

# Fire Safety Legislation

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The Fire Safety Order uses a risk assessment-based approach and is focused on keeping **people's lives safe**. **Fire risk** assessments are a key part of the order.



# Fire Safety Legislation



## Introduction

The Regulatory Reform (Fire Safety) Order 2005, commonly referred to as 'The Fire Safety Order', came into force on October 1, 2006 in England and Wales. Its aim was to simplify and rationalise fire safety legislation. Scotland and Northern Ireland have separate but similar legislation for fire safety:

- Fire (Scotland) Act 2005, supported by the Fire Safety (Scotland) Regulations 2006
- Fire and Rescue Services (Northern Ireland) Order 2006, supported by the Fire Safety Regulations (Northern Ireland) 2010



For the purposes of this document, the fire safety legislation referred to will be in respect of England and Wales.

## Legislation

The 2006 legislation replaced the previous Fire Precautions Act 1971 and other related legislation where fire safety certificates were issued.

The Fire Safety Order uses a risk assessment-based approach to fire safety, similar to the approach of health and safety risk assessments. This concentrates on fire prevention and protection measures to ensure the safety of employees and those with access to the premises. It applies to nearly every type of building, including:

- Offices and shops
- Hospitals and care homes
- Community halls, places of worship and other community premises
- Restaurants, clubs and pubs
- Schools
- Hotels and hostels
- Bed & breakfast, guesthouse or premises let as self-catering
- Factories and warehouses
- Common areas of multi-occupied residential properties (landlord controlled residential premises are covered by special provisions of the Housing Act)

There are a few exceptions where it **doesn't** apply, such as mines (facilities below ground), offshore installations, **people's private residential properties and Ministry of Defence sites.**

As this legislation is aimed at life safety, property or business activity-focused risk assessments for various perils, including fire, should also be in place. Protection and prevention measures for property conservation and business resilience will probably exceed the minimum required by the Fire Safety Order.

Local Fire and Rescue authorities will continue to enforce general fire safety legislation in the majority of premises. They will issue formal enforcement procedures if needed, which may require improvements to be made. In some cases, a prohibition notice will be issued **which restricts the use of all or part of an organisation's premises until appropriate improvements have been completed.**

Serious breaches of fire safety regulations can result in significant fines or imprisonment.

## The Responsible Person

The Fire Safety Order 2005 places primary responsibility for fire safety on the 'Responsible Person'. This is someone who either owns the premises or business, or someone with control over the premises, business or activity.

In multi-tenure premises which have a number of responsible persons, they must all cooperate and coordinate their fire safety plans as part of an ongoing management process to ensure adequate fire safety measures are provided for everyone who may be affected by a fire on the premises. For common or shared areas in shared premises, the responsible person is the landlord, freeholder or managing agent.

Key duties of the responsible person include:

- Completing a suitable and sufficient fire risk assessment of the premises to identify the hazards and risks. What form the assessment takes will depend on the type and size of the premises
- Regularly reviewing the fire risk assessment
- Ensuring the fire risk assessment is formally recorded and documented if the business premises have five or more people employed
- Eliminating or reducing risks from dangerous substances
- Implementing general fire safety policies and procedures
- Considering individuals who may be particularly at risk, such as young people or people with special needs
- Providing adequate means of escape, appropriate signage, emergency lighting and suitable firefighting and detection equipment
- Testing and maintenance of fire safety equipment and systems
- Ensuring fire safety information is communicated to all employees and visitors
- Providing adequate fire safety information and training to employees
- Appointing a competent person or persons to help in complying with the conditions set out in the Fire Safety Order
- Cooperating with other individuals/organisations sharing the building

## Fire Risk Assessment

Fire safety risk assessments are a key part of the Fire Safety Order. The responsible person must appoint one or more 'Competent Person' – someone who has the required level of knowledge, experience and training to carry out the required duties – to:

- Carry out a fire risk assessment of the premises
- Implement appropriate fire safety measures to minimise the risk to life from fire
- Keep the assessment up to date

For complex or larger premises, or those with significant hazards, the responsible person may appoint a competent person from outside the organisation – for example, a professional fire risk assessor.

