

## The Methodist Property Office – Resourcing Mission

### Reform of Fire Safety Legislation

Information  
leaflet

The Reform of Fire Safety Legislation **came** into effect on October 1<sup>st</sup> 2006.

The new legislation is entitled “The Regulatory Reform (Fire Safety) Order 2005” and will apply to **ALL BUILDINGS** to which the public have access and also includes Outdoor Venues where public events take place. It applies even if there are no employees as it is intended to protect all persons from fire. This means that every single Church premises will come within the Legislation.

The Fire Safety Order only applies in England and Wales.

The Fire (Scotland) Act 2005 part 3 will also come into effect on October 1<sup>st</sup> 2006 with the same type of application to non-domestic premises as in The Fire Safety Order.

Northern Ireland will have similar legislation but this may not come into force for another 18 months.

### Existing legislation

All existing legislation with a reference to Fire will be repealed on this date including “The Fire Precautions Act 1971” and “The Fire Precautions (Workplace) Regulations 1997” which have applied to some Churches since 1997. This will mean that where an existing Fire Certificate under The Fire Precautions Act 1971 applies, and there are some Church premises with a Fire Certificate, it will be cancelled and premises will now have to conform to the new Fire Safety Order.

### Guidance leaflets

The Government have produced 11 guides for various types of premises but there will NOT be a specific guide for Church premises. The guides that include information for Churches and Cathedrals are called;

*Guide 6 Small and medium places of assembly, for premises accommodating up to 300 people.*

*Guide 7 Large places of assembly, where more than 300 people gather.*

*Guide 9 Outdoor events.*

The Guides can be found on the Department for Communities and Local Government website [www.firesafetyguides.communities.gov.uk](http://www.firesafetyguides.communities.gov.uk).

They can be purchased for £12 each or downloaded for free, they do contain a large number of pages and are in two parts so you may not need to download both sections.

A Short Guide (10 pages) to making your premises safe from fire is also to be found on the above website at the top of the list of the Guides. This is available free of charge from **DCLG publications, PO Box236, Wetherby, West Yorkshire, LS23 7NB. Product Code 05 FRSD 03546**

The Government guides are designed to cover other types of commercial premises as well as Churches within the particular guide and include some information that may be unnecessary for Church premises, but they are the definitive guides.

The Scottish information website is [www.infoscotland.com/firelaw](http://www.infoscotland.com/firelaw).

The earlier Methodist Property Office guide on **Fire Risk Assessment Principles for Church Premises** has been updated by Colin Domville M.I. Fire.E on behalf of the Methodist Property Office and the Churches Main Committee to reflect the new **Fire Safety Order**. This guidance booklet (29 pages) is available on the Methodist Church website [www.methodist.org.uk](http://www.methodist.org.uk) and can be downloaded for use locally by Managing Trustees.

## Risk Assessment Principles

### Enforcement and responsibility

The local Fire and Rescue Authorities will enforce the Fire Safety Order.

***Managing Trustees are responsible for ensuring the Order is complied with and failure to do so will be an offence.***

### “Responsible Person”

Responsibility for complying with the Fire Safety Order rests with the ‘**Responsible Person**’. In a workplace this would normally be the employer or any person who may have control of any part of the premises.

Those legally responsible for Churches i.e. The Managing Trustees who constitute the Church Council or similar, are Classed as the employer and will be responsible for appointing a **'Responsible Person'** who should carry out the Risk Assessment on behalf of the Trustees or Church Councils **who are legally responsible** for the implementation of the Fire Safety Order.

The Order does not require that a 'qualified' person has to carry out the Risk Assessment. In most cases this can be achieved without the need for any specialist or formal knowledge or training. The Managing Trustees can appoint one or more **'Competent Persons'** to assist them, and depending on the size of the premises, to carry out the preventative and protective measures required by the order. (The 'Responsible Person' i.e. the Managing Trustee Body can nominate one of their number or other specific named person for this purpose).

**The October 1<sup>st</sup> 2006 starting date** does imply that all premises will have had to comply by that date but procedures should be in hand to implement the appointment of the "Responsible" person. The intent of the Fire Safety Order is to try and ensure all premises are to a reasonable and practical standard of fire precautions but in the end it would be the Courts who will make the final decision as to what is reasonable and practical for any premises.

The standards of fire precautions under the Fire Safety Order are very similar to the provisions of the previous Workplace Regulations and so it is not expected that Churches that have already carried out Risk Assessments for their premises will have to make major changes, but others will be required to carry out a Risk Assessment for all their buildings. All premises will have to take into account that the new order applies to all persons in all buildings and thus review their existing risk assessments, taking into account those issues not covered by the Workplace Regulations.

### **Listed buildings & conservation areas**

Premises that are listed buildings or in conservation areas must take this into account if any alterations are proposed as a result of the risk assessment findings.

### **Further information**

If Churches have any immediate queries or concerns they should contact Colin Domville, our Fire Precautions Adviser, who has been part of the stakeholder group on behalf of the Churches Main Committee considering the various guides. Contact him on **01704 875 597**.

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