a period of four weeks beginning with the date of occupation; and”.

### **The Care Homes Regulations 2001**

**8.** Regulation 23 of the Care Homes Regulations 2001**(8)** (fitness of premises) is amended as follows—

(a) in paragraph (4) for the words “The registered person” substitute “Subject to paragraph (4A) the registered person”; and

(b) after paragraph (4) insert—

“(4A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the care home—

(a) paragraph (4) does not apply; and

(b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the care home.”.

### **The Children’s Homes Regulations 2001**

**9.** Regulation 32 of the Children’s Homes Regulations 2001**(9)** (fire precautions) is amended as follows—

(a) in paragraph (1) for the words “The registered person” substitute “Subject to paragraph (1A) the registered person”; and

(b) after paragraph (1) insert—

“(1A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the children’s home—

(a) paragraph (1) does not apply; and

(b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the home.”.

### **The Private and Voluntary Care (England) Regulations 2001**

**10.** Regulation 25 of the Private and Voluntary Care (England) Regulations 2001**(10)** (fitness of premises) is amended as follows—

(a) in paragraph (4) for the words “The registered person” substitute “Subject to paragraph (4A) the registered person”; and

(b) after paragraph (4) insert—

“(4A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises—

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**(8)** S.I. [2001/3965](#); relevant amendments were made by S.I. [2004/3168](#).

**(9)** S.I. [2001/3967](#); relevant amendments were made by S.I. [2004/3168](#).

**(10)** S.I. [2001/3968](#); relevant amendments were made by S.I. [2004/3168](#).

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- (a) paragraph (4) does not apply; and
- (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of those premises.”.

### **The Care Homes (Wales) Regulations 2002**

**11.** Regulation 24 of the Care Homes (Wales) Regulations 2002<sup>(11)</sup> (fitness of premises) is amended as follows—

- (a) in paragraph (4) of the English language version for the words “The registered person” substitute “Subject to paragraph (4A) the registered person”;
- (b) in paragraph (4) of the Welsh language version for the words “Rhaid i'r person cofrestredig” substitute “Yn ddarostyngedig i baragraff (4A) rhaid i'r person cofrestredig”;
- (c) after paragraph (4) of the English language version insert—
  - “(4A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the care home—
  - (a) paragraph (4) does not apply; and
  - (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the care home.”; and
- (d) after paragraph (4) of the Welsh language version insert—
  - “(4A) Pan fydd Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r cartref gofal —
  - (a) nid yw paragraff (4) yn gymwys; a
  - (b) rhaid i'r person cofrestredig sicrhau cydymffurfiad â gofynion y Gorchymyn hwnnw ac ag unrhyw reoliadau a wnaed oddi tano, ag eithrio erthygl 23 (dyletswyddau cyflogeion), mewn perthynas â'r cartref gofal.”.

### **The Private and Voluntary Care (Wales) Regulations 2002**

**12.** Regulation 24 of the Private and Voluntary Care (Wales) Regulations 2002<sup>(12)</sup> (fitness of premises) is amended as follows—

- (a) in paragraph (4) of the English language version for the words “The registered person” substitute “Subject to paragraph (4A) the registered person”;
- (b) in paragraph (4) of the Welsh language version for the words “Rhaid i'r person cofrestredig” substitute “Yn ddarostyngedig i baragraff (4A) rhaid i'r person cofrestredig”;
- (c) after paragraph (4) of the English language version insert—
  - “(4A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the premises—
  - (a) paragraph (4) does not apply; and
  - (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of those premises.”; and
- (d) after paragraph (4) of the Welsh language version insert—

<sup>(11)</sup> S.I. 2002/324 (W. 37) to which there are amendments not relevant to this Order.

<sup>(12)</sup> S.I. 2002/325 (W. 38).

“(4A) Pan fydd Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r tir ac adeiladau—

- (a) nid yw paragraff (4) yn gymwys; a
- (b) rhaid i'r person cofrestredig sicrhau cydymffurfiad â gofynion y Gorchymyn hwnnw ac ag unrhyw reoliadau a wnaed oddi tano, ag eithrio erthygl 23 (dyletswyddau cyflogeion), mewn perthynas â'r tir ac adeiladau hynny.”

