



1. Introduction.

1.1. Building regulations exist principally to ensure the health and safety of people in and around buildings. This guidance is provided to assist businesses and members of the public who intend to carry out building projects that require compliance with the current building regulations and the Regulatory Reform (Fire Safety) Order 2005.

The following paragraphs set out the standards and values that will be applied in this matter.

2. The Building Regulations 2000.

2.1. The Building Regulations apply to building work as defined in regulation 3 of the Building Regulations 2000 (as amended).

2.2. Fire safety requirements are given in Part B of Schedule 1 to the Regulations. These cover means of escape, fire alarms, fire spread, and access and facilities for the fire and rescue service. Guidance on some ways of meeting the requirements is given in Approved Document B (Fire safety).

The documents can be found by selecting the following link: -

www.planningportal.gov.uk/approveddocuments

3. The Regulatory Reform (Fire Safety) Order 2005.

3.1. The Regulatory Reform (Fire Safety) Order 2005 (RR (FS) O) reformed the law relating to fire safety in non-domestic premises. It places a specific duty to take such fire precautions as may be reasonably required to ensure that premises are safe for the occupants and those in the immediate vicinity and a general duty to carry out a risk assessment.

3.2. The RR (FS) O applies to all non-domestic premises, which includes the common parts of apartment buildings and both the common and shared parts of HMOs. Article 6 of the RR (FS) O does exclude some premises such as certain mines, vehicles and land forming part of an agricultural or forestry undertaking.

3.3. Most building work and certain changes of use involving buildings that are subject to the Building Regulations will also be subject to the RR (FS) O once the work is complete and the building is occupied.

4. The Division of Responsibility

4.1. Building control bodies are responsible for checking for compliance with the requirements of the Building Regulations.

4.2. The Regulations are concerned with building work and material changes of use and the requirements for fire safety will apply to most buildings. These requirements intend to ensure that the necessary measures for the safe use of the building are incorporated in the design.

4.3. During the design and construction phase of a project, the building control body will check on compliance with the requirements of the Building Regulations. In order to facilitate the consultation process they should take a co-ordinating role with the Fire Authority and, where appropriate, with other regulatory bodies. Any recommendations and advice is channelled through the building control body to the applicant.

4.2 The Fire Authority is responsible for the enforcement of the RR (FS) O that concerns the safety of people in relation to the operation and use of certain buildings once occupied.

4.3. Once a building is occupied and in use, the Fire Authority takes on the co-ordinating role as the enforcing authority for the RR (FS) O. Licensing and registration authorities must ensure that the Fire Authority is consulted about fire safety matters concerning premises that need to be licensed or registered.

4.4. Building work that complies with the Building Regulations requirements for fire safety will normally be satisfactory when the building is occupied. However, where alterations to an existing building are involved, compliance with Building Regulations will not always result in the fire precautions in all parts of that building being upgraded.

5. Building Regulations – Compliance

5.1. It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations.

5.2. The Approved Documents associated with the Regulations provide guidance for some of the more common building situations. However, there may well be alternative ways of achieving compliance with the requirements.

5.3. The design and construction of building work is subject to checks by a building control body. Applicants can decide whether to apply to the local authority for building control services or to appoint an approved inspector.

6. Local Authority Building Control

6.1. Where the applicant chooses to use the local authority there will generally be a choice of two routes: the full plans procedure, or the building notice option.

6.2. **A full plans application** involves seeking formal approval of plans. Approval or rejection must be given within a five week time limit (or two months if the applicant agrees), and there is a facility to request a determination of disagreements from the Secretary of State. When a full plans application is made the applicant can ask the local authority for a completion certificate when the work is complete.

6.3. **A building notice**, however, is simply given to the local authority at least two clear working days before work begins.

6.4. Where the building is to be put to a use where the RR (FS) O applies or will apply after completion of the work then the building notice procedure cannot be used.

7. Approved Inspectors

7.1. If an approved inspector is engaged, the person intending to carry out the work and the inspector must jointly give to the local authority an initial notice. The local authority has five days in which to accept or reject the notice. If the local authority have neither accepted nor rejected the notice by the end of that period, the notice is deemed to be accepted.

7.2. Once the notice has been accepted the approved inspector is responsible for supervising the work. If the applicant wishes to have detailed plans of the work certified as complying with the Building Regulations, and the approved inspector is satisfied with the plans, a plans certificate will be issued to the applicant and the local authority by the approved inspector.

