

New regulations on fire safety in Scotland

THE DELAY IN IMPLEMENTATION MEANS THERE'S STILL PLENTY OF TIME TO PREPARE. **JIM CORNWALL** HAS ALL THE DETAILS.

New regulations on fire safety in Scotland were due to come into force in the spring of 2006, but implementation has been delayed to allow more time for business and stakeholders to prepare. It now seems likely that The Fire Safety (Scotland) Regulations 2006, in conjunction with Part 3 of the Fire (Scotland) Act 2005, should now come into force in October 2006 at the earliest.

EXISTING LEGISLATION

Fire safety law currently encompasses over 70 sets of fire regulations, which causes confusion for employers and others who have to deal with them and makes administration, understanding and enforcement unnecessarily complex. Such legislation includes:

- the Fire Precautions Act 1971;
- the Fire Precautions (Workplace) Regulations 1997 (as amended); and
- the Fire Certificate (Special Premises) Regulations 1976.

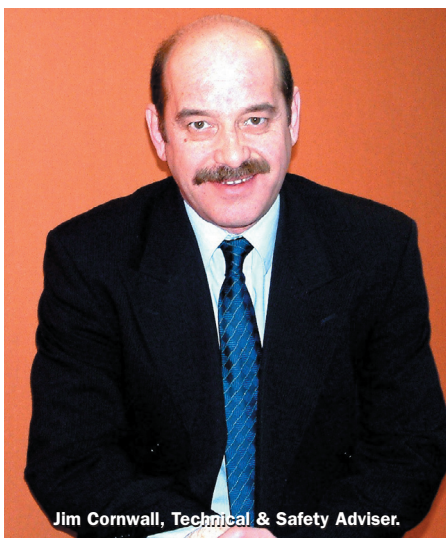
Once the new regulations are brought into force, the existing fire safety legislation will cease to have effect, as will the general fire safety provisions in other legislations, such as the Management of Health and Safety at Work Regulations 1999.

Owners or occupiers of certain premises (such as some hotels, factories, offices and shops) are currently obliged to obtain a fire certificate. Such certificates will be abolished and cease to have legal status.

NEW LEGISLATION

The objectives of the new regulations are to contribute to the reduction of avoidable fires, by:

- creating a single regime applying to all premises, with the exception of private dwellings, which can be better understood and administered by businesses and the relevant enforcing authorities;
- creating a regime based on risk



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- assessment, fire prevention and mitigation measures; and
- ensuring that fire safety facilities and equipment are maintained.

All sectors of business will be covered by the new single fire safety regime. It will apply to workplaces with one or more employees but will not apply to domestic dwellings (with the exception of some maintenance requirements in respect of fire-fighting equipment in the common areas of private dwellings). The legislation will, however, apply to premises licensed as Houses in Multiple Occupation (HMOs).

The existing legislation already provides for a risk assessment based approach to fire safety in virtually all places of work where people are employed or work. Some employers and others, however, may not have been aware of their duties, particularly self-employed people working from non-domestic properties and the voluntary sector (where there are no employees).

The new legislation will set out the duties of employers, persons in control of premises to any extent and any persons who through contract or tenancy have obligations in respect of maintenance or safety in relation to:

- Carrying out fire risk assessments;

- Putting in place necessary fire safety measures;
- Implementing fire safety measures using risk reduction principles;
- Putting in place arrangements for ongoing control and review of the fire safety measures;
- Complying with the specific requirements of the fire safety regulations;
- Keeping the fire safety assessment and outcome under review; and
- Record keeping.

In most cases the enforcing authorities for the new legislation will be the local fire and rescue service.

GUIDANCE

The Scottish Executive intends to produce sector-specific guides to compliment the legislation. The guides will not set prescriptive standards, but summarise the new fire safety responsibilities and suggest courses of action for compliance. They will target persons with fire safety responsibilities for non-domestic premises, such as employers and persons in control of premises.

The guides will include Technical Annexes containing benchmarks against which the fire safety measures can be measured. Such Technical Annexes are likely to contain some information that may require a level of knowledge and experience on fire safety matters, such as the requirements of relevant British Standards. Electrical contractors carrying out the installation, maintenance or periodic inspection and testing of electrical installations, electrical equipment, emergency lighting or fire detection and alarm systems in premises are in a unique position to aid dutyholders in complying with their duties.

Draft regulations and a draft fire safety guide can be accessed via the Executive website at www.scotland.gov.uk.

For further details on the new fire regulations see the feature on pages 62-64 by Bob Bailey.