



Llywodraeth Cymru
Welsh Government

PUBLICATION

Fire safety responsibilities under Section 156 of the Building Safety Act 2022: guidance

Guidance for those who have responsibilities under the Regulatory Reform (Fire Safety) Order 2005. Section 156 of the Building Safety Act 2022 amends the Order.

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Who is this guidance for?

This guidance aims to assist Responsible Persons to identify what they need to do as a result of changes made to the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') through the Building Safety Act 2022. However, it is not a substitute for specialist advice, so if you are not clear about your duties having considered this guidance, you should consult a qualified fire safety professional. You are advised to check whether you are a Responsible Person here:

Check your fire safety responsibilities under the [Fire Safety Order](#).

To which buildings do these new fire safety requirements apply?

These requirements apply to all non-domestic premises, such as where people work, visit or stay, including workplaces, and the non-domestic parts of multi-occupied residential buildings (e.g. communal corridors, stairways, plant rooms). The requirements do not apply within individual domestic premises.

Fire and rescue authorities remain the primary enforcing body for the Fire Safety Order, including these additional requirements. Local authorities also have enforcement duties and powers related to, amongst other matters, fire safety under the Housing Act 2004. The enforcing body is the Health and Safety Executive in the case of non-occupied buildings on a construction site, the Defence Fire Safety Regulator for sites occupied for the purposes of the armed forces, and Inspectors appointed by the Welsh Ministers for non-military government buildings.

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Background to section 156 of the Building Safety Act 2022

The Building Safety Bill received Royal Assent in April 2022 and became the Building Safety Act 2022. The new legislation has the effect of amending the Fire Safety Order to include detailed provision about the responsibilities of Responsible Persons. Some of the key provisions:

- require that all Responsible Persons must record their completed fire risk assessment, and their fire safety arrangements, in full (where previously information was only required to be recorded in specific circumstances)
- require that all Responsible Persons provide, to residents in premises containing 2 or more sets of domestic premises and to any Responsible Person that replaces them, the identity of the individual (their name), and/or if applicable, their organisation (name) engaged by them to undertake/review any or all of the fire risk assessment
- require that all Responsible Persons must provide (and as necessary update) their contact information, including a UK based address, and share this with other Responsible Persons and residents of multi-occupied residential premises where applicable
- require that all Responsible Persons must take such steps as are reasonably practicable to ascertain the existence of other Responsible Persons who share or have duties in respect of the same premises. They must then identify themselves to said persons
- require that departing Responsible Persons must share all 'relevant fire safety information' (listed in article 22A of the Fire Safety Order) with incoming Responsible Persons
- require Responsible Persons of a building containing 2 or more sets of domestic premises to provide residents with relevant fire safety information in a format that is easily understood by the residents, the matters about which information must be provided are listed in article 21A of the Fire Safety

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Order

- increase the level of fines for some offences
- strengthen the status of statutory guidance issued under article 50 of the Fire Safety Order.

There is also a legislative requirement that, where the Responsible Person appoints a person to make or review the fire risk assessment, the person they appoint must be competent. This legislative requirement will be brought into force at a later date, and we will provide relevant guidance in that regard ahead of the commencement date. In the meantime, if you do appoint a fire risk assessor our recommendation is that you ensure they are competent to do so, in terms of having sufficient training, experience and knowledge. It remains the case that the Responsible Person has a duty to make sure that a suitable and sufficient fire risk assessment is completed.

You can find guidance on how to complete a [fire risk assessment](#) or understand more about [fire safety in your premises](#).

Duties for all responsible persons

The following new duties apply to you if you are the Responsible Person for any building regulated by the Fire Safety Order.

Recording your fire risk assessment and other information

You must now record the fire risk assessment in full (including all the findings) and the fire safety arrangements for your premises in all circumstances.

You should make available as much information as possible about fire safety in

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your premises. This new requirement replaces the previous requirement to record only the significant findings of the risk assessment. It also removes the previous limitations on the circumstances within which you are required to record both the risk assessment and the fire safety arrangements at your premises, such as only being required to record this information if there were 5 or more employees or where subject to licensing or an alterations notice.

If you employ a fire risk assessor to assist you in completing a fire risk assessment, you should record their name, and where applicable, their organisation name. This will ensure there is a clear record for enforcing authorities as to who completed the assessment and will enable you to share this information with both residents (where applicable) and any incoming Responsible Person after you. You are responsible for ensuring that your fire risk assessment is suitable and sufficient and if you employ someone to do this for you should ensure they are competent to do so.

Cooperation and coordination between Responsible Persons

It is important that you work with other Responsible Persons in the premises to help facilitate a cohesive approach to fire safety throughout the entire building. As such, you must take such steps as are reasonably practicable to identify whether there are any other Responsible Persons for the premises who share or have duties in respect of it.

For example, in multi-occupancy commercial buildings such as shopping centres, other Responsible Persons would not only include the other businesses, but would also include a landlord (and possibly a managing agent) who has overall responsibility for the safety within the building.

Once you have identified that there are other Responsible Person/s, you will need to inform each other of your names and a UK based address where you, or

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someone acting on your behalf, are able to receive notices and other documentation.

