A comprehensive guide to fire safety

Colin S. Todd
To my three children, Keith, Jayne and Fiona.

And to Karen for loving me against all odds.
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Introduction

Each year, despite the constant efforts of central government, fire and rescue services, fire insurance companies, professional fire advisers and a plethora of other interested bodies, around 500 people die in fires in the United Kingdom, while around 15,000 people are injured by fires. The majority (about 75–80 per cent) of these fatal and non-fatal casualties occur in dwellings, rather than places of work. The reasons for this include the enhanced risk of injury if fire occurs when people are asleep, the absence of legislative control over general fire precautions in most private dwellings and the absence of very old people, who are, statistically, at greater risk from fire than young people, from places of work. Nevertheless, in 2004 for example, 55 people died and 1,500 were injured in fires in non-domestic buildings. In addition, and often more memorably, people other than employees are sometimes involved in very serious fire incidents as they shop, travel, engage in recreational activities or reside in care homes. The need for fire precautions is, therefore, easily established in most buildings.

Fire also results in serious economic losses. The most obvious of these is direct damage to property. It is estimated that, in 2004, the value of property damaged by fire was £1.3 billion.1 While this includes uninsured damage to property for which the owner would have received no recompense, it excludes the indirect or consequential losses suffered by industry and commerce due to the loss of profits following a major fire. Although consequential loss (or ‘business interruption’) can be insured, the effects of a serious fire on the future revenue earning of a business can be difficult to quantify. It is often claimed that a significant number of companies cease trading within a few years of a major fire. Undoubtedly, a large fire can result in loss of confidence by customers, long-term loss of business and ultimately loss of jobs. The value of lost business as a result of fires in 2004 was estimated to be £43 million.

The management of fire risk and the engineering of fire safety measures are now identified as disciplines in their own right. Undergraduate and postgraduate degrees are offered in fire safety management and fire engineering. Fire engineers can now become registered chartered engineers, incorporated engineers and engineering technicians through their own professional body,
the Institution of Fire Engineers. Fire engineering is, however, a discipline that impinges on, and has traditionally drawn from, many other disciplines, including management science, building design, mechanical engineering, electrical engineering, chemical engineering, law, psychology, physics and chemistry. Fire-related legislation has recently undergone major change; knowledge of fire behaviour in complex buildings is advancing, and the facilities for formal education of practitioners in the field of fire safety are expanding, as is the codification of fire-engineering knowledge.

The purpose of this book is to provide a basic guide to this complex subject for the non-specialist, such as the facilities manager, the personnel manager, the health and safety manager, the building manager and others with responsibilities for fire safety in buildings. It is, however, hoped that it will also provide a basic reference for certain fire safety practitioners, such as company fire safety managers and officers in enforcing authorities/bodies when they first enter this field.

The approach adopted in this book is to divide the subject into a number of discrete components, each of which is considered separately. The breadth of the topics discussed is such that it is not possible to consider any one topic in a depth beyond that required by the generalist. However, guidance is given on sources of further information for the reader with an interest in specialist aspects of the subject.

The division of fire safety into independent topics is necessary in a textbook; it is not the manner in which fire safety should be approached in an actual building. For example, the absence of an automatic fire detection system in a relatively large building in which people sleep would result in a poor standard of fire safety. The absence of smoke-stop doors in the long and convoluted corridors of the same building would, in itself, be considered unacceptable, as would the absence of emergency lighting. However, the overall effect of these three deficiencies is much greater than the simple sum of the individual deficiencies; a fire during the night may develop, undetected, until the corridors are completely smoke logged, so that means of escape are impassable and, in any case, difficult to use because the normal lighting has failed due to fire damage to the cables of lighting circuits. Many fire disasters have arisen from an unfortunate combination of apparently independent defects, at least some of which are almost always related to management shortcomings, and any one of which, if rectified, would have ameliorated the situation in which those involved found themselves.
A corollary to the above assertion is that it is possible to design and engineer an integrated ‘package’ of fire precautions that enables one or more fire safety objectives to be achieved. This is the concept of ‘fire engineering’, which is already recognized by legislation and the manner in which it is enforced, but it is likely that, in the future, the scope for this approach will continue to expand (see Chapter 22). Already, it is well accepted that compliance with the goals set by building regulations can be achieved by a fire engineering approach, rather than solely by the rigid, prescriptive approach, albeit that, for most projects, the traditional approach will often suffice. On a more routine level, the fire risk assessments that legislation requires be carried out for existing buildings should not involve inflexible application of guidance; the action plan that emanates from the fire risk assessment should be proportionate to the risk.

