

# **FIRE PRECAUTIONS ACT 1975**

(Chapter 18)

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## GENERAL NOTES

1. The maximum fines in this Act are as increased by the Fines Act 1986 and by the Criminal Justice (Penalties, Etc.) Act 1993 s 1.
2. References to a Board of Tynwald are to be construed in accordance with the Government Departments Act 1987 s 7.

## AN ACT

### **to make better provision for the protection of persons from fire risks; and for purposes connected therewith.**

#### *Premises for which fire certificates are required*

#### **1. Uses of premises for which fire certificate is compulsory**

- (1) A certificate issued under this Act by the fire authority (in this Act referred to as a 'fire certificate') shall, subject to any exemption conferred by or under this Act, be required in respect of any premises which are put to a use for the time being designated under this section (in this Act referred to as a 'designated use').
- (2) For the purposes of this section, the Department of Home Affairs (in this Act referred to as 'the fire authority') may by order designate particular uses of premises, but shall not so designate any particular use unless it falls within at least one of the following classes of use, that is to say:-
  - (a) use as, or for any purpose involving the provision of, sleeping accommodation;
  - (b) use as, or as part of, an institution providing treatment or care;
  - (c) use for purposes of entertainment, recreation or instruction or for purposes of any club, society or association;
  - (d) use for purposes of teaching, training or research;
  - (e) use as a place of work;
  - (f) use for any purpose involving access to the premises by members of the public, whether on payment or otherwise.

#### **[Subs (2) amended by GC120/86]**

- (3) An order under this section may provide that a fire certificate shall not, by virtue of this section, be required for premises of any description specified in the order, notwithstanding that they are, or form part of, premises which are put to a designated use.
- (3A) An order under this section may, as respects any designated use, specify descriptions of premises which qualify for exemption by the fire authority under section 4A from the requirement for a fire certificate in respect of premises which are put to that use.

**[Subs (3A) inserted by Fire Precautions (Amendment) Act 1992 Sch 1]**

- (4) For the purposes of any provision made in an order under this section by virtue of subsection (3) or (3A) above, a description of premises may be framed by reference to the purpose for which premises are used or the frequency of their use for any purpose or their situation, construction or arrangement or by reference to any other circumstances whatsoever; and different provision may be made in pursuance of subsection (3) or (3A) in relation to different designated uses.

**[Subs (4) amended by Fire Precautions (Amendment) Act 1992 Sch 1]**

- (5) An order under this section may include such supplementary and incidental provisions as appear to the fire authority to be necessary or expedient for the purposes of the order.

**[Subs (5) amended by Fire Services Act 1984 Sch 2]**

- (6) An order under this section shall not have effect until it has been approved by Tynwald.
- (7) Without prejudice to any exemption conferred by or under this Act, where premises consisting of a part of a building are put to a designated use, any other part of the building which is occupied together with those premises in connection with that use of them shall, for the purposes of this Act, be treated as forming part of the premises put to that use.

**2. Premises exempt from s 1**

No fire certificate shall, by virtue of section 1 of this Act, be required in respect of premises of any of the following descriptions, that is to say:-

- (a) any premises which form part of a mine or quarry within the meaning of the Mines and Quarries Regulation Act 1950;
- (b) any premises consisting of, or comprised in, a house which is occupied as a single private dwelling.

**3. Power of fire authority to make fire certificate compulsory for use of certain premises as a dwelling**

- (1) This section applies to any premises not for the time being excluded by subsection below which have been, are being or are to be used as a dwelling if:-
- (a) the premises consist of or comprise a room which has been, is being or is to be used as living accommodation and which
- (i) is below the ground floor of the building which constitutes or comprises the premises, or
- (ii) is two or more floors above the ground floor of that building; or
- (iii) is a room of which the floor is six metres or more above the surface of the ground on any side of that building; or

- (b) explosive or highly flammable materials of any prescribed kind have been, are being or are to be kept anywhere under, in or on the building which constitutes or comprises the premises in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind.
- (2) This section does not apply to any premises consisting of, or comprised in, a house which is occupied as a single private dwelling.
- (3) If, in the case of any premises, it appears to the fire authority that they are premises to which this section applies, the authority may serve a notice under this section relating to those premises on either
  - (a) the occupier of the premises; or
  - (b) the owner of the premises: or
  - (c) a person (whether the occupier or owner of the premises or not) having the overall management of the building constituting or comprising the premises.
- (4) A notice under this section shall be in the prescribed form and shall
  - (a) specify the premises to which it relates;
  - (b) give particulars of the facts by reason of which it appears to the fire authority that this section applies to the premises;
  - (c) specify one of the positions mentioned in subsection (3) above and state that the person on whom the notice is served is being served with it as the occupier of that position;
  - (d) indicate that, on the coming into force of the notice, a fire certificate will, in the circumstances mentioned in subsection (6) below, be required in respect of the premises to which the notice relates; and
  - (e) state the right of appeal against the notice conferred by Part I of Schedule 6 to this Act and the time within which such an appeal may be brought.
- (5) When the fire authority serves a notice under this section relating to any premises, it shall inform the local authority for the district in which the premises are situate.
- (6) A fire certificate shall be required in respect of any premises which, while this section applies to them and there is in force a notice under this section relating to them, are used as a dwelling.
- (7) Where, in the case of any premises, there is in force a notice under this section relating to them and it appears to the fire authority that the notified person has ceased to occupy the specified position, it may serve a fresh notice under this section in respect of the premises; and, on the coming into force of a notice served by virtue of this subsection, the previous notice relating to the premises shall cease to have effect.
- (8) In this Act:-

- (a) **'the notified person'**, in relation to any premises in respect of which a notice under this section is in force, means the person on whom that notice was served; and
- (b) **'the specified position'**, in relation to a notice served under this section, means the position specified in the notice in pursuance of subsection (4) (c) above.

**[S 3 not in operation]**

**4. Coming into force of notices under s 3**

- (1) A notice served under section 3 of this Act shall come into force only if it does so by virtue of subsection (2) below.
- (2) A notice served under section 3 of this Act shall, unless previously withdrawn by the fire authority, come into force:-
  - (a) where no appeal under Part I of Schedule 6 to this Act is brought against it within the time mentioned in paragraph 1 of that Schedule, at the end of twenty-one days from the expiration of that time;
  - (b) where such an appeal is so brought but is withdrawn or dismissed for want of prosecution, at the end of twenty-one days from the date of withdrawal or dismissal of the appeal;
  - (c) where such an appeal is so brought, is not withdrawn or dismissed as aforesaid, and is finally determined by the confirmation of the notice, at the end of twenty-one days from the date of the final determination of the appeal.

**[S 4 not in operation]**

**4A. Power to grant exemption**

- (1) The fire authority may, if it thinks fit as regards any premises which appear to it to be premises qualifying for exemption from the requirement to have a fire certificate as respects any particular use, grant exemption from the requirement to have a fire certificate covering that use.
- (2) Exemption under this section for any premises as respects any use of them may be granted by the fire authority, with or without the making of an application for the purpose:-
  - (a) on the making of an application for a fire certificate with respect to the premises covering that use; or
  - (b) at any time during the currency of a fire certificate with respect to the premises which covers that use.
- (3) In deciding whether or not to grant exemption under this section for any premises the fire authority shall have regard to all the circumstances of the case and in particular to the degree of seriousness of the risk in case of fire to persons in the

premises.