If the buildings or business operations undergo significant refurbishment or extension, then the fire risk assessment must be reviewed and updated. The assessment must also take into consideration the affect a fire may have on anyone in or around the premises, plus neighbouring properties, and it must be formally recorded and documented if the business premises have five or more people employed.

## The five steps of the fire risk assessment:

### Step 1 – Identify all the fire hazards within your premises

Look for sources of heat, fuel and oxygen – these are the elements necessary for a fire to start. Identify sources of:

- Ignition – for example naked flames, heaters or surfaces with raised temperatures
- Fuel – such as waste products or flammable liquids, solvents or gases
- Oxygen – for example chemicals (oxidising agents) or oxygen supplies from cylinder storage

### Step 2 – Identify people at risk

The fire risk assessment needs to identify who is at risk if there's a fire. It must include all people who use the premises, but particular attention should be given to:

- Individuals working close to fire hazards
- People working alone and/or in isolated areas
- Contractors
- Visitors
- Young, or inexperienced workers

### Step 3 – Evaluate, remove, reduce and protect from risk

To evaluate the risk, the risk assessor needs to consider the likelihood of the fuels present being set on fire by the ignition sources **they've** identified, and the consequences of the fire in terms of injury, damage and disruption to the organisation. Where possible, remove or reduce fire hazards and minimise any risks which have been identified.

For example:

- Replace flammable liquids with non-flammable alternatives
- Minimise fuels as far as reasonably practicable
- Keep oxygen cylinders to a minimum and store safely
- Ensure good housekeeping standards
- Fire precautions – determine whether existing measures are adequate to prevent fire spread and ensure people can safely evacuate the premises in the event of a fire. Consider the following fire precautions:
  - Fire detection and raising the alarm
  - Emergency escape routes, lighting and exits
  - Signs and notices
  - Fixed fire protection systems
  - Portable firefighting equipment
  - Fire compartmentation
  - Providing staff training and awareness
  - Undertaking fire evacuation drills (frequency to be determined by the fire risk assessment)
  - Personal Emergency Evacuation Plans (PEEPs)

#### Step 4 – Record, plan, inform, instruct and train

If the organisation employs five or more people, the premises are licensed, or an alterations notice requiring you to do so is in force, the significant findings of the fire risk assessment and the actions taken must be recorded. It's good practice to record the significant findings even when **the regulations don't require you to**.

An Emergency Plan **that's** based on the outcome of the fire risk assessment should be developed and introduced for dealing with any fire situation. The purpose of the plan is to make sure that people in the premises know what to do if there's a fire and that the premises can be safely evacuated.

Relevant information and appropriate instructions on actions to take to prevent fires, and what they should do in the event of a fire, should be provided to all individuals, including employees and visitors.

Adequate fire safety training must be provided to all employees and other people on the premises.

#### Step 5 – Review of the fire risk assessment

The findings of the fire risk assessment should be constantly monitored to assess how effectively the risks are being controlled. If there's any reason to suspect that the assessment is no longer valid or there's been a significant change to the premises that has affected the safety measures, the assessment will need to be reviewed and revised if necessary.

## Checklist

A generic Building Fire Risk Assessment Checklist is presented in Appendix 1 which can be tailored to your own organisation.

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[Aviva Risk Management Solutions – Specialist Partners](#)

## Sources and Useful Links

- [The Regulatory Reform \(Fire Safety\) Order 2005](#)
- [GOV.UK – Fire Safety Law and Guidance Documents for Business](#) – advice on the legislation, including premises-specific guidance documents designed to help you meet your responsibilities under the Regulatory Reform (Fire Safety) Order 2005
- [GOV.UK – Fire Safety in the Workplace](#)
- [The Welsh Government](#) – provides information about fire safety
- [The Scottish Government](#) – provides information to help you meet your responsibilities under the Fire (Scotland) Act 2005

## Additional Information

Relevant Loss Prevention Standards include:

- Arson Prevention
- Fire Safety Inspections
- Housekeeping – Fire Prevention
- Smoking and the Workplace
- External and Internal Third Party Exposures – Property Protection
- Fire Doors, Fire Shutters and Fire Dampers
- Smoke Contamination
- Fire Compartmentation

To find out more, please visit [Aviva Risk Management Solutions](#) or speak to one of our advisors.

