

## REGULATORY REFORM (FIRE SAFETY) ORDER 2005

**Duties:** Duties on the employer to comply with articles 8-22

**Fire Safety Duties (Article 8)** - Duty on the 'responsible person' (employer) to take such general fire precautions as will ensure so far as is reasonably practicable the safety of employees. Also similar requirement to take such general fire precautions as may reasonably be required to ensure the premises are safe in respect of persons who are not employees.

**Risk assessment (Article 9)** - Duty to make suitable and sufficient risk assessment for the purposes of identifying general fire precautions needed taking account of Part 1 - Schedule 1 with regard to dangerous substances. The requirement to review if no longer valid or where there has been a significant change and to update. Prohibition on employing young people until assessment has been carried out. Duty to record significant findings and any at risk groups, where: five or more employees, a licence is in force or an alterations notice is in force. No new work involving a dangerous substance may commence unless the risk assessment has been made and the required measures implemented.

**Principles of prevention (Article 10):** Duty to apply the principles of prevention in Part 3 Schedule 1 where any preventive and protective measures are to be implemented.

**Fire safety arrangements (Article 11):** Duty to make appropriate arrangements for the effective planning, organisation, control, monitoring and review of preventive and protective measures and to record where: five or more employees, a licence is in force or an alterations notice is in force

**Elimination or reduction of risks from dangerous substances (Article 12):** Duty to eliminate or reduce risk from dangerous substances, so far reasonably practicable. Places a duty to replace dangerous substances with substances or process which eliminates or reduces the risk. If not RP to eliminate risk then must apply measures in Part 4 Schedule 1, So far as responsible practicable, to control risk & mitigate detrimental effects of fire. Places a duty to arrange for safe handling, storage and transport of dangerous substances and waste containing them.

**Fire fighting and fire detection (Article 13):** Where necessary (e.g. due to features of the premises, the activity carried on, or any hazard present) in order to safeguard safety, the employer must ensure the premises are appropriately equipped with fire fighting equipment, fire detection and alarms; and that any non automatic equipment is easily accessible, simple to use and indicated by signs. What is appropriate is determined having regard to the dimensions and use of the premises, the equipment contained on the premises, the physical and chemical properties of the substances likely to be present and the maximum number of persons who may be present. Where necessary take measures for fire fighting, nominate competent persons to implement the measures, and arrange any necessary contacts with external emergency services, as regards fire-fighting, rescue work, first-aid and emergency medical care.

**Emergency routes and exits (Article 14):** Duty to keep routes to emergency exits and the exits themselves clear at all times:-

- Emergency routes and exits must lead as directly as possible to a place of safety
- In the event of danger it must be possible to evacuate the premises as quickly and safely as possible
- The number, distribution and dimensions of emergency routes and exits must be adequate having regard to use, equipment and dimensions of the premises and maximum number of persons who may be present
- Emergency doors must open in the direction of the means of escape
- Sliding or revolving doors must not be used for specific emergency exits
- Emergency doors must not be so locked or fastened that they cannot be easily and immediately opened in an emergency
- Emergency routes and exits must be indicated by signs, and
- Where illumination is required they must have emergency lighting of adequate intensity in case of failure of normal lighting.

**Procedures for serious and imminent danger and for danger areas (Article 15):** Duty to:

- have appropriate procedures, including safety drills
- nominate competent persons\* for evacuation purposes
- prevent access to restricted areas unless individual has safety instruction

Procedures, So far as reasonable practicable, to require persons exposed to serious and imminent danger to be informed of the nature of the hazard, to enable them to stop work and immediately proceed to place of safety, and prevent resuming work where there is still serious and imminent danger.

