FIRE LEGISLATION 1958 - 1998 – Recollections of a Fire Officer

Peter Robinson, recently retired Technical Officer of the IFE, has had 40 years experience, mainly in fire prevention. Many changes in legislation have occurred during his tenure. Starting in this issue, Peter presents a birds-eye view of the growth of fire-related legislation from the point of view of someone seeking to implement and enforce those laws, rather than from that of the legislator.

The Beginning

Before commencing my personal account of how legislation dealing with fire started to have some effect as a result of the fire authority involvement of any significance for the first time from 1961, I should sketch in some background as to what had been happening before that 'milestone' year.

After a fire in London, in Queen Victoria Street in 1901, during which eight girls lost their lives, The London Building (amendment) Act 1905 was brought into force and required work to be carried out to existing buildings to provide means of escape.

The Factories Act 1937 required means of escape in industrial buildings. The enforcement of this Act was vested in the local Council Sanitary Inspector.

In 1947 The Fire Services Act came into force. This was the first piece of legislation to place a direct responsibility on the Fire Authority. Section 1(1) (f) placed a duty on fire authorities to secure efficient arrangements for the giving, when requested, of advice in respect of buildings and other property as to fire prevention - restricting the spread of fire - means of escape in case of fire.

It was as a result of this that brigades started to appoint officers designated variously as fire prevention or fire protection officers; but since it was before my time, I do not really know how serious the role was then regarded. What I do know is that those appointed where they existed, did have some early guidance to refer to, since 1946 saw the publication of one of a series of booklets entitled "*Post-War Building Studies*", work on which had been underway since as early as 1943. The booklet, to which even today I make an occasional reference, was "*Fire Grading of Buildings*" and was No. 20 in the series. Part 1 (Part II to IV did not come out until 1952) dealt with general principles and included the spread of fire hazard between building (exposure hazard), fire loadings, and compartmentation. The core of knowledge within this document and the later Fire Grading booklet No. 29, which in 1952 dealt with fire fighting equipment, means of escape, exit widths etc., and a part on chimneys, flue pipes and hearths, was I am sure, used by local authorities who were empowered by The Public Health Acts to make Building Bye-Laws. There were a number of Building Bye-Laws published but it is significant that the 1952 Model building bye-Laws incorporated measures for non-combustibility in party and external walls, protection against exposure hazard, and for the integrity of chimneys, and hearths.

Apart from industrial buildings, which as I have stated earlier were covered by the 1937 statute, there were other buildings subject to some modest forms of control. The Public Health Act 1936 Section 59, covered provision of satisfactory exits and entrances in places of Public Assembly. This provided for such buildings as theatres, halls used as places of public resort, restaurants, shops, stores and warehouses to which members of the public were admitted and having more than twenty employees. It also covered certain schools and places of public worship. Section 60 of the same Act, provided for means of escape from fire in certain high buildings and made provision for buildings exceeding two storeys in height with upper storey, twenty feet above the ground used for flats, as an inn, boarding house, nursing home, boarding school, children's home or similar institution. The Section also covered restaurants, shops stores and warehouses having any upper floor sleeping accommodation for persons employed on the premises. The legislative control allowed for requirements to be imposed for means of escape to be adequate from only each story of which the floor was more than 20 feet above the surface of the street or ground on any side of the building.

These controls were only enforceable by the Local Authority. At that time also, the Public Health Act 1936 contained powers for the appropriate minister to make national building regulations but that was to come much later.

Theatre safety was derived at the time from the Theatres Act 1843 which enacted that Justices of Peace at Special Licensing Sessions should make some suitable rules for ensuring Order and Decency at the several theatres licensed by them within their Jurisdiction. Amusingly, the 1843 Act still made reference to the repeal of an earlier Act for "the punishing of Rogues, Vagabonds, Sturdy Beggars and Vagrants and sending them whither they ought to be sent."

Nursing Homes and Old Persons' Homes were covered as to fire precautions by a single paragraph in the National Assistance Act of 1948 which said:- "The Manager of every Nursing Home/Home shall:- " take adequate precautions against the risk of fire and accident, having regard in particular to the mental and physical condition of such persons as are received there."

Children's Homes at the time, were governed by The Children's' Act 1948 which stated:- Section 15 (1) - "A Local Authority" may, and shall in so far as the Secretary of State so require, provide, equip and maintain either within or without their area, homes for the accommodation of children in their care". The local authority in this case was the County Council or County Borough Council.

Fire provisions were inherent in "The Administration of Children's' Homes Regulations 1951 which said broadly: - "If the administering authority is not the fire authority within the meaning of the 1947 Fire Services Act of the area in which the home is situated, they shall consult the fire authority on fire precautions in the home."

Cinemas had their fire precautions covered by the Cinematograph Act 1952 which took over from the 1909 Act with the same title.

Petroleum storage was governed by the Petroleum Consolidation Act of 1928 and Licensing Authorities for this were LCC, Common Council City of London, elsewhere the District Council, Harbour Authorities and on occasion the Secretary of State. Another piece of significant legislation with which fire prevention offices came peripherally into contact with was SR and 0 990 "The Cellulose Solutions Regulations 1934." These were enforced by Factory Inspectors and the application of the Regulations was confined to factories.

The above is not exhaustive, but it does give a bit of background and tends to set the scene for where we are now set to go.

In February 1956, a fire occurred at Eastwood Mills, Keighley. The fire was started by a blowlamp and spread by way of unprotected stair enclosures with the death of eight people.

A Public Inquiry found that only 40% of factories had been inspected as a result of the 1937 Factories Act and of these 75% were not satisfactory. The Inquiry recommended additional safety precautions to form the 1959 Factories Act.

In 1961, the provisions of both the 1937 Means of Escape and the 1959 Safety Provisions were consolidated into the Factories Act 1961....

But more of that another time...

Peter Robinson, QFSM, FIFireE

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Factories

The Factories Act 1961

The Factories Act 1961 made fire authorities responsible under Section 40 for a means of escape certificate. In the main body of the Act there were Safety Provisions for fire alarms, fire fighting equipment, fire constructions outward opening doors, etc.

These latter provisions were in fact the responsibility of the Factory Inspector which made for a somewhat complicated situation where officers empowered by the fire authority, could require and enforce the provision of satisfactory means of escape, stipulate the maximum number of persons to be employed and even specify the details of any explosive or highly inflammable material stored or used but had no actual statutory control over the provision of extinguishers, fire blankets or provision and maintenance of fire alarm systems in the premises.

However, they did not prevent the brigade officers identifying the need for the fire fighting equipment and recommending provision of an alarm system where necessary. The follow-up on this, unless provided due to good will on the part of the factory owner or occupier, was then down to the Factory Inspectorate which was legally entitled to be sent a copy of the means of escape certificate under Section 40(7) of the Act.

It was also common practice to send copies of means of escape requirements served on an owner or occupier with inadequate existing provisions, to both the Factory Inspector and the local Building Control Authority. This did ensure in most cases, that everyone was aware of the prevailing situation with individual industrial premises.