- (4) For the purpose of making that decision the fire authority may
  - (a) require the applicant or, as the case may be, the occupier of the premises to give such information as it requires about the premises and any matter connected with them; and
  - (b) cause to be carried out an inspection of the relevant building.
- (5) The fire authority shall not grant exemption under this section for any premises without causing an inspection to be carried out under subsection (4) (b) unless it has caused the premises to be inspected (under that or any other power) within the preceding 12 months.
- (6) The effect of the grant of exemption under this section as respects any particular use of premises is that, during the currency of the exemption, no fire certificate in respect of the premises is required to cover that use and accordingly:-
  - (a) where the grant is made on the application for a fire certificate, the grant disposes of the application or of so much of it as related to that use; and
  - (b) where the grant is made during the currency of a fire certificate, the certificate shall wholly or as respects that use cease to have effect.
- (7) On granting an exemption under this section, the fire authority shall, by notice to the applicant for the fire certificate or the occupier of the premises, as the case may be, inform him that it has granted exemption as respects the particular use or uses of the premises specified in the notice and of the effect of the grant.
- (8) A notice of the grant of exemption for any premises as respects a particular use of them may include a statement specifying the greatest number of persons of a description specified in the statement for the purposes of that use who, in the opinion of the fire authority, can safely be in the premises at any one time.
- (9) Where a notice of the grant of exemption for any premises includes a statement under subsection (8), the fire authority may, by notice served on the occupier of the premises, direct that, as from a date specified in the notice, the statement
  - (a) is cancelled; or
  - (b) is to have effect as varied by the notice; and on such a variation the statement shall be treated, so long as the variation remains in force, as if the variation were specified in it.

**[S 4A inserted by Fire Precautions (Amendment) Act 1992 Sch 1]**

**4B. Withdrawal of exemption under s 4A**

- (1) The fire authority may, in accordance with this section, withdraw an exemption granted under section 4A.
- (2) In deciding whether or not to withdraw an exemption granted under section 4A the fire authority shall have regard to all the circumstances of the case and in particular

to the degree of seriousness of the risk in case of fire to persons in the premises.

- (3) The fire authority may withdraw an exemption without exercising any of the powers conferred by Schedule 5, but shall not withdraw the exemption without first giving notice to the occupier of the premises that it proposes to withdraw it and the reasons for the proposal, and giving him an opportunity of making representations on the matter.
- (4) An exemption shall be withdrawn by serving a notice on the occupier of the premises to which the exemption relates, stating that the exemption will cease to have effect as respects the particular use or uses of the premises specified in the notice on such date as is so specified, being a date not earlier than the end of the period of 14 days beginning with the date on which service of the notice is effected.
- (5) If premises cease to qualify for exemption under section 4A, the fire authority shall notify the occupier of the premises of the fact and date of cessation of the exemption.

**[S 4B inserted by Fire Precautions (Amendment) Act 1992 Sch 1]**

**5. Application for, and issue of, fire certificates**

Schedule 1 to this Act shall have effect in relation to applications for, and the issue of, fire certificates and to the other matters mentioned in that Schedule.

**6. Contents of fire certificates**

Schedule 2 to this Act shall have effect in relation to the contents of fire certificates and to the other matters mentioned in that Schedule.

**7. Change of conditions affecting adequacy of certain matters specified in fire certificates, etc**

Schedule 3 to this Act shall have effect in relation to changes of conditions affecting the adequacy of certain matters specified in fire certificates and to the other matters mentioned in that Schedule.

**7A. Fire precautions in exempt premises**

Schedule 3A to this Act shall have effect in relation to fire precautions in certain premises which are exempt from the requirement for a fire certificate.

**[S 7A inserted by Fire Precautions (Amendment) Act 1992 Sch 1]**

*Premises involving excessive risk to persons in case of fire*

**8. Prohibition notices**

- (1) This section applies to:-
  - (a) any premises which are being or are proposed to be put to a use (whether designated or not) which falls within at least one of the classes of use mentioned in section 1 (2), other than premises of a description within section 2; and

- (b) any premises to which section 3 for the time being applies.
- (2) If as regards any premises to which this section applies the fire authority is of the opinion that use of the premises involves or will involve a risk to persons on the premises in case of fire so serious that use of the premises ought to be prohibited or restricted, the authority may serve on the occupier of the premises a notice (a 'prohibition notice').
- (3) The matters relevant to the assessment by the fire authority, for the purposes of subsection (2) of the risk to persons in case of fire include anything affecting their escape from the premises in that event.
- (4) A prohibition notice shall:-
  - (a) state that the fire authority is of the opinion referred to in subsection (2);
  - (b) specify the matters which in its opinion give or will give rise to that risk;
  - (c) direct that the use to which the prohibition notice relates is prohibited or restricted to such extent as may be specified in the notice until the specified matters have been remedied.
- (5) A prohibition notice may include directions as to the steps which will have to be taken to remedy the matters specified in the notice.
- (6) A prohibition or restriction contained in a prohibition notice in pursuance of subsection (4) (c):-
  - (a) if the authority is of the opinion, and so states in the notice, that the risk of serious personal injury is or will be imminent, shall take effect immediately the notice is served;
  - (b) in any other case, shall take effect at the end of a period specified in the notice.
- (7) Where a prohibition notice has been served under subsection (2) the fire authority may withdraw the notice at any time.

**[S 8 substituted by Fire Precautions (Amendment) Act 1992 s 3]**

**8A. Appeal against prohibition notice**

- (1) A person on whom a prohibition notice is served may, within 21 days from the date on which it is served, appeal to the court.
- (2) On an appeal under this paragraph the court may either cancel or confirm the notice and, if it confirms the notice, may do so either in its original form or with such modifications as in the circumstances it thinks fit.
- (3) Where an appeal is brought under this paragraph against a prohibition notice, the operation of the notice is not suspended unless, on the appellant's application, the court so directs (and then only from the giving of the direction).

**[S 8A inserted by Fire Precautions (Amendment) Act 1992 s 3]**

*Building and other subordinate legislation about fire precautions*

9. ....

**[S 9 repealed by Building Control Act 1991 Sch 5]**

**10. Exercise of certain powers of fire authority where building regulations as to means of escape apply**

Schedule 4 to this Act shall have effect in relation to the exercise of certain powers of the fire authority where building regulations as to means of escape apply and to the other matters mentioned in that Schedule.

**[S 10 amended by Building Control Act 1991 Sch 4]**

*Consultation between fire and other authorities*

11. ....

**[S 11 repealed by Building Control Act 1991 Sch 5]**

**12. Duty of building authority to consult fire authority in certain cases before passing plans**

- (1) Where it is proposed to erect a building or to make any extension of or structural alteration to a building and, in connection with the proposals, plans are, in accordance with building regulations, deposited with a building authority, then, if it appears to the building authority likely:-
- (a) that the first use to which any premises constituting or comprised in the building or, as the case may be, the building as extended will be put after the proposals are carried out will be a use which at the time of the deposit of the plans was a designated use; or
  - (b) that the first use to which any such premises will be put after the proposals are carried out will be use as a dwelling, and that one or more of the conditions set out in section 3(1)(a) and (b) of this Act will then be fulfilled as regards those premises,

**[Para (b) not in operation]**

the building authority shall consult the fire authority before passing the plans.

**[Subs (1) amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (2) Where it is proposed to change the use to which a building or part of a building is put and in connection with that proposal, plans are, in accordance with building regulations, deposited with a building authority, then; if it appears to the building authority likely:-
- (a) that the first use to which any premises constituting or comprised in the building will be put after the time when that change of use occurs will be a

use which at the time of the deposit of the plans was a designated use or

- (b) that the first use to which any such premises will be put after the time when that change of use occurs will be use as a dwelling, and that one or more of the conditions set out in section 3(1)(a) and (b) of this Act will then be fulfilled as regards those premises,

**[Para (b) not in operation]**

the building authority shall consult the fire authority before passing the plans.

