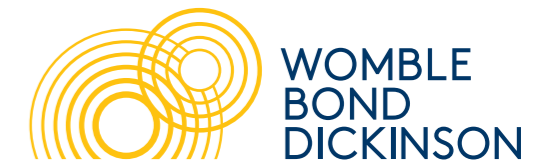


# Building Safety in Brief

## Fire safety duties for occupied buildings



### Background

- Fire safety is changing, with reforms that will introduce new roles and responsibilities while buildings are being designed, built, refurbished and occupied
- This factsheet provides an overview of some of the key obligations once buildings are built and occupied.

### Changes to the Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 (**FSO**) continues to govern fire safety in non-domestic premises in England and Wales, including workplaces and the “common parts” of residential buildings (**of any height**) which contain two or more domestic premises. However, the duties under the FSO have been clarified and enhanced by the Fire Safety Act 2021 and Building Safety Act 2022 (**BSA**), as follows.

#### Responsible person

The FSO places duties upon the “responsible person” (**RP**), who is generally the employer, building owner/occupier or managing agent, in respect of areas for the building within their control.

RPs must carry out a fire safety risk assessment and put in place effective arrangements to enable the safe occupation and use of the premises.

The FSO expands upon this general duty and covers matters relating to, for example:

- Fire-fighting and fire detection
- Emergency routes and exits
- Procedures in the event of a fire
- Provision of fire safety training and information to the workforce.

RPs are required to provide residents of multi-occupied residential buildings certain information in respect of fire safety matters such as the results of the risk assessment.

#### Clarification of “common parts”

The Fire Safety Act 2021 clarified the common parts to which the FSO applies include the structure, external walls (including cladding), balconies and flat entrance doors of buildings containing two or more sets of domestic premises **whatever their height**. These matters should therefore be included as part of the RP’s fire safety risk assessment.

### Additional duties under The Fire Safety (England) Regulations 2022

The Fire Safety (England) Regulations 2022 introduced additional duties from 23 January 2023.

In brief, for buildings in England, **of any height**, containing two or more sets of domestic premises with common parts there is a requirement to:

- display fire safety information (including the evacuation strategy and how to report incidents) and provide this information to residents; and
- provide specific information to residents relating to the importance of fire doors.

For residential buildings **above 11m in height**, RPs must use **best endeavours** to check all flat entrance doors at least every 12 months and check fire doors in communal areas at least every 3 months.

Additionally, for all HRBs, the regulations require wayfinding signage, a secure information box to be installed in the HRB (and various plans and information to be placed within the box) and for fire-fighting equipment to be regularly inspected.

### Additional duties for higher-risk buildings

The BSA introduced additional duties and more stringent standards for higher-risk buildings (**HRBs**) with further details added by the Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023 (**the 2023 Regulations**).

#### What’s an HRB?

In general terms, high-risk buildings are buildings of at least 18 metres in height or at least 7 storeys, and contain at least 2 residential units.

If the entire building is used in one of the following ways then it is not considered a HRB - hospital, care home, secure residential institution, hotel or military barracks.

#### New dutyholders

The BSA created two new dutyholders known as “accountable persons” (**AP**) and the “principal accountable person” (**PAP**).

However, there is a degree of regulatory overlap as the common parts and any other non-residential part of HRBs remains subject to the FSO. A RP under the FSO may also have duties as an AP. RPs are required to cooperate with APs.

#### Accountable person

An AP is, in general terms, someone who either owns or has responsibility for the structure and exterior of the building, or the communal areas.

APs have various duties for the parts of the building for which they are responsible including:

- assessing and managing the building safety risks

- reporting certain occurrences to the Building Safety Regulator (**BSR**)
- retaining and passing on fire safety documentation.

These duties are explained in further detail in the 2023 Regulations.

#### Principal accountable person

If a building has more than one AP, the AP responsible for the **structure and exterior** of the building will be the **PAP**. If there is only one AP, then that entity or person is the PAP.

The PAP is responsible for ensuring that building safety risks are being managed properly in relation to the whole HRB.

A PAP will have its duties as an AP **plus** obligations including:

- Displaying fire safety information
- Registering existing buildings with the BSR and new buildings before occupation
- Applying for a building assessment certificate when directed by the BSR
- Preparing a safety case report which demonstrates that APs have assessed all building safety risks and taken all reasonable steps to control them
- Establishing and operating a mandatory occurrence reporting system – the PAP has responsibility for creating a framework through which the APs can make reports to the BSR
- Preparing a residents’ engagement strategy and establishing a complaints procedure.

The 2023 Regulations added detail to the duties listed above.

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