STATUTORY RULES OF NORTHERN IRELAND

2001 No. 348

EUROPEAN COMMUNITIES FIRE SERVICES

Fire Precautions (Workplace) Regulations (Northern Ireland) 2001

Made - - - - *5th October 2001*

Coming into operation *1st December 2001*

The Department of Health, Social Services and Public Safety(**1**), being a department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures relating to the minimum health and safety requirements for the workplace that relate to fire safety, in exercise of the powers conferred by that section and by Articles 48 and 49(6) of the Fire Services (Northern Ireland) Order 1984(**4**), and now vested in it(**5**), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Part I

Premliminary

Citation and commencement

1. These Regulations may be cited as the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001 and shall come into operation on 1st December 2001.

Interpretation

2.—(1) In these Regulations—

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978(**6**);

(**1**) *See* Article 3(6) of S.I. 1999/283 (N.I.)
(**2**) S.I. 1992/1711
(**3**) 1972 c. 68
(**4**) S.I. 1984/1821 (N.I. 11); *see* Article 2(2) for the definition of "prescribed"; Article 48 was amended by S.I. 1993/1578 (N.I. 7), Article 19
(**5**) *See* Article 6(*c*) of, and Part III of Schedule 4 to, S.R. 1999 No. 481
(**6**) S.I. 1978/1039 (N.I. 9), as amended by S.I. 1998/2795 (N.I. 18)

"the 1984 Order" means the Fire Services (Northern Ireland) Order 1984;

"the 2000 Management Regulations" means the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**7**);

"domestic premises" has the meaning given to it by Article 2(2) of the 1978 Order;

"employee" means a person who is or is treated as an employee for the purposes of the 2000 Management Regulations;

"employer" means a person who is or is treated as an employer for the purposes of the 2000 Management Regulations;

"enforcement notice" has the meaning given to it by regulation 13(1);

"excepted workplace" has the meaning given to it by regulation 3(5);

"mine" has the same meaning as in the Mines Act (Northern Ireland) 1969(**8**);

"premises" includes any place and, in particular, includes—

(a) any vehicle, vessel, aircraft or hovercraft;

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

(c) any tent or movable structure;

"public road" has the meaning given to it by Article 2(2) of the Road Traffic Regulation (Northern Ireland) Order 1997(**9**);

"workplace" means any premises or part of premises, not being domestic premises, used for the purposes of an employer's undertaking and which are made available to an employee of the employer as a place of work and includes—

(a) any place within the premises to which such employee has access while at work; and

(b) any room, lobby, corridor, staircase, road or other place—

(i) used as a means of access to or egress from that place of work; or

(ii) where facilities are provided for use in connection with that place of work,

other than a public road; and

"the workplace fire precautions legislation" has the meaning given to it by regulation 9(2).

(2) The Interpretation Act (Northern Ireland) 1954(**10**) shall apply to these Regulations as it applies to an Act of the Assembly.

Part II

Fire precautions in the workplace

Application of Part II

3.—(1) Every employer shall ensure that the requirements of this Part are complied with in respect of every workplace, other than an excepted workplace, which is to any extent under his control.

(**7**) S.R. 2000 No. 388
(**8**) 1969 c. 6 (N.I.)
(**9**) S.I. 1997/276 (N.I. 2)
(**10**) 1954 c. 33 (N.I.)

(2) Every person, other than the employer referred to in paragraph (1), who has, to any extent, control of a workplace, other than an excepted workplace, shall ensure that, so far as it relates to matters within his control, the workplace complies with any applicable requirement of this Part.

(3) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

(a) the maintenance or repair of any workplace; or

(b) the safety of any workplace,

that person shall be treated, for the purposes of paragraph (2), as being a person who has control of the workplace to the extent that his obligation so extends.

(4) Any reference in this regulation to a person having control of any workplace is a reference to a person having control of the workplace in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

(5) For the purposes of these Regulations, an "excepted workplace" is—

(a) any workplace which is or is on a construction site within the meaning of regulation 2 of the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996(**11**) and to which those Regulations apply;

(b) any workplace which is or is in or on a ship within the meaning of section 313(1) of the Merchant Shipping Act 1995(**12**) other than a ship which is—

(i) in the course of construction; or

(ii) in the course of repair by persons who include persons other than the master and crew of the ship;

(c) any workplace which forms part of a mine, other than any building on the surface at such a mine;

(d) any workplace which is or is on an offshore installation within the meaning of regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(**13**);

(e) any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994(**14**) or a vehicle exempted from duty under that Act; and

(f) any workplace which is in fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings.

(6) The requirements of this Part shall not have effect to the extent that they would prevent—

(a) any member of the armed forces of the Crown or of any visiting force (within the meaning of regulation 18);

(b) any constable; or

(c) any member of any emergency service,

from carrying out his duties.