**[Subs (2) amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

**13 Duty of fire authority to consult other authorities before requiring alterations to buildings**

- (1) Before a fire authority
  - (a) serves on the applicant for a fire certificate with respect to any premises a notice under paragraph 4 of Schedule 1 to this Act informing him that it will not issue a certificate unless alterations are made to the relevant building; or
  - (b) serves, in respect of any premises, a notice under paragraph 4 or 5 of Schedule 3 or paragraph 7(b) of Schedule 8, to this Act mentioning as a step which would have to be taken anything involving the making of alterations to the relevant building,

the authority shall consult the building authority for the district in which the premises are situated.

**[Subs (1) amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (2) It is hereby declared that a building authority which has, in accordance with this section, been consulted by a fire authority proposing to serve any such notice as is mentioned in subsection (1) above may be a person aggrieved within the meaning of Part II of Schedule 6 to this Act.

**[Subs (2) amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

*Enforcement*

**14. Enforcement of Act, etc**

- (1) It shall be the duty of the fire authority to enforce the provisions of this Act and of regulations made there under, and for that purpose to appoint inspectors and cause premises to be inspected.

**[Subs (1) amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (2) Schedule 5 to this Act shall have effect in relation to the functions of inspectors and to the other matters mentioned in that Schedule.

*Offences, penalties and legal proceedings*

## **15. Offences in relation to fire certificates**

- (1) Subject to subsection (3) below and to paragraph 4 of Schedule 6 to this Act, if any premises are at any time put to a designated use, being premises such that, where they are put to that use, a fire certificate is, by virtue of section 1 of this Act, required in respect of them then, if no fire certificate covering that use is at that time in force in respect of the premises, the occupier of the premises shall be guilty of an offence.
- (2) Subject to subsection (3) below and to the said paragraph 5, if any premises are used as a dwelling at any time while section 3 of this Act applies to them and a notice under that section relating to them is in force, then, if no fire certificate covering that use is at that time in force in respect of the premises, the notified person shall, unless he proves that, at that time, he no longer occupied the specified position, be guilty of an offence.
- (3) A person shall not be guilty of an offence under subsection (1) or (2) above by reason of any premises being put to a designated use or used as a dwelling at a time after an application for a fire certificate with respect to them covering that use has been duly made and before the certificate is granted or refused, unless, before that time, a fire certificate with respect to the premises covering that use has been refused.

### **[Subs (3) amended by Statute Law Revision Act 1997 Sch 1]**

- (3A) If, pending the disposal of an application for a fire certificate with respect to any premises, the premises are put to a designated use, then, if any requirement imposed by paragraph 2A of Schedule 1 is contravened by reason of anything done or not done to or in relation to any part of the relevant building, the occupier shall be guilty of an offence.

### **[Subs (3A) inserted by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (4) Subject to subsection (5) below and to paragraphs 5 and 6 of Schedule 6 to this Act, while a fire certificate is in force in respect of any premises, any requirement imposed thereby is contravened by reason of anything done or not done to, or in relation to, any part of the relevant building, every person who, under or by virtue of paragraph 5 of Schedule 2 to this Act, is responsible for that contravention shall be guilty of an offence.
- (5) A person other than the occupier of the premises shall not be convicted of an offence under subsection (4) above unless it is proved that his responsibility for contraventions of the requirement in question had been made known to him before the occurrence of the contravention in respect of which he is charged.

### **[Subs [5] amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (6) A person guilty of an offence under subsection (1), (2) or (4) above shall be liable
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
  - (b) on summary conviction, to a fine not exceeding £5,000.

- (6A) A person guilty of an offence under subsection (3A) shall be liable on summary conviction to a fine not exceeding £5,000.

**[Subs (6A) inserted by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (7) In the event of a contravention of paragraph 8 of Schedule 2 to this Act in the case of a fire certificate required by that paragraph to be kept in any premises or of a contravention of paragraph 9 of that Schedule in the case of a copy of a fire certificate required by sub-paragraph (b) of that paragraph to be kept in any premises, the occupier of the premises shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.
- (8) If, while there is in force a notice under section 3 of this Act relating to any premises, there occurs a contravention of paragraph 9 of Schedule 2 to this Act in the case of a fire certificate issued with respect to those premises and required by sub-paragraph (a) of that paragraph to be kept in the building, the notified person shall, unless he proves that at the material time he no longer occupied the specified position, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

**15A. Contravention of prohibition notice**

- (1) Any person who contravenes a prohibition notice is guilty of an offence and liable
- (a) on conviction on information, to imprisonment for a term not exceeding 2 years, or to a fine, or to both;
  - (b) on summary conviction, to a fine not exceeding £5,000.
- (2) In proceedings for an offence under subsection (1), where the person charged is a person other than the person on whom the prohibition notice was served, it is a defence for that person to prove that he did not know and had no reason to believe that the notice had been served.

**[S 15A inserted by Fire Precautions (Amendment) Act 1992 s 3]**

**16. Unlawful disclosure of information**

- (1) Subject to subsection (2), if a person discloses (otherwise than in the performance of his duty or for the purposes of any legal proceedings, including arbitration, or for the purposes of a report of any such proceedings) any information obtained by him in any premises entered by him in the exercise of powers conferred by this Act, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

**[Subs (1) amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (2) Nothing in subsection (1) prohibits the disclosure of information to an enforcing authority in order to enable that authority to perform any function falling within its field of responsibility.

**[Subs (2) added by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (3) Subsection (2) shall be construed in accordance with the Health and Safety at Work

etc. Act 1974 (an Act of Parliament), as it has effect in the Island.

**[Subs (3) added by Fire Precautions (Amendment) Act 1992 Sch 2]**

**17. Falsification of documents, false statements, etc**

- (1) If a person:-
- (a) with intent to deceive, forges a fire certificate or makes or has in his possession a document so closely resembling a fire certificate as to be calculated to deceive; or
  - (b) for the purpose of procuring the issue of a fire certificate, makes any statement or gives any information which he knows to be false in a material particular or recklessly makes any statement or gives any information which is so false; or
  - (c) in purported compliance with any obligation to give information to which he is subject under or by virtue of this Act, or in response to any inquiry made by virtue of paragraph 1 (b) of Schedule 5 to this Act, gives any information which he knows to be false in a material particular or recklessly gives any information which is so false; or
  - (d) makes, in any register, book, notice or other document required by or by virtue of regulations made under this Act to be kept, sewed or given, an entry which he knows to be false in a material particular,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

- (2) If a person with intent to deceive pretends to be an inspector, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.
- (3) In this section, 'forges' has the same meaning as in the Forgery Act 1952.

**18. Obstruction of inspectors, etc**

Any person who:-

- (a) intentionally obstructs an inspector in the exercise duties under this Act; or
- (b) without reasonable excuse fails to comply with any requirement imposed by an inspector under paragraph 1 (d) of Schedule 5 to this Act,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

**19. Offences by bodies corporate**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded

against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## **20. Offences due to fault of other persons**

Where the commission by any person of an offence under this Act or any regulations made there under is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

## **21. Penalties for contravention of Schedule 3**

A person guilty of an offence under paragraph 2, 3, 7 or 12 of Schedule 3 to this Act shall be liable:-

- (a) on conviction on information, to imprisonment for a term not exceeding two years or to a fine, or to both;
- (b) on summary conviction to a fine not exceeding £5,000.

**[S 21 amended by Fire Precautions (Amendment) Act 1992 Sch 1]**

## **21A. Penalties for contravention of Schedule 3A**

(1) A person guilty of an offence under paragraph 1(3) of Schedule 3A shall be liable on summary conviction to a fine not exceeding £5,000.

(2) A person guilty of an offence under paragraph 6 of Schedule 3A shall be liable

- (a) on conviction on information to imprisonment for a term not exceeding 2 years or to a fine, or to both;
- (b) on summary conviction, to a fine not exceeding £5,000.

