

Message

**From:** Darren Hobbs [/O=LINK/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=693098CF-9D408927-ECF7497D-D4CA2D4D]  
**Sent:** 26/04/2004 14:16:26  
**To:** Jack, Andy [Andy.Jack@odpm.gsi.gov.uk]; Geoff Bowles [/O=LINK/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=GBOWLES]  
**CC:** Anthony Burd [/O=LINK/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=ABURD]; Gower-Kerslake, Geoffrey [Geoffrey.Gower-Kerslake@odpm.gsi.gov.uk]  
**Subject:** Re: Fwd: Fire Safety Regulatory Reform Order: Explanatory Statement

Geoff

The access and facilities provided under B5 are for the protection of people in and about the building, but "people" includes firefighters engaged in search and rescue (protection of life) duties. Therefore, your concerns on this point may be unnecessary. Anthony is considering whether greater clarity of this intent is needed as part of the current review of part B.

It does flag up an issue with the draft RR(FS)O which may not have been addressed so far - that is that some existing "enactments", local ones for example, may require provisions to be made which are for the protection of property. Therefore, as currently drafted, article 38 may require relevant persons to maintain property protection provisions in order to satisfy their obligations under the order. Andy - what's your view on this?

Happy to discuss

Darren

>>> Geoff Bowles 19/04/04 14:16:39 >>>  
Andy,

Thanks for copying this to me. I have not had chance to read in detail but a couple of points spring to mind:

1. Paragraph 350 (article 38): I note that you still refer to facilities that have been 'provided in the first place to ensure the safety of fire-fighters'. As discussed, the access and facilities provided under the Building Regulations have not been provided specifically for the safety of fire-fighters. To quote from ADB (5): 'these access arrangements and facilities are only required in the interests of the health and safety of people in and around the building'. It may be that certain local acts require facilities specifically for the safety of fire-fighters in which case this article would apply but, in the case of the Building Regulations it seems that as currently worded, article 38 may not apply in full to all the circumstances envisaged. Article 17 does not help either because fire-fighters are now specifically excluded as not being relevant persons by virtue of the new interpretation. A slightly different reference to fire-fighters appears in B3 where the structural elements are required to be fire resisting 'to reduce the risk to fire-fighters', who may be engaged in search or rescue operations' (not fire-fighting).

If you agree with my interpretation it seems that a further amendment to Article 38 may be necessary or, perhaps another look at Article 17 to roll it all up together may be more appropriate. In any case, it would be helpful to further discuss these proposals with colleagues in Building Division.

On a related note, the wide interpretation given to 'relevant persons' seems to provide protection for any person lawfully on the premises and any person (lawful or otherwise) in the immediate vicinity who is at risk from a fire on the premises. It is difficult to interpret the full implications of this but it seems to me that any person lawfully on the premises could include virtually anyone who has permission and anybody else with a right of entry eg other emergency services, but not the fire service.

2. Paragraph 51: In respect of Crown premises this should refer to fire inspectors, i.e Inspectors of Fire Service appointed by Her Majesty and assistant inspectors or any other person, appointed by the Secretary of State, not to Her Majesty's Inspectors of Fire Services.

Happy to discuss.

Geoff

>>> Andy Jack 16/04/04 15:53:24 >>>

Folks,

You will want to know that this submission has gone forward today for Ministers to sign off the explanatory memo which has to accompany the RRO (we will be making further minor amends - particularly any arising from Ministers comments and DA/LP committee).

In tandem Cabinet Office are asking their Ministers to send the whole RRO pack (RRO, RIA and Ex memo) to DA and LP for clearance to lay the Order on 10 May. Cabinet Office Ministers will do so on Tuesday - subject to Phil Hope and CO Ministers being happy to do so.

The RRO and RIA have already been approved by ODPM Ministers.

Andy

Andy Jack  
Head of Fire Safety Legislation Branch  
Office of the Deputy Prime Minister  
Fire Policy Division

GTN  
Fax

>>> Diana Kahn 16/04/04 12:45:00 >>>  
As agreed with Anna, I attach an urgent submission.

It invites Phil Hope to consider the Explanatory Statement which will accompany the Draft Regulatory Reform Order when it is laid before Parliament. Cabinet Office Ministers will be writing round to colleagues early next week. The Minister might like to consider the paragraphs dealing with fair balance in particular - paras 334-359

The attachments should be read from right to left: 2 page submission, Explanatory statement (71 pages), and copy of the Regulatory Reform Act (13 pages)

Ms Diana Kahn  
Head of Division  
Fire Legislation, Safety and Pensions Division  
Office of the Deputy Prime Minister  
Zone A/17, Portland House  
Stag Place  
London SW1E 5LP  
Tel:  
Fax: