



Regulatory Reform Order (Fire Safety) in plain English

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Introduction

The current Fire Safety regulations will cease to have effect from 1st of October 2006. They will be taken over by the Regulatory Reform Order (Fire Safety) 2004.

This new Order has streamlined and refined the way fire legislation works, in essence the new Order will require that ALL premises or sites which employees or the public have access to, will have been subject to a fire risk assessment being carried out.

Fire certification will no longer have effect as the risk assessment will take its place, an emphasis on regular and appropriate safety training is highlighted and the penalties for non compliance, which in the worst case, could result in large fines and cessation of trading.

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PART 1

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MEASURES TO BE TAKEN IN RESPECT OF DANGEROUS SUBSTANCES

Part 1

1. General

Comes into force as of October 1 2006 and can be called the Regulatory Reform (Fire safety) Order 2004. It only applies to England and Wales.

2. Interpretation

“Competent person” - A person who has sufficient training and experience or knowledge and other qualities to enable them to properly implement the measures given.

“Dangerous substances”- Something which is explosive, oxidising, extremely flammable, highly flammable or flammable. A substance or preparation which when used creates a risk and any dust given off can create an explosive atmosphere.

“Domestic premises” - A private dwelling only used by the people living there.

“ Explosive atmosphere”- A mixture under atmospheric conditions, of air and one or more dangerous substances in the form of gasses, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture.

“Relevant persons” - Any person who is or may be on lawfully on the premises and any person in the immediate vicinity of the premises who is at risk from a fire on the premises.

“Risk” - The risk to the safety of persons from fire.

“Workplace”- Any premises or parts of premises, not being domestic premises used for the purpose of an employer’s undertaking.

“Young person”- Any person who is not yet 18 years of age.

“Responsible person”- In relation to the workplace, the employer if the workplace is to any extent under his control, or if it is not a workplace the owner.

3. Meaning of “Responsible Person”

This is the employer if they are to any extent in charge of the workplace or the person who is in control of the premises for trade, business or anything else and you don’t have to take a profit. It can also be the Owner, the Owner would be responsible if all the residents in the building only use it for domestic purposes.

4. Meaning of “General Fire Precautions”

There are six main categories for this meaning and you must comply with all of them, they are:

1. Reduce the risk of fires on the premises and the risk of fire spreading.
2. Have means of escape from the premises
3. Ensure at all times escape routes and exits can be used
4. Have the correct firefighting equipment
5. Have a means for detecting and raising the fire alarm
6. Actions to be taken in the event of a fire including training of staff and measures to reduce the effects of fire

You also need to take into account any special requirements your individual business has and have measures in place to reduce there risk of contributing to a fire, such as the use of plant machinery and the storage of dangerous materials.

5. Duties under this order

If the premises are a workplace or not, the responsible person must ensure they comply with all of sections 8-22 and 24

This is not the sole responsibility of the responsible person, everyone in the workplace or other shares the responsibility for ensuring fire safety.

6. Application to premises

This order does not apply to:

1. domestic premises
2. an offshore installation
3. a ship
4. fields, woods or other land forming part of an agricultural or forestry undertaking
5. anything with wheels
6. a borehole site

7. Disapplication of certain provisions

The armed forces, a police officer or any member of the emergency services can put the regulations to one side if it would directly stop them from carrying out their duties.

PART 2

Fire safety duties

8. Duty to take general fire precautions

The responsible person must take all measures that are reasonably practicable for the safety of all his employees. He must also ensure the safety of any person not an employee whilst they are on his premises.

9. Risk assessment

The responsible person must carry out a suitable risk assessment to identify the general fire precautions he needs to comply with. If dangerous substances are involved he must include in the risk assessment what is set out in part 1 schedule 1.

The risk assessment needs to be reviewed regularly to keep it up to date especially if you know or have doubt that it is accurate or if a significant change has occurred. If you do need to make changes the responsible person must make them.

The responsible person must not employ a young person unless he has in relation to risks to young people, included this in his initial risk assessment taking particular attention to part 2 schedule 1.