I always felt that the absence of any authoritative guidance on the criteria to be applied to means of escape in factories including the absence of formally adopted maximum travel distances led to a significant amount of latitude in the early days. But this ability to exercise discretion and professional judgement in individual cases was to be short lived.

It was during a 1962 increase in the establishments of fire prevention departments to deal with the massive workload thrown up by the Factories Act 1961 that I became a Sub Officer FPO in Hertfordshire Fire and Ambulance Brigade. However this wasn't actually my first involvement with fire certificates, since as leading fireman in charge at a Nucleus Station at Hitchin, I had spent some months drawing the fire certificates plan for a large distillery located on my patch.

I had been recruited to this task by the Station Officer of Letchworth Fire Station (where I had joined in 1958) and after a crash course in single line drawing by this chap Jack Paul, to whom I owe a debt of thanks, I was commissioned by him to visit the factory in Hitchin to draw sketch outlines of the not insignificantly sized buildings which made up the estate. Thereafter I was assigned to produce a reasonable 1/8 th inch scale drawing of the factory to be used as the *"means of escape"* certificate for the premises.

Fortunately my nucleus station (unmanned except for a whole time Fire Driver in addition to myself) was provided with a full size billiard table which was admirable as a table top on which to spread my cartridge paper. There is no doubt, that the enjoyment and job satisfaction derived from that one task during the latter part of 1961 gave me the taste for fire prevention that I have retained right up to present date. I couldn't wait for the next vacancy in FP so that I could find out what it was really all about!

1962 and Onward

A fire had occurred in 1960 in which eleven people had died, ten trapped by the smoke and one who fell while attempting to escape the blaze. This had been in Hendersons Department Store, Liverpool. At the stage when I joined the Fire Protection Department in Hertfordshire as it was then called, the repercussions of this and the findings of the Coroners Inquest Court were still being deliberated upon behind the scenes. However, something else was to pre-occupy the attentions of the FPO's before the outcome of these discussions was to see the light of day.

Registered Clubs

In 1961 nineteen people died as a result of a fire at the Top Storey Club in Bolton. This fatality was to give rise in 1964 to stronger legislation to deal with this, but in the meantime some brigades decided to the use the limited powers in the Licensing Act 1961 to seek to avoid a repetition. My brigade was one such. The Licensing Act 1961 did not give fire authorities direct responsibilities which were mostly vested in Magistrates Courts and with powers of inspection and objection heavily weighted towards police and local authorities.

However, Section 342 did provide, that if the local authority was not also the fire authority, in matters pertaining to fire risks, the clerk of the justices must give written notice to the fire authority of the making of an application for the issue or renewal of a registration certificate for any premises.

My boss decided that he would have a blitz on registered club premises even though the only grounds upon which objections to renewal of existing registration or grant of a new certificate could be based were limited. Section 27 listed as one of the grounds for objection:- *"that the premises are not suitable and convenient for the purpose in view of their character and condition and of the size and nature of the club."*

Exactly how much this decision had been influenced by the recent transfer on promotion into Hertfordshire FP of the officer who had identified the extreme hazard in The Top Storey Club, Bolton only hours before the tragic fire had pre-empted fire brigade legal actions to close it, I will never know.

Much to the chagrin of some of the longer established FPO's in the Department, I was one of two Sub Officers allocated the function of inspecting Registered Clubs in the County preparatory for the next round of Licence Renewals. I believe that some attempt had been made to have a cursory look at some of the larger club premises prior to the Brewster Sessions earlier in the year. These as I understood it, had been done using operational staff in the two Divisions because of local knowledge and convenient travel distances, all FPO's being then centralised on Brigade HQ at Hertford.

This initiative proved to be extremely interesting although pretty demanding because of the need to sell the idea of structural improvements to Club Management Committees rather than face up to tedious arguments about the legalities of our objections on the ground of fire and life risk at the Licensing Hearings. These *"bluff and persuasion"* sessions with club officials though helped

Another little anecdote about the Offices, Shops and Railway Premises Act and its application, concerns the way we in Buckinghamshire saw a way at an early stage to get some control over hotel fire safety which around that period, was not covered by legislation governing, such things as means of escape. We looked carefully at Sections 1 of the Act which covered its scope:

In Section 1 (3) we found the following meanings set out:-

1 (3) In this Act:

(a) "Shop Premises" means

(i) A shop;

(ii)A building or part of a building, being a building or part which is not a shop but of which the sole or principal use is the carrying on there of retail trade or business;

[Then came meanings (iii) and (iv) and (v) none of which are relevant to this anecdote, followed by 1(3) (b):-]

1(3) (b) "retail trade or business" includes the sale to members of the public of food or drink for immediate consumption, retail sales by auction and the business of lending books or periodicals for the purposes of gain;"

[Then there were other meanings under (c) (d) and (e) which again have no relevance to this article].

After some discussion with the County Secretary and Solicitor, the Senior Fire Prevention Officer (at that time I was only Assistant Senior FPO, although I agreed entirely with the decisions), decided that hotels could be deemed to be "shops" by reason of 1(3) (a)(ii), since they were principally used for carrying on there of business. Also they come within the scope of the Act by reason of 1(3)(b) in as much as they were involved in sale of food and drink to members of the public both in the bars and restaurant parts of the hotels, but also extending to the bedroom areas as well, since most larger hotels had well publicised room service.

As a result of this decision, (in my opinion perfectly justifiable interpretation) a programme of inspection of hotels was instigated throughout the County under the 1963 Act, and "Notices of Work" served formally, where appropriate, to get corrective work done, to ensure fire precautions were adequate and reasonable. On conclusion we duly issued "fire certificates" in accordance with Section 29 (3) (4) and (5). Hotel owners were extremely co-operative over this matter although on one occasion I believe the owner of one hotel in Bucks, who also had another hotel in another county, did suggest he had not been approached to make any fire improvements to his other property! With hindsight, and even knowing that later on in 1972, hotels and boarding houses were made subject of their own specific legislation to which I will refer later, I still believe we were well within our legal rights to deal with a perceived gap in the fire safety controls in Buckinghamshire as we did. Had this broader interpretation been followed elsewhere throughout the country, perhaps the eleven people who died on Boxing Day 1969 at a hotel in Saffron Walden, might still have been alive today.

Licensed Premises

Soon after the coming into force of the Offices, Shops and Railway Premises Act 1963 and coming close on its heels was the Licensing Act 1964 to which I made an earlier mention. Although the enforcement of the Act was still vested in local licensing justices, they were now obliged to take formal cognisance of what the fire authority had to say before clubs were registered or renewed, since in regards to matters affecting fire risks a fire authority was accorded the same rights as were conferred on local authorities or police as to inspection of the premises and, making objections to either the issue or renewal. Thus the 'bluff and persuasion' period came to an end!