Unfortunately, there is still much to be learned about the interrelationships between the many forms of fire precautions, and fire engineering is a matter for the specialist. Before departing from standard solutions, the reader is, therefore, advised to seek expert opinion and the views of enforcing authorities; the latter can still sometimes be rather conservative in approach. Indeed, before specifying any fire protection measure of any real complexity, cost or effect on overall fire safety, early consultation with all interested parties, particularly those charged with enforcement of legislation and insurance of the property, is strongly advocated.

Further reading

Fire Statistics, United Kingdom. Published annually by Communities and Local Government.

Reference

Historical background

Historically, most fire safety legislation has arisen from specific fire disasters. For example, it is widely held that the Factories Act 1961 arose as a result of the fire at a mill in Keighley some five years before. Equally, it is said that the fire at Hendersons department store in Liverpool in 1960 gave rise to the fire safety requirements imposed by the Offices, Shops and Railway Premises Act 1963. Even the one time cornerstone of United Kingdom fire safety legislation, the Fire Precautions Act 1971, was said to be enacted as a result of 11 deaths in a fire at the Rose and Crown Hotel, Saffron Walden in 1969. In the 1980s, the Fire Safety and Safety of Places of Sport Act 1987 followed the fire at Bradford football stadium in 1985, while the Fire Precautions (Sub-surface Railway Stations) Regulations 1989 arose as a result of the fire at King’s Cross underground station in 1987.

Sometimes, it is not new legislation that follows a disaster, but a significant change in requirements imposed under legislation. In England and Wales, the maximum compartment size specified for single-storey retail premises in guidance published in support of the Building Regulations in 2000 was influenced by the death of a female fire-fighter in a fire in retail premises. In Scotland, following a disastrous fire at a residential care home in 2004, the Building (Scotland) Regulations specified, for the first time, that residential care homes need to be protected by an automatic fire suppression installation. *

This approach to the legislative control of fire safety caused much fire safety legislation to be piecemeal and fragmented over many decades. It was only

* In England and Wales, this is not mandatory if a sprinkler system is provided. However, certain design freedoms in residential care premises have, since 2007, been accepted under the guidance that supports the relevant building regulations; an example is that bedroom doors need not be self-closing.
in 2006, with the coming into force of the Regulatory Reform (Fire Safety) Order 2005 in England and Wales (and equivalent legislation in Scotland and, subsequently, Northern Ireland) that there has been major rationalization of a great swathe of fire safety legislation, somewhat akin to that achieved in the more general field of health and safety in 1974, when the Health and Safety at Work etc. Act was introduced.

One of the earliest attempts to consolidate fire safety legislation followed from the recommendations of the Holroyd Report in 1970. The report recommended that fire safety legislation should be divided into two main branches; one dealing with new buildings (and building works in the form of extending or materially altering an existing building), while the other deals with occupied premises. This is largely the current situation and remains the Government’s intent for the long term future. In England and Wales, new buildings and major alterations to existing buildings are required to comply with the Building Regulations 2000. In Scotland, buildings must comply with the Building (Scotland) Regulations 2004 and, in Northern Ireland, with the Building Regulations (Northern Ireland) 2000. In England and Wales, on completion of the building work, fire precautions are controlled by the second ‘branch’ of legislation in the form of the Regulatory Reform (Fire Safety) Order 2005. (A similar situation exists in Scotland and Northern Ireland.) There is, however, a form of bridge (first introduced in 2007) between the two branches, in that the Building Regulations 2000 (as amended) require that, on completion of the building work, or on occupation of the building or extension (whichever is earlier), suitable fire safety information is passed on to the responsible person (as defined in the Regulatory Reform (Fire Safety) Order) to enable that person to operate and maintain the building or extension safely.

