

Regulatory Reform (Fire Safety) Order 2005

Regulatory Reform (Fire Safety) Order 2005 is a statutory instrument which places the onus on individuals within an organisation to carry out risk assessments to identify, manage and reduce the risk of fire.

Its full title is: Statutory Instrument 2005 No. 1541 The Regulatory Reform (Fire Safety) Order 2005. It became law on 1 October 2006, and only applies to England and Wales.

Before the RRO

Prior to October 2006 Fire Safety in the UK was implemented on a 'Prescriptive basis'. What this meant was that there was a minimum requirement for a premises to have certain fire safety measures in place. The local fire authority would visit, assess the premises, and if all was found to be in order issue a fire safety compliance certificate. This would be valid for one year at which time another inspection would be due.

The certificate essentially meant that in the event of a fire and a fatality, provided a valid fire certificate was held by the premises, any subsequent review would find the fire systems that had been in place were lawful. This system was brought in after a fire at the Rose and Crown hotel fire in Saffron Walden in 1969, which resulted in 11 deaths. This led to hotels and boarding houses being the first premises to be designated as requiring a fire certificate under the Fire Precautions Act 1971.

Key Aspects of the RRO

The answer to this was to change to a logical 'assessment' based methodology whereby all risks are identified, assessed, appropriate action determined and the implementation of the solution recorded. There would be no minimum requirement, which would allow the use of any product or equipment deemed necessary by the assessor and which best met the requirements for the risk, allowing less measures in some cases and requiring more for others.

This 'assessment' approach would allow the unification of legislation but only under one condition. The burden of proof for compliance would have to be moved to a person at the premises in question to ensure continual monitoring of risks.

No longer would responsibility rest with a local fire authority to issue fire certificates, indeed any previously issued are now void.

It is the job of who the RRFSO identifies as being the 'responsible person' to prove that they have provided adequate and reasonable safety precautions specific to their premises.

The proof, in the event of a fire, that adequate precautions were taken comes primarily in the form of a risk assessment file of evidence / log book.

The responsible person is required to carry out a risk assessment of their premises and, if 5 or more people are employed there, record all findings. In larger organisations several responsible persons may be delegated the task with each likely to be responsible for a particular section or division. However, the proprietor of the premises is still deemed the overall 'responsible person'.

Risk Assessment

In this Order "responsible person" means:

- in relation to a workplace, the employer, if the work place is to any extent under his control.

In relation to any premises not falling within the above paragraph:

- The person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not).

or

- The owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

