



Defence
Safety Authority

DSA03: Defence Fire Safety Regulatory Guidance

Defence Fire
Safety Regulator

DFSR

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Amendment Record

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1.0	Sep 19	New document - Initial issue

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Disclaimer

Use of the term 'he' throughout this document has been adopted purely to aid clarity and consistency and should not be construed as deviating from the MOD's Diversity and Inclusion Policy.

FOREWORD

The Secretary of State (SofS) for Defence through the Safety and Environmental Protection Policy Statement requires Top Level Budget (TLB) Holders and Trading Fund Agency (TFA) Chief Executives to conduct defence activities with high standards of Safety & Environmental Protection. They are expected to achieve this by implementing robust, comprehensive safety and environmental management arrangements.

Director General of the Defence Safety Authority (DG DSA) is responsible for providing policy and regulatory regimes for Health, Safety and Environmental Protection (HS&EP) across the MOD. The MOD policy for HS&EP is set out in DSA 01-Defence Policy for Health, Safety and Environmental Protection.

As cited by the Regulatory Reform (Fire Safety) Order 2005 and the Fire Scotland Act 2005, I have statutory duties to enforce fire safety legislation across Defence. These statutory duties are further supported by my Letter of Delegation from DG DSA that directs me to regulate fire safety across Defence activities in accordance with SofS policy statement and maintain an appropriate regulatory regime.

DG DSA has directly delegated to me, the DF SR, the authority to regulate and assure MOD activity in accordance with DSA01. The policy and regulations set out in this document are the minimum standards to be adopted across the fire safety domain; they are mandatory and full compliance is required. It is the responsibility of those planning, managing, supporting or undertaking activity within scope of these regulations to ensure that personnel, including contractors, involved in the conduct of defence activities are fully aware of their responsibilities.

Whilst the statutory legislation and the Defence Safety Regulations within this document are key to achieving this objective, I am personally committed to enhancing the safe delivery of military capability and the continuous improvement of the DF SR through a focus on improved fire safety and fire safety management. Key to this is the continued development of a widespread and engaged safety culture with the sharing of information through effective knowledge management.

Defence Fire Safety Regulator
Defence Safety Authority

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PREFACE

Authority

1. The MOD has a duty to protect its employees, other personnel and the environment, from the effects of its activities. Effective HS&EP is crucial to force protection and maximising operational capability.
2. Overall responsibility for safety within the MOD sits with the SofS for Defence. The overarching SofS Policy Statement (Safety, Health and Environmental Protection in Defence) is amplified in DSA01-Defence Policy for Health, Safety and Environmental Protection. The Policy Statement and the DSA Charter authorise DG DSA to:
 - a. Empower competent Crown servants (i.e. members of the Armed Forces or MOD civilians), to regulate HS&EP activity across Defence where it is afforded Disapplications, Exemptions or Derogations (DEDs) from statutory requirements, where there is no statutory requirement or where assurance of specific hazardous activities is required;
 - b. Provide independent investigation of accidents and be the primary Convening Authority (CA) for safety-related Service Inquiries (SI);
 - c. Be the Defence Authority for HS&EP.
3. The strategic principles set by the SofS Policy Statement and its ministerial expectations are to be applied by all organisations within the MOD to all defence activities. The SofS for Defence has delegated to DG DSA the duty of ensuring that effective management arrangements are in place for ensuring compliance with the DSA Policy Statement. DG DSA ensures that the MOD achieves and maintains high standards in S&EP performance through the Holding to Account (H2A) process. In relation to Fire Safety, a regulatory team comprising of Fire Safety Inspectors (FSIs) are appointed by the DF SR to enforce fire safety legislation and Defence Fire Safety Regulations across Defence.
4. This document takes its authority from DSA01-Defence Policy for Health, Safety and Environmental Protection. Compliance with this document and DSA01 across Defence will be assured by DF SR and reported up to DG DSA to inform the Annual Assurance Report which is submitted to the SofS for Defence.