In England and Wales, the building regulations are the responsibility of Communities and Local Government (CLG), and they are enforced either by the building control officer (BCO) of the local authority or by a private sector approved inspector (AI). The BCO or AI consults with the fire and rescue authority concerning various fire precautions. In Scotland, the Building (Scotland) Regulations are produced by the Scottish Building Standards Agency, while in Northern Ireland the relevant government department is the Department of Finance and Personnel. In Scotland and Northern Ireland, there are no private sector building control bodies, such as approved inspectors; responsibility for enforcement of building regulations rests solely with local authorities.
Building Regulations 2000

The Building Regulations 2000 apply to virtually all new buildings, material alterations to existing buildings and material changes of use of buildings (as defined in the Regulations) in England and Wales. However, certain buildings are exempt from control, and these include the following:

- buildings to which the Explosives Acts 1957 and 1984 apply;
- buildings on sites for which a licence under the Nuclear Installations Act 1965 is required;
- ancient monuments;
- agricultural buildings and greenhouses of limited size, subject to separation from other buildings;
- temporary buildings;
- small detached buildings and detached buildings that would not normally be entered by people, subject to adequate separation from other buildings;
- certain other extremely small buildings with no sleeping accommodation.

Building control bodies do not have any power to apply the Regulations to Crown buildings. However, government policy is that Crown buildings should comply with the Regulations.

Building regulations contain no detailed technical requirements. Instead, they are cast in so-called ‘functional form’, containing only functional requirements that are, in effect, simply fundamental fire safety objectives.

In England and Wales, there are just five functional requirements relating to fire safety. These are set out in Part B of Schedule 1 to the Building Regulations 2000, and are generally referred to as Regulations B1, B2, B3, B4 and B5. The requirements of each Regulation are now discussed in turn.

**Regulation B1**

This requires that all buildings to which the Regulations apply are designed and constructed so that there are:

- adequate means of giving early warning of fire; and
- (other than in prisons) appropriate means of escape in case of fire from the building to a place of safety outside the building.
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The means of escape must be such that they can be safely and effectively used at all material times.

Thus, the measures addressed may not be limited to structural measures; in many types of building, emergency escape lighting may be necessary (see Chapter 9). It should be noted that the requirement for early warning of fire, which was only introduced into the Regulations in 2000, brings fire detection and fire alarm systems within the scope of the Regulations; this includes material alterations to such systems, for which approval under the Regulations is necessary.

Regulation B2

B2 is concerned with measures to restrict the spread of fire over internal surfaces, such as walls and ceilings. The requirement is that materials used on walls and ceilings must be adequately resistant to spread of flame over their surfaces and, in some cases, that, if ignited, the rate of heat release will be reasonable in the circumstances.

It should be noted that Regulation B2 does not apply to floor coverings, and that an alteration to linings is not a material alteration for which approval under the Regulations is necessary.

Regulation B3

B3 is concerned with measures to limit the spread of fire within the building and to prevent structural collapse due to fire. It requires that:

- in the event of fire, the building will remain stable for a ‘reasonable period’;
- certain large buildings be subdivided into fire-resisting compartments and/or be provided with suitable automatic fire suppression systems;
- concealed spaces be limited to prevent hidden fire and smoke travel;
- party walls be fire resisting.
Fire safety legislation

Regulation B4

B4 is concerned with the prevention of fire spread from one building to another. It requires that external walls provide adequate fire resistance, and that roofs be adequately resistant to spread of flame, to achieve this objective.

Regulation B5

B5 requires access to the building and other measures to assist the fire and rescue service, although, strictly, only measures to ensure safety of life. These measures comprise:

- suitable access to the building for fire appliances and fire-fighters;
- in certain buildings (particularly those of significant height above or depth below ground) measures to facilitate fire-fighting, such as fire-fighting stairs, lobbies and, in some cases, lifts, plus fire mains (see Chapter 16);
- measures for heat and smoke removal in basements.

