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Fire Safety Act 2021 and Fire Safety England Regulations 2022

INTRODUCTION

The Fire Safety Act 2021 received Royal Assent on 29th April 2021 and came into force on 16th May 2022. The Act amends the Regulatory Reform (Fire Safety) Order 2005 (the Fire Safety Order).

The Act clarifies that responsible persons (RPs) for multi-occupied residential buildings must manage and reduce the risk of fire for the structure and external walls of the building, including cladding, balconies and windows, and entrance doors to individual flats that open into common parts.

The Act applies to England and Wales.



THE RESPONSIBLE PERSON

The Responsible Person is a legally created entity, as defined in Article 3 of The Regulatory Reform (Fire Safety) Order 2005. The Responsible Person is anyone who has control or anyone who has a degree of control over certain areas within the premises. This could be the building owner, leaseholder(s) or manager.

Since the scope and scrutiny of fire safety obligations have been increased, the Responsible Person needs to review and update the risk assessment processes accordingly. The clarification provided under the Act means the Fire and Rescue Authorities can now better identify the Responsible Person for these parts. This will clear the path for enforcement action against and/or prosecution of any Responsible Person who fails to comply with the FSO, which could lead to unlimited fines and/or criminal prosecutions.

FIRE RISK ASSESSMENT PRIORITISATION TOOL

The Fire Risk Assessment Prioritisation Tool (FRAPT) is an online tool designed to assist Responsible Persons to develop a strategy to prioritise their buildings to review their fire risk assessments, to ensure they take into account the clarifications outlined in the Act.

Information about the FRAPT can be found at this address - <https://www.gov.uk/government/publications/fire-safety-act-2021/fire-safety-act-2021-factsheet-the-fire-risk-assessment-prioritisation-tool#the-fire-risk-assessment-prioritisation-tool>



THE FIRE SAFETY (ENGLAND) REGULATIONS 2022

The Fire Safety (England) Regulations 2022 (the Regulations) have been introduced as an important step towards implementing the recommendations of the Grenfell Tower Inquiry Phase 1 report. The Regulations are being introduced under Article 24 of the Fire Safety Order and will come into force on 23 January 2023. The Regulations apply to England only.*

Most of the requirements set out in the Regulations are imposed on the responsible person (RP), which RPs need to plan and prepare for ahead of the Regulations coming into force.

The regulations require RPs in multi-occupied residential buildings to take specific actions, depending on the height of the building as follows:

Multi-occupation buildings with 2 or more domestic premises with common areas

1. Complete the Fire Risk Assessment Prioritisation Tool.
2. Complete/update the Fire Risk Assessment.
3. Provide residents with instructions on how to report a fire, a reminder of what the evacuation strategy is for that building, and any other instruction that tells residents what they must do once a fire has occurred, based on the building's evacuation strategy.
4. Provide information to residents about the importance of fire doors. This should include keeping the doors closed, ensuring that self-closing devices are not tampered with, and reporting incidents of faults or damage to fire doors.

Multi-occupation buildings with 2 or more domestic premises and being between 11 metres and 17.9 metres in height

In addition to 1 to 4 above:

5. Fire Door checks – quarterly checks on fire.

Multi-occupation buildings with 2 or more domestic premises and being 18 metres (or seven storeys) and above in height

In addition to 1 to 5 above:

6. Install a Secure Information Box.
7. Provide information about the design and the materials of the external walls.
8. Provide floor plans and the building plan.
9. Provide information regarding lifts and firefighting equipment
10. Provide information about Wayfinding signage.

FURTHER GUIDANCE

Further information regarding the Fire Safety (England) Regulations 2022 including factsheets covering a number of the above provisions can be found at <https://www.gov.uk/government/publications/fire-safety-england-regulations-2022>

*whilst the Fire Safety Act 2021 applies to both England and Wales, the Fire Safety (England) Regulations 2022 apply to England only. Information on how the Act applies within Wales can be found at the Welsh Government website - <https://gov.wales/fire-safety-act-2021-html>