1993 No. 319

FIRE SERVICES

The Fire Services (Factory, Office and Shop Premises) Order (Northern Ireland) 1993

Made	*20th July 1993*
Coming into operation . .	*24th August 1993*

The Department of the Environment, in exercise of the powers conferred on it by Articles 22(2)(*f*), (3) and (3A) and 52(1)(*b*) of the Fire Services (Northern Ireland) Order 1984(**a**) and of all other powers enabling it in that behalf, makes the following Order:

Citation and commencement

1. This Order may be cited as the Fire Services (Factory, Office and Shop Premises) Order (Northern Ireland) 1993 and shall come into operation on 24th August 1993.

Interpretation

2. In this Order—

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

"basement" means a floor (however described) immediately below the ground floor;

"covered market place" means a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority;

"factory premises" means premises constituting, or forming part of, a factory within the meaning of section 175 of the Factories Act (Northern Ireland) 1965(**b**) and premises to which sections 121(1) and 122 of that Act (application to electrical stations and institutions respectively) apply;

"first floor" means the floor above the ground floor;

"office premises" means office premises to which the Office and Shop Premises Act (Northern Ireland) 1966(**c**) applies and includes premises which are treated by section 1(2) of that Act as forming part of such premises;

(**a**) S.I. 1984/1821 (N.I. 11); Article 22(3A) was inserted in the Fire Services (Northern Ireland) Order 1984 by S.I. 1993/1578 (N.I. 7) Article 6; *see* Article 2(2) for the definition of the "Department"
(**b**) 1965 c. 20 (N.I.) as amended by S.R. 1984 No. 283 Sch. 1
(**c**) 1966 c. 26 (N.I.)

"shop premises" means shop premises to which the Office and Shop Premises Act (Northern Ireland) 1966 applies and includes premises which are treated by section 1(3) of that Act as forming part of such premises but does not include premises consisting of a covered market place wherein shop premises are aggregated.

Designation of uses of factory, office and shop premises

3. Subject to Article 23(*c*) of the 1984 Order (premises exempt from the requirement for a fire certificate by virtue of Article 22), the following uses of premises are hereby designated for the purposes of Article 22 of the 1984 Order (which requires fire certificates for premises put to designated uses), that is to say—

(*a*) use as factory premises;

(*b*) use as office premises; and

(*c*) use as shop premises,

being (in each case) a use of premises in which persons are employed to work.

Premises exempt from requirement for fire certificate

4.—(1) Notwithstanding the provisions of Article 3, a fire certificate shall not by virtue of Article 22 of the 1984 Order be required for any factory premises, office premises or shop premises in which—

(*a*) not more than 20 persons are at work at any one time; and

(*b*) not more than 10 persons are at work at any one time elsewhere than on the ground floor of the building constituting or comprising the premises,

unless one or more of the conditions specified in paragraph (2) applies to the premises.

(2) The conditions referred to in paragraph (1) are—

(*a*) that the premises are in a building containing 2 or more sets of premises which are put to any of the uses designated by Article 3 and the aggregate of the persons at work at any one time in both or (as the case may be) all those sets of premises exceeds 20;

(*b*) that the premises are in a building containing 2 or more sets of premises which are put to such uses and in both or (as the case may be) all those sets of premises the aggregate of the persons at work at any one time elsewhere than on the ground floor of the building exceeds 10;

(*c*) that, in the case of factory premises, explosive or highly flammable materials (other than materials of such a kind and in such a quantity that the Authority have determined that they do not constitute a serious additional risk to persons in the premises in case of fire) are stored or used in or under the premises.

(3) Any reference in this Article to persons at work is a reference to any of the following persons—

(*a*) an individual who works under a contract of employment or apprenticeship;