(7) Without prejudice to paragraph (6), regulation 5(2)(*f*) shall not apply to any premises falling within the scope of Article 49(2)(*a*) of the 1984 Order (prisons) or any part of any other premises used for keeping persons in lawful custody or detention.

(**11**) S.R. 1996 No. 510, to which there are amendments not relevant to these Regulations
(**12**) 1995 c. 21
(**13**) S.R. 1995 No. 340 to which there is an amendment not relevant to these Regulations
(**14**) 1994 c. 22

(8) Where paragraph (6) or (7) applies, the safety of employees in case of fire shall nevertheless be ensured so far as is possible.

Fire-fighting and fire detection

4.—(1) Where necessary (whether due to the features of a workplace, the activity carried on there, any hazard present there or any other relevant circumstances) in order to safeguard the safety of employees in case of fire—

(a) a workplace shall, to the extent that it is appropriate, be equipped with appropriate fire-fighting equipment and with fire detectors and alarms; and

(b) any non-automatic fire-fighting equipment so provided shall be easily accessible, simple to use and indicated by signs(**15**),

and for the purposes of sub-paragraph (*a*) what is appropriate is to be determined having regard to the dimensions and use of the buildings at the workplace, the equipment they contain, the physical and chemical properties of the substances likely to be present and the maximum number of people that may be present at any one time.

(2) An employer shall, where necessary in order to safeguard the safety of his employees in case of fire—

(a) take measures for fire-fighting in the workplace, adapted to the nature of the activities carried on there and the size of his undertaking and of the workplace concerned and taking into account persons other than his employees who may be present;

(b) nominate employees to implement those measures and ensure that the number of such employees, their training and the equipment available to them are adequate, taking into account the size of, and the specific hazards involved in, the workplace concerned; and

(c) arrange any necessary contacts with external emergency services, particularly as regards rescue work and fire-fighting.

Emergency routes and exits

5.—(1) Where necessary in order to safeguard the safety of employees in case of fire, routes to emergency exits from a workplace and the exits themselves shall be kept clear at all times.

(2) The following requirements shall be complied with in respect of a workplace where necessary (whether due to the features of the workplace, the activity carried on there, any hazard present there or any other relevant circumstances) in order to safeguard the safety of employees in case of fire—

(a) emergency routes and exits shall lead as directly as possible to a place of safety;

(b) in the event of danger, it shall be possible for employees to evacuate the workplace quickly and as safely as possible;

(c) the number, distribution and dimensions of emergency routes and exits shall be adequate having regard to the use, equipment and dimensions of the workplace and the maximum number of persons that may be present there at any one time;

(d) emergency doors shall open in the direction of escape;

(e) sliding or revolving doors shall not be used for exits specifically intended as emergency exits;

(f) emergency doors shall not be so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency;

(**15**) *See* the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 119), which impose requirements in relation to fire safety signs

(g) emergency routes and exits shall be indicated by signs(**16**); and

(h) emergency routes and exits requiring illumination shall be provided with emergency lighting of adequate intensity in the case of failure of their normal lighting.

Maintenance

6. Where necessary in order to safeguard the safety of employees in case of fire, the workplace and any equipment and devices provided in respect of the workplace under regulations 4 and 5 shall be subject to a suitable system of maintenance and be maintained in an efficient state, in efficient working order and in good repair.

Part III

Amendment of the management of health and safety at work regulations (northern Ireland) 2000

Amendment of the 2000 Management Regulations: general provisions

7. Subject to regulation 9, the provisions of the 2000 Management Regulations amended by this Part shall continue to be regarded (if they would not otherwise continue to be so regarded) as provisions of health and safety regulations within the meaning of the 1978 Order(**17**).

Amendment of the 2000 Management Regulations

8.—(1) The words "and by Part II of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001" shall be inserted into the following provisions of the 2000 Management Regulations, as follows—

(a) in regulation 1(2) (interpretation), at the end of the definition of "the preventive and protective measures";

(b) in regulation 3 (risk assessment), at the end of paragraph (1);

(c) in regulation 7 (health and safety assistance), at the end of paragraph (1);

(d) in regulation 11 (co-operation and co-ordination), in paragraph (1)(*a*) after the words "the relevant statutory provisions"; and

(e) in regulation 12 (persons working in host employers' or self-employed persons' undertakings), in paragraph (1)(*b*) after the words "the relevant statutory provisions".

(2) In regulation 10(1) of the 2000 Management Regulations (information for employees)—

(a) in sub-paragraph (*c*), after the words "regulation 8(1)(*a*)", there shall be inserted "and the measures referred to in regulation 4(2)(*a*) of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001"; and

(b) in sub-paragraph (*d*), after the words "regulation 8(1)(*b*)", there shall be inserted "and regulation 4(2)(*b*) of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001".

(3) In regulation 11(1) of the 2000 Management Regulations (co-operation and co-ordination), for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

(**16**) *See* the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 119), which impose requirements in relation to fire safety signs

(**17**) *See* Article 2(2) of the 1978 Order