In 1962, the Home Office had set up an FP Legislation Committee called the Gower Committee. Around 1963, a Fire Safety Draft Bill had been produced which ran out of parliamentary time and became lapsed. I am not sure whether this had been linked to a 1962 Review of Fire Safety under Lord Brooke's chairmanship or whether it was entirely the work of the Gower Committee?

You can see that during the 1960s, there were a number of Fire Safety reviews carried out. One, the Holroyd Report, named after the chairman of the Review Board, Sir Ronald Holroyd, was particularly far reaching and I believe is still being referred back to in connection with very recent changes in legislation. Sir Ronald advocated that fire safety should be sorted out in such a way that new buildings and existing buildings would be dealt with entirely separately. Building Regulations should deal with fire precautions in new buildings and there should be new legislation to deal comprehensively with existing buildings. This as you will all be aware was one of the motivations behind the introduction in 1971 of The Fire Precautions Act although the Gower Committee's earlier work had also a lot to do with it.

considerably by the publicity attached to the recent Bolton tragedy, were often complicated by those earlier visits by operational officers.

Many times, after outlining those minimum structural works on smoke stopping and improvements to means of escape from upper floors, which would ensure that the Fire Authority would not raise objections to renewal of registration, I would be dismayed by comments such as:- *"We didn't expect there would be any work which would need doing. We've already had a visit from the local DO (ADO), probably one of your bosses. He said we were satisfactory and he didn't foresee any problems".*

Whilst these overtures didn't gain any significant reprieves, it did seem to indicate that in those days at least, not all senior officers were too well versed in even basic tenets of fire prevention. These cursory inspections, carried out as an expediency actually did more harm in my opinion, than if the brigade had left the county club premises unvisited entirely during the pre-licensing run-up period earlier in the year!

The next year, 1963, saw me on my sixteen week long Fire Prevention Course (3/63). During this enjoyable and very informative residential course at The Fire Service Staff College, Dorking, I was to find that the few years I had in civilian employment since leaving school, as a plastering contractor with my father's firm, stood me in good stead. The detailed knowledge of building structures and the versatility of plaster boards were of inestimable value when doing the final building survey on the course. Indeed, I was to find time and time again, that my period in the building trade gave me a distinct advantage when attempting to solve a difficult means of escape problem.

I am not sure that my three year regular engagement in the Royal Air Force which concluded in 1953 was ever of much use, but eighteen months as Stock Room Manager at F W Woolworth & Co. also coincidentally at Hitchin in Hertfordshire, became a very valuable background when dealing with such organisations as department stores as my involvement deepened and especially so when dealing with shop tenants, particularly the big multiples, when town centre covered shopping schemes started to proliferate.

Offices, Shops and Railway Premises

During my long Fire Prevention Course, the deliberations resulting from the 1960 Department Store Fire mentioned earlier resulted in an Act to make fresh provisions for securing the health, safety and welfare of persons employed to work in office or shop premises and provision for securing the health, safety and welfare of persons employed to work in certain railway premises.

The Act, the *"Offices, Shops an Railway Premises Act 1963"* came into force on 31st July 1963.

Although I said earlier, that this paper would not deal with too much detail on the various fire enactments, I do feel that one special aspect of the OSRA legislation does need to be covered: The following two sections will do it:-

"Section 28(1) All premises to which this Act applies shall be provided with such means of escape in case of fire for the persons employed to work therein as may reasonably be required in the circumstances of the case.

(2) In determining, for the purposes of this Section, what means of escape may reasonably be required in the case of any premises, regard shall be had (amongst other things) not only to the number of persons who may be expected to be working in the premises at any time but also to the number of persons (other than those employed to work therein) who may reasonably be expected to be resorting to the premises at that time.

Section 29 (1) Subject to the provisions of Subsection (8) of this Section and of regulations made under Subsection (9) thereof and to the following provisions of this Act, it shall not be lawful -

(a) for more than twenty persons to be employed to work any one time in any premises to which this Act applies:

(b) for more than ten persons to be so employed elsewhere than on the ground floor of any such premises; or

(c) for any person to be employed to work in any such premises in or underneath which explosive or highly flammable materials of a kind prescribed by regulations made by the Minister are used or are stored in a quantity not less than such as may be so prescribed; unless there is in force with respect to the premises a certificate (hereafter in the Act referred to as a "fire Certificate") issued under the following provisions of this section by the appropriate authority (as hereafter in this Act defined) that the premises are provided with such means of escape in case of fire for the persons employed to work therein, or proposed to be so employed as may reasonably be required in the circumstances of the case

There was a bit more, to 9e); but omitted for brevity sake.

The rest of the Act dealt with Safety provisions for fire alarm - fire fighting equipment fire drills, etc.

What seemed clear to those reading the legislation was that there was a category of premises which needed a *"fire certificate"* (Section 29 premises) and the rest of the premises being offices, shops or railway premises that didn't come within the requirements to have a *"fire certificate"* would still need to have reasonable means of escape (Section 28 premises). Those of us reading the Act for the first time conjectured that having deliberated in the Committee which framed this Act upon where the 'cut-of' point was between those potentially worst cases, which would need to have a formal document specifying what means of escape was provided (S 29), someone had probably asked the question, *"what is going to happen to all the other smaller premises which will not need a certificate?"* We figured the Steering Committee had come up with what could be usefully described as a 'sweeping-up' section (Section 28 was born!). Frankly, because there was no guidance within the Act, as to how the enforcing agency was to specify alterations to bring a Section 28 premises up to standard, no powers of objection conferred on the owner or occupier of the premises if the fire brigade indicated a scale of improvement with which the owner/occupier vehemently disagreed, most brigades assumed (I believe quite correctly) that the non-certificated premises were to be left for the occupiers to put their own premises in order if you like, an early form of 'self-determination' a term which in the seventies was to become much used. In most cases, brigades concentrated their activities on inspections of premises for which an application for a fire certificate had been made. These applications were made in an officially prescribed form and I recollect the number was OSR3 whilst those S28 premises were still obliged to register to comply with a Ministerial Order they did so on an OSRI. Certainly in my area, the Section 28 premises (OSRI's) outnumbered the Section 29 premises (OSR3's) by about 100 - 1.

There wasn't any doubt that fire authorities had been given the responsibility of enforcing Section 28, since this was clearly spelt out in Section 52 (2) where a duty was imposed to appoint inspectors and enforce Sections 28 to 38 of the Act with certain omissions as set out in (3). The anticipation was that contravention of Section 28 would be identified during and after fires and the necessary legal action then taken with penalties attached as set out in Section 63.

Imagine our surprise, when during Brigade Inspections by HM Inspector of Fire Services about two years after the 1963 ORS Act came into force, we were posed such questions as *"How many Section 28 Inspections have you carried out so far?"* Yes, it did seem that the Home Office were expecting brigades to carry out inspections of the smaller office and shop premises and really didn't anticipate that owners and occupiers of such premises that came within that category, would be conscientious enough about providing reasonable means of escape and fire extinguishes to do those without guidance given by an FPO during a site visit. As a result of this questionable impetus, we did learn that there were some brigades who were already carrying out inspections of Section 28 premises although my recollection is that most had interpreted the Section in the same way we had done in Herts and Wiltshire to where I had now moved as Station Officer.