Email us at [riskadvice@aviva.com](mailto:riskadvice@aviva.com) or call 0345 366 6666.\*

\*Calls may be recorded and/or monitored for our joint protection.

# Appendix 1: Building Fire Risk Assessment Checklist



Location	
Date	
Completed by (name and signature)	

	Building Fire Risk Assessment Checklist	Y/N	Comments
1.	Does your organisation have an up-to-date fire safety management policy?		
2.	Has a responsible person appointed a competent person or persons to help with completing a building fire risk assessment?		
3.	Has a building fire risk assessment been completed?		
4.	Does the building fire risk assessment cover the following areas: <ul style="list-style-type: none"> <li>• Identify the fire hazards?</li> <li>• Identify people at risk?</li> <li>• Evaluate, remove, reduce and protect from risks?</li> <li>• Record any findings?</li> <li>• Preparation of an Emergency Plan?</li> <li>• Providing instruction and training?</li> <li>• Review and regular update of the fire risk assessment?</li> </ul>		
5.	As a minimum, has the building fire risk assessment considered: <ul style="list-style-type: none"> <li>• Emergency escape routes and exits?</li> <li>• The requirements of vulnerable people, for example the elderly, young children and people with disabilities?</li> <li>• The removal or safe storage of any dangerous substances?</li> <li>• The provision of suitable firefighting equipment?</li> <li>• The provision of suitable automatic fire detection and alarm systems?</li> <li>• Providing fire safety information to employees and other people on the premises?</li> <li>• Employee fire safety training?</li> </ul>		

	Building Fire Risk Assessment Checklist Contd.	Y/N	Comments
6.	If applicable, have you shared your findings with other individuals/companies who share your premises?		
7.	Does your Emergency Fire Safety Plan consider: <ul style="list-style-type: none"> <li>• Fire evacuation strategy?</li> <li>• Action on discovering a fire?</li> <li>• Action on hearing the fire alarm and evacuation procedures?</li> <li>• Identification of key escape routes?</li> <li>• Assembly point(s) and roll call?</li> <li>• Calling the local fire brigade and liaison with emergency services?</li> <li>• Duties of staff with specific responsibilities, e.g. fire marshals?</li> <li>• Procedures for shutting down or isolating machinery?</li> <li>• Firefighting equipment?</li> <li>• Training of employees?</li> <li>• Personal Emergency Evacuation Plans?</li> </ul>		
8.	Are regular servicing and maintenance regimes in place using competent certificated organisations, and have they been completed for: <ul style="list-style-type: none"> <li>• Fire doors and fire shutters?</li> <li>• Fire appliances and equipment?</li> <li>• Automatic fire alarms/detection?</li> <li>• Manually actuated fire alarms?</li> <li>• Fire protection systems?</li> <li>• Emergency lighting?</li> </ul>		
9.	Are regular inspection, testing by competent individuals and recording regimes in place for: <ul style="list-style-type: none"> <li>• Fire doors and fire shutters?</li> <li>• Fire appliances and equipment?</li> <li>• Automatic fire alarms/detection?</li> <li>• Manually actuated fire alarms?</li> <li>• Fire protection systems?</li> <li>• Emergency lighting?</li> </ul>		



	Building Fire Risk Assessment Checklist Contd.	Y/N	Comments
10.	Has the necessary safety information been provided to all employees and other people on the premises?		
11.	Has the necessary fire safety training been provided to all persons on the premises, including fire marshals?		
12.	Are all visitors and employees advised of the fire alarms and evacuation procedures?		
13.	Have fire evacuation drills involving all employees on all shifts been planned and completed at least once a year, with a record of the results kept as part of the Fire Safety and Evacuation Plan (frequency of evacuation to be determined by the fire risk assessment)?		
14.	Has provision been made for contacting the emergency services both during and outside operational hours?		
15.	Have there been any significant changes to the personnel, the site occupancy, site hazards, fire detection and/or protection, or the construction or buildings that might affect safety and the building fire risk assessment?		
16.	Has the building fire risk assessment and Fire Safety Management Plan been reviewed and updated where necessary?		
17.	Additional comments:		

## Please Note

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