

All new Fire Safety Regulations

Massive changes in fire safety legislation mean Hampshire employers risk imprisonment if they are not properly protected. From 1 October 2006 under the new Fire Safety Order employers and businesses bear the full risk and responsibility for fire safety. The new duties rest on the “responsible person” and in most cases, this is the employer.

Under the dual system of fire safety in place prior to 1 October 2006 the Workplace Regulations stipulate that all employers have to carry out a fire risk assessment and put in place necessary fire precautions. Also, many premises need a fire certificate issued by the fire authority. The reforms remove the requirement to have a fire certificate but extend the system of fire risk assessments. The changes render existing fire certificates null and void and employers cannot rely on them. Instead full reliance is placed on the fire risk assessment carried out by employers. If they fail to make an adequate assessment or to take sufficient fire safety measures and a fire breaks out, they risk hefty fines, a prison sentence in the case of individuals, or both. **Employers should therefore review their fire risk assessments in the light of the new requirements.**

In multi-occupied premises like an office block, there is likely to be more than one "responsible person". For example, there may be a number of tenant employers on different floors and a landlord of the common parts. Under the reforms, where two or more responsible persons have duties in respect of premises, they are required to co-ordinate and co-operate with each other in carrying out their duties. Inevitably, one of the responsible persons needs to prompt the co-ordination and this is likely to be the landlord. As a matter of best practice, the landlord of a multi-occupied building should make regular checks with its tenants to ensure that their fire risk assessments are in place and regularly reviewed.

Other persons also bear responsibility to the extent that they exercise "control" of the premises. This could affect managing agents and contractors who have responsibility for installation and maintenance of fire precautions or preventative measures. Landlords, tenants and managing agents should consider carefully their leasehold and other contractual arrangements, establish their respective duties and co-operate with each other.

More information on the Regulatory Reform (Fire Safety) Order 2005 effective from 1 October 2006 can be found on the Government web site www.communities.gov.uk, where a series of guides for industry sectors can be downloaded. Companies can get information about training from their local fire service www.hantsfire.gov.uk/forbusiness/firesafetyregs and our Chamber of Commerce web site www.soton-chamber.co.uk contains details of short courses in connection with this new legislation.

The information contained on the Southampton and Fareham Chamber of Commerce web pages is for general guidance only and is in no way a substitute for seeking professional advice on your specific circumstances.