After consideration, we decided to inspect premises, determine what work needed to be done to provide reasonable means of escape and/or whether any extinguishers were needed. This schedule of work would be conveyed to the occupier in writing giving usually a period of three months grace during which time the work needed to be done. On re-inspection, subject to the satisfaction of the Inspecting Officer, a further letter would be sent indicating that the premises complied with Sections 28 and 38. Frankly, these actions were known to be 'ULTRA VIRES', but we believed them to be the most sensible way to seek compliance with the law. Unfortunately, those receiving the 'schedule of work required' to which I referred above, had absolutely no powers of appeal against the extent of the work being imposed on them, since Section 31 which dealt with options for a person who was aggrieved by the alterations required, or by the period within which required to make any such alternations, only applied to premises needing a fire certificate.

Later in Buckinghamshire, by then in the early seventies when I was Senior Fire Prevention Officer, we did at the instigation of the County Secretary and Solicitor, send out a formal letter with every work schedule outlining the actual legal position, i.e. that in law, when we identified that an offence was being committed we had only recourse to prosecute. The letter went on to say that the County Council sought to resolve the matter amicably by indicating the work that would bring the premises up to a satisfactory standard and allowing three months before reviewing the need to prosecute. Still 'ultra-vires', but a totally open and sensible compromise.

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Fire Precautions (Places of Work) Regulations

Now, I will spend a little time on the 1971 Act which was in my opinion the most significant 'milestone' in the growth of fire legislation. Prompted by the Holroyd Committee and expedited doubtless by the eleven deaths in the Saffron Walden hotel fire in 1969, the Fire Precautions Act 1971 came into effect on 27th May 1971. It was the first time an Act had been produced dealing exclusively with fire safety matters, and I believe I am correct in suggesting, the first piece of major legislation dealing with fire in which the Home Office Fire Safety Department and particularly the Fire Inspectorate had been intimately involved throughout the drafting process. It made fire authorities responsible for its implementation and enforcement. The Act was written as an 'Enabling Act' which was designed in such way that it could be applied to a vast number and range of premises as set out in a list in Section 1 of the Act. This would only require a 'fire certificate' to be mandatory in respect of any class of premises covered by Section 1, if they were designated by the Secretary of State by order. This meant that different categories of premises could be designated (i.e. the Act brought into force in respect of them as and when required).

The Fire Precautions (Hotels and Boarding Houses) Order 1972

This, the first Order, linked to the Fire Precautions Act 1971 (Commencement No. 1 Order and The Fire Precautions (Application for Certificate) Regulations 1972) got the Fire Precautions Act 1971 into gear for the first time. At this juncture, factories, offices, shops etc. were being dealt with under the enactments I have dealt with previously.

It was with the introduction of the legislative controls over fire precautions in hotels and boarding houses for the first time and the associated national publicity this invoked, that we realised that we had perhaps been unique and alone in our earlier stance over issuing 'fire certificates' for the larger hotels under the 'aegis' of the Offices, Shops and Railway Premises Act 1963. In order to alleviate future complications, I had to move swiftly to correct the anomaly. I say I had to move in the first person, because by then my old boss had moved on to become Executive Fire Officer for Strand Hotels and I had been promoted into the Senior Fire Prevention Officer slot. A series of meetings were set up with owners of those hotels we had issued certificates to under the OSRP Act and the circumstances explained. Fortunately, because they had already carried out alterations to obtain their OSRP Act 'fire certificates' there was little other than some cosmetic modifications to their premises to accommodate some strengthening of measures in the Hotels Order, before we were able to withdraw their OSRP Act certificate and issue them with new ones under the 1971 Act. There was one occasion where I felt I would face some wrath associated with this 'about face' by ourselves as County employees. The worrying meeting, was with the owner of a major hotel in High Wycombe, since this gentleman was then as I recall Chairman or Vice Chairman of the County Council. In practice, he turned out to be most understanding of them all (phew - what a relief!).

The Fire Precautions (Hotels and Boarding Houses) Order (SR and O:238:1972) made it mandatory for a fire certificate to be held where sleeping accommodation was provided in the premises for more than six persons being staff or guests, or where sleeping accommodation was provided for staff or guests on any floor above the first floor, or, below the ground floor of the building. Whilst the ground rules were clear as to how a fire certificate came to be needed, they weren't so clear cut when it came later, to taking prosecution where a contravention of conditions imposed by the fire certificate had been found by an Inspecting Officer! It became a common defence offered by boarding house owners particularly that, at the time the contravention had been discovered, they were not subject to the fire certificate because they had neither more than six guests, overall, nor anybody accommodated below ground or above the first floor. To ensure that prosecutions did not fail by reason of this defence, i.e. that there was no legal reason for the fire certificate to have been in force at the time of the offence, it became imperative for Inspecting Officers, at the time of an inspection to count the number of guests and staff in residence at the time of the contravention. This became colloquially referred to as 'Heads and Beds Count'.

The Impact of Health and Safety Legislation

About the same period as the lead up to the 1972 Hotel designation, another review was well underway, this time under the chairmanship of Lord Robens. This dealt with the provisions for safety and health of persons at work. The outcome was that fire and health should be separately controlled legislatively. This decision saw the introduction in 1974 of the Health and Safety at Work Act 1974. This Act amended the Fire Precautions Act 1971 so as to embrace 'places of work' as a sixth group under Section 1(2) on page 1 with a prefix of (f). At the same time it placed on employers a general obligation to create safe working practises for their employees and others working in their premises. Effectively now, this move brought all fire matters under the aegis of The Fire Precautions Act 1971 since Sections 78 and Schedule 8 of the Health and Safety at Work Act 1974 made provision for the transfer of responsibilities. The intent of this was to allow for designation under Section 1 of the F.P.Act 1971, those premises, other than high hazard premises, which fell within the orbit of the certification provisions of the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963. Although at this stage, the intention was to initially reproduce as nearly as possible the situation which then existed under the 1961 and 1963 Acts, already the Home Office was flagging up arrangement for yet another review body to be set up under the Joint Fire Prevention Committee of the Central Fire Brigades Advisory Councils, to monitor the effectiveness of the new system of controls and consider in the light of experience of their working, what future modifications might be indicated. The statutory changes were formalised in 1976, by a series of Statutory Instruments brought into effect in 1976, the effects of which were so far reaching that were I to seek to deal with all their ramifications, this article would be unwieldy. The most salient were that fire authorities became responsible for the certification not only of their own, but also those local authority premises which had previously been dealt with by Factory Inspectors under the 1963 Act. They also became

responsible for specific fire precautions in smaller factory premises which were now covered by the regulations made under Section 12 of the 1971 Act.

