



## **Sproull Solicitors LLP Fact Sheet**

### **Regulatory Reform (Fire Safety) Order 2005**

On 1<sup>st</sup> October 2006 the Regulatory Reform (Fire Safety) Order 2005 came into effect which requires a fire safety risk assessment for any non domestic premises. Please note that if the non domestic premises have not had a fire safety risk assessment carried out then the responsible person for that building may be prosecuted under the criminal law.

The Fire Authority is responsible for enforcement and may also serve improvement, alteration and prohibition notices. They will not, however, carry out the risk assessment. It should be noted that it is not only the threat of prosecution which may cause the property owner problems but also non compliance with the legislation may well vitiate insurance the next time an insurance policy is up for renewal. It is assumed that insurers will require such an assessment before they commit themselves to reinstatement after the fires. This should be particularly borne in mind where a property has a mortgage over it.

The person responsible for such an assessment will vary depending on the circumstances, but one thing is abundantly clear, the obligations go far beyond any previous requirements for a fire certificate and are not dependent on the size of the enterprise or number of staff. The Office of the Deputy Prime Minister has said that the only non domestic premises which would not require such an assessment is probably where someone works from home, either self employed or as an employee, and for good measure, buried in the middle of 112 pages of regulations, the common parts of blocks of flats are defined as being non domestic premises.

Tenants of flats must ask for the Landlord to provide a fire safety risk assessment. If not this could vitiate the building insurance for that block of flats.

The risk assessment is personal to the responsible person and criminal liability cannot be delegated. The assessment must be a satisfactory one and the government recommend it be done professionally by an expert. At this stage we do not have details of how much an expert will cost however we understand that there is further information on [www.communities.gov.uk](http://www.communities.gov.uk).

It is vital that this legislation is complied with as it not only has a criminal implication but also an issue regarding the buildings insurance for any non domestic premises.