



FIRE SAFETY (ENGLAND) **REGULATIONS 2022:** A RESPONSIBLE PERSON'S GUIDE



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INTRODUCTION

Coming into force on 23 January 2023, the Fire Safety (England) Regulations 2022 will introduce new duties under the Fire Safety Order for building owners or managers (known as 'responsible persons').

The Regulations are designed to implement the recommendations of the [Grenfell Tower Inquiry Phase 1 report](#). This guide takes a look at the implications of the new Regulations for responsible persons and others.



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WHO DO THE REGULATIONS AFFECT?

The Regulations apply to England only.

Most of the requirements set out in the Regulations are imposed on the responsible person (RP).

If, under the [Regulatory Reform \(Fire Safety\) Order 2005](#) (the Fire Safety Order), you are an RP (or a person who has some responsibilities) on whom the Fire Safety Order imposes various duties in relation to fire safety in a residential building, such as a block of flats or student accommodation, you will have responsibilities under the Regulations.

The Regulations require RPs in multi-occupied residential buildings to take specific actions, depending on the height of the building – some provisions apply regardless of height, more are needed once a building reaches 11 metres, and further requirements are introduced when a building reaches 18 metres (or seven storeys) or more.

WHAT IS THE GOVERNMENT GOING TO DO?

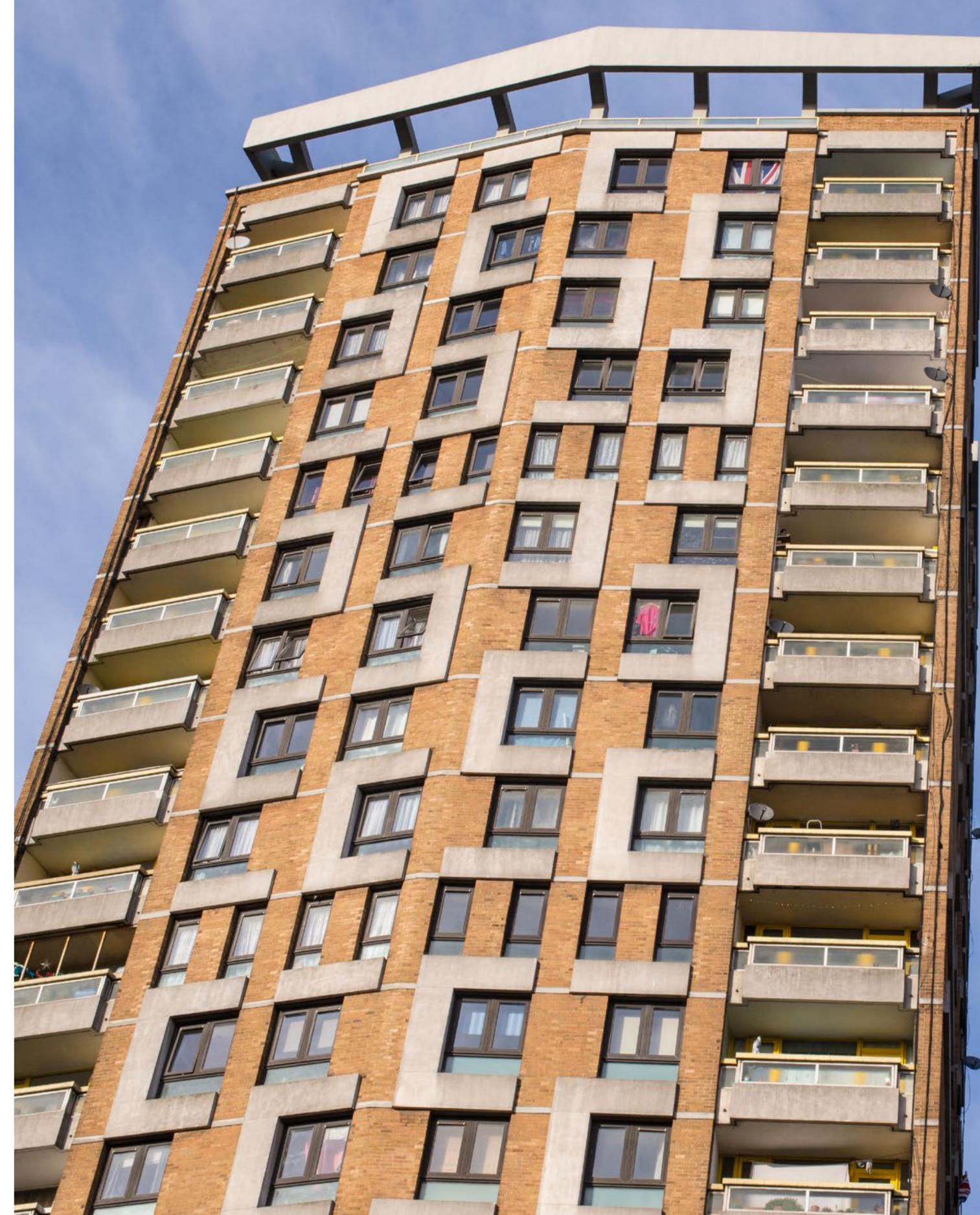
The government is introducing Regulations under Article 24 of the Fire Safety Order to implement the majority of those recommendations made to government in the Grenfell Tower Inquiry Phase 1 report that require a change in the law.