Some discretion was afforded on which factory premises would be subject to fire certification by giving fire authorities the right to make determinations as to the kind and quantity of explosive or highly flammable materials stored or used in premises which attracted the need for a fire certificate. This move to reduce the number of factory premises which would otherwise have been liable to fire certification, was extended by making the certification criteria depend on the numbers employed to work in an individual building rather than, as previously, on the aggregate basis relating to all the factory premises within the curtilage.

Those premises not subject to the certification criteria under the 1961 and 1963 Acts, covering fire precautions in factories, offices, shops and railway premises, were provided for by introduction of The Fire Precautions (Non Certificated Factory, Office, Shop and Railway Premises) Regulations 1976 (SI:1976: No. 2010). There was also provision for Section 9A to be added to the 1971 Act which effectively covered those premises which were in the 1963 Act (those I dealt with earlier - i.e., Section 28 Premises). Now however, as distinct from the uncertainty which existed with the 'Sweeping-up' Section of the 1963 O.S. RP Act (Section 28), the Home Office were much more helpful, with the following included in Fire Service Circular No.5 9/1976.

"It should be emphasised that it is not expected that all premises to which these regulations apply will be regularly and frequently inspected by fire authorities to ensure compliance with the requirements. In the normal course it will be sufficient for cases to be dealt with as they come to notice, although, in cases of know exceptional risks, fire authorities will no doubt wish to make arrangements for periodic checks to ensure that the regulations are being observed."

With the designation of premises under the 1971 Act, there had always been an intention for the Home Office to issue Guides covering fire precautions measures and one had already been issued in 1972 for the hotels and boarding houses designation entitled "The Fire Precautions Act 1971 - A General Guide and A Guide to its Application to Hotels and Boarding Houses." This was No. 1 in a series of booklets to be issued by the Home Office and The Scottish Home and Health Department. Now they also brought out two more to cover the new designations under the '71 Act. These were to be titled "Part II - A Guide to Fire Precautions in Factories" and "A Guide to Fire Precaution in Offices and Shops,". They were perhaps the first in a number of significant moves, to achieve a uniform approach to the implementation of the Act in the relevant premises throughout the country.

A further significant 'milestone' in the road towards improving the effectiveness of fire legislation enforcement came also in 1976. This came about as a direct consequence of the 1971 Fire Precautions Act, now falling within the gambit of the 1974 Health and Safety at Work Act. Until that juncture, Section 10 of the '71 Act had always enabled a fire authority to seek a court order to prohibit or restrict the use of any premises within the Scope of Section 1(2) until any serious risk had been reduced to a reasonable level.

Similarly there were powers under Section 22 of the 1974 Act, for an inspector under the Act to serve a notice, in any case where a risk of serious personal injury arises, to direct that the activities giving rise to that risk shall not be carried on until remedial action had been taken.

This latter power was now able to be exercised by fire officers in relation to any premises constituting a place of work since the 1971 Act now fell to be relevant legislation under the Health and Safety at Work Act. This meant that a choice of powers was now available and a fire officer discovering during an inspection, circumstances where danger existed to individuals as a result of a fire risk, could if deemed more appropriate issue a prohibition or improvement notice exercising powers available under the '74 Act. To those of us who had found the Section 10 procedures to be a somewhat tedious process involving as it did, the need to obtain the court order from Magistrates, the newer available powers seemed far more efficient especially since most senior fire prevention officer and their senior supervisory support offices were empowered to sign these prohibition and improvement notices without referral to either CFO, County Secretary or Solicitor.

Fire Safety in Hospitals

1976 seems to have been a very busy year, since in November I received a further guidance document to be used for the purpose of hospital surveys. This had been prepared following discussions with Government Departments and consultations with the Joint Fire Prevention Committee (JFPE) of the Central Fire Brigades Advisory Councils for England and Wales and for Scotland. The document entitled 'Draft Guide to Fire Precautions in Hospitals" had been largely based on criteria contained within Hospital Design - Note No. 2 and Hospital Technical Memorandum 16. There is no doubt that at the stage of which this document was being drafted, the intention was that this would form the fourth guidance document in the series designed for premises designated under the Fire Precautions Act 1971. In the event, for reasons which are too diverse to go into in this article, hospitals were not made subject of a designation order although the question of the possible costs of doing so, and alternative 'goodwill' methods of improving the fire precautions up to an acceptable level was to lumber on for many years to come! 1977 saw further examples of the difficulties being placed in the way of any further designations of premises under the 1971 Act, being applied to either hospitals or residential care premises such as homes for the elderly, the physically handicapped, the mentally ill or the mentally handicapped. These had come under scrutiny as a result of a fire at the Fairfield Home in Nottinghamshire in December 1974 and a later fire at Wensley Lodge Old People's Home, Hessle, Humberside. This note of financial caution was highlighted anyway in paragraph 195 of The Fair Field Report which said,:

"Excessive expenditure on fire precautions, particularly in existing homes, could result in fewer new homes being built, and some existing homes might have to close if too stringent requirements were imposed on them. Accordingly we take the view that some degree of risk from fire has to be accepted in homes. The difficulty lies in drawing the line between precautions which are vital to safety and precautions which, although contributing to a reduction in fire risks, are too elaborate to warrant adoption."

This, and the policy adopted by the Secretaries of State as a result of further restraints on public expenditure and reductions in the local authority social services capital programme, that any early reductions in fire risks would have to be sought, as far as possible, through measures calling for little or no expenditure, meant it was virtually impossible to anticipate any early designations in this category. The two fires did prompt the issue of some guidance from the Home Office into fire precautions in Old Persons' Homes which was to update that contained previously in Fire Prevention Note No. 2/64 (Fire Precautions in Old Persons' Homes) but it was heavily biased in favour of a suitable balance of priorities being struck within the limits of the finance available. Indeed, it was subtitled "Phasing of Fire Precaution Work - Guiding Principles."

By this time, there were suggestions that the Fire Precautions Act 1971 was becoming unwieldy, and a review of fire policy was needed. This will be dealt with in my next article.

FIRE LEGISLATION 1958 - 1998

Recollections of a Fire Officer

Peter Robinson, retired Technical Officer of the IFE, continues his birds eye view of the growth of fire-related legislation from the point of view of an enforcer of those laws. Previous parts of this series were published in the May 1999, September 1999, and January 2000 FEJ.

The Fire Precautions Act 1971 - Review of Fire Policy

It was about 1978, when some fire authorities and fire service representatives suggested that changes to the 1971 Act were needed. Some, by no means all, saw fire certification procedures as too time consuming. There was also some criticism of the controls provided in the Act around this time. This appeared in a consultative document, *"Future Fire Policy"* issued by the Home Office and Scottish Home and Health Department in 1980.

This was followed in 1982 by a report by the JFPC which recommended the introduction of a modified system of controls which would replace the existing fire certification system with a statutory duty on the owner/occupiers of designated premises to achieve and maintain a reasonable standard of safety. The terms 'self-determination' and 'self-compliance' were coined to explain this shift of responsibility away from fire authorities and onto the owners and occupiers whom – I have suggested earlier in this article – had never been very conscientious about doing any fire precautionary work of their own volition before!