7.3. There is a facility to request a determination of disagreements from the Secretary of State. When the work is complete, the approved inspector must give the local authority a final certificate.

8. Fire Risk Assessment and the RR (FS) O.

8.1. By virtue of the RR (FS) O, the Responsible Person is required to carry out a fire risk assessment of their premises.

8.2. This must be a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions required to comply with the requirements of the RR (FS) O.

8.3. If there are;

- five or more employees
- the premises is subject to a licence
- the premises is subject to an Alterations Notice

The significant findings of the fire risk assessment, the control measures put in place to address the significant findings and any group of persons identified

by the assessment as being especially at risk must all be recorded. This information should be presented on request to the Fire Authority.

8.4. Although these requirements are applicable to a building whilst in operation, it would be useful for the designers of buildings to carry out a preliminary fire risk assessment as part of the design process.

8.5. The level of detail of this assessment will vary depending on the amount of information available to the designer and whether or not the eventual occupier of the building is known at the design stage.

8.6. If a preliminary risk assessment is produced it can be used as part of the Building Regulations submission and can assist the Fire Authority in providing advice at an early stage as to what, if any, additional provisions may be necessary when the building is first occupied. It will also assist the Responsible Person when developing the full fire risk assessment for the purposes of the RR (FS) O and it will act as a record of the rationale behind the fire safety design of the finished building.

8.7 Fire safety information relating to the design and construction of the building should be given to the responsible person at the completion of the project. For most buildings basic information on the location of fire protection measures in the form of an as-built plan may be all that is necessary. For complex buildings a more detailed record of the fire safety strategy and procedures for operating and maintaining any fire protection measures of the building will be necessary. Further guidance is available in BS5588: Part 12:2004 Fire precautions in the design, construction and use of buildings: Managing fire safety.

9. Occupied Buildings

9.1. The responsibility for ensuring that a building once occupied is provided with appropriate fire safety arrangements rests with the Responsible Person. It is essential therefore, that, when occupying new buildings or existing buildings that have had building works completed, or when contemplating alterations or extensions to existing buildings the Responsible Person ensures that a fire risk assessment has been carried out.

The Responsible Person should ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the RR (FS) O

9.2. When considering the fire safety measures for the building in use the Fire Authority should have regard to any risk assessments that may have been undertaken as part of the design and approvals processes and subsequently by the Responsible Person in the discharge of their duties under the RR (FS) O.

9.3. Consultation between the designer/applicant, the building control body and, and the recording of risk assessments and other relevant information, throughout the design and approvals process, should ensure that any

subsequent need for a variation in the fire safety measures provided is avoided, or kept to a minimum.

9.4. Additional fire safety measures should only become necessary because of risks that were not identified or known about prior to occupation of the building, or at the time of the building regulation approval and consultation process.

9.5. It is essential therefore, that the Fire Authority is fully consulted on all relevant matters during the design and construction process and that their advice on the fire safety measures for the building is incorporated, if appropriate, into the final building design.

9.6. If the views of the Fire Authority and the building control body differ and cannot be resolved, then the building control body must ensure that the applicant is made fully aware of the concerns of the Fire Authority and the possibility that the Fire Authority may take enforcement action under the RR (FS) O upon the occupation of the building.

10. Consultation General

10.1. When a building is likely to be used for a purpose that is subject to the fire safety requirements of other legislation, consultation between the relevant bodies is an essential part of the building control procedure. Whilst there are clear distinctions of jurisdiction between building work and an occupied building, it is often impossible when considering the overall level of safety in a building to separate physical fire safety measures and the way in which the building will be managed when occupied.

10.2. Where a building control body is formally engaged in checking the compliance of building work with the Building Regulations and the building is to be put to a use to which the RR (FS) O applies or will apply after completion of the work, there are statutory requirements to consult the Fire Authority at certain stages of the process.

10.3. These consultations are necessary so that the Fire Authority is aware of the erection or alteration of buildings in which they may have a direct or indirect interest or responsibility. They also provide an opportunity to make the applicant aware of action that may have to be taken on non-building regulation matters in order to satisfy any other fire safety legislation once the building is occupied.

10.4. There may be occasions where more than one building control body is dealing with different building work within the same building. In these circumstances, it would be advisable for them to consult with each other, as necessary, to avoid any conflict that might otherwise arise.