These Regulations will make it a requirement in law for responsible persons of blocks of flats to provide information to Fire and Rescue Services to assist them to plan and, if needed, provide an effective operational response.

The Regulations will also require responsible persons in multi-occupied residential buildings which are high-rise buildings, as well as those above 11 metres in height, to provide additional safety measures.

In all multi-occupied residential buildings, the Regulations require responsible persons to provide residents with fire safety instructions and information on the importance of fire doors. The regulations apply to existing buildings, and requirements for new buildings may be different.

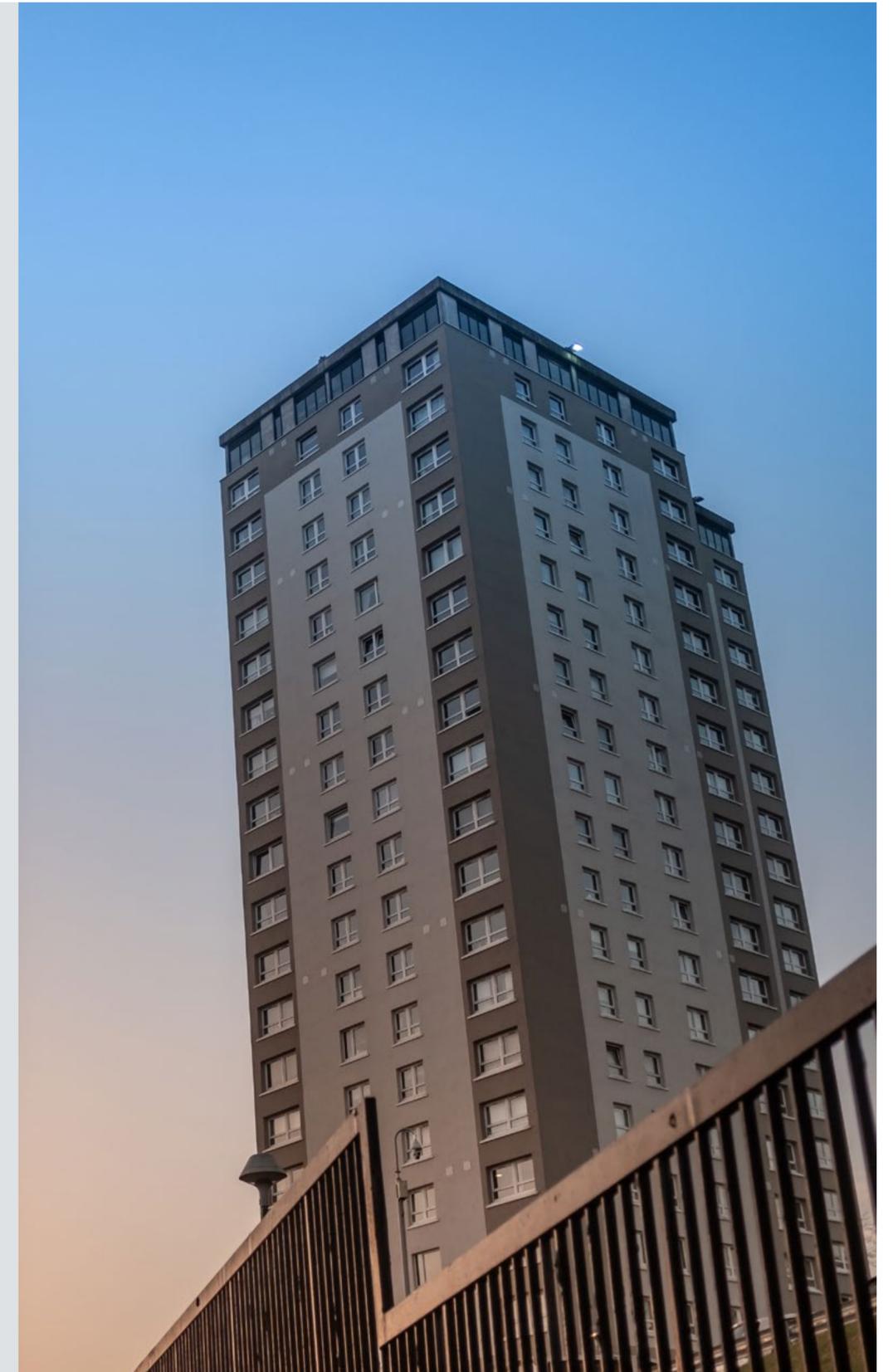
The Fire Safety Order applies to all premises, including workplaces and the common parts of all multi-occupied residential buildings. It already requires responsible persons where necessary to take certain steps to ensure the safety of residents.