As soon as possible on completion of the risk assessment or review the responsible person must record the information if he employs more than 5 people or he has been told to do so by the local authorities.

The information needed to be recorded is:

The significant findings of the risk assessment and any measures that have or will be taken by the responsible person, any group of people especially at risk.

No new work activity involving dangerous substances may commence without a risk assessment be made that complies to this order.

10. Principles of prevention to be applied

Where the responsible person implements any preventative and protective measures he must do so on the basis of the principles specified in part 3 schedule 1.

11. Fire safety arrangements

The responsible person must make arrangements for the effective planning, control, organisation, monitoring and review of the preventative and protective measures he has put in place. He must record everything if he employs more than 4 people or he has been told to do so by the local authority.

12. Elimination or reduction of risks from dangerous substances

Where dangerous substances are present the responsible person must ensure he has taken all measures to reduce or eliminate his employees to exposure to the dangerous substance.

The responsible person must also as far as is reasonable practicable change the dangerous substances for a substance that either eliminates the risk to employees' or reduces the risk further.

Where it is not possible to eliminate risks, the responsible person must ensure he has taken measures specified in part 4 schedule 1 to control the risk and reduce the effects the substance could have in a fire.

He must also arrange for the safe handling, storage and transport of the dangerous substances and any waste containing dangerous substances and ensure the risk assessments are maintained and reviewed as appropriate.

13. Fire fighting and fire detection

Where necessary in order to safeguard the safety of relevant persons, the responsible person must ensure that-

- The premises are to an appropriate extent covered with firefighting equipment and fire detection and alarms.
- Any non automatic fire fighting equipment provided must be easily accessible, simple to use and identified by signs.

What is appropriate is to be determined having regard for the size of the premises and the nature of the activities the equipment contained and any dangerous substances used and the maximum number of people.

The responsible person must, where necessary take measures for firefighting in the premises, nominate competent persons to implement those measures and ensure they have received the appropriate training to carry out duties and arrange any necessary contacts with the emergency services.

14. Emergency routes and exits

The responsible person must ensure that routes to emergency exits from the premises and the exits themselves are kept clear at all times.

The following must also be complied with in respect to the premises:

- Emergency exits and routes must lead as directly as possible to a place of safety.
- In the event of danger, it must be possible for people to evacuate as quickly as possible.
- Emergency routes and exits must be adequate in number, size and distribution to be able to cope with your specific premises.
- Emergency doors must open in the direction of escape.
- Sliding or revolving doors must not be used specifically as emergency exits.
- Emergency doors must not be locked or fastened in a way that would hinder the immediate escape of people.
- Emergency routes and exits must be indicated with signs, and if they are required to be lit, the light must be of adequate intensity.

15. Procedures for serious and imminent danger and for danger areas

The responsible person must;

- Establish safety drills and routines for everyone to follow in case of serious danger.
- Nominate a sufficient number of competent persons to implement those procedures.
- Ensure that no person has access to dangerous areas needed to be restricted without adequate safety instruction.
- Ensure any one working in a dangerous environment is fully aware of the hazards and have taken steps to protect themselves.
- Enable the people working in dangerous areas the ability to stop working immediately and proceed to a place of safety if being exposed to serious and unavoidable danger, and be able to stop people concerned to re-start work until the danger has been corrected.

16. Additional emergency measures in respect of dangerous

substances

Subject to paragraph 4 in order to safeguard the safety of relevant persons arising from an accident, incident or emergency related to the presence of dangerous substances, the responsible person must ensure that:

- Information on emergency arrangements is available, including details of relevant work hazards and hazard identification arrangements. And, specific hazards likely to arise at the time of an accident, incident or emergency.
- Suitable warning and communication systems are established to enable an appropriate response, including remedial actions rescue operations, to be made immediately when such an event occurs.
- Where necessary before any explosion conditions are reached an audible or visual warning must be in place to evacuate relevant persons in good time.
- Escape facilities are provided and maintained to ensure relevant persons can escape safely and promptly.