10.5. Consultation with all parties can also help to achieve consensus where alternative technical solutions may be available, such as during the specification of fire detection and fire alarm systems.

As an example, a fire risk assessment, agreed by the relevant parties, may assist in determining the fitness for purpose of alternative means of providing a fire alarm, e.g., a shouted warning or a simple electrical alarm or a fault monitored electrical alarm. Decisions made at the specification stage can save considerable rectification costs if corrective action proves necessary after completion of the building work.

10.6. The Fire Authority must also consult with the local authority and, where an initial notice is in force, the relevant Approved Inspector, before issuing an Enforcement Notice under the RR (FS) O that would oblige a person to make an alteration to the premises.

See Fire Safety Staff Guidance Note – Regulatory Reform (Fire Safety) Order 2005 Enforcement Notice Procedure for Failure to Comply with Provisions of the Order.

11. Preliminary Design Stage- Advice and Consultation

11.1. At the design stage, of a project the designer may wish to seek advice about the fire safety aspects of the scheme. Involving building control bodies and fire authorities at an early stage can often result in reduced costs for the applicant. However, the advice given by the building control body and the Fire Authority does not extend to providing design consultancy.

11.2. The designer's first approach should preferably be to the building control body. In dealing with **an independent approach from a designer or occupier, for goodwill advice** under the Fire and Rescue Services Act 2004 the Fire Authority will respond that with respect to the Building Regulations, or other legislation for which the Fire authority is not responsible, **it can offer only observations.**

11.3 **The applicant will be referred to a building control body**, and where appropriate other enforcing authorities, for guidance on what may be required to meet the legislation for which those bodies or authorities are responsible.

11.3. At preliminary design stage, any advice the Fire Authority may give will be in writing and will clearly indicate which matters:

- May need to be addressed to ensure compliance with the RR (FS) O when the building is occupied
- Advisory and not enforceable under legislation.

A copy of the advice should be sent to the local authority and the approved inspector where it is known that a relevant initial notice is in force.

11.4. If there are aspects of the design, which follow an unusual or complex approach to fire safety, it may be desirable to request a joint meeting with designer, the Fire Authority and the building control body.

11.5. At this meeting, the building control body should take the coordinating role. A record of the main points of the meeting should be circulated to all parties, which clearly distinguish between:

- Building regulations requirements.
- Requirements of RR (FS) O.
- Advice that is not enforceable under legislation.

12. Statutory Consultation

12.1. Where a building is to be put to a use where the RR (FS) O applies or will apply after completion of the work, building control bodies are required to consult with the Fire Authority at certain stages within the process as prescribed by legislation.

12.2. The purpose of consultation is to **seek the comments of the Fire Authority regarding the fire precautions necessary to meet the legislation that will apply to the building once it is in use.**

This should allow the reaching of **mutually compatible** views on whether plans and building work are satisfactory from the standpoints of the Building Regulations and the RR (FS) O.

12.3. The Fire Authority may wish to offer **observations** to the building control body in relation to the Building Regulations. These should be clearly and separately identified.

12.4. Consultation also provides the opportunity for the Fire Authority and the building control body to make recommendations regarding the provision of fire precautions that it believes would be advisable but that are not required by legislation.

12.5. To facilitate consultation the building control body will supply two copies of those drawings that demonstrate compliance with Part B. The two copies allow the Fire Authority to retain a set of drawings while returning the other to the building control body, marked up with any comments.

12.6. Where plans are deposited with a local authority for approval and the building is to be put to a use where the RR (FS) O applies or will apply after completion of the work, the local authority is required to consult with the Fire Authority before passing or conditionally passing the plans. The Building Act only allows local authorities 5 weeks, or 2 months if agreed in writing, to pass or reject plans. **The Fire Authority must therefore, respond in good time.**

12.7. Where approved inspectors have been appointed and the building is to be put to a use where the RR (FS) O applies or will apply after completion of the work, they are required to consult with the Fire Authority. This should take place before or as soon as is practicable after issuing an initial notice and before giving a plans certificate or final certificate to the local authority.

Approved inspectors may not give a plans certificate or final certificate until 15 working days have elapsed from the date on which they consulted with the

Fire Authority, unless the Fire Authority have replied before the end of the 15 days.

12.8. Once the building control body is reasonably satisfied that the proposals comply with the Building Regulations they will send to the Fire Authority two copies of drawings which relate to compliance with Part B, i.e. which identify the intended physical fire precautions, together with any supporting documentation they consider useful. That might include correspondence they have had with the applicant. It may also be helpful at this point for the building control body to advise the Fire Authority of any unusual aspect of the design.