A single publication produced by Communities and Local Government describes, in technical detail, the way in which the functional requirements of the five regulations can be satisfied. This publication, Approved Document B, defines, for example, periods of fire resistance according to the size and use of the building and makes reference to various British Standard tests.

However, the designer is not obliged to adopt the solutions described in the Approved Document, only to satisfy the functional requirements of the Regulations. The designer may develop a different solution, or wish to convince the building control officer or approved inspector that, in the circumstances, the ‘conventional’ solution in the Approved Document is unreasonable. Nevertheless, compliance with Approved Document B would tend to satisfy the Regulations. Equally, if an alternative approach is followed, it is necessary to demonstrate that the performance requirement is still satisfied.

Alternative approaches to the guidance contained in the approved document comprise:

- use of an alternative recognized guidance document for special occupancies (for example, the Approved Document itself recommends the use of other guidance documents in the case of hospitals, schools, enclosed shopping centres, assembly buildings and buildings containing one or more atria);
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- use of a generally applicable guidance document, such as the relevant part of BS 5588;
- a ‘fire engineering solution’ (see Chapter 22).

The performance requirement does, of course, relate only to health and safety, and not to protection of property. Thus the fire resistance of, for example, many single-storey buildings in England and Wales may be quite short, and compartment sizes were at one time unlimited. This led to concern regarding the unconfined spread of fire through, and early collapse of, a number of large, uncompartmented, single-storey retail units when fire occurred. Accordingly, Approved Document B does now advocate, for example, limitation of compartment sizes in single-storey retail premises and single-storey warehouses. In contrast, no limit is advocated for other single-storey occupancies, but limits are imposed on maximum compartment sizes in all multi-storey buildings, other than offices and car parks for light vehicles.

Once a building is erected, ongoing control of fire safety is, in the case of nearly all buildings other than dwellings, effected in England and Wales by the Regulatory Reform (Fire Safety) Order 2005 (see p. 8). However, the Building Regulations control ‘material alterations’ to a building, i.e. any alteration that would adversely affect the fire safety of the existing building as controlled by Regulations B1, B3, B4 or B5. Thus if, for example, part of a fire-resisting enclosure, required by the Building Regulations at the time of construction, were completely removed by an occupier as part of an alteration, the occupier would be guilty of an offence, unless the alteration had been approved by local authority building control or by an approved inspector.

Building regulations in Scotland and Northern Ireland

Similar principles to those of the Building Regulations 2000 apply in both Scotland and Northern Ireland.

In Scotland, the Building (Scotland) Regulations 2004 are set out in functional form within Section 2 of Schedule 5 to the Regulations, but contain an additional major requirement, namely the provision of an automatic life-safety fire suppression system; this requirement applies, however, only to enclosed shopping centres, residential care buildings, sheltered housing and high-rise flats. On the other hand, the requirement to provide fire warning systems only applies to dwellings, residential buildings and enclosed shopping centres.
The Scottish regulations also require that design and construction of buildings be such that electrical installations do not become a source of fire. (In England and Wales, control over safety of electrical installations only exists in respect of domestic premises.)

The Regulations in Scotland are supported by two technical handbooks (one for domestic premises and one for non-domestic premises), the function of which is similar to that of Approved Document B in England and Wales.

In Northern Ireland, the Building Regulations (Northern Ireland) 2000 are virtually identical to the Building Regulations in England and Wales. The wording of the functional requirements within Regulations E2–E6 is similar to that in Regulations B1–B5 of the Building Regulations 2000 respectively.

The supporting guidance for the Building Regulations (Northern Ireland) can be found in Technical Booklet E, published by the Northern Ireland Department of Finance and Personnel. Its recommendations are very similar (but not absolutely identical) to those in Approved Document B.

**Local acts**

It would be incorrect to assume that, in designing a building, only the nationally applicable legislation discussed above applies. In some areas of England and Wales, local acts impose additional requirements for certain categories of premises, such as high buildings and large storage buildings.