Citation

5. These regulations will be referred to as the 'Defence Fire Safety Regulations'.

Interpretation

‘Accountable Person’

6. Whilst Defence Safety Policy and Regulation refers to the ‘Accountable Person’, fire safety legislation refers to such persons as:

- the ‘Responsible Person’ (In England and Wales); and
- the ‘Duty Holder’ (In Scotland and Northern Ireland)

7. For consistency across Defence Safety Regulatory Publications (DSRP), Defence Fire Safety Regulations will use the term ‘Accountable Person’ unless enforcement is carried out under statute where legislative terminology must be used.

Legislation and Statutory Regulation

8. Legislation requires that all relevant persons are protected from fire. Statutory fire safety regulations are primarily aimed at reducing the risk from fire and ensuring, as far as is reasonably practicable, the safety of persons. Defence has no immunity from fire safety legislation and associated statutory requirements.

9. Fire may also seriously degrade capability and inflict financial losses. The most obvious is direct damage to uninsured property and assets. However, damage can also be sustained from indirect or consequential losses caused by the inability of Defence to reinstate capability or sustain critical operations; in extreme circumstances this can place operational personnel at increased risk. The risk to the environment from fire also requires an appropriate level of management, as does the reputational value of the Department from political and public perceptions. Defence has internal policy, regulations and standards to reduce the risk from fire to operational capabilities and assets (including those which are uninsured). The requirements of fire safety legislation and Defence regulations contained in this DSRP are to be implemented overseas as far as is reasonably practicable, except where the requirements of overseas legislation are more demanding.

10. It is incumbent on all persons employed or contracted by the MOD and who are responsible for the management of: establishments, sites, units, formations and separate buildings forming an establishment to comply with legislation, policy, regulations and standards. It is the responsibility of management to ensure that they conform to all applicable requirements.

Application

11. The Government is committed to regulating only where necessary and in a way that is more suited to the needs of modern business. That is why, under the Regulatory Reform Act 2001, the current legislation for fire safety was made. The Regulatory Reform (Fire Safety) Order 2005 (and allied legislation in Scotland¹ and Northern Ireland²) replaced the myriad of previous prescriptive fire safety legislation with one simple goal-based legislative framework.

¹ Fire Scotland Act 2005 and Fire Safety (Scotland) Regulations 2006.

² Fire and Rescue Services (Northern Ireland) Order 2006 and the Fire Safety Regulations (Northern Ireland) 2010.

This means that any person who has some level of control over premises must take reasonable steps to reduce the risk from fire, plan to minimise the spread of any outbreak of fire and make sure relevant persons³ can safely escape if there is a fire.

Disapplication

12. Most fire safety legislative requirements bind the Crown. However, these statutory requirements do not have effect to the extent that they would prevent any of the following from carrying out their duties:

- a. any member of the armed forces of the Crown or of any visiting force;
- b. any constable or any member of a police force not being a constable; and
- c. any member of any emergency service.

13. This disapplication is only insofar as compliance with the legislation would prevent those persons from carrying out their 'primary' duties' which in this context refers to the 'operational duties' of the various organisations. Despite this apparent relaxation, it remains necessary for the Accountable Person to ensure the safety of relevant persons as far as possible.

Accountable Persons

14. The Regulatory Reform (Fire Safety) Order 2005 and allied legislation (as applied to Defence in Scotland and Northern Ireland) define groups of persons with specific responsibilities and duties including 'persons having control of premises'. This includes any person who has an obligation for the maintenance, repair and safety of the premises. Examples of who the Fire Safety Order imposes fire safety duties and responsibilities on, including 'other persons having control of the premises' includes:

- a. Responsible Persons, Heads of Establishment, Commanding Officers, Duty Holders and other Accountable Persons;
- b. TLBs / TFA Chief Executives;
- c. Building Managers/Budget Managers;
- d. Appointed Persons; including those conducting Fire Risk Assessments;
- e. Landlords (e.g. Defence Infrastructure Organisation (DIO)); and
- f. Persons contracted to provide maintenance to fire safety systems (e.g. Fire Detection and Alarm Systems and Emergency Lighting).

