



## PainSmith Solicitors Legal Update

24 October 2006

### Implementation of the Regulatory Reform (Fire Safety) (England & Wales) Order 2005

The Regulatory Reform (Fire Safety) (England & Wales) Order 2005 came into force on 1 October 2006. This order brings together a large amount of legislation relating to obligations to make premises fire safe. It applies to employers but also has application to the common parts of HMOs and blocks of flats. Guidelines have previously been published on the necessary standards for compliance and are available from the Department for Communities and Local Government website ([www.firesafetylaw.communities.gov.uk](http://www.firesafetylaw.communities.gov.uk)).

It has been suggested, principally by the Residential Landlords Association that the Order should not apply to individual private houses which are occupied by sharers as these are excluded by the paragraph in the Order which states that it does not apply to 'single private dwellings'. At the current time the majority of Fire & Rescue Authorities, who have responsibility for enforcing the Order, do not accept this position and will enforce the Order against all HMOs as defined by the Housing Act 2004. It should be noted that this means properties with three or more occupiers who are living in more than one household and not just properties which are required to be licensed.

It is also notable that Local Authority Environmental Health Officers, who are responsible for enforcing the Housing Health And Safety Rating System (HHSRS), are tending to take the view that the required standard for fire safety set by the HHSRS should be the same as that set by the Order. As the HHSRS applies to all rental property Landlords and Agents should take careful note of the Order and seek to move all their property towards that standard.

The Government has set up a new fire safety website ([www.fire.gov.uk](http://www.fire.gov.uk)) which provides a brief guide for landlords of HMOs as to the standards they need to meet. This can be found by following the 'Legal Requirements' link from the home page.

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