Perhaps the most well-known local legislation is that contained in Section 20 of the London Building Acts (Amendment) Act 1939 [as amended by the Building (Inner London) Regulations 1985]. This legislation empowers London district surveyors to require special fire safety measures, such as sprinkler protection, in certain high buildings, or in large uncompartmented buildings used for manufacturing or warehousing, in inner London. Requirements of local acts are not generally concerned with means of escape for occupants, but with measures that will limit the extent of fire spread and assist the fire and rescue service. Since such measures are also incorporated in national building regulations, the need and justification for them to be addressed in local acts is not entirely logical. It is likely that, in the long term, fire safety provisions of local acts will be repealed as part of any further reshaping of fire legislation. It should, however, be noted that various local acts have now been amended by the Regulatory Reform (Fire Safety) Order 2005 to prevent overlap between the two branches of legislation.
Existing buildings in England And Wales: The Regulatory Reform (Fire Safety) Order 2005

Background

The Regulatory Reform (Fire Safety) Order 2005, which came into force on 1 October 2006, totally reshaped the structure of fire safety legislation in England and Wales. It repealed (or amended to delete requirements in respect of fire safety) virtually all legislation that had previously made specific requirements in respect of fire safety in occupied buildings in England and Wales. This repeal included the Fire Precautions Act 1971, which had previously required fire certificates, issued by the fire and rescue authority, for many common places of work in Great Britain; existing fire certificates ceased to have effect from the date that the Regulatory Reform (Fire Safety) Order (the ‘Fire Safety Order’) came into effect. The Fire Certificates (Special Premises) Regulations 1976, under which fire certificates were issued, for certain high-hazard sites and construction sites, by the Health and Safety Executive, were also repealed.

The repeals also included the Fire Precautions (Workplace) Regulations 1997 and those parts of the Management of Health and Safety at Work Regulations 1999 that made requirements of a managerial nature in respect of fire safety (other than in respect of fire safety within industrial processes, etc., which remain, in effect, part of general requirements of health and safety legislation). However, this now repealed legislation was originally brought into force to satisfy the requirements of two European directives, namely the Framework Directive and the Workplace Directive, both of which had been signed by the Council of Ministers in Brussels in 1989. In repealing the legislation under which these directives were implemented in Great Britain, it was still necessary for any new legislative regime to implement the requirements of the directives, which relate to health and safety (including safety from fire) of employees in workplaces.

For this reason, the requirements of the Fire Safety Order, in respect of fire precautions, adopted virtually the exact wording of the Fire Precautions (Workplace) Regulations, which itself had followed, almost exactly, the relevant wording of the European directives. The Fire Safety Order also adopted wording contained within the Management of Health and Safety at Work Regulations 1999, thereby applying relevant health and safety requirements within these regulations, which had also emanated from the European directives, more specifically to fire safety. While the reader need
not be concerned with this background to the wording used in the Fire Safety Order, it may assist with an insight into the somewhat convoluted, and in some cases vague, wording of the Fire Safety Order; much of the wording is, in effect, second generation wording from the Framework Directive and the Workplace Directive.

The main purpose of the Fire Safety Order was not, however, to implement the European directives, as this had already been achieved. It is merely that, in reshaping fire safety legislation, it was necessary to maintain the requirements of the directives. The purpose of the Fire Safety Order, which was created using the powers granted by the Regulatory Reform Act 2001, was to consolidate and rationalize fire safety legislation, which had previously taken the form of a multitude of disparate legislative instruments, into a single legislative instrument.

Thus, the effect of the Fire Safety Order is to impose, in one order, an almost universal duty of fire safety care on almost all non-domestic premises. The rationalization and simplification of fire safety legislation had been the intention of the Government for many years, following government scrutiny in 1994, carried out in accordance with deregulation initiatives. The ‘Independent scrutiny of fire safety legislation and enforcement’ had concluded that fire safety legislation in England and Wales was, at the time, conflicting and confusing, to the extent that it imposed unnecessary burdens on businesses. The scrutiny recommended rationalization and simplification, and the Fire Safety Order was the Government’s response to that recommendation.