15. Accountable Persons are responsible for the implementation and efficient management of fire safety management systems on their establishments, in accordance with the relevant legislation, policy and regulation. They must maintain effective fire safety Organisation and

³ Any person (including the Accountable Person) who is or may be lawfully on the premises; and any person in the immediate vicinity of the premises who is at risk from a fire on the premises.

Arrangements (O&A) to protect relevant persons and assets appropriately. The scope and complexity of the O&A will depend upon the nature of the establishment. Nevertheless, in all cases it must incorporate measures to ensure the effective management of fire safety and to respond efficiently in the event of a fire or related emergency.

16. Accountable Persons may delegate their duties for fire safety down the management chain. However, such delegation does not absolve them of their responsibility. They shall demonstrate that personnel appointed to undertake specific fire safety duties or actions are suitably trained and competent and have adequate direction.

17. Lodger units shall comply with the host establishment's procedures, orders and emergency arrangements in all matters relating to fire safety. Where located outside of a MOD Establishment, Parented Units must comply with the legal requirement and shall implement these Defence regulations. The Parenting Establishment may carry out certain aspects of the fire safety requirements and responsibilities. In all cases, the responsibilities and duties must be clearly documented in the unit and establishment fire safety management systems.

18. Responsibilities of individuals at TLB and Establishment levels is further detailed in DSA01.2.

The Importance of Fire Safety Management in Defence

19. The management of Fire Safety and related safety procedures are to comply with the SoS's Policy Statement on Health, Safety and Environmental Protection. All organisations shall minimise the likelihood of fire in the workplace. The consequences of fire to both the victims and their families can be severe and life changing. Fires can be costly, both in financial terms and through the loss of operational effectiveness. The Defence Board have made it clear that death or injury as a result of an incidence of fire that could have been avoided or prevented by having in place robust and effective fire safety management is unacceptable.

The Role of Fire Safety Management Systems

20. The means of preventing and managing the risks from fire are embraced by the term "Fire Safety", which encompasses all the component prevention and protection activities that contribute towards the provision of the necessary protection and management control. Implementing successful fire safety management systems reduces the risk of death and injury; ensures compliance with the law; raises the reputation of Defence in the public domain; and is an important enabler in maintaining operational capability. Defence fire safety management systems are aligned to the structure and principles of nationally recognised standards for fire safety risk management. Fire safety management systems may also be incorporated within a wider Top Level Budget (TLB) or Establishment Safety and Environment Management Systems (SEMS).

Assessment, Organisation and Arrangements

21. On MOD owned and occupied premises (other than domestic dwellings) Accountable Persons must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying appropriate general fire precautions. This is a fundamental duty as by assessing the risks, it informs Accountable Persons as to the most appropriate Organisation and Arrangements (O&A) that are required to provide safety to relevant persons, on or in the vicinity of, the premises. Depending on the size and complexity of the premises, this may be achieved as part of a Site Fire Safety Management Plan (FSMP). The FSMP may comprise an overall site assessment, individual building Fire Risk Assessments (FRA); and where relevant, capability (business) resilience information. Irrespective of where the findings of FRAs are recorded, FRAs shall be periodically reviewed by the Accountable Person. The maximum periods for reviews of FRAs shall be dependent on the risk grading. However, the decision to increase the periodicity for reviews and validations shall be advised to the Accountable Person on an evidence-based assessment by competent fire safety advisers.

Defence Fire Safety Committee Hierarchy

22. The Defence Safety & Environment Committee (DSEC) is chaired by the Permanent Secretary (Perm Sec). The DSEC is the lead committee in MOD for the governance of Safety and Environmental Protection. DG DSA is a permanent member of the DSEC.

