

WILTSHIRE FIRE & RESCUE SERVICE



Wiltshire and Swindon Fire Authority

Technical Fire Safety Enforcement Information on Powers and Rights

Additional Powers Which an Inspector/Authorised Officer May Exercise in Certain Circumstance.

Powers in respect of books, documents & other records

Under the Regulatory Reform (Fire Safety) Order 2005, an Inspector/Authorised Officer may require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records:

- I. Which are required to be kept by virtue of any provision of this Order or regulations made under it: or
- II. Which it is necessary for him to see for the purposes of an examination or inspection under Article 27 of The Order, and in addition to inspecting them, may take copies of the records, or of any entry in them.

An Inspector/Authorised Officer may take samples of any articles or substances found in any premises which he has the power to enter for the purpose of ascertaining their fire resistance or flammability: and in the case of any article or substance found in any premises which he has the power to enter, being an article or substance which appears to him to have caused or likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subject to any process or test (but not so as to damage or destroy it unless this is, in the circumstance, necessary).

Summary of your rights under the Regulatory Reform (Fire Safety) Order 2005

An Inspector/Authorised Officer must, if so required when visiting any premises in the exercise of powers conferred by Article 27 of the Order, produce to the occupier of the premises some duly authenticated document showing evidence of his authority.

Where an Inspector/Authorised Officer proposes to exercise the powers under Article 27(1)(f) of The Order, to cause any article or substance, which appears to him to have caused or likely to cause danger to the safety of relevant persons, to be dismantled or subject to any process or test (but not so as to damage or destroy it unless this, in the circumstances, is necessary) he must, if requested by a person with responsibilities in relation to the premises and who is present at the time, cause anything to be done under the power given by 27(1)(f) to be done in the presence of that person. In addition, before causing the article or substance to be dismantled or subject to any process or test, an Inspector/Authorised Officer must consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under the power provided by Article 27(1)(f).

Summary of your rights under the Police and Criminal Evidence Act 1984

Persons whose premises are inspected have certain rights under the Police & Criminal Evidence Act, Code of Practice 'B' a copy of which is available for inspection at any fire station and at Wiltshire fire & Rescue Service HQ (contact details are at the end of this document).

In summary:

1. The inspection should take place at a reasonable hour (normally when open for business) and only after the inspector has told you the purpose of the inspection and shown his/her credentials, if requested.
2. Inspections must be conducted with due consideration for the property and privacy of the occupier and with no more disturbance than is necessary.
3. You may any other person of your choosing to witness the inspection unless the officer in charge has reasonable grounds for believing this would seriously hinder the investigation. A search will not be unreasonably delayed for this purpose.
4. No item may be seized which is the subject of "legal privilege" (i.e. communications with a legal advisor).
5. You are entitled to a list or description of seized items, on request, within a reasonable time.
6. Seized property will be retained no longer than is necessary, (e.g. to test, photograph, produce in evidence) unless it is forfeited by court order.
7. Where practicable, you will be allowed supervised access to seized property to examine, photograph or copy it (or you will be provided with photographs/copies) at your expense.
8. You may be entitled to compensation for loss or damage caused in entering/inspecting your premises or by seizing your property in certain circumstances. Apply to the address at the end of this document.

Further Information

The following references may assist you with your rights under the Police & Criminal Evidence Act

Citizens Advice – a provider of free advice and information for legal, money and other problems.

www.citizensadvice.org.uk

Community Legal Service – a network of legal advice providers supplying information and guidance for people who are under police investigations or facing criminal charges.

www.clsdirect.org.uk

Contact Information

To contact Wiltshire Fire & Rescue Service, please choose an area nearest to you:

Swindon Borough Council Area: Swindon Fire Station Drove Road Swindon Wiltshire SN1 3AD Tel: 01793 401240 Email: Swindon.firesafety@wiltsfire.gov.uk	Wiltshire Council (North & West) Area: Trowbridge Fire Station Hilperton road Trowbridge Wiltshire BA14 7TB Tel: 01225 756500 Email: trowbridge.firesafety@wiltsfire.gov.uk
Wiltshire Council (South & East) Area: Salisbury Fire Station Ashley Road Salisbury Wiltshire SP2 7TN Tel: 01722 439300 Email: salisbury.firesafety@wiltsfire.gov.uk	Service Headquarters: Wiltshire Fire & Rescue Service HQ Manor House Potterne Devizes Wiltshire SN10 5PP Tel: 01380 723601 Email: enquiries@wiltsfire.gov.uk Web Site: www.wiltsfire.gov.uk

If you require this document in any other format such as large print, Braille or audio CD, please contact Corporate Services on 01380731111

Need help with English? – contact Ethnic Access on 01905 25121

Arabic:

مطلوب المساعدة مع الانجليزى – اتصل با التوصل العرقى [Ethnic Access] الهاتف: 01905 25121.

Polish:

'Potrzebujesz pomocy z Angielskim – skontaktuj się z Ethnic Access Tel: 01905 25121'

Romanian:

„Aveți nevoie de ajutor cu engleza? Contactați Ethnic Access la numărul de telefon: 01905 25121.”

Turkish:

'İngilizce konusunda yardıma ihtiyacınız varsa, Ethnic Access'i arayın. Tel: 01905 25121'

Hindi:

क्या अंग्रेजी में सहायता चाहिए? ऐथनिक ऐक्सेस लिंक [Ethnic Access Link] से फोन: 01905 25121 पर संपर्क करें



Your safety: Our Priority