NEW DUTIES

Under the new Regulations, in high-rise residential buildings, responsible persons will be required to:

- > Provide their local Fire and Rescue Service with up-to-date electronic **building floor plans** and to place a hard copy of these plans, alongside a single page building plan which identifies key firefighting equipment, in a secure information box on site.
- > Provide to their local Fire and Rescue Service information about the design and materials of a high-rise building's **external wall system** and to inform the Fire and Rescue Service of any material changes to these walls. They will also be required to provide information in relation to the level of risk that the design and materials of the external wall structure gives rise to and any mitigating steps taken.
- > Undertake monthly checks on the operation of **lifts intended for use by firefighters, and evacuation lifts** in their building and check the functionality of other **key pieces of firefighting equipment**. They will also be required to report any defective lifts or equipment to their local Fire and Rescue Service as soon as possible after detection if the fault cannot be fixed within 24 hours, and to record the outcome of checks and make them available to residents.
- > Install and maintain a **secure information box** in their building. This box must contain the name and contact details of the responsible person and hard copies of the building floor plans.
- > To install **wayfinding signage** visible in low light or smoky conditions that identifies flat and floor numbers in the stairwells of relevant buildings.



In residential buildings over 11 metres in height, responsible persons will also be required to:

- > Undertake annual checks of flat entrance doors and quarterly checks of all **fire doors** in the common parts.

In all multi-occupied residential buildings with two or more sets of domestic premises, responsible persons will be required to:

- > Provide relevant **fire safety instructions** to their residents, which will include instructions on how to report a fire and any other instruction that sets out what a resident must do once a fire has occurred, based on the evacuation strategy for the building.
- > Provide residents with **information relating to the importance of fire doors** in fire safety.

This infographic shows the new responsibilities.

	Residential buildings with 2 or more domestic premises with common areas	Residential buildings between 11m and 17.9m in height	Residential buildings 18m (or 7 storeys) and above in height
 Information to residents fire safety instructions	✓	✓	✓
 Information to residents fire doors	✓	✓	✓
 Fire door checks		✓	✓
 Secure information box			✓
 Wayfinding signage			✓
 Lifts and essential fire-fighting equipment			✓
 Design and materials of external walls			✓
 Floor plans and building plan			✓

WHY IS THIS CHANGE HAPPENING?