### **The Children’s Homes (Wales) Regulations 2002**

13. Regulation 31 of the Children’s Homes (Wales) Regulations 2002(13) (fire precautions) is amended as follows—

- (a) in paragraph (1) of the English language version for the words “The registered person” substitute “Subject to paragraph (1A) the registered person”;
- (b) in paragraph (1) of the Welsh language version for the words “Rhaid i'r person cofrestredig” substitute “Yn ddarostyngedig i baragraff (1A) rhaid i'r person cofrestredig”;
- (c) after paragraph (1) of the English language version insert—

“(1A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the children’s home—

- (a) paragraph (1) does not apply; and
- (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the home.”; and
- (d) after paragraph (1) of the Welsh language version insert—

“(1A) Pan fydd Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r cartref plant—

- (a) nid yw paragraff (1) yn gymwys; a
- (b) rhaid i'r person cofrestredig sicrhau cydymffurfiad â gofynion y Gorchymyn hwnnw ac ag unrhyw reoliadau a wnaed oddi tano, ag eithrio erthygl 23 (dyletswyddau cyflogeion), mewn perthynas â'r cartref.”

### **The Child Minding and Day Care (Wales) Regulations 2002**

14. Regulation 21 of the Child Minding and Day Care (Wales) Regulations 2002(14) (fire precautions) is amended as follows—

- (a) in paragraph (1) of the English language version for the words “The registered person” substitute “Subject to paragraph (1A) the registered person”;
- (b) in paragraph (1) of the Welsh language version for the words “Rhaid i'r person cofrestredig” insert “Yn ddarostyngedig i baragraff (1A) rhaid i'r person cofrestredig”;
- (c) after paragraph (1) of the English language version insert—

“(1A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the relevant premises—

- (a) paragraph (1) does not apply; and

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(13) S.I. 2002/327 (W. 40).

(14) S.I. 2002/812 (W. 92) to which there are amendments not relevant to this Order.

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- (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the premises.”; and
- (d) after paragraph (1) of the Welsh language version insert—
  - “(1A) Pan fydd Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r safle perthnasol —
  - (a) nid yw paragraff (1) yn gymwys; a
  - (b) rhaid i'r person cofrestredig sicrhau cydymffurfiad â gofynion y Gorchymyn hwnnw ac ag unrhyw reoliadau a wnaed oddi tano, ag eithrio erthygl 23 (dyletswyddau cyflogeion), mewn perthynas â'r safle.”.

### **The Residential Family Centres Regulations 2002**

**15.** Regulation 22 of the Residential Family Centres Regulations 2002<sup>(15)</sup> (fire precautions) is amended as follows—

- (a) in paragraph (1) for the words “The registered person” substitute “Subject to paragraph (1A) the registered person”; and
- (b) after paragraph (1) insert—
  - “(1A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the residential family centre—
  - (a) paragraph (1) does not apply; and
  - (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the premises.”.

### **The Residential Family Centres (Wales) Regulations 2003**

**16.** Regulation 22 of the Residential Family Centres (Wales) Regulations 2003<sup>(16)</sup> (fire precautions) is amended as follows—

- (a) in paragraph (1) of the English language version for the words “The registered person” substitute “Subject to paragraph (1A) the registered person”;
- (b) in paragraph (1) of the Welsh language version for the words “Rhaid i'r person cofrestredig” insert “Yn ddarostyngedig i baragraff (1A) rhaid i'r person cofrestredig”;
- (c) after paragraph (1) of the English language version insert—
  - “(1A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the residential family centre—
  - (a) paragraph (1) does not apply; and
  - (b) the registered person must ensure that the requirements of that Order and any regulations made under it, except for article 23 (duties of employees), are complied with in respect of the premises.”; and
- (d) after paragraph (1) of the Welsh language version insert—
  - “(1A) Pan fydd Gorchymyn Diwygio Rheoleiddio (Diogelwch Tân) 2005 yn gymwys i'r ganolfan preswyl i deuluoedd—
  - (a) nid yw paragraff (1) yn gymwys; a

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<sup>(15)</sup> S.I. 2002/3213; relevant amendments were made by S.I. 2004/3168.

<sup>(16)</sup> S.I. 2003/781 (W. 92).

- (b) rhaid i'r person cofrestredig sicrhau cydymffurfiad â gofynion y Gorchymyn hwnnw ac ag unrhyw reoliadau a wnaed oddi tano, ag eithrio erthygl 23 (dyletswyddau cyflogeion), mewn perthynas â'r tir ac adeiladau.”.