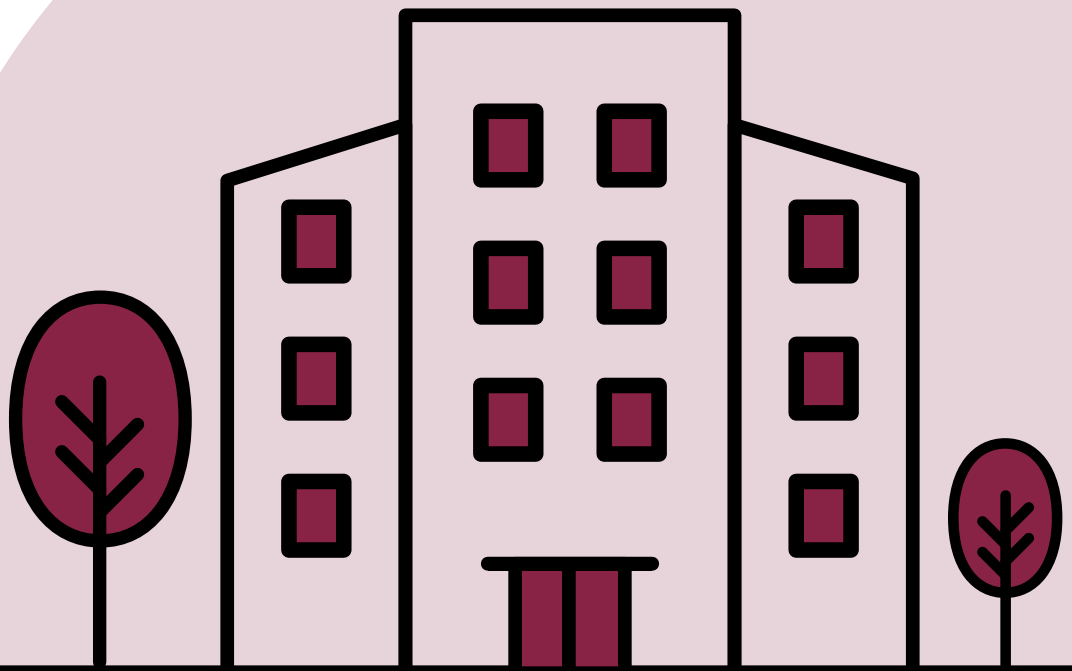




Home Office

Check your fire safety responsibilities under Section 156 of the Building Safety Act 2022

Applies to England and Wales



This guidance is issued by the Secretary of State in accordance with Article 50 of the Regulatory Reform (Fire Safety) Order 2005



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This publication is available at <https://www.gov.uk/government/collections/fire-safety-legislation-guidance-for-those-with-legal-duties>

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Who is this guidance for?

If you are a ‘Responsible Person’ on whom duties are imposed under the Regulatory Reform (Fire Safety) Order 2005, find out what new responsibilities you have as the result of amendments made to the Fire Safety Order by Section 156 of the Building Safety Act 2022. These new requirements come into force on 1 October 2023.

This guidance explains what responsible persons need to do as a result of changes made to the Regulatory Reform (Fire Safety) Order 2005 (‘the Fire Safety Order’) through the Building Safety Act 2022. You are advised to check whether you are a responsible person here:

[Check your fire safety responsibilities under the Fire Safety Order – GOV.UK¹](#)

1 www.gov.uk/guidance/check-your-fire-safety-responsibilities-under-the-fire-safety-order

To which buildings do these new fire safety requirements apply?

These requirements apply to all non-domestic premises, such as where people work, visit or stay, including workplaces, and the non-domestic parts of multi-occupied residential buildings (e.g. communal corridors, stairways, plant rooms). The requirements do not apply within individual domestic premises.

Local fire and rescue authorities remain the primary enforcing body for the Fire Safety Order, including these additional requirements. The Housing Act 2004 lists enforcement by the Local Authority in non-domestic parts of multi-occupied residential buildings (e.g. communal corridors, stairways) as well. The enforcing body will be the Health and Safety Executive in the case of non-occupied buildings on a construction site, the Defence Fire Safety Regulator for sites occupied for the purposes of the armed forces, and the Crown Premises Fire Safety Inspectorate in buildings occupied or owned by the government.

Background to Section 156 of the Building Safety Act 2022

The Building Safety Bill received Royal Assent in April 2022 and became the Building Safety Act 2022. The new legislation has the effect of amending the Fire Safety Order to:

