

Briefing Note -

# FIRE SAFETY ACT 2021



## Introduction

In this Briefing Note we have set out the main changes introduced by the new Fire Safety Act 2021 which received royal assent on the 29th April 2021 and is now an Act of Parliament.

The Act amends the Regulatory Reform (Fire Safety) Order 2005 (FSO), to ensure that people feel safe in their homes, and a tragedy like the Grenfell Tower fire never happens again.

## Section 1 - Premises to



## which the FSO applies

Article 6 of the FSO has been amended to include the following:

**Where a building contains two or more sets of domestic premises, the things to which this order applies include—**

- (a) the building's structure and external walls and any common parts;
- (b) all doors between the domestic premises and common parts (so far as not falling within sub-paragraph (a)).

**The reference to external walls includes—**

- (a) doors or windows in those walls, and
- (b) anything attached to the exterior of those walls (including balconies).

## Section 2 - Power to change premises to which the FSO applies

The relevant authority (in relation to premises in England, means the Secretary of State; and in relation to premises in Wales, means the Welsh Ministers) may by regulations amend the FSO —

- (a) for the purpose of changing or clarifying the premises to which it applies;
- (b) in consequence of provision made under paragraph (a).

## Section 3 - Risk based guidance about the discharge of duties under the FSO

Regarding Article 50 of the FSO relating to guidance, the following amendment has been made:

Where in any proceedings it is alleged that a person has contravened a provision of articles 8 to 22 or of regulations made under article 24 in relation to a relevant building (or part of the building)—

(a) proof of a failure to comply with any applicable risk based guidance may be relied on as tending to establish that there was such a contravention, and

(b) proof of compliance with any applicable risk based guidance may be relied on as tending to establish that there was no such contravention.

## Section 4 – Extent and commencement

This Act extends to England and Wales only.

**Section 1** comes into force when the Secretary of State makes regulations.

**Section 2** comes into force at the end of the period of two months beginning with the day on which this Act is passed.

**Section 3** comes into force at the same time as section 1 comes fully into force.

The much awaited change of the Fire Safety Bill to the Fire Safety Act 2021, has now confirmed the extension of the FSO in relation to premises to which it applies.

Although we still have to wait until the Secretary of State makes further regulations before fire risk assessments will 'legally' need to include the building's structure and external walls and all doors between the domestic premises and common parts, the majority of property managers are implementing these arrangements from now on.

Greater consultation and preparation between clients and fire risk assessors will therefore, now need to be made to ensure information and access is available to ensure these additional matters are adequately risk assessed.

This process will hopefully be made clearer with the publication of statutory guidance which is understood will assist:

- Responsible Persons.
- Enforcing Authorities.
- Fire Risk Assessors.



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