STATUTORY RULES OF NORTHERN IRELAND

1991 No. 446

HEALTH AND SAFETY

Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991

Made - - - -	*2nd October 1991*
Coming into operation	*2nd December 1991*

Whereas under Article 54(1) of the Health and Safety at Work (Northern Ireland) Order 1978(**1**) ("the Order of 1978") it appears to the Department of Agriculture, the Department of Economic Development. the Department of the Environment and the Department of Health and Social Services ("the Department concerned")(**2**) that the modification of local Acts contained in regulation 13 is expedient in connection with the other provisions of these Regulations;

Now, therefore, the Department concerned in exercise of the powers conferred by Articles 17(1), (2). (4), (5) and (6), 54(1) and (3) and 55(2) of, and paragraphs 3(1)) 11, 13, 14(1)) 15 and 20(a) of Schedule 3 to, the Order of 1978 and of every other power enabling it in that behalf, after consultation in accordance with Articles 46(1) and 54(5) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991 and shall come into operation on 2nd December 1991.

Interpretation

2. In these Regulations —

"the Department" means the Department of Economic Development;

"fire certificate" means a certificate issued under these Regulations by the Department;

"Fire Services Order Certificate" means a fire certificate issued under the Fire Services (Northern Ireland) Order 1984(**3**) and includes a certificate deemed to have been so issued by Article 53(2) of, and paragraphs 4 and 6 of Schedule 4 to, that Order;

(**1**) S.I. 1978/1039 (N.I. 9)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.1. 9)
(**3**) S.I. 1984/1821 (N.I. 11)

"responsible person" in relation to any premises means the person having control of those premises, whether as occupier or otherwise, in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not) except that in the case of a mine within the meaning of the Mines Act (Northern Ireland) 1969(**4**) the responsible person shall be the manager of that mine.

Premises for which a fire certificate is required

3.—(1) A fire certificate shall be required in respect of any premises of a description specified in Part I of Schedule 1 unless either—

(a) an exemption is granted in respect of them under regulation 15, or

(b) in the case of premises to which paragraph 14 of Part I of that Schedule applies, each condition in Part II of that Schedule is satisfied.

(2) Where any premises to which paragraph (1) applies ("specified premises") are within the close curtilage or precincts of larger premises, any part of those larger premises used for the purposes of the specified premises (including use as a means of access) shall, for the purposes of these Regulations, be treated as forming part of the specified premises.

Application for and issue of a fire certificate

4.—(1) An application for a fire certificate shall be made by the responsible person to the Department and shall contain the particulars specified in Schedule 2.

(2) On receipt of an application for a fire certificate the Department may require the applicant within such time as it may specify:—

(a) to furnish such plans of the premises to be covered by the certificate as it may specify; and

(b) to furnish, in so far as it is reasonably practicable for him to do so, such plans of adjoining premises as it may specify;

and if the applicant fails to furnish the required plans within that time or such further time as the Department may allow, the application shall be deemed to have been withdrawn at the end of that time or further time, as the case may be.

(3) Where an application for a fire certificate has been duly made and all such plans (if any) as are required to be furnished under paragraph (2) have been duly furnished. it shall be the duty of the Department to cause an inspection to be carried out: and if it is satisfied that—

(a) the means of escape which are provided in case of fire;

(b) the means (other than means for fighting fire) which are provided for securing that such means of escape can be safely and effectively used at all material times;

(c) the means which are provided whether on the premises or elsewhere for fighting fire; and

(d) the means which are provided whether on the premises or elsewhere for giving warning in case of fire,

are such as may reasonably be required in the circumstances of the case in connection with the premises. the Department shall issue a fire certificate.

(4) Where the Department, after causing such an inspection to be carried out is not satisfied as aforesaid, it shall by notice served on the applicant—

(a) inform the applicant of that fact and of the steps which would have to be taken to satisfy it; and

(**4**) 1969 c. 6 (N.I.)

(b) notify him that it will not issue a fire certificate unless those steps are taken (whether by the applicant or otherwise) within such time as may be specified in the notice;

and if at the end of that time or such further time as may be allowed by the Department or by any order made on, or in proceedings arising out of, an appeal under regulation 12 against the notice those steps have not been taken, the fire certificate shall be deemed to have been refused.

Contents of a fire certificate

5.—(1) Every fire certificate shall specify—

(a) the address of the premises;

(b) the name of the responsible person;

(c) the description of the premises by reference to the class or classes listed in Schedule 1;

(d) the means of escape which are provided in case of fire;

(e) the means (other than means for fighting fire) which are provided for securing that such means of escape can be safely and effectively used at all material times;

(f) the type, number and location of the means which are provided (whether in the premises or elsewhere) for fighting fire; and

(g) the type and location of the means which are provided (whether in the premises or elsewhere) for giving warning in case of fire

and may do so by means of or by reference to a plan or photograph.

(2) A fire certificate may impose such conditions as the Department considers appropriate in the circumstances—

(a) for securing that the means of escape in case of fire which are provided are properly maintained and kept free from obstruction;

(b) for securing that the means which are provided as mentioned in paragraph (1)(e) to (g) are properly maintained;

(c) for securing that the means which are provided as mentioned in paragraph (1)(f) and (g) are tested and examined at regular intervals and that records are kept of such tests and examinations;

(d) for securing that persons at work on the premises receive appropriate instruction and training in what to do in case of fire, and that records are kept of instruction and training given for that purpose;

(e) for limiting the number of persons who may be on the premises at any one time or at such times as the Department may specify;

(f) for limiting the quantity and disposition of any substance or article which may be on the premises at any one time or at such times as the Department may specify; and

(g) as to other precautions to be observed in relation to the risk to persons in case of fire.