At the time of writing, the coming into effect of the Fire Safety Order is quite recent. As yet, there is no relevant case law. The somewhat vague nature of the language used in much of the Fire Safety Order is such that, until there is case law, the boundaries of its scope and the manner in which certain requirements must be interpreted will be a matter for debate. While, to assist readers, the author has endeavoured to interpret, where necessary, certain aspects of the Order, ultimately only the Courts can determine matters of interpretation.

**Scope of the Fire Safety Order**

Because the Fire Safety Order effectively repealed all other legislation (or parts of legislation) under which fire precautions in existing buildings was primarily controlled (with the notable exception of the Fire Precautions (Sub-surface Railway Stations) Regulations), the scope of the Order is extremely broad. It should be noted, firstly, that that the requirements of the Order generally apply
to ‘premises’. However, the term premises is somewhat all encompassing, since the definition of premises, given in Article 2 of the Order, includes ‘any place’, and, in particular, includes:

a) any workplace (so ensuring that obligations under the relevant European directives are satisfied);

b) any vehicle, vessel, aircraft or hovercraft;

c) any installation on land (including the foreshore and other land intermittently covered by water), 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

d) any tent or moveable structure.

Notwithstanding this very broad interpretation of premises, Article 6 of the Order then does apply some limitations to the application of the Order by excluding the following premises (but only those premises) from the application of the Order:

a) domestic premises;

b) offshore installations;

c) ships (in respect of normal shipboard activities carried out by the crew under the direction of the master; during work on the ship in, say, a dry dock, the ship would, therefore, fall within the scope);

d) fields, woods or other land of a forestry or agricultural undertaking, but which is not inside a building and is situated away from the undertaking’s main buildings;

e) aircraft, locomotives or rolling stock, trailers or semi-trailers used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act;

f) mines, other than buildings on the surface of the mine;

g) borehole sites.

With regard to domestic premises, these are defined as ‘premises occupied as a private dwelling (including any garden, yard, garage, outhouse, or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling’). The wording in parentheses is particularly important, since, by excluding, from the definition, common parts of blocks of flats and similar premises, such as houses in multiple occupation (see p. 42), such common parts fall within the scope of the Fire Safety Order. (The common parts of blocks of flats are, however, excluded from the equivalent legislation in Scotland and Northern Ireland.) It should also be noted that, by virtue of
Article 31 (10) of the Fire Safety Order, a prohibition notice (see p. 29) may be served on a house in multiple occupation (HMO), and this power is not limited to purely the common parts of the HMO.

The term ‘private dwelling’ is not defined in the Fire Safety Order. Clearly, however, its use must exclude from the scope of the Fire Safety Order the main residence of any single person or single household. Nevertheless, there remain certain ‘grey areas’, about which there cannot be absolute certainty without future case law.

Individual chalets on a holiday park are not considered to be excluded from the scope, nor, arguably, would caravans on a similar site, since these could probably not be regarded as private dwellings (unless in private ownership). They may in effect be regarded in totality as a fragmented hotel, and should no more be excluded than the individual guest bedrooms within a hotel.

At the other end of the spectrum, consider a cottage, owned by a single family and used only occasionally as their holiday home. If, for several weeks a year, they choose to rent it to third parties, does it cease to be a private dwelling? Arguably, not. At what stage does the single holiday cottage, from which the family earn some meagre income, if extended in the level of commercial gain, or if extended to two or more cottages used as an income for the family, become the commercial holiday park?

Similarly, within a hospital, the overnight residence of an on-call doctor clearly comes within the scope of the Fire Safety Order. The flat occupied by the caretaker in a block of flats as their main residence, and for which rent is paid, is, arguably, a private dwelling and outside the scope of the Fire Safety Order. The same argument might be applied to dwellings owned by a private school and occupied by staff as their sole or main residences. Would, however, this situation alter if the caretaker or the school staff paid no rent, are on-call outside their normal working hours, are constrained to be present within their dwellings at certain times and have facilities, such as CCTV monitors for the site, in their dwellings?