The responsible person must ensure all information on dangerous substances is available to the emergency services and that it is displayed at the premises unless the result of the risk assessment makes it unnecessary.

In the event of a fire arising from a dangerous substance on his premises, the responsible person must take immediate steps to mitigate the effects of fire, restore the situation to normal and inform all people who may be affected.

He must also, ensure only essential people are permitted in the affected area and they are all provided with the appropriate protective equipment and clothing. If specialised equipment is used in the situation he must also ensure this is returned to normal.

These measures do not apply if as a result of your risk assessment the quantity of dangerous substances is slight and the risk to relevant persons is minimal, and the measures taken to comply with article 12 are sufficient to control the risk.

17. Maintenance

The responsible person must ensure all equipment provided for fire safety is maintained regularly always in a good state of repair and working order.

18. Safety assistance

The responsible person must subject to paragraphs 6, 7, appoint one or more competent persons to assist him in undertaking the protective and preventative measures.

The responsible person must ensure co-operation between his competent persons, he must also ensure they have adequate means at their disposal and the time to carry out their duties effectively.

The responsible person must ensure any person appointed to him not directly in his employment are informed of all safety factors that would affect them and have any information about any dangerous substances.

He must also ensure all nominated competent persons are informed of who are employed under a fixed term contract or employed in an employment business to enable the person to properly carry out his duties.

This paragraph does not apply if you are a self employed employer who is not in a partnership (or if in a partnership one must have sufficient qualities) with any other person and you have sufficient training and experience or knowledge and other qualities to assist in the preventative and protective measures.

If there is a competent person in employment, he must be appointed in preference to a competent person not in his employment.

19. Provision of information to employees

The responsible person must provide his employees with comprehensible and relevant information on:

- The risks to them identified by the risk assessment
- The preventative and protective measures
- The procedures and measures referred to in article 15

- The identities of the persons nominated as competent persons
 - The risks notified to him in accordance with article 22
- Before employing a child the responsible person must provide a parent comprehensible and relevant information on:

- The risks to that child as identified in the risk assessment
- The preventative and protective measures
- The risks notified to him in accordance with article 22

Where dangerous substances are present on the premises the responsible person must provide additional information

- The details of any substances including the name of the substance and the risks it presents
- Access to any relevant safety data sheet
- The hazardous properties of the substance
- The significant findings of the risk assessment

20. Provision of information to employers and the self employed from outside undertakings

The responsible person must ensure any person working on his site not directly employed by him knows the risks and the protective and preventative measures in place. He must provide appropriate instruction of these matters before any work commences and take all reasonable steps to ensure these people know the evacuation procedures as far as they are concerned.

21. Capabilities and training

The responsible person must ensure they receive adequate safety training at the time when they are first employed and on there being increased or changed risks and:

- If they have been given a change of responsibility or if they have been transferred.
- If new equipment or technology is introduced, or if work equipments working procedures change.
- The introduction of a new system of work.

The training must:

- Include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by employees.
- Be repeated periodically where appropriate.
- Be adapted when new risks to safety arise or change.
- Be provided in a manor appropriate to the risk identified by the risk assessment.
- Take place during working hours.

22. Co-operation and co-ordination

Where two or more responsible persons share responsibility of premises, they must ensure they co-operate as far as is necessary to fully comply with this order. They must take all reasonable steps to ensure all information is available to all responsible persons and everyone complies.

If there is the potential for an explosive environment the responsible person who is in charge of said environment must ensure his compliance to the order and ensure all information passes between all responsible persons.

23. General duties of employees at work

Every employee must, while at work take reasonable care of himself and of other relevant persons who may be affected by his acts or omissions at work. He must ensure he complies as far as is reasonably practicable to all fire precautions and provisions at all times.

24. Power to make regulations about fire precautions

The secretary of state is responsible for making these regulations.

