STATUTORY RULES OF NORTHERN IRELAND

2010 No. 325

HEALTH AND SAFETY

FIRE SAFETY

The Fire Safety Regulations (Northern Ireland) 2010

Made - - - -	*20th September 2010*
Coming into operation	*15th November 2010*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred by Articles 29, 30, 31(2), 44(b) and 62(1) of the Fire and Rescue Services (Northern Ireland) Order 2006(**1**), after consulting with such persons as it considers appropriate, makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as The Fire Safety Regulations (Northern Ireland) 2010 and shall come into operation on 15th November 2010.

Interpretation

2.—(1) In these Regulations—

"the 2006 Order" means the Fire and Rescue Services (Northern Ireland) Order 2006;

"approved classification and labelling guide" means the Approved Guide to the Classification and Labelling of Dangerous Substances and Dangerous Preparations (5th Edition)(**2**) approved by the Health and Safety Commission on 16th April 2002;

"child" means a person who has not attained the age of 16;

"the CHIP Regulations" means the Chemical (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002(**3**);

(**1**) S.I. 2006/1254 (N.I.9) See Article 2(2) for definition of "Department" and "prescribed"
(**2**) ISBN 0-7176-2369-6
(**3**) S.R. 2002 No. 301 as amended by S.R. 2005 No. 463 regulation 2(3)

"competent" in relation to a person means that the person has sufficient training and experience or knowledge and other qualities to enable that person—

(a) in relation to regulation 12(3)(b), properly to implement the measure referred to in that regulation;

(b) in relation to regulation 14(1)(b), properly to implement the evacuation procedures referred to in that regulation; and

(c) in relation to regulation 17(1), properly to assist in undertaking the fire safety measures;

"dangerous substance" means—

(a) a substance or preparation which meets the criteria in the approved classification and labelling guide for classification as a substance or preparation which is explosive, oxidising, extremely flammable, highly flammable or flammable, whether or not that substance or preparation is classified under the CHIP Regulations;

(b) a substance or preparation which because of its physico-chemical or chemical properties and the way it is used or is present in relevant premises creates a risk; and

(c) any dust, whether in the form of solid particles or fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere;

"employment business" means a business (whether for profit or not and whether or not carried on in conjunction with any other business) which supplies persons (other than seafarers) who are employed in it to work for and under the control of other persons in any capacity;

"explosive atmosphere" means a mixture, under atmospheric conditions, of air and one or more dangerous substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture;

"hazard" in relation to a dangerous substance, means the physico-chemical or chemical property of that substance which has the potential to give rise to fire affecting the safety of a person, and references in these Regulations to "hazardous" are to be construed accordingly;

"personal protective equipment" means all equipment which is intended to be worn or held by a person in the relevant premises and which protects that person against one or more risks to his safety, and any addition or accessory designed to meet that objective;

"preparation" means a mixture or solution of two or more substances;

"relevant person" has the meaning given in Article 52 of the Fire and Rescue Services (NI) Order 2006(**4**);

"relevant premises" has the meaning given in Article 50 of the Fire and Rescue Services (NI) Order 2006;

"risk" means the risk to the safety of relevant persons from fire;

"safety data sheet" means a safety data sheet within the meaning of regulation 5 of the CHIP Regulations;

"special, technical or organisational measures" means those measures required to be taken or observed in any workplace in connection with the carrying on of any work process, where those measures—

(a) are designed to prevent or reduce the likelihood of fire arising from such a work process or reduce its intensity; and

(b) are required to be taken or observed to ensure compliance with any requirement of the relevant statutory provisions within the meaning given by Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978(**5**) and those measures include—

(**4**) S.I. 2006/1254 (N.I. 9)
(**5**) S.I. 1978/1039 (N.I. 9)

(i) technical means of supervision;

(ii) connecting devices;

(iii) control and protection systems;

(iv) engineering controls and solutions;

(v) equipment;

(vi) materials;

(vii) protective systems; and

(viii) warning and other communication systems;

"substance" means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

"work process" means all aspects of work involving, or in connection with—

(c) the use of plant or machinery; or

(d) the use or storage of any dangerous substance; and

"young person" means any person who has not attained the age of 18.

(2) In these Regulations, any reference to a numbered Article is, unless otherwise expressly provided, a reference to an Article bearing that number in the 2006 Order.

(3) In these Regulations, any duties imposed on persons having duties under Article 25 or 26 are imposed to the extent that the person has duties under either of those Articles.

PART 2

ASSESSMENTS

Duty to review

3.—(1) A review of an assessment under Article 25 or 26 shall be carried out regularly so as to keep it up to date.