12.9. The Fire Authority **will make its comments to the building control body in writing and within agreed timescales (usually within 15 working days)** so that the building control body can meet its own obligations.

The fire authority's comments must clearly distinguish between matters:

- Which may have to be complied with under the Fire Safety Order when the building is occupied
- Which may have to be complied with to meet other fire safety legislation other than Building Regulations
- which are only advisory and not enforceable under legislation

12.10. If, in the effort to achieve an acceptable fire safety package, the views of the Fire Authority and the building control body are incompatible (as a result of the differing scope of their respective powers), the building control body and the Fire Authority should **seek to resolve the matter quickly and simply** with the applicant.

Failing this then the Fire Authority will set down its concerns and recommendations in a formal written case, which may include details of any enforcement action it may take upon occupation of the building, to the building control body who should retain a copy and ensure that a copy is provided to the applicant.

12.11. The building control body must have regard to the Fire Authority's comments before reaching its decision on plans or in the case of an approved inspector before deciding on a final or plans certificate. In giving their decision, building control bodies should include a copy of any comments from the Fire Authority so that the applicant is fully aware of the possibility that the Fire Authority may require additional works on occupation of the building

13. Approval of Plans

13.1. Where a full plans application has been submitted to a local authority they must issue a decision notice within the statutory time limit. They may reject the plans, approve them or issue a conditional approval.

13.2. In cases where an approved inspector is undertaking building control, if an applicant requests a plans certificate, the approved inspector must give one if the approved inspector is satisfied that the plans comply with the Building Regulations

13.3. When statutory consultation is involved, the building control body should also send a copy of the notice or certificate (or some other mutually acceptable written notification) to the Fire Authority.

14. Alterations Notices

14.1. Where, an Alterations Notice has been served under the RR (FS) O in respect of any premises then the Responsible Person must notify the Fire Authority before making

- any changes to the premises
- any changes to any services, fittings or equipment in the premises
- Changes to the quantity of dangerous substances present in the premises, which may result in a significant increase in risk.

14.2 When notifying the Fire Authority the Responsible Person may be required to provide details of the changes proposed and a copy of the relevant fire risk assessment if this is stated within the Alterations notice.

See Fire Safety Staff Guidance Note – Regulatory Reform (Fire Safety) Order 2005 Alterations Notice Procedure.

15. Construction Phase

15.1. As work proceeds, the building control body will normally make inspections as appropriate. The purpose of these inspections is to assess the works as they progress with regard to compliance with the Building Regulations, which relate to fire safety and other requirements of the Building Regulations for the finished building only.

15.2. Building Regulations do not address the risk of fire during the construction work, which is covered by the Construction (Health, Safety and Welfare) Regulations 1996.

15.3. When construction work is being carried out on an existing building which, apart from the construction site part of the building, remains occupied, the Fire Authority are responsible for the enforcement of the Construction (Health, Safety and Welfare) Regulations in respect of fire.

15.4. Where the building is unoccupied, the RR (FS) O will apply and the Health and Safety Executive are responsible for its enforcement

16. Completion

16.1. The applicant should notify the building control body that the building work is complete.

16.2. If the building control body is satisfied that the work complies with the requirements of the Building Regulations, they should issue either, in the case

of a local authority, a completion certificate or, in the case of an approved inspector, after consultation with the Fire Authority, a final certificate.

16.3. The building control body should send a copy of the completion/ final certificate to the Fire Authority including, where available, a copy of the risk assessment and/or “as built” record drawings.

17. Occupation

17.1. Where the RR (FS) O applies, the Responsible Person must have completed the fire risk assessment and the provisions required to address the identified risks must be in place. There is no period of grace for the Responsible Person to produce the risk assessment. The documentation and any necessary safety measures must be in place on the first day that the building is occupied.

17.2 To assist in the fire risk assessment process, the DCLG has issued a series of Premises Guides that will enable the Responsible Person to more easily carry out their duties in preparing the fire risk assessment. An initial a guide entitled '**A short guide to making your premises safe from fire**' has been issued, and is aimed at providing simple and practical advice to people responsible for fire safety in small and medium sized businesses. A copy of this booklet can be obtained by selecting the following link:

 [RRO Short Guide - PDF document \(PDF 359 Kb\)](#)