

The Fire Safety (England) Regulations 2022 – turning up the heat on England’s fire safety regime



Whilst stakeholders across the real estate industry spend the new year getting to grips with the Building Safety Act 2022 (BSA), it is important to remember that this is not the only weapon in the Government’s building safety armoury.

Background

The Regulatory Reform (Fire Safety) Order 2005 introduced the regime governing fire safety in non-domestic premises in England and Wales. The regime covered workplaces and the common parts of residential buildings of any height which contained two or more domestic premises.

The Grenfell Tower tragedy in June 2017 brought the country’s fire safety regime into sharp focus and as part of the response to that tragedy, the Fire Safety Act 2021 clarified that the common parts to which the Fire Safety Order applied included the structure, external walls (including cladding), balconies and flat entrance doors of buildings containing two or more sets of domestic premises.

What are the changes and when do they come into force?

On 23 January 2023 we will see an extension to the scope of the fire safety regime in England with the introduction of The Fire Safety (England) Regulations 2022 (the Regulations).



Which buildings are affected and how?

The new regulations affect all buildings in England that comprise two or more domestic premises (including the residential parts of mixed-use buildings). Blocks of flats (whether purpose-built or converted from another type of building such as a house or an office building) and student accommodation are obvious examples of buildings that fall within scope. The Regulations are not intended to capture maisonettes, where two flats exist within a converted house and there are no common parts through which an individual would evacuate in the event of a fire.

Obligations

The obligations set out in the regulations vary depending on the height of the building in question.

All buildings within the scope of the regulations

For all multi-occupied residential buildings within the scope of the new regulations, the responsible person (usually the building owner or any other person in control of the premises) must provide:

- specific information to residents on fire safety (including instructions on how to report a fire and what to do once a fire has occurred based on the evacuation strategy of the building); and
- information relating to the importance of fire doors in fire safety.

Buildings over 11m in height

For residential buildings with storeys over 11m in height there is an additional duty placed on the responsible person to undertake annual checks of flat entrance doors and quarterly checks of all fire doors in the common parts.

High-rise buildings

For high-rise residential buildings (of at least 18m in height or at least 7 storeys high) the requirements laid down by the Regulations include obligations to:

- install wayfinding signage;
- install information boxes containing the name and contact details of the responsible person;
- provide the local fire and rescue service with information such as up-to-date electronic building floor plans and details about lifts and the external wall systems; and
- to undertake monthly checks on lifts and the functionality of key pieces of firefighting equipment.

The fundamental purpose being to ensure that fire and rescue services are provided with information which will assist them with their operational pre-planning and that will be of value to front line crews to assist them in providing an effective operational response should a fire occur.

Next steps

The evolution of the regulatory landscape in relation to fire safety undeniably places a greater administrative burden on landlords and property operators/managers of buildings which fall within the scope of the new Regulations.

Building owners and landlords need to ensure that they have systems in place to comply with the Regulations or in circumstances where there are property management agents in place check that the terms of their asset management agreements place compliance duties on those agents and that those duties have been complied



with. As part of this process it may be necessary to consider instructing a fire engineering consultant to assist in carrying out a fire safety strategy/audit, providing a risk assessment and ensuring that the necessary steps are taken to ensure compliance with the Regulations.

The Government has published detailed [guidance on the nature of the duties imposed by the new regulations](#). If you are a building owner, landlord, property manager or operator and think you may need to discharge the duties of a responsible person under the new Regulations and would like to discuss the nature of these duties further please do not hesitate to contact a member of our [residential property team](#).

Written by



[Christobel Smales](#)

Professional Support Lawyer (Legal Director)