Whereas, on the one hand, it is accepted that the dwellings of homeworkers, who work for their employer from a room within their own, privately owned dwelling, are outside the scope of the Fire Safety Order (but may not be outside the scope of the Health and Safety at Work, etc. Act and statutory provisions under the Act), and it is also accepted that the presence of gas fitters, carers and visiting nursing staff does not make a dwelling into a workplace, could the hypothetical circumstances described for the caretaker and school staff, turn...
their dwellings into facilities provided for use in connection with a workplace, and hence part of a workplace, as defined in the Fire Safety Order?

In the case of most of the other premises to which the Fire Safety Order does not apply, other legislation continues to impose relevant requirements in respect of fire safety. For example, marine legislation deals with fire safety on ships, while public service vehicle licensing and taxi licensing generally deals with fire precautions in these forms of transport used by the public. (There may, however, be a form of ‘loophole’ in respect of, say, a bus used as both transport and sleeping accommodation for a travelling group of entertainers, since, even when it is parked on private land and used as sleeping accommodation, the licence for the vehicle is ‘in force’ (unless an application for a Statutory Off Road Notice [or SORN] had been made to suspend the licence)).

Similarly, the excluded offshore installations are those within the scope of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995, to which other safety-related legislation applies. The excluded mines are those within the scope of the Mines and Quarries Act 1985 (which makes requirements in respect of fire precautions and measures to prevent explosions) and the excluded borehole sites are those within the scope of the Borehole Sites and Operations Regulations 1995, Schedule 2, which makes requirements in respect of fire precautions.

The fire safety duties imposed by Part 2 of the Fire Safety Order (see p.19) are imposed on Crown buildings. However, certain powers of enforcement and powers to serve notices do not apply to buildings occupied by the Crown, although some of these powers do apply to buildings owned by the Crown, but occupied by others.

**Dutyholders and competent persons**

The Fire Safety Order introduced various defined groups of persons (some of whom were previously the subject of either the Fire Precautions (Workplace) Regulations or the Management of Health and Safety at Work Regulations) with whom the Order concerns itself, namely the:

- responsible person;
- other persons having control of premises;
- competent persons to assist with evacuation;
Fire safety legislation

- competent persons to use fire-fighting equipment;
- competent persons to assist the responsible person to undertake the ‘preventive and protective measures’.

The responsible person

It is primarily the ‘responsible person’ on whom the Fire Safety Order imposes requirements and duties. Accordingly, it is important to consider, for every premises, who exactly constitutes the responsible person (or ‘RP’). The answer to this can be found in Article 3 of the Fire Safety Order. For most premises with which readers will be involved, the definition will be relatively straightforward, since, in the case of a workplace, Article 3 defines the RP as ‘the employer’. This will be the body corporate – the company or organization that employs people to work in the premises. It should be noted, however, that, in the case of prosecution for an offence under the Order, a director, manager, company secretary or similar officer of the company could be prosecuted as well as, or instead of, the body corporate if the offence had been committed with that person’s consent, connivance, or as a result of their negligence.

The definition of workplace is very broad, although it excludes domestic premises. (Hence, domestic servants or homeworkers are not protected by the provisions of the Order.) By definition, under the Order, a workplace means any premises, or parts of premises, made available to one or more employees. This includes any place within premises to which an employee has access while at work. It also includes the means of access to or egress from the place of work (e.g. footpaths external to the building or common parts within premises in multiple occupation), other than public roads.

It is obvious from the above definitions, that, thus far, we have not considered premises occupied by persons who are self-employed, with no employees. These persons are not employers, and the premises do not fall within the definition of workplace. However, if the premises are not a workplace, Article 3 defines the RP as the person who has control of the premises (as occupier or otherwise) in connection with the carrying on of a trade, business or undertaking (for profit or not). This definition, again, is very broad in nature and effectively encompasses virtually all premises, other than single-family dwellings, that are not already captured within the definition of workplace, including non-domestic premises where self-employed people work, the premises of voluntary organizations with no employees, etc.