PART 3

Enforcement

25. Enforcing authorities

For the purpose of this order “enforcing authorities” means- the local fire service for the area where the premises are. It could also be the Health and Safety Executive or the relevant Local Authority or a Fire Inspector.

26. Enforcement of Order

Every enforcing authority must enforce the provisions of this order.

27. Powers of inspectors

An inspector has the authority to do anything necessary for the purposes of carrying out this order. He shall have the power at any reasonable time to do the following:

- To enter any premises which he has reason to believe it is necessary to do so and inspect the premises and anything in them, where such an entry can be made without the use of force.
- To enquire to whether or not a premises is complying with the order and to identify the responsible person.
- To have access to all records relating to this order and to inspect and take copies of.
- To have the responsible person give assistance as necessary.
- To take samples of articles or substances found in the premises to ascertain their fire resistance or flammability.
- Be able to dismantle or stop any process which he has deemed dangerous.

The inspector must show evidence of his authority if asked at any time whilst carrying out his duties.

If an inspector finds a dangerous act and deems it unsafe and wants it stopped, he must do so in the presence of the responsible person or the person responsible for that area.

Before stopping a dangerous act he must consult the responsible person or person responsible for that area to ascertain all the facts.

28. Exercise on behalf of fire inspectors etc. of their powers by officers of the fire brigade

The powers in article 27 can be passed on to an officer of the fire brigade when authorised in writing by such an inspector, for the purpose of reporting to the inspector any matters a responsible person is failing on.

29. Alterations notices

This is served to the responsible person if a local authority finds something which may cause a serious risk to relevant persons.

If a responsible person is served an alterations notice, if it relates to the premises, he must inform the enforcing authority of any changes which may significantly increase any risks. He may also have to record all alterations and send copies to the enforcing authority before any changes take effect. This may include your risk assessments.

30. Enforcement notices

This is served to the responsible person if a local authority is of the opinion that an obligation under this act is not being met.

An enforcement notice must state what is wrong and why and specify the provisions which are not being met. It must also tell the responsible person the steps to remedy the problem and state how long he has to complete the changes.

31. Prohibition notice

This is served to the responsible person if a local authority is in the opinion that the use of a premises produces a risk to relevant persons so great that a restriction of use is needed or that it is stopped straight away.

A prohibition notice must state what is wrong and why and state why they believe the risks are so great and direct that the use to which the prohibition notice relates is restricted, or stopped immediately, until the matter is remedied.

PART 4

32. Offences and appeals

It is an offence for a responsible person to:

- Fail to comply with any requirement or prohibition imposed by articles 8-21, 24, 29 and 38 where the failure puts any relevant person at risk.
- Fail to comply with any requirement of an enforcement or prohibition notice.
- Fail to comply with article 37.

It is an offence for a person to:

- Fail to comply with article 23
- Give or record any information you know to be false which relates to this order.
- Stop an inspector from doing his duties.
- Fail, without reasonable excuse, to comply with this order
- Pretend with intent to deceive an inspector.
- Fail to comply with any prohibition imposed.

Any person found guilty of any of these offences is liable for a fine not exceeding the statutory maximum and if a relevant person dies as a result of not complying with this order a prison sentence may occur.

33. Defence

Subject to article 32, in any proceedings for an offence under this order, except for a failure to comply with articles 8 or 12, it is the responsibility of the person charged with the offence to prove he took all reasonable precautions to avoid the offence he has been charged with.

34. Onus of proving limits of what is reasonably practicable

It is the duty of the accused to prove that it was not reasonably practicable to do more than was in fact done to satisfy the duty or requirement.

35. Appeals

A person given an alterations, enforcement or prohibition notice or a notice given under article 37 can appeal within 21 days from the day the notice was served.

36. Determination of disputes by secretary of state

This article applies where the responsible person has failed to comply with this order and the responsible person and the local authority cannot agree on the measures which are needed to remedy the failure.

The secretary of state will then be called upon to determine the correct course of action to be taken.