DFSR Stakeholder Committee (DFSR SC). The DFSR SC is chaired by the DFSR TL to provide a consultative forum where stakeholders can: consider high-level fire safety performance matters; express their views on the regulatory regime; comment on proposed policy changes; and be informed about emerging legislation and the outcome of regulatory activities. To ensure consistency and an integrated approach to safety across MOD, secretaries of the other regulatory stakeholder committees are also members.

DFSR Stakeholder Working Group (DFSR SWG). The DFSR SWG is chaired by the DFSR ATL and provides a consultative forum to determine, comment and agree proposed policy or regulatory changes, and be informed about emerging legislation and the outcome of regulatory activities.

DFSR Defence Fire Safety Regulatory Guidance and Defence Codes of Practice

23. In addition to links to the online Statutory Fire Safety Guidance issued by Government, a Defence Code of Practice (DCoP) is provided for each Defence Fire Safety Regulation in this DSA03 – Fire Safety Regulatory Guidance publication in the following format:

<p>Regulation</p>	<p>The Defence Regulation is reiterated in the relevant Defence Code of Practice (DCoP) to aid clarity and reinforce the relationship and precedence of the Regulation to the DCoP. Each Regulation may contain a number of sub-clauses that are pertinent to that Regulation. (<i>More than one Regulation may be referenced</i>)</p>
<p>Rationale</p>	<p><i>The reason why the Defence Regulation is applied to the MOD, ideally with reference to national legislation, BSIs or industry codes of practice.</i></p>
<p>Defence Code of Practice (DCoP)</p>	<p>The DCoP provides practical advice on how to comply with the Defence Regulation. If the DCoP is followed then this will be considered sufficient to demonstrate compliance, however, alternative approaches may be utilised where this produces an outcome that can be demonstrated to be as good as that required by the Regulation.</p>
<p>Guidance Material</p>	<p>Provides Guidance Material, which, whilst not compulsory, may be considered ‘good practice’ to further support the Regulations and DCoPs.</p>

UK FIRE SAFETY LEGISLATION CROSS-REFERENCE

Title - Scope	England & Wales (Article)	Scotland (Regulation)	Northern Ireland (Article)
Citation, Commencement and Extent	1	The Fire Safety (Scotland) Regulations 2006 (FS(S)R) 1	The Fire Safety Regulations (Northern Ireland) 2010 (FSR(NI)) 1
Interpretation	2	FS(S)R 2	FSR(NI) 2
Meaning of 'Responsible Person'	3	Fire (Scotland) Act (FSA) 2005 Sections 53 & 54	The Fire and Rescue Services (Northern Ireland Order 2006 (NI Order) Articles 25 & 26
Meaning of "General Fire Precautions"	4	FSA Schedule 2	NI Order Article 51
Duties Under Fire Safety Legislation	5	FSA Sections 53 & 54	NI Order Articles 25 & 26
Application to Premises	6	FSA Sections 53 & 54	NI Order Articles 25 & 26
Disapplication of Certain Provisions	7	FSA Section 60	NI Order Article 32
Duty to Take General Fire Precautions	8	FSA Section 53, 54 & Schedule 2	NI Order Articles 25, 26 & 51
Risk Assessment	9	FSA Section 53 & 54	NI Order Articles 25 & 26

Principles of Prevention	10	FSA Section 55	NI Order Article 27
Fire Safety Arrangements	11	FS(S)R 10	FSR(NI) 10
Elimination or Reduction of Risks from Dangerous Substances	12	FS(S)R 11	FSR(NI) 11
Fire-Fighting and Fire Detection	13	FS(S)R 12	FSR(NI) 12
Emergency Routes and Exits	14	FS(S)R 13	FSR(NI) 13
Procedures for Serious and Imminent Danger and for Danger Areas	15	FS(S)R 14	FSR(NI) 14
Additional Emergency Measures in Respect of Dangerous Substances	16	FS(S)R 15	FSR(NI) 15
Maintenance	17	FS(S)R 16	FSR(NI) 16
Safety Assistance	18	FS(S)R 17	FSR(NI) 17
Provision of Information to Employees	19	FS(S)R 18	FSR(NI) 18
Provision of Information to employers and the Self-Employed for Outside Undertakings	20	FS(S)R 19	FSR(NI) 19
Training	21	FS(S)R 20	FSR(NI) 20
Co-operation and Co-ordination	22	FS(S)R 21	FSR(NI) 21

