


Implementation of the Fire Safety (England) Regs 2022

 23 January 2023

On 23 January 2023 the Fire Safety (England) Regulations 2022 (Regulations) will come into force in England. The Regulations implement a large number of the fire safety recommendations made in the Phase 1 Report issued by the Grenfell Tower Public Inquiry and the recommendations made by Dame Judith Hackett in her independent review of fire safety and building regulations.

The Regulations impose a range of new duties on Responsible Persons (RP) for all existing multi-occupied buildings in England (devolved nations are implementing their own regulations). The extent of the new duties depends on the type of building including non-high rise buildings, buildings over 11 metres and high rise buildings which are defined as those over 18 metres.

Who is the 'Responsible Person'?

If you are already an RP in respect for other fire safety duties, for example undertaking a Fire Risk Assessment, under the Fire Safety (England) Order 2005 (Order) then these new duties may also fall to you to discharge. You will be an RP if you have control of a building and that could be because you own, lease or manage premises.

It is often the case that there is more than one RP for a building, and it is important to ensure that you have identified who will ensure these new duties are complied with.

Which buildings do the Regulations apply to?

The Regulations apply to all multi-occupied residential buildings regardless of height. There has been significant press around the changes planned for improving fire safety in high rise buildings and whilst a large number of the new duties coming into force under the Regulations only relate to high rise buildings the changes are not limited to high rise buildings.

What do I need to do to comply?

For all multi occupied residential buildings the RP must:

Residents: ensure residents are provided with fire safety instructions including information on how residents should report a fire and what the residents must do in the event of a fire; and provide residents with information on the importance of fire doors in managing fire safety.

For all residential buildings over 11 metres the RP must:

Residents: provide residents with fire safety instructions and fire door information; and

Checks: complete an annual check of all flat entrance doors and a quarterly check of all fire doors located in the common parts of the building.

For all residential buildings over 18 metres the RP must:

Residents: ensure residents are provided with information including fire safety instructions and information on the importance of fire doors;

Information: Supply their local Fire and Rescue Service with up to date electronic copies of floor plans of the building and ensure a hard copy is contained in the secure information box on site. Also, supply to the local fire and rescue service information about the buildings design and materials relating to the external walls;

Checks Undertake monthly checks on lifts intended for use by firefighters and evacuation lifts and to check the functionality of other key pieces of firefighting equipment. There is also an obligation to report any defects identified to their local Fire and Rescue Service if the fault cannot be fixed within 24 hours; and

Installations Install a secure information box in the building which contains the contact details of the responsible person and hard copies of the floor plans. Also, to install signage that can be seen in low light or smoky conditions including floor and flat information in the stairwells.

Are you prepared for 23 January 2023?

These new Regulations have been well publicised but the real focus has been on high rise buildings and so it is possible that the other, less onerous duties, applying to all multi-occupied residential buildings may well have fallen off the radar.

Given that many of the buildings falling within the scope of these Regulations can have multiple RPs a key priority is to ensure that the changes required to ensure that a building complies with these new duties have been implemented by an RP by 23 January 2023.

There has been significant and ongoing publicity around these changes, and it is likely that the regulators who enforce compliance with these new duties will not have much sympathy for RPs who fail to implement the necessary changes to bring their buildings into compliance with these new duties.

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