However, at that stage I kept my counsel, in view of what seemed to be substantial support for this particular move – especially from some of my friends and contemporaries in London, but more especially SFPO colleagues from coastal fire brigades who were at that time overwhelmed by the magnitude of the workload associated with just hotels and boarding-houses, let alone factories, offices and shops subject to certification.

From the standpoint of the brigades in the Home Counties – where presumably our workloads were manageable – this radical move was seen as *'a step in the wrong direction.'* I certainly had strong reservations about substituting the proven certification system for anything which would need to rely upon the owners/occupiers putting their own houses in order. My personal experience in three counties had indicated that, even with the prescriptive system backed with the threat of prosecution on failure to carry out work indicated by my inspecting team, in many cases we had to resort to strong letters from our County Secretary and Solicitor before we eventually got the work done to our satisfaction.

However, the initiative seemed to lose impetus since nothing more was heard of it again until 1985. By then, I had become an Assistant Chief Officer with the position of Head of Fire Safety Studies at what was then the Home Office Fire Service College at Moreton in Marsh, a position I took initially on secondment from Buckinghamshire in April 1984.

The resurrected initiative was heralded in July 1985 by a Fire Service Circular No. 7/1985. This was shadowed by a letter which went out to nearly 200 organisations together with copy of the consultative document so that observations on the content would be forthcoming by 31st December 1985. The consultative document embodied proposals for a modified system of fire precautionary controls which would replace the fire certification arrangements of the current system with a statutory duty on the owner/occupier of designated premises to achieve and maintain a reasonable standard of fire safety.

So here we were, some three years later on, with the same philosophy being repeated in yet another document for consultation – only by now, a lot of what had been worrying backlogs in 1982 had been dealt with, and other than in a few of the larger brigades, certification statistics were now beginning to show more fire certificates in force, than applications pending.

I recall making my own strong reservations known to George Clarke, who by this stage had taken over as Commandant from David Blacktop. I believe we made some attempt to indicate, even at that stage, that we felt this particular initiative had been left lying dormant for too long. I believe our initial comments back to the Home Office were along the following lines:-

"Although we were seeking to sponsor the Government line (which we were obliged to do as a Home Office establishment!) the reactions we were getting from senior fire safety officers on courses had raised some significant queries about the basis of the philosophy which underlay the document. These were:-

a) The back-log had almost gone

b) Use of 1(1) (f) by owner/occupiers (i.e.) where they sought advice from professionals if unable to determine a reasonable standard of fire safety from approved guidance on standards prepared for lay person) would still require the preparation by brigade office, of written reports.

c) There would be no records of what fire precautions had been adopted in the case of subsequent enquiries.

d) Of 240 students seen at that stage of our response, only about 30 had had sight of the consultative document, and some were even asking how they could get hold of copies.

I think we suggested that if our comments were insufficiently strong to alter the thrust of the new procedures, the Home Office might consider sending either a senior representative of GII Division or a Home Office fire prevention inspector to each of our successive Senior Fire Prevention Seminars to seek to put over the philosophy to those seeking to come to terms with it.

In the event, this latter suggestion was taken up by The Home Office Fire Department, and arrangements were made for a series of fire prevention seminars to have a session directed purely at getting the new philosophy over to senior supervisory fire prevention officers.

Although I would, as Head of Fire Safety Studies, be Course Director and responsible for some of the input on the new initiative, I was privileged to have as visiting lecturer on the Seminar, no less a person than Peter Canovan, who was at that stage Head of the GII Division of the Home Office Fire Department. For the rest of 1985, Peter and I, did a sort of double-act, seeking to indoctrinate senior officers in the ways of *"self-compliance"* although I found myself increasingly disenchanted with the whole concept albeit unable as a civil servant, to voice my strong reservations publicly.

Of course during this period, other colleagues, contemporaries and friends were able to voice their apprehension in less constrained ways. There were also other covert signs of harboured reservations; even my predecessor in the role of consultant and technical advisor to the IFE in those days – Eric Whitaker ex CFO at East Sussex – inserted a little hint of his personal feelings when he included in the middle of an article he wrote for *"Fire"* magazine to summarise the content of the Government's consultative documents the following:-

"There are many arguments that can substantiate the logic of the consultative paper, but are the assumptions made during the last ten years true today? Is there a large backlog of certification? If one analyses the figures in the report does this justify the statement? Is the backlog of work principally in one type of brigade such as the metropolitan brigades? Have other brigades produced a more streamlined and automated system of administration? More importantly, has the size of fire prevention departments been reduced in the cost-cutting exercises over the

past five years, and much of the re-inspection work been transferred to operational staff?

If the answers to these questions do not substantiate the facts and logic in the report, what chance has it in succeeding?"

Oh how I wished I had been in a position to include such questions in my presentations, which had to include the positive aspects to the exclusion of the negative. *"He who pays the piper, calls the tune!"*

I did somewhat indicate my position in 1986 when, as one of those shortlisted for the Senior Fire Prevention Inspectors' position (to replace HMI Stan Platt who retired at the end of 1985), I did confess to the interview board at The Home Office, that I didn't really want the job, if it would entail being responsible for introducing new legislation to replace fire certification with some half-baked scheme of 'self-compliance'.

The board, which I recall consisted of the Chief Inspector, Ken Bridges and Peter Canovan (to whom I have referred earlier), expressed some surprise that I had even applied for the position if I felt so strongly; and Peter Canovan expressed his personal view, that I had done well to keep my antipathy so well under control during those seminar presentations with himself, when he suggested he had gained no hint of my underlying discontent.

It is fair to say, that as a result of that particular interview, none of the three short-listed candidates was appointed at all, although subsequently one of them, HMI Tom Greenwood (who was doing the job anyway because he had been Stan Platt's deputy), was confirmed in the position.

Later, I was to discover that as early as February 1986, the Home Office was already having re-thinks about the *Review of The Fire Precautions Act 1971*, in the absence of any clear cut acceptance of the proposal to abolish certification – which was of course the major component of the new scheme. Doubtless the interview board was well aware of the generally felt view of those responding to the document during the consultative period, that the proposal was reacting to an overload situation in brigades in the mid 1970s which had by now passed.

Ultimately, the Home Office produced modified proposals which retained certification the principal instrument for securing fire safety in premises presenting high and medium risk to life with a discretion to fire authorities to suspend the requirement for certain premises to be certificated because notwithstanding their size, they presented a low risk. This discretionary power was limited to new applications for certificates, or where premises already certificated but fell within the discretionary limit gave notice of material change. It was I believe, the intention that the revised system although not too radically changed from the old, would bear less heavily on premises presenting low fire risk. These revised proposals were to eventually be incorporated into The Fire Safety and Safety of Places of Sport Act 1987 which came into being as follows:

1987 - The Fire Safety and Safety of Places of Sport Act

In 1985, a serious fire occurred during a football match at the Bradford City Football Ground during which 56 persons lost their lives. In consequence a Committee of Inquiry into Crowd Safety and Control at Sports Grounds was set up under the chairmanship of Mr. Justice Popplewell. The Inquiry published its interim report in July 1985 and its final report in January 1986. At the stage when the Home Secretary presented the Inquiry's Final Report, he said that a further consultative document would be issued which would not only deal with the ways of achieving the safety objectives of the Final Report, but would also include the outcomes of the review already underway into the future of the Fire Precautions Act 1971.