General Duties of Employees at Work	23	FS(S)R 22	FSR(NI) 22
Enforcement of Fire Safety Legislation and Regulation	26	FSA Part 3, Chapter 2, 61 (9) (zb)	NI Order Article 33
Duty to Consult	45	Building (Scotland) Regulations 2004 Regulation 11	No requirement

DEFENCE FIRE SAFETY REGULATIONS

Regulation	Content / Scope	Date of Issue
01	Resilience of Defence Capability to Fire	Sep 19

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Defence Fire Safety Regulation 01: Fire Resilience to Defence Capability

Regulation
01

Fire Resilience to Defence Capability

1. **Capability Risk Owners shall identify and measure the Department's risk from fire within their areas of responsibility and provide effective, economic, and risk proportional fire protection measures to protect Defence capability. This requires that the management of the risks of fire across Defence, and the probabilistic risk and consequence of fire, be assessed in relation to the need to maintain and sustain key Defence capabilities.**
2. **Annual assurance reporting shall be provided by the DFSR. A Business Impact Analysis (BIA) shall be managed by the Capability Risk Owner (or a delegated representative) and undertaken by the fire and rescue service provider or other suitably qualified and competent persons.**
3. **Annual assurance reporting (by the DFSR to the DG DSA) shall include statistical data with a summary of the respective regulatory guidance provided and progress towards implementation of appropriate fire risk mitigation. The DFSR will provide a professional opinion relating to fire resilience risk assessments and implementation; particularly where an indirect Risk to Life (RtL) may be created by the loss of military capability. Reporting will also include circumstances where a Capability Risk Owner rejects any recommendations made and the reasons for the rejection.**

Rationale

4. Basic fire protection measures that are normally incorporated in a building's construction may provide inadequate protection for particularly expensive, operationally critical or commercially important assets that will be housed in the building. At geographically remote establishments this situation may be exacerbated by an unacceptably long response time from a Local Authority or host nation Fire and Rescue service. In such circumstances it is vital for the Capability Risk Owner to consider the effectiveness of additional fire protection measures in cases where critical Defence capability may be lost or compromised by fire. This Regulation requires that Capability Risk Owners manage the risks of fire across Defence and that the probabilistic risk and consequence of fire be assessed in relation to the

need to maintain and sustain the Defence Mission. The principle is for Capability Risk Owners to measure risk and identify the requirement for optimum fire prevention and protection that is proportionately balanced against the criticality of the capability.

**Defence
Code of
Practice
(DCOP)/
Acceptable
Means of
Compliance
(AMC)
01**

Fire Resilience to Defence Capability - Business Impact Analysis

5. A Business Impact Analysis (BIA) is an essential component of an organisation's business continuity plan; it includes an exploratory component to reveal any vulnerability, and a planning component to develop strategies for minimising risk. The result of such analysis is a BIA Report, which describes the potential risks specific to the organisation studied.

6. A BIA can be presented in numerous ways, tailored to the individual organisation or to an insurer's requirements. A BIA spreadsheet should typically cite the following:

- a. Capability Risk Owner/s (Accountable Person/s):
- b. Points of contact:
- c. Location of business function:
- d. Capabilities, facilities and assets covered by the BIA
- e. Durations of unavailability:
 - (i) < 24 hours.
 - (ii) > 24 hours.
 - (iii) > 1 week.
 - (iv) > 1 month.
 - (v) > 6 months.
 - (vi) > 1 year.
- f. Description of impact of unavailability on business / operations (for each level of outage duration);



- g. Strategic impact on Military Capability;
- h. Financial impact - replacement costs (cost for each level of outage duration);
- i. Regulatory or legal impact;
- j. Recovery Time Objective (RTO);
- k. Maximum Tolerable Period of Disruption (MTPD);
- l. Dependencies; and
- m. Whether the RTO can be met.