- require that all Responsible Persons must record their completed fire risk assessment, and in full (where previously only specific information was required to be recorded)
- require that all Responsible Persons must record the identity of any individual (their name), and/or if applicable, their organisation (name) engaged by them to undertake/review any or all of the fire risk assessment, and share this with residents of multi-residential unit premises where applicable
- require that all Responsible Persons must record their fire safety arrangements (demonstrate how fire safety is managed in your premises)
- require that all Responsible Persons must record (and as necessary update) their contact information, including a UK-based address, and share this, along with the identified fire safety risks, preventative and protective measures, any competent persons nominated to assist with fire-fighting and detection measures, with other Responsible Persons and residents of multi-domestic unit premises where applicable
- require that all Responsible Persons must take reasonably practicable steps to ascertain the existence of other Responsible Persons who share, or have duties in respect of the same premises, and of Accountable Persons (which are a new legal entity made under the Building Safety Act in the case of higher-risk residential buildings) in relation to the premises – they must then identify themselves to said persons and cooperate with Accountable Persons so that the Accountable Persons can carry out duties imposed by the Building Safety Act 2022
- require that departing Responsible Persons must share all ‘relevant fire safety information’ with incoming Responsible Persons
- require Responsible Persons of a building containing two or more sets of domestic premises to provide residents with relevant fire safety information in a format that is easily understood by the residents
- increase the level of fines for some offences
- strengthen the status of statutory guidance issued under Article 50 of the Fire Safety Order

There is also a legislative requirement that, where the Responsible Person appoints a person to make or review the fire risk assessment, they must be competent. This legislative requirement will be brought into force at a later date, and we will provide relevant guidance in that regard ahead of the commencement date. In the meantime, if you do appoint a fire risk assessor our recommendation is that you ensure they are competent to do so, in terms of having sufficient training and experience or knowledge and other qualities. It remains the case that the Responsible Person has a duty to make sure that a suitable and sufficient fire risk assessment is completed.

You can find guidance on how to complete a fire risk assessment or understand more about fire safety in your premises in the following link:

[Fire safety: guidance for those with legal duties – GOV.UK²](#)

2 www.gov.uk/government/collections/fire-safety-legislation-guidance-for-those-with-legal-duties

Duties for all Responsible Persons

The following duties apply to you if you are the Responsible Person for any building regulated by the Fire Safety Order.

Recording your fire risk assessment and other information

You must now record the fire risk assessment in full (including all the findings) and the fire safety arrangements for your premises in all circumstances.

You should make available as much information as possible about fire safety in your premises. This new requirement replaces the previous requirement to record only the significant findings of the risk assessment. It also removes the previous limitations on the circumstances within which you are required to record both the risk assessment and the fire safety arrangements at your premises, such as only being required to record this information if there were five or more employees or where subject to licensing or an alterations notice.

If you employ a fire risk assessor to assist you in completing a fire risk assessment, you should record their name, and where applicable, their organisation name. This will ensure there is a clear record for enforcing authorities as to who completed the assessment and will enable you to share this information with both residents (where applicable) and any incoming Responsible Person after you. You are responsible for ensuring that your fire risk assessment is suitable and sufficient and if you employ someone to do this for you we would recommend that you ensure they are competent to do so.

Co-operation and co-ordination between Responsible Persons

It is important that you work with other Responsible Persons in the premises to help facilitate a cohesive approach to fire safety throughout the entire building. As such, you must take such steps as are reasonably practicable to identify whether there are any other Responsible Persons in your premises who share or have duties in respect of it.

For example, in multi-occupancy commercial buildings, other Responsible Persons would not only include the other businesses, but would also include a landlord (and possibly a managing agent) who has overall responsibility for the safety within the building.

Once you have identified that there are other Responsible Person/s, you will need to inform each other of your names (or that of someone acting on your behalf) and a UK based address where you are able to receive notices or other documentation.

It will also be necessary to inform each other of the extent of your responsibilities under the Fire Safety Order and make a record of this information. You should know the extent to which you are responsible for the premises, which may be detailed in a contract, but, if you are unsure, we advise you to contact the building owner or manager to determine the extent of your control.

You should provide any information in writing, and it is advised that you record this in such a way that it can be readily accessed if you need it as evidence of information sharing. You are required to keep a record of the information provided about the extent of your duties in relation to the premises.

It is vital that your fire risk assessment, and any fire safety measures you take as a result, align with, and complement, the fire risk assessment(s) and fire safety measures for the rest of the building in order to provide a whole building approach to fire safety.

Whenever possible, you should let the other Responsible Persons know when you have a new Responsible Person taking over your part of the premises, so that they can provide the necessary information detailed above to the incoming Responsible Person.

Co-operation with Accountable Persons

If you are a Responsible Person in a higher risk residential building, which is defined under the Building Safety Act as at least 18 metres in height, or with at least seven storeys, and containing at least two residential units, then you must take reasonable steps to identify the Principal Accountable Person, and any other Accountable Persons within the Premises³

You will then need to cooperate with them to enable them to perform any duties they are required to perform under the Building Safety Act which would include for example sharing your fire risk assessment.

³ When there are multiple accountable persons, then whoever owns or has a legal obligation to repair the structure and exterior of the building is the principal accountable person.

The purpose of this requirement is to make sure that Responsible Persons and Accountable Persons take a whole building approach to building and fire safety in the higher-risk building. This will make sure the Golden Thread of information required for all occupied higher-risk buildings is complete and information contained in the Safety Case Report which will demonstrate the effective management of building safety risks.

Accountable Persons are anyone with an obligation to repair any parts of the common parts of the building, typically the freeholder/landlord.