Following the Grenfell Tower Fire, the government established the Independent Grenfell Tower Inquiry in August 2017. The Inquiry published its First Phase report in October 2019. This report made several recommendations, which the government, in principle, accepted on the day it was published.

Some of these recommendations were directed towards government and required a change in the law to implement.

The government undertook, in principle, to introduce new regulations that would bring the

recommendations into force. These regulations take the form of the Fire Safety (England) Regulations 2022 and extend duties imposed by the Regulatory Reform (Fire Safety) Order 2005.

The Regulations will implement most of the report's recommendations, which include building owners or managers sharing information with fire and rescue services on external wall systems, and undertaking regular inspections of flat entrance doors.



BACKGROUND

Following the Home Office's call for evidence in response to the Independent Review of Building Regulations and Fire Safety, the Home Office launched a [Fire Safety Consultation](#), which ran from 20 July to 12 October 2020. Section 2 of the Fire Safety Consultation outlined the intention to lay regulations under Article 24 of the Fire Safety Order to implement the Inquiry's recommendations which required a change in the law. The Consultation also included proposals to implement the recommendations in a practical way.

The government's response to the Fire Safety Consultation was published on 17 March 2021, which demonstrated that there was broad support for these proposals. Following the commencement of the Fire Safety Act 2021, which clarifies that the Fire Safety Order applies to a building's structure, external walls and any common parts of premises, including all flat entrance doors for buildings

containing two or more sets of domestic premises, it will proceed with these regulations to implement the Inquiry recommendations.

The Regulations sit alongside the [Building Safety Act](#) amendments to the Fire Safety Order, and the government's overhaul of supporting guidance issued under the Fire Safety Order aim to improve fire safety outcomes designed to protect the public from the risk of fire, by better supporting compliance and effective enforcement in all regulated premises.

The Fire Safety (England) Regulations 2022 apply in England only.



DEFINITION OF A RESPONSIBLE PERSON

The responsible person is the person who is responsible for the safety of themselves and others who use a regulated premises.

This is normally a building owner, or in residential properties, any other person in control of the premises. The responsible person is the person on whom most of the duties set out in the Fire Safety Order are imposed.

As the term 'responsible person' has a legal definition, it is not open to building owners, enforcing authorities or others to choose to 'make' someone the responsible person, nor can the responsibility for compliance with either the Fire Safety Order or the Fire Safety (England) Regulations be delegated to others (though the responsible person will normally need to engage other parties, such as contractors, to assist them in compliance).

Under certain circumstances, duties can also fall on individuals other than the responsible person if any of the requirements of the Fire Safety Order relate to matters within their control. In such circumstances, the responsible person will still also retain their duties under the Fire Safety Order.

For all practical purposes, in the case of a block of flats, the responsible person will be the person who has control of the premises in connection with carrying on a business. This will, typically, be the freeholder or the managing agents for the block, or, for example, a residents' management company.

If any part of the building is a workplace, the employer of persons employed to work in that workplace will be a responsible person. This can occur if, for example, a concierge is employed or parts of the building are used for commercial purposes.



TO WHICH BUILDINGS DO THE FIRE SAFETY (ENGLAND) REGULATIONS APPLY?

The Regulations apply to all buildings in England that comprise two or more domestic premises (including the residential parts of mixed-use buildings) although there are more requirements depending on the height. These buildings are, principally, blocks of flats (whether purpose-built or converted from another type of building, such as a house or office building), but also include blocks used for student accommodation.

The Regulations apply regardless of whether the flats are subject to a long (e.g. 99 years) lease or are rented, and regardless of whether the flats are used to accommodate the general public or a particular group of people (as in the case of, for example, sheltered housing for older people).

The Fire Safety (England) Regulations impose duties on you if you are the responsible person for any building which:

- Contains two or more sets of domestic premises; and
- Contains common parts through which residents would need to evacuate in the case of an emergency.