**Additional emergency measures in respect of dangerous substances (Article 16):** Unless the risk assessment shows only slight risk and the measures described in article 12 are sufficient to control that risk, the 'employer' must ensure that:

- information on emergency arrangements is available including details of hazards
- suitable warning and other communications are established for immediate response, remedial actions and rescue operations
- before any explosion conditions are reached, visible or audible warnings are given and persons withdrawn
- where risk assessment indicates it is necessary, escape facilities are provided and maintained
- information on procedures, arrangements and hazards to be available to emergency services.

Duty to ensure that the information on procedures (required by Article 15 above) and on emergency arrangements, communications, and escape facilities, is made available to the relevant accident and emergency services and displayed at the premises. Duty, in the event of fire arising from an accident, incident or emergency relating to a dangerous substance, to ensure that immediate steps are taken to reduce the effects of fire, restore the situation to normal, inform those who may be affected, provide appropriate PPE and any specialised equipment as necessary.

## REGULATORY REFORM (FIRE SAFETY) ORDER 2005

**Maintenance (Article 17):** Duty to ensure premises, facilities, equipment and devices (in respect of fire precautions) are subject to a system of maintenance and maintained in an efficient state, efficient working order and good repair and to liaise with any other occupier of the premises to ensure that this is carried out.

**Safety assistance (Article 18):** Duty to appoint one or more competent persons to assist in undertaking the preventive and protective measures, and to ensure adequate cooperation between them, ensuring adequate time and means available to fulfil their functions and if not in their employment to keep them informed.

Where a competent person is already employed they must be appointed in preference to person not employed by that employer.

**Provision of information to employees (Article 19):** Duty to provide employees with comprehensible and relevant information on:

- the risks to them identified by the risk assessment
- the preventive and protective measures
- the procedures and measures relating to serious and imminent danger (Article 15)
- the identities of persons appointed as competent persons (Article 13 and 15)
- risks notified in connection with shared premises (Article 22)

Duty to provide parent of a child with comprehensible and relevant information on risks identified in risk assessment, the preventive and protective measures, risks connected with shared premises. Where a dangerous substance is present provide details of the name of the substance, the risk it presents, access to relevant data sheets, legal requirements (e.g. COSHH) the significant findings of the risk assessment. The information must be adapted to take account of significant changes in the activity and provided in a manner appropriate to the risk identified by the risk assessment.

**Provision of information to employers and the self-employed from outside undertakings (Article 20):** Duty to provide employers of any employees from an outside undertaking who are working in or on the premises with comprehensible and relevant information on the risks to those employees and the preventative and protective measures. Similarly for any other person working in the undertaking who is not an employee. Also to ensure that the employer of any employees from an outside undertaking (and any other person) working in or on the premises, is provided with sufficient information to identify evacuation marshals for example (Article 15).

**Training (Article 21):** Employees must have adequate safety training on induction and on being exposed to new or increased risk because of:

- change of responsibilities
- new work equipment, or change in work equipment
- new technology
- new system of work, or change in system of work

The training must:

- include suitable and sufficient instruction and training on the appropriate precautions to be taken by the employee and
- be repeated periodically where appropriate
- be adapted to take account of any new or changed risk
- be provided appropriate to the risk identified
- take place during working hours

**Co-operation and co-ordination (Article 22):** Duty on those who share premises (whether temporary or permanent) to co-operate and coordinate with regard to all requirements and prohibitions, take all reasonable steps to co-ordinate the measures he takes to comply and inform other responsible persons of the risks. Where an explosive atmosphere may occur, the person with overall responsibility is to take charge of coordination.