Provision of information to new Responsible Persons

Responsible Persons are also required to share any relevant fire safety information with incoming Responsible Persons to provide a continual record of fire safety information throughout a building's lifetime. This would include scenarios where you cease trading, are taken over by a new Responsible Person or sell your business or freehold. Where you are the existing Responsible Person, you must provide any new Responsible Person with any relevant fire safety information including:

- the fire risk assessment and review records (including any fire safety information provided by other Responsible Persons)
- the identity of any person who assisted with the fire risk assessment/ review
- the name and UK address of any Responsible Person or any person acting on behalf of the Responsible Person who will accept notices or other documentation
- the identity of the Accountable Person, where known (if a higher risk residential building)

- any information given under regulation 38 of the Building Regulations 2010 (such as the information provided when a building is built or extended)

If you do not have the contact details for the incoming Responsible Person you could ask the building owner or manager. If they do not have them or cannot provide them, you should provide all the required information to the building owner or manager so that they can forward this onto the incoming responsible person when this has been identified. You must make a written record that you have done this.

Where disputes are identified with any of the above co-operation duties that will compromise fire safety, in the first instance you should speak with the accountable people, landlord or freeholder. If this fails to resolve the problem, you should then contact the relevant enforcement authority.

Duties of Responsible Persons for buildings which contain two or more sets of domestic premises

The following new duties also apply when your building contains two or more sets of domestic premises.

Provision of information to residents

The amendments made to the Fire Safety Order should make people feel safer in their homes and ensure that residents understand what you are doing to comply with your responsibilities. We have already mandated specific instructions that you must provide to your residents under the Fire Safety (England) Regulations 2022, but these new requirements go further to enhance the provision of information and help residents feel informed and involved. It is also important that you record your name and a UK address in the fire risk assessment to make it easier for enforcement authorities to identify you and, where necessary, take enforcement action.

You must provide residents with the following information:

- any risks to residents identified in the fire risk assessment
- the fire safety measures provided for the safety of any or all occupants (such as the means of escape, the measures to restrict the spread of fire and what people should do in the event of a fire)
- the name and UK address of the Responsible Person
- the identity of any person appointed to assist with making or reviewing the fire risk assessment

- the identity of any competent person nominated by the Responsible Person to implement firefighting measures
- any risks to relevant persons throughout the building that have been identified by other Responsible Persons in the building

You should consider providing contact details, if different to your contact details as the Responsible Person, for residents to be able to inform you of any concerns or queries they have about fire safety matters, or the information provided to them.

Government may, by regulation, update the list of information to be provided to residents to reflect future developments in fire safety and specify the frequency and format in which the information should be provided.

The Fire Safety (England) Regulations 2022 already mandate fire safety instructions that must be shared with residents of multi-occupied domestic premises where resident evacuation would be through common parts, such as the evacuation strategy, how to report a fire and what they must do when a fire occurs. In addition, the Regulations require Responsible Persons to provide information on fire doors including that they should be kept shut when not in use, that residents should not tamper with self-closing devices and that residents should report any faults with doors immediately. The Regulations stipulate that information on fire safety instructions should be displayed in a conspicuous part of the building with a copy provided to new residents when they move in and existing residents on an annual basis.

If you are the Responsible Person for a building located in England, you should provide both the instructions required under the Regulations and the information required as a result of the changes to the Fire Safety Order. Under the Building Safety Act 2022, Accountable Persons also have responsibilities to share information with residents. It may be helpful to cooperate with Accountable Persons to provide all sets of information as a single package so that all necessary information is in one place and format for residents.

You can find the requirements contained within the Fire Safety (England) Regulations 2022 [here](#).⁴

⁴ www.gov.uk/government/publications/fire-safety-england-regulations-2022/fact-sheet-information-to-residents-regulation-9

Other changes to fire safety legislation

As well as introducing new requirements for Responsible Persons, the Building Safety Act amends two other articles of the Fire Safety Order:

Offences

Article 32 of the Fire Safety Order sets out a number of offences, some of which may be committed by an RP, or another person with duties under the Fire Safety Order, and some of which can be committed by any person.

Section 156 of the Building Safety Act has increased the level of fine for offences in relation to the intentionally deceptive impersonation of a [fire] inspector, failure to comply (without reasonable excuse) with specific requirements imposed by a [fire] inspector (such as by not providing a copy of the fire risk assessment when requested), and failure by those on whom duties are imposed by the Fire Safety Order to comply with requirements relating to the installation of luminous tube signs, from Level 3 (£1,000) to Level 5 (unlimited). The new level of fines will only take effect from the date the new legislation comes into force (i.e. if an offence is committed before 1 October 2023 where these fines are applicable, then the previous level of fines would be used).

This aligns the level of fine possible for these offences with all other offences and provides an increased deterrent against non-compliance.

Guidance

Article 50 of the Fire Safety Order requires the Secretary of State to ensure that such guidance as they consider appropriate is made available to assist Responsible Persons to discharge their duties.

Section 156 of the Building Safety Act strengthens the status of all Article 50 guidance by providing that, in court proceedings for alleged breaches of the Fire Safety Order, compliance with or deviation from guidance issued under Article 50 may be relied upon as tending to establish whether or not there was a breach of the Fire Safety Order.