(3) Any conditions imposed by virtue of paragraph (2) may be framed so r as to apply to the whole of the premises or so as to apply to one or more parts or them and different conditions may be imposed in relation to different parts.

(4) A fire certificate shall be sent or delivered to the responsible person and where he is not the occupier of the premises a copy of it shall be sent to the occupier.

(5) An occupier of premises (whether or not he is the responsible person) shall keep the fire certificate, or the copy as the case may be, on the premises and shall make it available for inspection at reasonable times by any person who might be affected by any of its provisions.

(6) Where a fire certificate has been issued, the occupier of the premises (whether or not he is also the responsible person) shall keep a notice posted at a suitable place on or about the premises to which it relates in such characters and in such a position as to be easily seen and read by any person who might be affected by any of the provisions of the certificate; the notice shall state—

(a) that a fire certificate has been issued;

(b) where it, or a copy of it, may be inspected; and

(c) the date of posting of the notice.

(7) Where the responsible person is not the occupier he shall keep the fire certificate and shall make it available for inspection at reasonable times by any person who might be affected by any of its provisions.

Changes by the responsible person affecting adequacy of mutters specified in a fire certificate

6.—(1) Where the responsible person proposes to make any material change which will affect any of the matters specified or referred to in a fire certificate which is in force, he shall, before commencing to make that change, notify the Department in writing of the proposal.

(2) The provisions of regulation 4(2)(a) and (6) shall apply to a notice under paragraph (1) as they apply to an application for a fire certificate.

(3) If the Department is satisfied that if the proposed change were made all of the matters mentioned in regulation 5(1)(d) to (g) and 5(2) would still be adequate, it shall on production of the fire certificate cause a copy of the notice to be attached to it together with a statement that it is so satisfied or it may vary the certificate or cancel it and issue a new one.

(4) If the Department is satisfied that if the change were made any of the matters mentioned in regulation 5(1)(6) to (g) and 5(2) would be inadequate it shall—

(a) inform the responsible person of that fact and of the steps which would have to be taken to prevent their becoming inadequate in the event of the change being made;

(b) notify him that the fire certificate will be cancelled if the change is made without those steps being taken.

(5) Where a notice has been given under paragraph (4)(b) the Department may cancel the certificate if the changes are made without the steps referred to in paragraph (4)(a) having been taken; and where the steps are taken it may vary the certificate or cancel it and issue a new one.

Changes by persons other than the responsible person affecting adequacy matters specified in a fire certificate

7.—(1) Where the responsible person becomes aware that some other person proposes to make or has made any material change which affects any of the matters specified or referred to in a fire certificate which is in force, the responsible person shall notify the Department in writing of the proposal or change as the case may be.

(2) The provisions of regulation 4(2)(a) and (b) shall apply to a notice under paragraph (1) as they apply to an application for a fire certificate.

(3) If the Department is satisfied that notwithstanding the change all of the matters mentioned in regulation 5(1)(d) to (g) and 5(2) would still be adequate, it shall on production of the fire certificate cause a copy of the notice to be attached to it together with a statement that it is so satisfied or it may vary the certificate or cancel it and issue a new one.

(4) If the Department is satisfied that any of the matters mentioned in regulation 5(1)(d) to (g) and 5(2) would become inadequate if the proposed change were made, or where the change has been made it is satisfied that any of those matters have become inadequate, it shall—

(a) inform the responsible person of that fact and of the steps which would have to be taken to prevent their becoming or, as the case may be, remaining inadequate;

(b) notify him that the fire certificate will be cancelled if those steps are not taken within such time as may be specified in the notice.

(5) Where a notice has been given under paragraph (4)(b) the Department may cancel the certificate if the steps are not taken within the time specified in the notice, or within such further time as may be allowed by the Department or by any order made on, or in proceedings arising out of, an appeal under regulation 12 against the notice; and where the steps are taken it may vary the certificate or may cancel it and issue a new one.

Other cases where afire certificate becomes inadequate

8. If the Department considers that a fire certificate should be varied or cancelled because any of the matters mentioned in regulation 5(1)(d) to (g) and 5(2) is or has become inadequate it shall—

(a) inform any person to whom the certificate, or a copy of it, was given under regulation 5(4) of that fact and the steps, if any, which would have to be taken for those matters to become adequate;

(b) notify him that it will cancel the certificate unless those steps are taken within such time as may be specified in the notice; and if at the end of that time, or such further time as may be allowed by the Department or by any order made on, or in any proceedings arising out of, an appeal under regulation 12 against the notice, those steps have been taken, the Department may vary the certificate accordingly and if they have not been taken may, subject to any such order, cancel it.

Applications for variation of a fire certificate

9.—(1) Where a fire certificate is in force, the responsible person may apply to the Department for the certificate to be varied; any such application shall state the grounds on which it is made and the provisions of regulation 4(2) shall apply.

(2) If the Department is satisfied that the variation should be made it shall vary the certificate accordingly or may cancel it and issue a new one; and if it is not so satisfied it shall notify the responsible person that it refuses to vary the certificate.

Changes of responsible person

10. Where a fire certificate is in force in respect of any premises and a person becomes the responsible person in respect of those premises he shall notify the Department and the Department shall vary the certificate accordingly.

Persons not to work on specified premises unless afire certificate is in force

11.—(1) Subject to paragraph (2) a responsible person shall not work or permit any other person to work on any premises for which a fire certificate is required unless such a certificate is in force and the conditions attached to it are being complied with or an application has been made for a certificate and it has not been refused or withdrawn.

(2) Paragraph (1) shall not apply where the work is solely for the purpose of—

(a) taking any steps required under regulation 4(4), 6(4), 7(4) or 8;

(b) complying with a condition imposed under regulation 5(2); or

(c) otherwise making the premises safe.