It would be fair to say, that the consultative document, when it did come out entitled *"Fire Safety and Safety at Sports Venues"* did acknowledge that since the CFBAC had begun its review of the Fire Precaution Act in 1978, a number of changes had occurred, not least of which being that certification was no longer a substantial burden on fire authorities. The document then introduced the revised and modified proposals already summarized earlier. There was one other change which I hadn't included previously when it said, "*Although there was some support for the retention of the emergency procedure under Section 10 the FPA, in the light of the other comments received and the recommendations of the Popplewell Inquiry, Section 10 will be replaced with a power for fire authorities to issue prohibition or restriction notices in respect of any premises which could be designated under the Act, whether or not they have been designated. As with improvement notices, appeals against prohibition or restriction notices will lie to the magistrates' courts rather than to an industrial tribunal.*

Chapter Two of the consultative document dealt with the final report of the inquiry and its ten recommendations on safety at sports venues. I will not go into the content of the various recommendations except to identify that two of them stipulate that certain categories of sports grounds, stadia and indoor sports facilities would require fire certificates under the FPA.

All this led to the introduction of "*The Fire Safety and Safety of Places of Sport Act 1987"* which covered the two areas I have outlined above:

1) Amendments to the Fire Precautions Act 1971 following the outcome of the reviews.
2) Amendments to the Safety at Sports Grounds Act 1975.

The amendments to the Fire Precautions Act 1971, were indicated to be enacted in specified stages by the issue of statutory instruments by the Secretary of State. They came into effect on January 1st 1988 and April 1st 1989 respectively. The first phase in 1988 was a commencement order under Section 50 of the 1987 Act. It introduced arrangements for fire authorities to charge for the fire certification work, interim duties as regards safety pending determination of applications for fire certificates and special procedures in case of serious risks for the issue of prohibition notices, (referred to earlier), together with some other minor changes which I will not go into. Phase II further amended the '71 Act to allow for the exemption of certain premises to have a fire certificate, brought in a general duty as to means of escape and made provision for the issue now of Improvement Notices.

The Phase II measures brought into force the rest of the provisions of Part I of the 1987 Act, (except Sections 10 and 15), and associated with the measures were a number of Statutory Instruments under numbers SI, 75 to 79 - 1989. Among these were two revocations *"The Fire Precautions (Non-Certificated Factory, Office, Shop and Railway Premises (Revocation) Regulations (No. 78)"* and *"The Fire Precautions Act 1971) Modifications) (Revocation) Regulations" (No. 79)*. Also revoked were SI's numbers 2007, 2008, 2009 and 2010.

All this change necessitated some major revision of the guidance material which had previously been available to fire authorities and frankly, although by now the responsibilities for incorporating all these changes into teaching of fire safety students rested firmly with myself as Head of Fire Prevention Studies, I was not sorry that my particular role was largely administrative with my ADO and DO instructors bearing the brunt of major changes to teaching packs and student notes.

The last bit of the Fire Safety and Safety of Places of Sport Act 1987 came into force on August 1st 1993. This made provisions for fire authorities to take cognisance of automatic fire fighting systems with which a building subject to the Act was provided. This allowed fire authorities to have more discretion when drafting requirements for fire certification, if there were sprinkler systems or other fire-engineered provisions incorporated. As far as I can determine, this last order, SI: 1411: 1993, which brought Section 15 of the Act into force, together with another and earlier commencement of Section 47 on 31st December 1990, both of which emerged since the Phase II activations in 1989, leaves only Section 10 still to be activated!

In the next installment of this series, I will look into the Building Act 1984 and Building Regulations.

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The Buildings Act 1984 and Building Regulations

Building Act 1984 and Building Regulations

A major change to Building Regulations was made in 1961, when a new Public Health Act was introduced. This provided for the preparation of a national set of building regulations for England and Wales, but excluding inner London which then had a different system of administration. This gave rise to the Building Regulations 1965 which was subjected to at least seven amendments. As a result, a revision which took account of metrication came into force in June 1972 which incorporated the seven amendments to the 1965 issue. Amendments were again made in 1973, '74 and '75 respectively, with the 1973 first amendment having a new part - *"Structural Fire Precautions"* and incorporating a section which, for the first time, dealt with means of escape in case of fire. This again led to a new set of Building Regulations in 1976, which consolidated the position and included the three amendments in one document.

By 1978, there was found to be a need for the Building (first amendment) Regulations which dealt only with fuel conservation fuel issues; this was followed in 1984 by *"The Housing and Building Control Act 1984"* which made further provisions to amend the law relating to: the supervision on building work, the building regulations, sanitation and buildings, and building control. I believe this to be the first statute to make mention of supervision of building work by other than local authorities. (Approved Inspectors). There was also mention in the Act of charging for building regulation enforcement. Alongside this Act and obviously inter-linked with its content, was to be *The Building Act 1984*, (which I covered in Part 1) giving the power to make building regulations, exemption criteria and approved documents (for which provision had been made in Section 54 of the Housing and Building Control Act 1984). These were to be general guidance documents, not overly comprehensive and certainly not designed to cover every possible way of meeting the requirements of what were to be referred to as the new functional regulations.

It was to be a firm principle of the new building control scheme that solutions not specified in Approved Documents may prove to be equally acceptable. The Building Act 1984 also included Sections 72 and 73 which replaced Sections 59 and 60 of The Public Health Act 1936 to which I made a much earlier reference.

Building Regulations 1985

My recollection as recently appointed Head of Fire Prevention Studies at the Fire Service College was that the functional nature of these new Regulations was to be so radical that we would need to incorporate significant additional training on building regulations into our courses, than we had previously.

Two things prompted this. Firstly, fire prevention officers might find themselves vetting plans of new building developments, which might lean heavily upon fire engineered solutions rather than the more conventional ones covered by the old prescriptive building control measures.

Equally worrying was the very real possibility that the approval of a building design of major proportions in the future might be vested in an "Approved Inspector" rather than the local authority building control inspectors. As a result we rapidly mounted a series of seminars to cover the subject in depth, entitled "I*ntroduction to New Building Control Systems*". These included syndicate exercises where syndicates were obliged to act as approved certifiers/building control officers (having been issued with reference materials such as copies of Building Regulations 1984 and 1976; the Manual to the Building Regulations 1984; Approved Documents B1, B2, B3 and B4; and B5476 [appropriate parts]). To this day, I am not sure whether we convinced the senior officers coming on those courses that the increase in emphasis on building control legislation was really necessary, nor do I feel we were able to reassure students on the specialist fire prevention courses over the next few years – for whom the emphasis on building regulations was also upgraded.

