

Fire Safety Legislation and Crown Property

Standard Operating Procedure No. TFS - 044

Document Overview: - Article 49 of the Regulatory Reform (Fire Safety) Order 2005 (The Order) sets out the provisions which apply to premises occupied by the Crown and to premises owned but not occupied by the Crown. This document aims to clarify the role of Wiltshire Fire and Rescue Service (Wiltshire FRS) and the Office of the Chief Fire and Rescue Advisor in enforcement of The Order.

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1.0 Introduction

- 1.1 Article 49 of The Regulatory Reform (Fire Safety) Order 2005 (The Order) sets out the provisions which apply to premises occupied by the Crown and to premises owned but not occupied by the Crown.
- 1.2 In general, the Crown is bound by The Order with the exception of articles 29 (Alterations notices) 30 (Enforcement notice) and articles 32 - 36 (Offences and Appeals).
- 1.3 Articles 27 (Powers of inspectors) and 31 (Prohibition notices) only bind the Crown in so far as they apply in relation to premises owned by the Crown but not occupied by it.

2.0 Crown Premises

- 2.1 Crown bodies, in this context, include the main central Government Departments, their Executive Agencies, Non-ministerial Departments and a small number of other non-departmental public bodies. The Office of Public Sector Information (OPSI) maintains a list of UK Crown Bodies for the purposes of Crown copyright. A useful general guide of the status of differing bodies can be found on their web site, noted below.

<http://www.opsi.gov.uk/advice/crown-copyright/uk-crown-bodies.htm>

- 2.2 Enforcement of The Order (except for defence establishments) is the responsibility of the Crown Premises Inspection Group (CPIG), which is part of the Fire Service Inspectorate.
- 2.3 In the case of premises occupied solely for the purposes of the armed forces of the Crown (and other premises wholly situated within such premises) or of visiting forces, enforcement is the responsibility of the Defence Fire and Rescue Service.
- 2.4 Where parts of a premises are occupied by the Crown but not owned by the Crown, enforcement of the privately occupied areas will be the responsibility of the Wiltshire Fire and Rescue Service (Wiltshire FRS) and/or the Health and Safety Executive (HSE) according to normal demarcation of activities used for other non-domestic premises. The parts occupied by the Crown will be the responsibility of the Fire Service Inspectorate.
- 2.5 The Crown Premises Inspection Group are based at:
Crown Premises Inspection Group,
Zone G9 - 4th Floor,
Eland House,
Bressenden Place,
London,
SW1E 5DU.

*cpig@communities.gsi.gov.uk
tel. 0303 444 3163*

- 2.6 The Defence Fire and Rescue Services can be contacted as follows:

*DFRMO-HQFSGroupMailbox@mod.co.uk
tel. 0845 345 0055 (Out of hours 0151 522 9235 of 0151 922 1221)*

3.0 Premises with Dual Occupancy

- 3.1 This section deals with premises not owned by the Crown but occupied by both Crown and private companies. Wiltshire FRS will carry out inspections only in those areas occupied by private companies.
- 3.2 In areas designated 'common areas' i.e., parts of the premises used by both Crown and private occupiers, the inspection will be carried out by both Wiltshire FRS Community Safety Inspector (CSI) and the CPIG Fire Inspector.
- 3.3 Any deficiencies found by the CSI should be fully discussed with the CPIG Fire Inspector.
- 3.4 Inspections should be in company with a representative of the Crown occupancy, and their Fire Adviser if considered necessary, and any such other persons that are considered necessary.
- 3.5 The authority with responsibility for the greater part of the premises should provide an adequate number of plans of the premises prior to the inspection.
- 3.6 Subsequent to the inspection the Wiltshire FRS CSI and the CPIG Fire Service Inspector will prepare separate 'schedules of work' notices (if required) for the areas of their individual responsibility.
- 3.7 Where the schedule issued by Wiltshire FRS refers to common areas, it must be ensured that the requirements can be applied. Where similar requirements are being served on both Crown and privately occupied areas the wording of the schedules should have the same meaning.
- 3.8 Identical benchmark standards are to be used when referring to such items as structural fire protection, means of escape, fire alarm systems, emergency lighting, fire fighting equipment, etc.
- 3.9 The Wiltshire FRS CSI will send a draft copy of the 'schedule of work' to the CPIG Fire Service Inspector for information and comment. The CPIG Inspector will follow the same procedure for areas where they have responsibility.
- 3.10 Follow-up inspections may be made jointly or independently as appropriate. Any request for further time to complete the schedule of work must be discussed between the two inspectors. Any items found to be at odds with Crown policy will be discussed and an agreement reached.
- 3.11 There should be prior and continuous liaison between the two authorities when dealing with premises in which there is a dual responsibility.

4.0 Disputes

- 4.1 In the event of a dispute between Wiltshire FRS and CPIG, the matter is to be referred to the Group Manager Service Delivery (Protection) for further guidance.