**[S 21A inserted by Fire Precautions (Amendment) Act 1992 Sch 1.  
Subs (2) not in operation]**

## **22. Penalties for offences under Part I of Schedule 8**

A person guilty of an offence under Part I of Schedule 8 to this Act by virtue of paragraph 4(d) of that Schedule shall be liable:-

- (a) on conviction on information, to imprisonment for a term not exceeding two years or to a fine, or to both;
- (b) on summary conviction, to a fine not exceeding £5,000.

## **23. Defence available to persons charged with offences**

In any proceedings for an offence under this Act or under regulations made there under, it

shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

## **24. Appeals**

Schedule 6 to this Act shall have effect in relation to appeals under this Act and to the other matters mentioned in that Schedule.

## **25. Power of High Court, where notice under s 3 is in force, to modify agreements and leases**

- (1) Where there is in force a notice under section 3 of this Act relating to any premises (in this section referred to as 'the relevant premises'), this section shall apply to any premises consisting of, or comprised in, the relevant building.
- (2) A person who, by reason of the terms and conditions of an agreement or lease relating to any premises to which this section applies, is prevented from carrying out or doing, with respect to the premises, any structural or other alterations or other thing whose carrying out or doing is requisite:-
  - (a) as being a step mentioned in a notice served in connection with the relevant premises under any of the following provisions of this Act, namely, paragraph 4 of Schedule 1, paragraphs 4 and 5 of Schedule 3 and paragraph 7(b) of Schedule 8; or
  - (b) in order to secure compliance with a requirement imposed by a fire certificate issued with respect to the relevant premises; or
  - (c) in order to secure compliance with a provision of regulations under Part I of Schedule 8 to this Act which is, or will become, applicable to the premises by virtue of there being in force a notice under section 3 of this Act relating to the relevant premises,

may apply to the High Court, and that Court may make such an order setting aside or modifying any of the terms and conditions of the agreement or lease as the Court considers just and equitable in the circumstances of the case.

- (3) .....

**[Subs (3) repealed by Statute Law Revision Act 1997 Sch 2]**

- (4) to (6) .....

**[Subss (4) to (6) repealed by Fire Precautions (Amendment) Act 1992 Sch 3]**

**[S 25 not in operation]**

## **25A. Apportionment of expenses**

- (1) This section applies where, in the case of any premises:-
  - (a) the carrying out or doing with respect to those premises of any relevant works involves a person having an interest in the premises in expense or increased expense; and

- (b) that person alleges that the whole or part of the expense or increase ought to be borne by some other person having an interest in the premises.
- (2) Where this section applies, the person mentioned in subsection (1)(a) may apply to the High Court, and subject to subsection (3) the Court may by order give such directions:-
- (a) with respect to the persons by whom the expense or increase is to be borne, and the proportions in which it is to be borne by them; and
  - (b) if need be, for modification of the terms of any agreement or lease relating to the premises so far as concerns rent payable in respect of the premises,

as the Court considers just and equitable in the circumstances.

- (3) The High Court may not direct that any person bear any expense or increase unless that person has had an opportunity of being heard in the proceedings.
- (4) In this section 'relevant works', in relation to any premises, means any structural or other alterations or other thing, whose carrying out or doing is requisite:-
- (a) as being a step mentioned in a prohibition notice, an improvement notice or a notice under paragraph 4 of Schedule 1, paragraph 4 or 5 of Schedule 3 or paragraph 7(b) of Schedule 8 in connection with the premises; or
  - (b) in order to secure compliance with a requirement imposed by a fire certificate issued with respect to the premises; or
  - (c) in order to secure compliance with a provision of regulations under Part I of Schedule 8 which is, or will become, applicable to the premises.

**[S 25A inserted by Fire Precautions (Amendment) Act 1992 s 4]**

*Miscellaneous and general*

**26. Suspension of terms and conditions of licences dealing with same matters as fire certificates or regulations**

- (1) Where any enactment provides for the licensing of premises of any class or description and the authority responsible for issuing licences there under is required or authorised to impose terms, conditions or restrictions in connection with the issue of such licences, then, in the case of any premises of that class or description
- (a) so long as there is in force with respect to the premises a fire certificate covering the use of the premises by reason of which a licence under that enactment is required, any term, condition or restriction imposed in connection with the issue under that enactment of any licence with respect to those premises shall be of no effect in so far as it relates to any matter in relation to which requirements are or could be imposed by that certificate; and
  - (b) without prejudice to paragraph (a) above, so long as there are in force under Part I of Schedule 8 to this Act any regulations applying to the premises in

respect of that use, any term, condition or restriction imposed as aforesaid shall be of no effect in so far as it relates to any matter about which provision is made in the regulations.

- (2) References in this section to the issue of licences include references to their renewal, transfer or variation.

## **27. Service of documents**

Schedule 7 to this Act shall have effect in relation to the service of documents under this Act and to the other matters mentioned in that Schedule.

## **28. Regulations**

Schedule 8 to this Act shall have effect in relation to the making of regulations for the purposes of this Act and to the other matters mentioned in that Schedule.

## **29. Expenses**

There shall be paid out of money provided by Tynwald any expenditure incurred by the fire authority under or by virtue of this Act and any increase attributable to any provision of this Act in the sums payable under any other enactment out of money so provided.

**[S 29 amended by Statute Law Revision Act 1997 Sch 1]**

## **30. Interpretation**

- (1) in this Act, unless the context otherwise requires:-

**'the Board'** .....

**[Definition of 'the Board' repealed by Fire Services Act 1984 Sch 2]**

**'building'** includes a temporary or movable building and also includes any permanent structure and any temporary structure other than a movable one;

**'building authority'** has the same meaning as in the Building Control Act 1991;

**[Definition of 'building authority' inserted by Fire Precautions (Amendment) Act 1992 Sch 2]**

**'building byelaws'** .....

**[Definition of 'building byelaws' repealed by Building Control Act 1991 Sch 5]**

**'contravention'** includes failure to comply, and 'contravene' has a corresponding meaning;

**'the court'** means a court of summary jurisdiction;

**'the Department'** means the Department of Local Government and the Environment;

**[Definition of 'the Department' inserted by GC192/86]**

**'designated use'** has the meaning assigned to it by section 1 (1) of this Act;

**'escape'** in relation to premises, means escape from them to some place of safety beyond the building which constitutes or comprises the premises and any area enclosed by it or enclosed with it; and accordingly, for the purposes of any provision of this Act relating to means of escape, consideration may be given to, and conditions or requirements imposed as respects, any place or thing by means of which a person escapes from premises to a place of safety;

**[Definition of 'escape' inserted by Fire Precautions (Amendment) Act 1992 Sch 1]**

**'fire authority'** means the Department of Home Affairs;

**[Definition of 'fire authority' substituted by GC120/86]**

**'fire certificate'** has the meaning assigned to it by section 1 (1) of this Act;

**'functions'** includes powers and duties;

**'furniture'** includes furnishings (including wall-coverings and ceiling-coverings of all sorts, as well as floor-coverings);

**'improvement notice'** means a notice under paragraph 4 of Schedule 3A;

**[Definition of 'improvement notice' inserted by Fire Precautions (Amendment) Act 1992 Sch 2. Definition of 'improvement notice' not in operation]**

**'inspector'** means an inspector appointed under section 14(1) of this Act;

**'the Local Government Board'** .....

**[Definition of 'the Local Government Board' repealed by GC192/86]**

**'notice'** means a notice in writing;

**'the notified person'** and **'the specified Position'** have the meanings assigned to them by section 3(8) of this Act;

**'owner'** means the person for the time being receiving the rack-rent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive the rack-rent if the premises were let at a rack-rent;

**'premises'** means a building or part of a building;

**'prohibition notice'** means a notice under section 8;

**[Definition of 'prohibition notice' inserted by Fire Precautions (Amendment) Act 1992 Sch 2]**

**'the relevant building'**, in relation to:-

- (a) any premises in relation to which a notice under section 3 of this Act is in

force; or

- (b) any premises which are the subject of an application for a fire certificate; or
  - (c) any premises with respect to which a fire certificate is in force, means the building constituting or comprising the premises in question.
- (2) Except in so far as this Act otherwise expressly provides, the provisions of this Act shall not be construed as affecting any requirement or restriction imposed by or under any other enactment.
- (3) Except in so far as the context otherwise requires, any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment, including this Act.