**General duties of employees at work (Article 23):** Duty on employees to:

- take reasonable care for themselves and others
- co-operate with employer to comply with requirements
- with training, inform employer of a situation which represents a serious and immediate danger to safety, and any matter which represents a shortcoming in protection arrangements for safety

**Enforcement (Article 25-31):** powers of inspectors and enforcement notices (similar to Health and Safety at Work Act 1974)

**Schedule 1 (Part 1):** Matters to be considered in risk assessment in respect of dangerous substances

- the hazardous properties of the substance
- information on safety provided by the supplier, including information contained in any relevant safety data sheets
- the circumstances of the work including:
  - the special, technical and organisational measures and the substances used and their possible interactions
  - the amount of the substance involved

## REGULATORY REFORM (FIRE SAFETY) ORDER 2005

- where the work will involve more than one dangerous substances, the risk presented by such substances in combination; and
  - the arrangements for the safe handling, storage and transport of dangerous substance and of waste containing dangerous substances
- activities such as maintenance, where there is the potential for a high level of risk
  - the effect of measures which have been or will be taken pursuant to this Order
  - the likelihood that an explosive atmosphere will occur and its persistence
  - the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective
  - the scale of the anticipated effects
  - any places which are, or can be connected via openings to, places in which explosive atmospheres may occur; and
  - such additional safety information as the responsible person may need in order to complete the assessment

**Schedule 1 (Part 2):** Matters to be taken into particular account in risk assessment in respect of young persons. The inexperience, lack of awareness of risks and immaturity of young persons; the fitting and layout of the premises; the nature, degree and duration of exposure to physical and chemical agents; the form, range and use of work equipment and the way in which it is handled; the organisation of processes and activities; the extent of the safety training provided or to be provided to young persons; and risk from agents, processes and work listed in the annex to Council Directive 94/33/EC on the protection of young people at work.

**Schedule 1 (Part 3):** Principles of prevention The principles are: avoiding risks; evaluating the risks which cannot be avoided; combating the risks at source; adapting to technical progress; replacing the dangerous by the non-dangerous or less dangerous; developing a coherent overall prevention policy which covers technology, organisation of work and the influence of factors relating to the working environment; giving collective protective measures priority over individual protective measures; and giving appropriate instructions to employees.

**Schedule 1 (Part 4):** Measures to be taken in respect of dangerous substances. In applying measures to control risks the responsible person must, in order of priority:

- reduce the quantity of dangerous substances to a minimum
- avoid or minimise the release of a dangerous substances
- control the release of a dangerous substance at source
- prevent the formation of an explosive atmosphere, including the application of appropriate ventilation
- ensure that any release of a dangerous substances which may give rise to risk is suitably collected, safely contained, removed to a safe place, or otherwise rendered safe, as appropriate
- avoid, ignition sources including electrostatic charges; and such other adverse conditions as could result in harmful physical effects from a dangerous substances and/ or segregate incompatible dangerous substances

The responsible person must ensure that mitigation measures applied in accordance with article 12 (Part 3b) include:

- reducing to a minimum the number of persons exposed
- measures to avoid the propagation of fires or explosions
- providing explosion pressure relief arrangements
- providing explosion suppression equipment
- providing plant which is constructed to withstand the pressure likely to be produced by an explosion; and providing suitable PPE

The responsible person must:

- ensure the premises are designed, constructed and maintained to reduce risk
- ensure that suitable, special, technical and organisational measures are designed, constructed, assembled, installed, provided and used to reduce risk
- ensure that special, technical and organisational measures are maintained in an efficient state, efficient working order and good repair
- ensure that equipment and protective systems meet the following requirements:
  - where power failure can give rise to the spread of additional risk, equipment and protective systems must be able to be maintained in a safe state of operation independently of the rest of the plant in the event of power failure
  - means for manual override must be possible, operated by employees competent to do so, for shutting down equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions, provided that the provision or use of such means does not compromise safety
  - on operation of emergency shutdown, accumulated energy must be dissipated as quickly and as safely as possible or isolated so that it no longer constitutes a hazard; and
  - necessary measures must be taken to prevent confusion between connecting devices
- where the work is carried out in hazardous places or involves hazardous activities, ensure that appropriate systems of work are applied, including:
  - the issuing of written instructions for the carrying out of work and
  - a system of permits to work, with such permits being issued by a person with responsibility for this function prior to the commencement of the work concerned