It will also be necessary to inform each other of the extent of your responsibilities under the Fire Safety Order and make a record of this information. You should know the extent to which you are responsible for the premises, which may be detailed in a contract, but, if you are unsure, we advise you to contact the building owner or manager to determine the extent of your control.

You should provide any information in writing, and it is advised that you record this in such a way that it can be readily accessed if you need it as evidence of information sharing. You are required to keep a record of the information provided about the parts of the premises for which you have responsibilities.

It is vital that your fire risk assessment, and any fire safety measures you take as a result, align with, and complement, the fire risk assessment(s) and fire safety measures for the rest of the building in order to provide a whole building approach to fire safety.

As soon as possible, it is good practice for you to let the other Responsible Persons know when you have a new Responsible Person taking over your part of the premises, so that they can provide the necessary information detailed above to the incoming Responsible Person.

Provision of information to new Responsible Persons

Outgoing Responsible Persons are also required to share any relevant fire safety information with incoming Responsible Persons to provide a continual record of fire safety information throughout a building's lifetime. This would include scenarios where you cease trading, are taken over by a new Responsible Person or sell your business or freehold. Where you are the existing Responsible Person, you must provide any new Responsible Person

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with any “relevant fire safety information” (listed in article 22A of the Fire Safety Order) including:

- the fire risk assessment and review records (including any fire safety information provided by other Responsible Persons)
- the identity of any person who assisted with the fire risk assessment/ review
- the name of any other person who is a Responsible Person in relation to the premises and their UK address, or the UK address of someone acting on behalf of the Responsible Person, at which they will accept notices or other documentation
- any information given under regulation 38 of the Building Regulations 2010 (such as the information provided when a building is built or extended)

If you do not have the contact details for the incoming Responsible Person you could ask the building owner or manager. If they do not have them or cannot provide them, you should provide all the required information to the building owner or manager so that they can forward this onto the incoming Responsible Person when this has been identified. You should make a written record that you have done this.

Where disputes are identified with any of the above cooperation duties that may compromise fire safety, generally in the first instance you should speak with the landlord or freeholder. If this fails to resolve the problem, you should then contact the relevant enforcement authority.

Duties of Responsible Persons for buildings which contain 2 or more sets of domestic premises

The following new duties also apply when your building contains 2 or more sets

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of domestic premises:

Provision of information to residents

The amendments made to the Fire Safety Order should make people feel safer in their homes and ensure that residents understand what you are doing to comply with your responsibilities. These new requirements go further to enhance the provision of information and help residents be informed and involved. It is also important that you record your name and a UK address in the fire risk assessment to make it easier for enforcement authorities to identify you.

You must provide residents with the following information:

- any risks to residents identified in the fire risk assessment
- the fire safety measures provided for the safety of any or all occupants (such as the means of escape, the measures to restrict the spread of fire and what people should do in the event of a fire)
- your name and the UK address at which you, or someone acting on your behalf, will accept notices or other documents
- the identity of any person appointed to assist with making or reviewing the fire risk assessment
- the identity of any competent person nominated by the Responsible Person to implement firefighting measures
- any risks to relevant persons throughout the building that have been identified by other Responsible Persons in the building

This relevant information should be provided to residents in both Welsh and English where possible, and, where appropriate, in other languages too. This is to ensure that the fire safety information provided to them about their building will be read and understood by residents. Generic fire safety advice is already available in Welsh, English and a number of other languages from the Fire and Rescue Service.

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You should consider providing contact details, if different to your contact details as the Responsible Person, for residents to be able to inform you of any concerns or queries they have about fire safety matters, or the information provided to them.

The Welsh Government may, by regulation, update the list of information to be provided to residents to reflect future developments in fire safety and specify the frequency and format in which the information should be provided.

Other changes to fire safety legislation

As well as introducing new requirements for Responsible Persons, the Building Safety Act amends other articles of the Fire Safety Order:

Offences

Article 32 of the Fire Safety Order sets out a number of offences that may be committed by a Responsible Person in relation to their duties under the Fire Safety Order.

Section 156 of the Building Safety Act has increased the level of fine for offences in relation to the intentionally deceptive impersonation of an inspector, failure to comply (without reasonable excuse) with specific requirements imposed by an inspector (such as by not providing a copy of the fire risk assessment when requested), and failure to comply with requirements relating to the installation of luminous tube signs, from Level 3 (£1,000) to Level 5 (unlimited). The new level of fines will only take effect from the date the new legislation comes into force (i.e. if an offence is committed before 1 October 2023 then the lower level of fines would still apply).

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This aligns the level of fine possible for these offences with all other offences and provides an increased deterrent against non-compliance.

Guidance

Article 50 of the Fire Safety Order requires the Welsh Ministers to ensure that such guidance as they consider appropriate is made available to assist Responsible Persons to discharge their duties.

Section 156 of the Building Safety Act strengthens the status of all article 50 guidance by providing that, in court proceedings for alleged breaches of the Fire Safety Order, compliance with or deviation from guidance issued under article 50 may be relied upon as tending to establish whether or not there was a breach of the Fire Safety Order.

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