### **31. Amendments**

- (1) The enactments specified in Schedule 9 to this Act are hereby amended in accordance with that Schedule.

**[Subs (2) repealed by Statute Law Revision Act 1997 Sch 2]**

### **32. Repeals**

The enactments specified in Schedule 10 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

### **33. Application to Government**

- (1) Subject to the provisions of this section:-
- (a) the following provisions of this Act, namely
    - (i) sections 1 and 2;
    - (ii) section 3, except subsection (5);
    - (iii) section 4;
    - (iiia) sections 4A and 4B;

**[Subpara (iiia) inserted by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (iiib) paragraph 2A of Schedule 1 ;

**[Subpara (iiib) inserted by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (iiic) paragraphs 1 (1) and (2), 2 and 3 of Schedule 3A;

**[Subpara (iiic) inserted by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (iv) Schedule 2;
- (v) Part I of Schedule 6;

- (vi) Paragraphs 1 to 3 and 4(b) and (c) of Schedule 8;
- (vii) Part IV of Schedule 8, in so far as it relates to the matters mentioned in paragraphs 1 to 3 and 4(b) and (c) of that Schedule,

shall apply to premises occupied by the Government; and

- (b) the following provisions of this Act, namely
  - (i) sections 1 and 2;
  - (ii) section 3, except subsection (5);
  - (iii) section 4;
  - (iv) sections 8, 15, 15A and 16;

**[Subpara (iv) amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (v) Schedules 1, 2, 3, 3A and 5;

**[Subpara (v) amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

- (vi) Part I of Schedule 6;
- (vii) Part I of Schedule 8;
- (viii) Part IV of Schedule 8, in so far as it relates to the matters mentioned in Part I of that Schedule,

shall apply to premises owned by the Government and not occupied by it.

- (2) No fire certificate shall, by virtue of subsection (1) above, be required in respect of any premises constituting, or forming part of, a prison.
- (3) .....

**[Subs (3) repealed by Fire Precautions (Amendment) Act 1992 Sch 3]**

- (4) In this section:-

**'the Government'** includes a Board of Tynwald and a Statutory Board;

**'prison'** has the same meaning as in the Prison Act 1965.

**[S 33 not in operation in so far as it relates to ss 3 and 4 and Schedules 5, 6 and 8 of this Act]**

**34. Short title and commencement**

- (1) This Act may be cited as the Fire Precautions Act 1975.

- (2) This Act shall, subject to subsection (3) below, come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.
- (3) This section shall take effect on the coming into operation of this Act and the remaining provisions of this Act shall take effect on such day or days as the Governor may by order appoint, and different days may be so appointed for different purposes.

**[ADO (in part- see annotations in Act) 1/3/1976 (GC38/76); (Sch 8 para 3) 15/12/82 (GC248/82); (Sch 10 in part) 12/5/1997 (SD47/97)]**

### **Schedule 1 Application for, and Issue of, Fire Certificates**

1. An application for a fire certificate With respect to any premises must be made to the fire authority in the prescribed form and:-
  - (a) must specify the particular use or uses of the premises which it is desired to have covered by the certificate;
  - (b) must give such information as may be prescribed about the premises and any prescribed matter connected with them; and
  - (c) if the premises consist of part of a building, must, in so far as it is available to the applicant, give such information as may be prescribed about the rest of the building and any prescribed matter connected with it.
2. On receipt of an application for a fire certificate with respect to any premises, the fire authority shall notify the applicant of his duties under paragraph 2A and may require the applicant within such time as it may specify:-
  - (a) to furnish it with such plans of the premises as it may specify; and
  - (b) if the premises consist of part of a building, to furnish it, in so far as it is possible for him to do so, with such plans of such other part or parts of the building as it may specify;

and, if the applicant fails to furnish the required plans within that time or such further time as the authority may allow, the application shall be deemed to have been withdrawn at the end of that time or further time, as the case may be.

#### **[Para 2 amended by Fire Precautions (Amendment) Act 1992 Sch 2]**

- 2A.
  - (1) Where an application is made for a fire certificate with respect to any premises the occupier shall secure that, when the application is made and pending its disposal:-
    - (a) the means of escape in case of fire with which the premises are provided can be safely and effectively used at all material times;
    - (b) the means for fighting fire with which the premises are provided are maintained in efficient working order; and
    - (c) any person employed to work on the premises receive instruction or training

in what to do in case of fire.

**[Pare 2A inserted by Fire Precautions (Amendment) Act 1992 Sch 2]**

3. Where an application for a fire certificate with respect to any premises has been duly made and all such plans (if any) as are required to be furnished under paragraph 2 above in connection with it have been duly furnished, it shall be the duty of the fire authority to consider whether or not, in the case of premises which qualify for exemption under section 4A, to grant exemption and, if the authority does not grant it, it shall be its duty to cause to be carried out an inspection of the relevant building (including any part of it which consists of premises to which any exemption conferred by or under this Act applies); and, if the fire authority is satisfied as regards any use of the premises which is specified in the application, that:-
- (a) the means of escape in case of fire with which the premises are provided;
  - (b) the means (other than means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times;
  - (c) the means for fighting fire (whether in the premises or affecting the means of escape) with which the relevant building is provided; and

**[Subpara (c) amended by Fire Precautions (Amendment) Act 1992 Sch 3]**

- (d) the means with which the relevant building is provided for giving to persons in the premises warning in case of fire,

are such as may reasonably be required in the circumstances of the case in connection with that use of the premises, the authority shall issue a certificate covering that use.

**[Pare 3 amended by Fire Precautions (Amendment) Act 1992 Sch 1]**

4. Where the fire authority, after causing to be carried out under paragraph 3 above an inspection of the relevant building, is, as regards any use of the premises specified in the application, not satisfied that the means mentioned in that subsection are such as may reasonably be required in the circumstances of the case in connection with that use, it shall, by notice served on the applicant:-
- (a) inform him of that fact and of the steps which would have to be taken (whether by way of making alterations to any part of the relevant building or of otherwise providing that building or, as the case may be, the premises with any of those means) to satisfy it as aforesaid as regards that use; and
  - (b) notify him that it will not issue a fire certificate covering that use unless those steps are taken (whether by the applicant or otherwise) within a specified time;

and, if, at the end of that time or such further time as may be allowed by the authority or by any order made by a court on, or in proceedings arising out of, an appeal under Part II of Schedule 6 to this Act against the notice, a certificate covering that use has not been issued, it shall be deemed to have been refused.

- 5.
- (1) Where the fire authority issues a fire certificate under this Schedule, the applicant for the certificate shall pay to the authority such fee as the authority may determine.
  - (2) A fee charged by the fire authority under this paragraph shall not exceed an amount which represents the cost to the authority of the work reasonably done by it for the purposes of the issue of the certificate, other than the cost of any inspection of the premises.