PART 5

Miscellaneous

37. Fire fighters switch for luminous tube signs etc.

Subject to article 12, this article applies to apparatus consisting of luminous tube signs designed to work at voltage higher than normal or other equipment that works of a higher than normal voltage.

This article refers to the need for a cut off switch if a transformer is provided on the low voltage side.

The required voltages for a cut off switch to be needed are:

1000 volts AC or 1500 volts DC measured between two conductors, or
600 volts AC or 900 volts DC measured between a conductor and an earth

If apparatus is used within this range a cut off switch must be fitted.

The cut off switch must be placed coloured or marked so the fire authority can readily recognise it and access it.

It must comply with current electrical legislation.

Not less than 42 days notice must be given to the fire authority if a switch (or machinery with a switch) is to be fitted. The fire authority will reply with in 21 days if anything is not satisfactory.

38. Maintenance of measures provided for protection of fire fighters

Where necessary in order to safeguard the safety of fire fighters in the event of a fire, the responsible person must ensure that all equipment and devices provided on the premises for the use or protection of fire fighters are subject to a suitable system of maintenance and are maintained in an effective state and in effective working order.

39. Civil liability for a breach of statutory duty

Nothing in this order is to be construed as a right of action in any civil proceedings. Breach of a duty imposed on an employer by or under this order, so far as it causes damage to an employee, confers a right of action on that employee in civil proceedings.

40. Duty not to charge employees for things done or provided

No employer is allowed to charge any employee for anything needed to comply with this order.

41. Duty to consult employees

You need to comply with the safety representatives and safety committees regulations 1977 (employer's duty to consult and provide facilities and assistance).

42. Special provisions in respect of licensed etc. premises

The licensing authority must consult the enforcing authority for the premises before issuing a license.

43. Suspension of terms and conditions of licences dealing with same matters as this order

At any time when this order applies to the premises, any term, condition or restriction imposed by the licensing authority has no effect to any matter which requirements or prohibitions are or could be imposed under this order. This does not apply if the licensing authority is also the enforcing authority.

44. Suspension of byelaws dealing with same matters as this order

Where any enactment provides for the making of byelaws in relation to the premises to which this order applies, then, so long as this order continues to apply to the premises, any byelaw has no effect in so far as it relates to any matter in relation to which requirements or prohibitions are, or could be, imposed by under this order.

45. Duty to consult enforcing authority before passing plans

There is a duty to ensure all plans proposed to erect a building, make an extension or structural change or a change of use at a premises are passed to the enforcing authority for approval.

46. Other consultation by authorities

Where a government department or other public authority intends to take action in respect of the premises which will result in changes to any of the measures required by or under this order, that department or authority must consult the enforcing authority for the premises before taking that action.

47. Disapplication of the health and safety at work etc. act 1974 in relation to general fire precautions

The health and safety at work act 1974 and any regulations made under that act shall not apply to the premises to which this order applies, in so far as that act or any regulations made under it relate to any matter in relation to which requirements are or could be imposed by or under this order.

48. Service of notices etc.

Any notice required or authorised by this order to be served on any person may be served on him either by delivering it to him, or by leaving it at his proper address, or by sending it by post or an electronic communications network to him at that address.

49. Application to the crown and to the houses of parliament

Nothing in this order authorises the entry of any premises occupied by the crown.

50. Application to visiting forces, etc.

This order applies to a visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 only to the extent that it applies to the crown.

51. Subordinate provisions

For the purposes of section 4 of the Regulatory Reform Act 2001, in article 2, the definition of "Relevant Local Authority", articles 9 to 22, 25 and 45 and schedule 1 are designated as subordinate provisions.

SCHEDULE 1

PART 1

MATTERS TO BE CONSIDERED IN RISK ASSESSMENT IN RESPECT OF DANGEROUS SUBSTANCES

The matters are:

- The hazardous properties of the substance.
- Information on safety provided by the supplier, including information contained in any relevant data safety sheet.