When we incorporated smoke ventilation calculations into specialist courses and seminars, it was particularly opposed by students on fire prevention courses. The incorporation of smoke ventilation calculations was done to address what we saw as a shortcoming in our training, should fire engineered solutions became "the norm" as a result of the permissive nature of the Approved Document 'B'.

The following paragraph of Approved Document B under the sub-title "Evidence Supporting Compliance" read: *"There is no obligation to adopt any particular solution contained in an Approved Document if you prefer to meet the relevant requirement in some other way. However, should a contravention of a requirement be alleged, then if you have followed the guidance in the relevant Approved Documents, that will be evidence tending to show that you have complied with the regulations. If you have not followed the guidance then that will be evidence tending to show that you have not complied. It will then be for you to demonstrate by other means that you have satisfied the requirement."*

These 1985 Regulations were to be changed yet again in 1991 with further modifications in 1996 to Parts K and N of the Building Regulations 1991 to cover access for maintenance, safety of doors, windows, sky lights and ventilators. These later changes were triggered by a need to ensure that compliance with Building Regulations would also satisfy the appropriate Workplace Regulations.

Other Fire Legislation - Concurrent

Having set out initially to cover the growth of fire legislation since my first involvement personally in 1960, I have dealt in detail with what I consider to be the most significant statutes. Now, I will briefly cover other legislation that has been injected at various stages.

Legislation enforced by county councils but for which fire brigades would likely do inspection work and produce reports necessary:

1. Nursery and Child Minders Regulations 1948 (amended by the Health Services and Public Health Act 1968).
2. Child Care Act 1980 (consultancy obligations).
3. Foster Children Act 1980 (consultancy obligations).
4. Children and Young Persons Act 1969.

5. Children's Act 1958.
6. Celluloid and Cinematograph Fire Act 1922.
7. The Education (School Premises) Regulations 1981 (SI 909).
8. Public Health Act 1961 - Section 73 (Derelict Petroleum Storage Containers)
9. Fireworks Act 1951.
10. Pipelines Act 1952.
11. The Registered Homes Act 1984 - (consultancy obligation).
12. The Residential Care Homes Regulations 1984 - SI 1345 (specific obligations).
13. Explosives Acts 1875 and 1976.

Legislation enforced by district councils but for which fire brigades were frequently asked to do fire precautionary inspection work on agency basis:

1. Building Regulations (Consultancy Obligations)
2. Cinemas Act 1985
3. Cinematograph (Children) Regulations 1955
4. Housing Acts 1961 (consultancy obligation) also Acts of 1964, 1969 and 1980.
5. Theatres Act 1968 - Section 15(4) indicates agency potential.
6. Caravan Sites and Control of Development Act 1960.
7. Local Government (Miscellaneous Provisions) Act 1982
8. Betting, Gaming and Lotteries Act 1963 (as amended by Lotteries and Amusements Act of 1976).
9. Breeding of Dogs Act 1973
10. Pet Animals Act 1951
11. Animal Boarding Establishments Act 1963
12. Riding Establishments Act 1970
13. The Community Homes Regulations 1972 - SI 319 (consultancy obligation)
14. Licensing Act 1964
15. The Nursing Homes and Mental Nursing Homes Regulations 1984 - SI 578
16. London Building Acts (Amendment) Act 1939
17. Gaming Act 1968

During the period, there were many other statutory rules and orders from which brigades also derived some consequential work, e.g. *The Highly Flammable Liquids and Liquefied Petroleum Gas Regulations*, but since none of them had any actual requirement for fire officers to get involved, and any work done would have been on a purely goodwill basis, I have decided for brevity to omit the third list.

The Bickerdike Allen Review

In 1989, The Government through the Department of Trade and Industry, DofE and Home Office, commissioned a report from a firm of architects, Bickerdike Allen and Partners to remove the confusion caused by involvement of both local authority building control offices and the fire brigades in regulating fire safety in buildings. The report came out in early 1990, and the 12 headings included a guidance document on legislative and procedural aspects of the handling of building development proposals, in which the building control authority and the fire authority were involved. This document was to be ready for issue concurrent with the review of Part 'B' of The Building Regulations. This revised Part 'B' would have a new approved document relating to means of escape, fire spread and other aspects of structural safety.

It was inherent in the Report that the Home Office would encourage fire prevention officers to observe the consultation procedures in the proposed national guidance documents which at that stage was still to be published. As a result, the document entitled *"The Building Regulation and Fire Safety - Procedural Guidance"* was published in June 1992 by the Department of the Environment. This did much to improve relations between building authorities and fire authorities with regard to their dealings with new buildings.

Fire Precautions Act 1971 - The Fire Precautions (Sub-Surface Railway Station) Regulations - SI: 1989: 1401

The Regulations were made by the Home Secretary under Section 12 of the Fire Precautions Act 1997 and provided for fire precautions to be taken in certain underground and low-level railway stations used by members of the public. These were drawn up specifically to deal with underground stations in the light of Mr. Desmond Fennell's investigations into the Kings Cross underground fire.

1989 - The Fire Precautions (Factories, Offices, Shops and Railway Premises Order)

This came into effect on April 1st 1989, and with its introduction, revoked the former Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1976.

The intent of this 1989 Order was primarily to remove the exemption previously conferred upon self-employed persons under the Act; but the way in which this was done in practice had a knock-on effect, which I am sure was never intended. The problem was that the self-employed were not taken into account for aggregation purposes prior to 1989 because to be counted, they had to be employed to work. This meant there could be multi-occupancy premises in which there could be say 18 persons together with say three persons working for themselves (i.e. not employed) making 21, but the exemption conferred on the aggregation criteria for self-employed persons – meaning that the certification of the premises could not be required, so that the 18 were left with inadequate fire safety.

Article 5(2) (a) and (b) of the new Order corrected this anomaly. Multi-occupancy buildings would no longer be exempted if the aggregate of persons at work at any one time exceeded 20, or the aggregate of persons at work at any time elsewhere than on this ground floor of the building exceeded ten. An example of such multi-occupancy buildings are premises in a building containing two or more sets of premises which are put to any of the uses designated by Article 4 (factories, offices, shops or railway premises) *Note: The term now is 'AT WORK" and not 'EMPLOYED TO WORK'*

Article 5(2) (a) and (b) of the new Order also had an unexpected outcome in that exemptions placed upon blood relatives who were employed to work by a member of their own family – and persons who were employed to work less than 21 hours per week – were also now, effectively, negated.

This is because the above mentioned exemptions were previously conferred by Sections 2 and 3 of the *Offices, Shops and Railway Premises Act 1963* and subsequently carried forward with the *Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1976.* However, the 1989 Order now applied in the case of office, shop and railway premises, to those premises which fell within the **meaning** of the *Offices, Shops and Railway Premises Act 1963* rather than to those premises to which the 1963 Act **applied,** as with the 1976 Order.

In the next installment of this series, I will look into the influence of Europe, the Fire Precautions (Places of Work) regulations and the Home Office review of the Fire Prevention Act 1971.