**[Para 5 added by Fire Precautions (Amendment) Act 1992 s 2]**

**Schedule 2**  
**Contents of Fire Certificates**

1. Every fire certificate issued with respect to any premises shall specify:-
  - (a) the particular use or uses of the premises which the certificate covers;
  - (b) the means of escape in case of fire with which the premises are provided;
  - (c) the means (other than means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times;
  - (d) the type, number and location of the means for fighting fire (whether in the premises or affecting the means of escape) with which the relevant building is provided; and

**[Subpara (d) amended by Fire Precautions (Amendment) Act 1992 Sch 3]**

- (e) the type, number and location of the means with which the relevant building is provided for giving to persons in the premises warning in case of fire, and may, where appropriate, do so by means of, or by reference to, a plan.
2. A fire certificate issued with respect to any premises may impose such requirements as the fire authority considers appropriate in the circumstances:-
  - (a) for securing that the means of escape in case of fire with which the premises are provided are properly maintained and kept free from obstruction;
  - (b) for securing that the means with which the relevant building is provided as mentioned in paragraph 1 (c) to (e) above are properly maintained;
  - (c) for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire, and that records are kept of instruction or training given for that purpose;
  - (d) for limiting the number of persons who may be in the premises at any one time; and
  - (e) as to other precautions to be observed in the relevant building in relation to the risk, in case of fire, to persons in the premises.

3. Any requirements imposed by virtue of paragraph 2 above by a fire certificate issued with respect to any premises:-
  - (a) may, in so far as they apply to the premises, be framed either so as to apply to the whole of the premises or so as to apply to one or more parts of them; and
  - (b) where the premises do not constitute the whole of the relevant building, may (where appropriate) be framed either so as to apply to the whole of the rest of that building or so as to apply to one or more parts of the rest of it;

and different requirements may, in either case, be imposed in relation to different parts; and a fire certificate covering more than one use of the premises to which it relates may, by virtue of paragraph 2 above, impose different requirements in relation to different uses of the premises or of any part of the premises.

4. For the purposes of this Act, a fire certificate issued with respect to any premises shall be treated as requiring every matter specified in the certificate in accordance with paragraph 1 (b), (c), (d) or (e) above to be kept in accordance with its specification in the certificate; and references in this Act to requirements imposed by a fire certificate shall be construed accordingly.
5. In so far as a requirement imposed by a fire certificate issued with respect to any premises requires anything to be done or not to be done to, or in relation to, any part of the relevant building, the person responsible for any contravention thereof shall (subject to any provision included in the certificate in pursuance of this paragraph) be the occupier of that part; but, if, as regards any such requirement, in so far as it requires anything to be done or not to be done to, or in relation to, any part of the relevant building, the fire authority considers it appropriate in the circumstances to provide that some other person or persons shall be responsible for any contravention thereof instead of, or in addition to, the occupier of that part, it may so provide in the certificate and, if the certificate covers more than one use of the premises, may, in pursuance of this paragraph, make different provision, therein in relation to different uses of the premises.
6. Subject to paragraph 7 below, a fire authority:-
  - (a) shall not issue a fire certificate which would have the effect of making a person responsible under or by virtue of paragraph 5 above for contraventions of a requirement imposed by the certificate, or make in a fire certificate any amendment which would have that effect, unless (in either case) it has previously consulted the person in question about his proposed responsibility for contraventions of the requirement; and
  - (b) shall not amend a fire certificate so as to vary any requirement imposed by it, in a case where any person already responsible under or by virtue of paragraph 5 above for contraventions of that requirement is to continue to be so responsible when the variation takes effect, unless it has previously consulted that person about the proposed variation;

but, without prejudice to any right of appeal conferred by Part II of Schedule 6 to this Act, a fire certificate shall not be invalidated by any failure of the fire authority by whom it is issued to comply with the requirements of this Paragraph.

7. Where a fire authority proposes to issue a new fire certificate with respect to any premises as an alternative to amending an existing fire certificate, and the new certificate would have the effect of re-imposing without variation a requirement imposed by the existing certificate and of making any person who is responsible under or by virtue of paragraph 5 above for contraventions of the existing requirement continue to be so responsible for contraventions of it as re-imposed the authority shall not be required under paragraph 6 above to consult that person by reason only of that fact.
8. A fire certificate issued with respect to any premises, other than premises in relation to which a notice under section 3 of this Act is in force, shall be sent to the occupier of the premises and shall be kept in the premises so long as it is in force.
9. A fire certificate issued with respect to any premises in relation to which a notice under section 3 of this Act is in force shall be sent to the notified person and, if that person is not the occupier of the premises, a copy of the certificate shall be sent to the occupier of the premises; and so long as the certificate is in force
  - (a) the certificate shall be kept in the relevant building; and
  - (b) where a copy of the certificate is, by this paragraph, required to be sent to the occupier of the premises, the copy shall be kept in the premises.

**Schedule 3**  
**Change of Conditions Affecting Adequacy of Certain Matters Specified in**  
**Fire Certificates, Etc.**

1.
  - (1) So long as a fire certificate is in force with respect to any premises, the fire authority may cause any part of the relevant building to be inspected at any reasonable time for the purpose of ascertaining whether there has been a change of conditions by reason of which any of the matters mentioned in paragraph 1 (b) to (e) of Schedule 2 to this Act have become inadequate in relation to any use of the premises covered by the certificate; but, where a building or part of a building is used as a dwelling or consists of premises of any other description prescribed for the purposes of this paragraph, an inspection of the building or, as the case may be, of such a part shall not be made under this paragraph as of right unless twenty-four hours' notice has been given to the occupier of the building or, as the case may be, of the part in question.
  - (2) For the purposes of this paragraph, a description of premises may be framed in any of the ways mentioned in section 1 (4) of this Act.
2. If, while a fire certificate is in force with respect to any premises:-
  - (a) it is proposed to make a material extension of, or material structural alteration to, the premises; or
  - (b) it is proposed to make a material alteration in the internal arrangement of the premises or in the furniture or equipment with which the premises are provided; or
  - (c) the occupier of the premises proposes to begin to keep explosive or highly

flammable materials of any prescribed kind anywhere under, in or on the relevant building in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this sub-paragraph as the maximum in relation to materials of that kind,

the occupier shall, before the carrying out of the proposals is begun, give notice of the proposals to the fire authority; and, if the carrying out of the proposals is begun without such notice having been given, the occupier shall be guilty of an offence.

3. If, while a fire certificate is in force with respect to any premises not constituting the whole of the relevant building, any person who as occupier of any other part of that building is under paragraph 5 of the said Schedule 2 responsible for contraventions of any requirement imposed by the certificate proposes to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on that building in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind, that person shall, before the carrying out of the proposals is begun, give notice of the proposals to the fire authority; and, if the carrying out of the proposals is begun without such notice having been given, that person shall be guilty of an offence.
4. If the fire authority is satisfied, as regards any premises with respect to which a notice under paragraph 2 above has been given to it, that the carrying out of the proposals notified would result in any of the matters mentioned in paragraph 1 (b) to (e) of the said Schedule 2 becoming inadequate in relation to any use of the premises covered by the relevant fire certificate, it may, by notice served on the occupier within two months from the receipt of the notice under paragraph 2:-
  - (a) inform the occupier of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to prevent the matters in question from becoming, in its opinion, inadequate in relation to that use in the event of the proposals being carried out; and
  - (b) give him such directions as the fire authority considers appropriate for securing, as regards any of the proposals which may be specified in the directions, that that proposals, or any stage of it which may be so specified, is not carried out until such of those steps as may be so specified in relation to that proposal or stage have been taken (whether by him or otherwise);

and, if those steps are duly taken in connection with the carrying out of the proposals, the fire authority shall amend the fire certificate or issue a new one.