The circumstances of the work including:

- The special technical and organisational measures and the substances used and their possible interactions.
- The amount of the substance involved.
- The arrangements for the safe handling, storage and transport of dangerous substances and of waste containing dangerous substances.
- Activities, such as maintenance, where there is the potential for a high level of risk.
- The effect of measures which have been or will be taken in pursuant of this order.
- The likelihood that an explosive atmosphere will occur and its persistence.
- The likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective.
- The scale of the anticipated effects.
- Any places which are, or can be connected via openings to, places in which explosive atmospheres may occur, and such additional safety information as the responsible person may need in order to complete the assessment.

PART 2

MATTERS TO BE TAKEN INTO PARTICULAR ACCOUNT IN RISK ASSESSMENT IN RESPECT OF YOUNG PERSONS

The matters are:

- The inexperience, lack of awareness of risks and immaturity of young persons.
- The fitting out and layout of the premises.
- The nature, degree and duration of exposure to physical and chemical agents.
- The form, range, and use of work equipment and the way in which it is handled.
- The organisation of processes and activities.
- The extent of the safety training provided or to be provided to young persons, and risks from agents, processes and work listed in the annex to council directive 94/33/EC on the protection of young people at work.

PART 3

PRINCIPLES OF PREVENTION

The principles are:

- Avoiding risks.
- Evaluating the risks which cannot be avoided.
- Combating the risks at source.
- Adapting to technical progress.
- Replacing the dangerous by the non-dangerous or less dangerous.
- Developing a coherent overall prevention policy which covers technology, organisation of work and the influence of factors relating to the working environment.
- Giving collective protective measures priority over individual protective measures and giving appropriate instructions to employees.

PART 4

MEASURES TO BE TAKEN IN RESPECT OF DANGEROUS SUBSTANCES

In applying measures to control risks the responsible person must, in order of priority:

- Reduce the quantity of dangerous substances to a minimum.
- Avoid or minimise the release of a dangerous substance.
- Control the release of a dangerous substance at source.
- Prevent the formation of an explosive atmosphere, including the application of appropriate ventilation.
- Ensure that any release of a dangerous substance which may give rise to risk is suitably collected, safely contained, removed to a safe place, or otherwise rendered safe, as appropriate.
- Avoid, ignition sources including electrostatic discharges, and such other adverse conditions as could result in harmful physical effects from a dangerous substance, and segregate incompatible dangerous substances.

The responsible person must ensure that mitigation measures applied in accordance with article 12 include:

- Reducing to a minimum the number of persons exposed.
- Measures to avoid the propagation of fires or explosions.
- Providing explosion pressure relief arrangements.
- Providing explosion suppression equipment.
- Providing plant which is constructed so as to withstand the pressure likely to be produced by an explosion and providing suitable personal protective equipment.

The responsible person must:

- Ensure that the premises are designed, constructed and maintained so as to reduce risk.
- Ensure that suitable special, technical and organisational measures are designed, constructed, assembled, installed, provided and used so as to reduce risk.
- Ensure that suitable special, technical and organisational measures are maintained in an effective state, in efficient working order and in good repair.

The responsible person must ensure that equipment and protective systems meet the following requirements:

- Where power failure can give rise to the spread of additional risk, equipment and protective systems must be able to be maintained in a safe state of operation independently of the rest of the plant in the event of power failure.
- Means of manual override must be possible, operated by employees competent to do so, for shutting down equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions, provided that the provision or use of such means does not compromise safety.
- On operation of emergency shutdown, accumulated energy must be dissipated as quickly and as safely as possible or isolated so that it no longer constitutes a hazard.
- Necessary measures must be taken to prevent confusion between connecting devices.



Where the work carried out in hazardous places or involves hazardous activities, ensure that appropriate systems of work are applied including:

- The issuing of written instructions for the carrying out of work
- A system of permits to work, with such permits being issued by a person with responsibility for this function prior to the commencement of work concerned.

This is only a guide to the Order it cannot be relied upon and DemiFire Ltd take no responsibility for its content, only the Regulatory Reform Order 2004 is 100% accurate and should be the basis for your fire safety policy.