(2) A review of an assessment under Article 25 or 26 shall be carried out if—

(a) there is reason to suspect that it is no longer valid; or

(b) there has been a significant change in the matters to which it relates including when the:

(i) relevant premises,

(ii) special, technical and organisational measures; or

(iii) organisation of the work

undergo significant changes.

Duty in respect of young persons

4. An employer shall not employ a young person unless he has, in relation to risks to young persons, carried out or reviewed an assessment in accordance with his duties under Article 25 or 26 and these Regulations.

Assessment and review duty in respect of young persons

5. In carrying out or reviewing an assessment under Article 25 an employer, before employing a young person, shall take particular account of the following in respect of harm caused by fire:–

(a) the inexperience, lack of awareness of risks and immaturity of young persons;

(b) the fitting-out and layout of the relevant premises;

(c) the nature, degree and duration of exposure to physical and chemical agents;

(d) the form, range, and use of work equipment, and the way in which it is handled;

(e) the organisation of processes and activities;

(f) the extent of the fire safety training provided or to be provided to young persons; and

(g) risk from agents, processes and work listed in the Annex to Council Directive 94/33/EC(**6**) on the protection of young people at work.

Assessment and review duty in respect of dangerous substances

6. Where a dangerous substance is or is liable to be present in the relevant premises, the matters which shall be taken into account when a person carries out an assessment or a review under Article 25 or 26 are—

(a) the hazardous properties of the substance;

(b) information on safety provided by the supplier, including information contained in any relevant safety data sheet;

(c) the circumstances of the work including—

(i) the special, technical and organisational measures and the substances used and their possible interactions;

(ii) the amount of the substance involved;

(iii) where the work will involve more than one dangerous substance, the risk presented by such substances in combination; and

(iv) the arrangements for the safe handling, storage and transport of dangerous substances and of waste containing dangerous substances;

(d) activities, such as maintenance, where there is the potential for a high level of risk;

(e) the effect of measures which have been or will be taken pursuant to the 2006 Order and to these Regulations;

(f) the likelihood that an explosive atmosphere will occur and its persistence;

(g) the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective;

(h) the scale of the anticipated effects;

(i) any places which are, or can be connected via openings to, places in which explosive atmospheres may occur; and

(j) such additional safety information as the person with duties under Article 25 or 26 may need in order to complete the assessment or review.

New work activities where dangerous substances are present

7. No new work activity involving a dangerous substance may commence unless the person with duties under Article 25 or 26 has fulfilled their fire safety duties in respect of the dangerous substances.

(**6**) O.J. No L 216, 20.8.94, p. 12.

Duty to record information

8. As soon as practicable after an assessment has been carried out or reviewed, the person with duties under Article 25 or 26 shall record the information specified in regulation 9 where—

(a) he employs five or more employees; or

(b) a licence or registration under a statutory provision is required in relation to the relevant premises; or

(c) an alterations notice requiring this by virtue of Article 38(6)(a) is in force in relation to the relevant premises.

Specified information

9. The specified information is—

(a) the significant findings of the assessment, including the measures which have been or will be taken by the person having duties under Article 25 or 26 pursuant to Part 3 of the 2006 Order and these Regulations; and

(b) any relevant person or group of relevant persons identified by the assessment as being especially at risk from fire.

PART 3

FIRE SAFETY

Fire safety arrangements

10.—(1) In carrying out duties to which a person is subject by virtue of Article 25(2)(b), (3)(b), 26(2)(b) or (5)(b), a person shall make and give effect to such arrangements as are appropriate, having regard to the size of his undertaking and the nature of its activities, for the effective planning, organisation, control, monitoring and review of the fire safety measures within the meaning of Article 51.

(2) That person shall record the arrangements referred to in paragraph (1) where—

(a) he employs five or more employees; or

(b) a licence or registration under a statutory provision is required in relation to the relevant premises; or

(c) an alterations notice requiring this by virtue of Article 38(6)(b) is in force in relation to the relevant premises.

Elimination or reduction of risks from dangerous substances

11.—(1) Where a dangerous substance is present in relevant premises, a person having duties under Article 25 or 26 shall ensure that risk to relevant persons related to the presence of the substance is either eliminated or reduced so far as is reasonably practicable.

(2) In complying with the duty under paragraph (1), a person shall, so far as is reasonably practicable, replace a dangerous substance, or the use of a dangerous substance, with a substance or process which either eliminates or reduces the risk to relevant persons.

(3) Where it is not reasonably practicable to eliminate risk pursuant to paragraphs (1) and (2), a person shall, so far as is reasonably practicable, apply measures consistent with the assessment under Article 25 or 26 and appropriate to the nature of the activity or operation, including the measures specified in Article 51 to—