5. If the fire authority is satisfied (whether as a result of an inspection made under paragraph 1 above or otherwise) that, as regards any premises with respect to which a fire certificate is in force, any of the matters mentioned in paragraph 1 (b) to (e) of the said Schedule 2 has, in consequence of a change of conditions, become inadequate in relation to any use of the premises covered by the certificate, it may, by notice served on the occupier:-
  - (a) inform him of that fact and of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to make the matter in question adequate, in its opinion, in relation to that use; and

- (b) notify him that, if those steps are not taken (whether by him or otherwise) within such period as may be specified in the notice, the fire certificate may be cancelled;

and, if those steps are duly taken, the fire authority shall, if necessary, amend the fire certificate or issue a new one.

6. If the fire authority considers (whether as a result of an inspection made under paragraph 1 above or otherwise) that, as regards any premises with respect to which a fire certificate is in force, it would, in consequence of a change of conditions or of the coming into force of any regulations made under Part I of Schedule 8 to this Act, be appropriate to amend the certificate for any of the following purposes, that is to say:-

- (a) to vary or revoke any requirement which the certificate imposes by virtue of paragraph 2 of the said Schedule 2; or
- (b) to add to the requirements which the certificate so imposes: or
- (c) to alter the effect of the certificate as to the person or persons responsible under or by virtue of paragraph 5 of the said Schedule 2 for contraventions of any requirement imposed (whether by virtue of paragraph 2 of that Schedule or otherwise) by the certificate,

the authority may, subject to paragraph 6 of the said Schedule 2, make such amendments in the certificate as it thinks appropriate for that purpose or issue a new certificate embodying those amendments.

6A.

- (1) Where the fire authority, except in a case falling within sub-paragraph (2), amends a fire certificate or, as an alternative to amendment, issues a new fire certificate under this Schedule, the occupier of the premises to which the amended or new certificate relates shall pay to the authority such fee as the authority may determine.
- (2) No fee shall be chargeable for the amendment of a fire certificate, or the issue of a new fire certificate embodying amendments, under paragraph 6 in a case where the amendment or amendments is or are made in consequence of the coming into force of regulations under Part I of Schedule 8.
- (3) A fee charged by the fire authority under this paragraph shall not exceed an amount which represents the cost to the authority of the work reasonably done by it for the purposes of the amendment of the certificate or issue of the new certificate, other than the cost of any inspection of the premises.

**[Para 6A inserted by Fire Precautions (Amendment) Act 1992 s 2]**

- 7. If any person contravenes a direction given to him in pursuance of paragraph 4(b) above, he shall be guilty of an offence; and the fire authority may cancel the fire certificate issued with respect to any premises if it is satisfied that there has been such a contravention as aforesaid by the occupier, whether or not proceedings are brought in respect of the contravention.
- 8. Where a notice has been served under paragraph 5 above in connection with any

premises and the steps mentioned in it in accordance with sub-paragraph (a) of that paragraph are not taken within the period specified in the notice in accordance with sub-paragraph (b) of that paragraph, or such longer period as may be allowed by the fire authority or by any order made by a court on, or in proceedings arising out of, an appeal under Part II of Schedule 6 to this Act against the notice the fire authority may cancel the fire certificate in force with respect to the premises or, if it covers two or more uses of the premises, may either cancel it or amend it so as to remove from those uses one or more of them (and in that case may make in it all such amendments as it thinks appropriate in connection with the removal of the use or uses in question).

9. Where there is in force a notice under section 3 of this Act relating to any premises, the foregoing provisions of this Schedule shall apply to them subject to the following modifications, that is to say:-
  - (a) in paragraph 2, the first reference to the occupier shall be read as a reference to the occupier or the notified person, the second reference to the occupier shall be read as a reference to the occupier or the notified person, as the case may be, and the third reference to the occupier shall be read as a reference to the person required by that paragraph to give notice of the proposals;
  - (b) in paragraphs 4 and 7, references to the occupier shall, if the notice under paragraph 2 was given by the notified person, be read as references to that person; and
  - (c) in paragraph 5, references to the occupier shall be read as references to the notified person.
10. Where the fire authority is satisfied, as regards any premises with respect to which a notice under paragraph 2 above has been given to it, that the carrying out of the proposals notified would not result in any of the matters mentioned in paragraph 1 (b) to (e) of the said Schedule 2 becoming inadequate, it shall, on production of the fire certificate in force with respect to the premises, cause to be attached to it a copy of the notice together with a written statement that it is so satisfied.
11. Where, in pursuance of this Schedule, the fire authority amends a fire certificate of which, by virtue of paragraph 9 of the said Schedule 2, a copy is required to be kept in the premises to which the certificate relates, it shall cause the copy to be similarly amended; and, where, in pursuance of paragraph 10 above, the fire authority causes any document to be attached to such a fire certificate, it shall cause the like document to be attached to the copy of the certificate required to be kept in the premises to which the certificate relates.
12.
  - (1) If, during the currency of an exemption granted under section 4A for any premises, it is intended to carry out in relation to those premises any proposals to which this paragraph applies, the occupier shall, before the carrying out of the proposals is begun, give notice of the proposals to the fire authority; and if the carrying out of the proposals is begun without such notice having been given the occupier shall be guilty of an offence.
  - (2) This paragraph applies to any proposal
    - (a) to make:-

- (i) an extension of, or structural alteration to, the premises which would affect the means of escape from the premises; or
  - (ii) an alteration in the internal arrangement of the premises, or in the furniture or equipment with which the premises are provided, which would affect the means of escape from the premises; or
- (b) on the part of the occupier, to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the building which constitutes or comprises the premises in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind; or
- (c) in a case where the notice of exemption under section 4A includes a statement under section 4A(8), to make such a use of the premises as will involve there being in the premises at any one time a greater number of persons in relation to whom the statement applies than is specified or treated as specified in the statement.

**[Para 12 added by Fire Precautions (Amendment) Act 1992 Sch 1]**

**Schedule 3A  
Fire Precautions in Exempt Premises**

**[Sch 3A inserted by Fire Precautions (Amendment) Act 1992 Sch 1]**

*Duty as to fire precautions*

- 1.
- (1) This paragraph applies to premises which are exempt from the requirement for a fire certificate by virtue of:-
- (a) provision made in an order under section 1 by virtue of section 1(3), or
  - (b) the grant of an exemption under section 4A.
- (2) All premises to which this paragraph applies shall be provided with:-
- (a) such means of escape in case of fire;
  - (b) such means (other than means of fighting fire) for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times;
  - (c) such means of fighting fire, and
  - (d) such means for giving to persons in the premises warning in case of fire,
- as may be reasonably required in the circumstances of the case.
- (3) In the event of a contravention of the duty imposed by sub-paragraph (2), the occupier of the premises shall, except as provided by sub-paragraph (4), be guilty of an offence.

- (4) A person is not guilty of an offence under this paragraph in respect of any contravention of the duty imposed by sub-paragraph (2) which is the subject of an improvement notice under paragraph 4.

*Codes of practice*

2.

- (1) The fire authority may, after consultation with such persons or bodies of persons as appear to it to be requisite:-
- (a) prepare and issue codes of practice, or approve codes of practice issued by others, for the purpose of providing practical guidance on how to comply with the duty imposed by paragraph 1;
  - (b) revise any code prepared and issued under this sub-paragraph by revoking, varying, amending or adding to the provisions of the code; or
  - (c) revoke any code prepared and issued, or the approval of any code approved, under this sub-paragraph.
- (2) A code prepared, or proposed to be approved, under sub-paragraph (1)(a), and any alteration proposed to be made on the revision of a code prepared and issued under sub-paragraph (1)(b), shall be laid before Tynwald, and the code shall not be issued or approved, or the revised code shall not be issued, as the case may be, unless the code or alteration has been approved by Tynwald.
- (3) References in this Schedule to a code of practice under this paragraph are to such a code as it has effect for the time being, with any revisions, under this paragraph.

