

## ***Questionnaire: Draft Fire Safety (Scotland) Regulations***

### **A. Your Details**

Please complete the details below as this will help to ensure that we handle your response appropriately.

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### **B. Draft Fire Safety Regulations**

***Part 3 of the Fire (Scotland) Act 2005 makes provision in respect of general duties in relation to premises other than private dwellings and includes a power whereby Scottish Ministers may make regulations in relation to these fire safety duties. The draft regulations which are the subject of this consultation make a number of provisions, including in respect of the carrying out of fire risk assessments and reviews.***

***The regulations will operate along with the provisions of Part 3 of the Fire (Scotland) Act 2005 to form a single fire safety regime in Scotland. Sector specific technical guidance will also be produced which will identify means of complying with the legislation. This should be taken into account when formulating your response.***

***You are invited to consider the regulations and respond to the questions listed below.***

5. Please indicate why you, or your organisation, has an interest in the content of the fire safety regulations.

<p>The Institution of Fire Engineers is the professional body for fire safety practitioners in the United Kingdom.</p>
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6. Are you familiar with the content of Part 3 of the Fire (Scotland) Act 2005 to the extent that it will affect you or your organisation?

Yes  X  
No

7a. Is there anything missing from the regulations that you think should be included?

Yes (go to 7b below)  X  
No (go to 8a)

7b. What else do you think should be included and why should it be included?

- i. It is recommended that the definition of “competent” in Regulation 2 –(1) should be modified to include an inference to the possession of professional qualifications and Professional Indemnity insurance appropriate to the work being carried out by the “competent person”.
  
- ii. It is acknowledged that details of fire safety arrangements such as fire alarm systems, escape lighting and fire extinguishing provisions must be recorded in most circumstances in order to comply with Regulation 8. Whilst this would mean that the fire safety plan for the building would record the fact that it is policy to give training and to carry out drills, test and maintain fire equipment, etc, there appears to be no requirement under the Regulations to actually keep a record of the work done (e.g. a log book recording weekly fire alarm tests). It is considered that making such a requirement would not be an undue burden on business as it is recognized good practice and would enable the employer to demonstrate effective compliance with the Regulations to the enforcing authority. To avoid the administrative burden on small businesses, it is suggested that the requirement could be limited to those situations where Regulation 8(2) applies.
  
- iii. The term fire risk, itself, should be defined in the Regulations. ( A suitable definition could, for example, be found in BS 4422:2005. A simple definition, consistent with BS 4422 and with that used in the health and safety field, would be **“the likelihood of fire occurring in combination with the potential harm to relevant persons if fire does occur”.**)

8a. Is there anything included in the regulations which you think is inappropriate?

Yes (go to 8b below)   
No (go to 9a)  X

8b. What do you think is inappropriately included in the regulations, and why is it inappropriate?

9a. Does the Explanatory Note help your understanding of the purpose and content of the regulations?

Yes (go to 10a)  X  
No (go to 9b below)

9b. How do you think the Explanatory Note could be improved?

10a. On the basis of the regulations and Explanatory Note alone, do you understand the responsibility that the regulations will place on you and your organisation?

Yes (go to 11)  X  
No (go to 10b below)

10b. In which area(s) would you like further clarification to assist with understanding?

11. Do you have any further comments on the draft regulations, or on the consultation process?

- i. In Regulation 3(1), the word 'regularly' should be changed to 'periodically'.
- ii. In regulation 10(2)(a) it is considered that the use of the words 'as directly as possible' is inappropriate. This would mean all escape routes should follow a straight line, which is surely not what is intended by the Regulation. 'As directly as practicable' would be more appropriate.
- iii. Is Regulation 10(2)(d) perhaps unduly restrictive in cases of very low occupancy?
- iv. In Regulation 10(2)(e) it is suggested that "solely" may be a better word than "specifically".
- v. In Regulation 10(2)(f) the use of the word "immediately" could lead to interpretation problems as it implies "instantaneous". This may give particular problems in certain premises such as schools where there will be a conflict between security requirements and compliance with this regulation. Any mechanism that secures a door in the closed position will take a finite amount of time to operate. Perhaps a maximum time could be quantified (say 3 seconds)?
- vi. In Regulation 16(1), the training should address measures to prevent fire, and not just the "harm" (i.e. consequences) caused by fire.
- vii. In Regulation 16(2)(a), it is suggested that the training should refer to making the employee aware of their duties under Regulation 18.
- viii. In Regulation 16(2)(b), it is suggested that 'where appropriate' should be changed to 'when appropriate'.
- ix. It is considered that most persons will find Regulation 20(2) virtually impossible to understand and it is strongly recommended that the Regulation be reworded.
- x. Regulation 23(4) and (6), it is recommended that after the first use of the word "transmission" in each of these Regulations that the words "as defined in paragraph (3)" should be inserted.