The Regulations apply to:

- Parts of the building that are used in common by the residents of two or more domestic premises (e.g. communal corridors and stairways);
- Flat entrance doors;
- The walls and floors that separate any domestic premises from other domestic premises, plant rooms, etc, or from parts of the building that are used in common by the occupants of two or more domestic premises;
- Plant rooms and other non-domestic areas of the building, such as tenant halls, offices, laundries, gymnasias and commercial premises; and
- External walls of the building, including doors or windows within an external wall, and attachments to an external wall (e.g. balconies).

The Regulations do not apply within individual flats, other than in respect of measures installed within flats for the safety of other residents of the building (e.g. sprinklers, smoke detectors connected to a communal fire alarm system, etc).



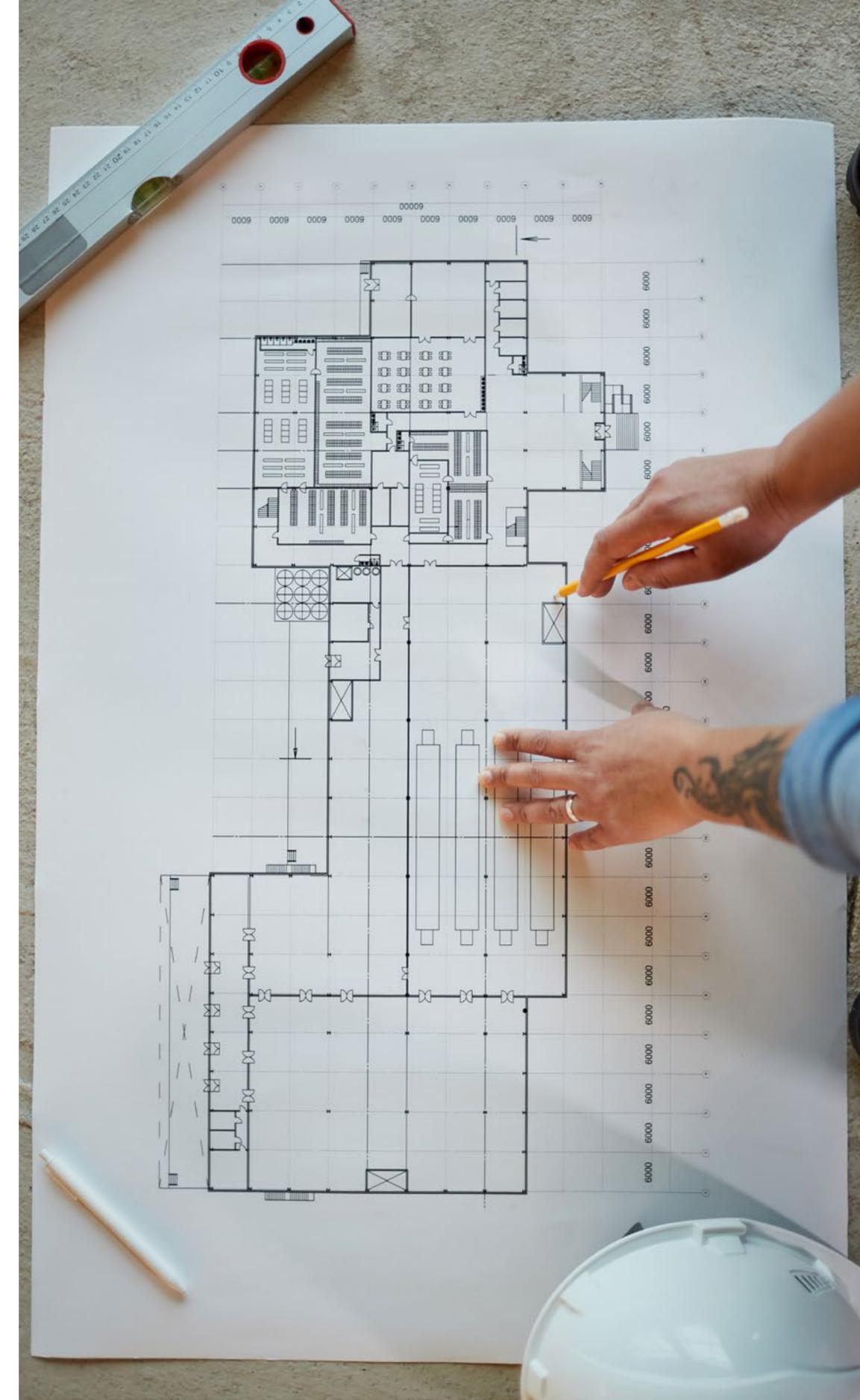
WHY PARTS OF THESE REGULATIONS ARE LIMITED TO HIGH-RISE BUILDINGS

Because Grenfell Tower was a high-rise block, much of the focus of the recommendations of the Public Inquiry was concerned with measures to ensure the safety of residents in high-rise blocks of flats. However, the government is determined to ensure that residents of all residential buildings are as safe as possible from fire and that they feel safe from fire.

The Inquiry recommendations did refer mostly to high-rise buildings. Eighteen metres (or at least seven storeys) is the height which has, in England, been commonly used to define a high-rise building. Building standards, for example, become more restrictive at this height and fire-fighting tactics change.

Limiting those parts of the regulations which require responsible persons to share information about their building electronically to Fire and Rescue Services ensures that the Fire Service has the information it needs to respond to potentially the most complex fires.

Regardless of the height of the residential building, residents of all blocks of flats and other multi-occupied residential buildings with common parts will be given fire safety instructions as well as information on the importance of looking after fire doors, to help make them feel safer in their own homes.



KEY TAKEAWAYS

- > The Fire Safety (England) Regulations 2022 will introduce new duties under the Fire Safety Order for building owners or managers (responsible persons).
- > The Regulations will come into force in England on 23 January 2023.
- > The Regulations require RPs in multi-occupied residential buildings to take specific actions, depending on the height of the building.
- > The Regulations will make it a requirement in law for responsible persons of blocks of flats to provide information to Fire and Rescue Services to assist them to plan and, if needed, provide an effective operational response.
- > The Fire Safety Order applies to all premises including workplaces and the common parts of all multi-occupied residential buildings.
- > The responsible person is normally a building owner, or in residential properties, any other person in control of the premises. The responsible person is the person on whom most of the duties set out in the Fire Safety Order are imposed.
- > If any part of the building is a workplace, the employer of persons employed to work in that workplace will be a responsible person.
- > Because Grenfell Tower was a high-rise block, much of the focus of the recommendations of the Public Inquiry was concerned with measures to ensure the safety of residents in high-rise blocks of flats.
- > Regardless of the height of the residential building, residents of all blocks of flats and other multi-occupied residential buildings with common parts will be given fire safety instructions.



FURTHER READING

[Fire Safety \(England\) Regulations 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-England-Regulations-2022)

[Fact sheet: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fact-sheet-overview)

[Fire Safety \(England\) Regulations 2022 | Fire Risk Assessment Network \(fire-risk-assessment-network.com\)](https://www.fire-risk-assessment-network.com/)

[Check your fire safety responsibilities under the Fire Safety \(England\) Regulations 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-your-fire-safety-responsibilities)



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Training: fire safety awareness

International Workplace's **fire safety awareness training course** combines relevant UK fire legislation with health and safety best practice. It explores the safety features that organisations should have in place to prevent and control fire and, in the event of a fire, the actions that should be taken to assist in swift and safe evacuation.

This training course is designed to introduce people to the related dangers, controls and personal responsibilities they must be aware of to help contribute to a safer working environment for themselves and their coworkers, whilst covering the requirements of the UK Regulatory Reform (Fire Safety) Order 2005 and principles of fire safety.

Our fire safety awareness training is a half-day course, delivered via virtual classroom or face-to-face classroom by one of our qualified trainers.

During the fire safety awareness course, you will cover the following modules:

- Introduction to fire safety awareness.
- Responsibilities under fire legislation.
- Conducting a fire risk assessment and the principles of carrying one out.
- Recognising fire hazards and risk, and preventing fires.
- Identifying workplace safety features.
- Control measures to prevent the start and spread of a fire.
- Actions to take in the event of a fire

As this course has been designed by us, if you have any special requirements then we can tailor the course content to suit your company's needs.

To find out more at

www.internationalworkplace.com/in-house-training/health-safety-and-wellbeing/fire-safety-awareness