7. In order to comply with the duty placed on Building Control and Fire Safety Authorities to consult, the BIA may also be beneficial when consulting these authorities on proposed changes to a building that accommodate or provides a critical National or Defence capability.

**Guidance
Material****01****Guidance - Related Documents**

[Joint Service Publication \(JSP\) 440](#). Available to MOD Intranet users, this provides a strategic overview of Departmental policy, aims and objectives and offers a basic toolkit to those planning for Business Continuity.

JSP 886: The Defence Logistics Support Chain Manual. The content of this JSP has been transferred to the Defence Logistics Framework which is accessible via the [Defence Gateway](#).

BS EN ISO 22301:2014. This document covers Business Continuity Management Systems requirements.

British Standard (BS) 9999. This BS covers fire safety solutions employing pre-determined BS 7974: fire engineering calculations, but does not require the user to conduct these calculations to determine the solution. The BS mainly focuses on life safety but does incorporate factors that could be used to inform a business resilience fire risk assessment.

BS 7974 - Published Document (PD) 5. This PD provides guidance and an understanding of both the capabilities and limitations of fire service intervention and takes into account the physiological demands on firefighters; the firefighting procedures that are used; and limitations of firefighting equipment.

BS 7974 - Published Document (PD) 7. This PD in the BS 7974 series deals specifically with fire risk assessment; majoring in the area of probabilistic risk assessment and provides a significant amount of data in respect of fire probabilities across a wide range of building and process types.

BS 7974 - Published Document (PD) 8. This PD in the BS 7974 series deals specifically with property protection, mission continuity and resilience. This PD also introduces the concept of the BIA.

Fire Safety Legislation and Regulatory Guidance (England & Wales)

- [The Regulatory Reform \(Fire Safety\) Order 2005 - Statutory Instrument No 1541 \(www\)](#)
- [A Short Guide to Making Your Premises Safe from Fire \(www\)](#).
- [Offices and Shops Guide \(www\)](#).
- [Factories and Warehouses Guide \(www\)](#).
- [Sleeping Accommodation Guide \(www\)](#).
- [Residential Care Premises Guide \(www\)](#).
- [Education Premises Guide \(www\)](#).
- [Small and Medium Places of Assembly Guide \(www\)](#).
- [Large Places of Assembly Guide \(www\)](#).
- [Theatres, Cinemas and Similar Premises Guide \(www\)](#).
- [Open Air Events and Venues Guide \(www\)](#).
- [Healthcare Premises Guide \(www\)](#).
- [Animal Premises and Stables Guide \(www\)](#).
- [Transport Premises and Facilities Guide \(www\)](#).
- [Means of Escape for Disabled People - Supplementary Guide \(www\)](#).

Fire Safety Legislation and Regulatory Guidance (Scotland)

- [Scottish Technical Handbook - Building Standards - Domestic](#).
- [Scottish Technical Handbook - Building Standards - Non-Domestic](#).
- [Practical Fire Safety Guidance for Existing Non-Residential Premises](#).
- [Practical Fire Safety Guidance for Care Homes](#).
- [Practical Fire Safety Guidance for Existing Premises Sleeping Accommodation](#).

Fire Safety Legislation and Regulatory Guidance (Northern Ireland)

- [The Fire and Rescue Service \(Northern Ireland\) Act 2006 - Statutory Instrument No 1254 \(www\).](#)
- [Small and Medium Places of Assembly Guide \(www\).](#)
- [Offices and Shops Guide \(www\).](#)
- [Theatres, Cinemas and Similar Premises Guide \(www\).](#)
- [Sleeping Accommodation Guide \(www\).](#)
- [Open Air Events and Venues Guide \(www\).](#)
- [The Evacuation of Disabled People from Buildings Guide \(www\).](#)
- [Are you aware of your responsibilities \(www\).](#)