*Legal effect of codes of practice*

3.

- (1) A failure on the part of a person to observe any provision of a code of practice under paragraph 2 shall not of itself render him liable to criminal or civil proceedings.
- (2) If, in any proceedings whether civil or criminal under this Act, it is alleged that there has been a contravention on the part of any person of the duty imposed by paragraph 1:-
- (a) a failure to observe a provision of a code of practice under paragraph 2 may be relied on as tending to establish liability, and
  - (b) compliance with such a code may be relied on as tending to negative liability.

*Improvement notices*

4.

- (1) Where the fire authority is of the opinion that the duty imposed by paragraph 1 has been contravened in respect of any premises to which that paragraph applies, it may serve on the occupier of those premises a notice (an 'improvement notice') which:-
- (a) states that it is of that opinion;

- (b) specifies, by reference to a code of practice under paragraph 2 if it thinks fit, what steps it considers are necessary to remedy that contravention; and
  - (c) requires the occupier to take steps to remedy that contravention within such period (ending not earlier than the period within which an appeal against the improvement notice can be brought under paragraph 5) as may be specified in the notice,
- (2) Where an improvement notice has been served under sub-paragraph (1):-
- (a) the fire authority may withdraw the notice at any time before the end of the period specified in it;
  - (b) if an appeal against the notice is not pending, the authority may extend or further extend that period.
- (3) Where any premises are premises to which paragraph 1 applies and:-
- (a) the building which constitutes or comprises the premises is a building to which at the time of its erection building regulations imposing requirements as to means of escape in case of fire applied; and
  - (b) in connection with the erection of that building plans were, in accordance with building regulations, deposited with the building authority,

the fire authority shall not in pursuance of sub-paragraph (1) serve an improvement notice requiring structural or other alterations relating to the means of escape from the premises unless the requirements of sub-paragraph (4) are satisfied in relation to the premises.

- (4) The requirements of this sub-paragraph are satisfied in relation to such premises as are mentioned in sub-paragraph (3) if:-
- (a) regulations are in force under Schedule 8 applying to the premises in relation to any use of them as respects which exemption under section 4A has been granted, being regulations which impose requirements as to means of escape in case of fire, and the fire authority is satisfied that alterations to the building which constitutes or comprises the premises are necessary to bring the premises into compliance, with the regulations in respect of those requirements; or
  - (b) the fire authority is satisfied that the means of escape in case of fire with which the premises are provided are inadequate in relation to any such use of the premises by reason of matters or circumstances of which particulars were not required by or under the building regulations to be supplied to the building authority in connection with the deposit of plans.
- (5) In this paragraph 'structural or other alterations relating to the means of escape from the premises', in relation to any such premises as are mentioned in this paragraph, means structural or other alterations directly connected with the provision of the premises with means of escape from the premises.

**[Para 4 not in operation]**

*Appeal against improvement notice*

- 5.
- (1) A person on whom an improvement notice is served may, within 21 days from the date on which it is served, appeal to the court.
- (2) On an appeal under this paragraph the court may either cancel or confirm the notice and, if it confirms the notice, may do so either in its original form or with such modifications as in the circumstances the court thinks fit.
- (3) Where an appeal is brought under this paragraph against an improvement notice, the operation of the notice is suspended until the appeal is finally disposed of or, if the appeal is withdrawn, until its withdrawal.

**[Para 5 not in operation]**

*Contravention of improvement notice*

6. Any person who contravenes an improvement notice is guilty of an offence,

**[Para 6 not in operation]**

**Schedule 4**

**Exercise of Certain Powers of Fire Authority where Building Regulations as to Means of Escape Apply**

1. Where an application is made for a fire certificate with respect to any premises and
  - (a) the relevant building is a building to which, at the time of its erection, building regulations imposing requirements as to means of escape in case of fire applied; and

**[Subpara (a) amended by Building Control Act 1991 Sch 4]**

- (b) in connection with the erection of that building, plans were, in accordance with building regulations, deposited with a building authority

**[Subpara (b) amended by Building Control Act 1991 Sch 4]**

the fire authority shall not, in pursuance of paragraph 4 of Schedule 1 to this Act, make the issue of a certificate conditional on the making to the building of structural or other alterations relating to escape from the premises unless:-

- (i) there are in force, under Part I of Schedule 8 to this Act, regulations applying to the premises in relation to any use of the premises specified in the application, being regulations which impose requirements as to means of escape in case of fire or means for securing that any means of escape can be safely and effectively used at all material times, and the fire authority is satisfied that alterations to the relevant building are necessary to bring the premises into compliance with the regulations in respect of those requirements; or
- (ii) the fire authority is satisfied that the means of escape in case of fire

with which the premises are provided, or the means of the sort mentioned in paragraph 3(b) of Schedule 1 to this Act with which the relevant building is provided, are inadequate in relation to any use of the premises so specified by reason of matters or circumstances of which particulars were not required by or under the building regulations to be supplied to the building authority in connection with the deposit of plans.

**[Item (ii) amended by Building Control Act 1991 Sch 4]**

2. Where an application is made for a fire certificate with respect to any premises in the circumstances described in paragraph 1 (a) and (b) above and, since the erection of the building, plans have, in accordance with building regulations been deposited with a building authority in connection with any proposals relating to the building, paragraph 1 above shall have effect in relation to that application as if in subparagraph (ii) the reference to the deposit of plans included a reference to the deposit of plans in connection with those proposals.

**[Para 2 amended by Building Control Act 1991 Sch 4]**

3. Where, while a fire certificate is in force with respect to any premises, the fire authority receives notice under paragraph 2 of Schedule 3 to this Act of any proposals falling within that paragraph to which building regulations imposing requirements as to means of escape in case of fire apply, and in connection with those proposals plans have, in accordance with building regulations, been deposited with a building authority, the fire authority shall not, in pursuance of paragraph 4 of that Schedule, make the carrying out of those proposals conditional on the making to the relevant building of structural or other alterations relating to escape from the premises unless
  - (a) there are in force, under Part I of Schedule 8 to this Act, regulations applying to the premises in relation to any use of the premises covered by the certificate, being regulations which impose requirements such as are mentioned in paragraph 1(i) above, and the fire authority is satisfied that the carrying out of the proposals in compliance with the requirements of the building regulations will not of itself ensure that, when the proposals have been carried out, the premises will comply with the regulations under the said Part I in respect of the requirements such as are mentioned in paragraph 1 (i) above which the regulations under that Part impose; or

**[Subpara (a) amended by Building Control Act 1991 Sch 4]**

- (b) the fire authority is satisfied that, by reason of matters or circumstances of which particulars are not required by or under the building regulations to be supplied to the building authority in connection with the deposit of plans, the carrying out of the proposals in compliance with the requirements of the building regulations will not of itself ensure that, when the proposals have been carried out, the means of escape in case of fire with which the premises will then be provided and the means of the sort mentioned in paragraph 3(b) of Schedule 1 to this Act with which the relevant building will then be provided will be adequate in relation to every use of the premises covered by the certificate.

**[Para 3 amended by Building Control Act 1991 Sch 4. Subpara (b) amended by Building Control Act 1991 Sch 4]**

4. In this Schedule, 'structural or other alterations relating to escape from the premises', in relation to any such premises as are mentioned in this Schedule, means structural or other alterations directly connected with the provision of the premises with adequate means of escape in case of fire or the provision of the relevant building with adequate means of the sort mentioned in paragraph 3(b) of the said Schedule 1.
5. ....

**[Para 5 repealed by Fire Precautions (Amendment) Act 1992 Sch 3]**

**Schedule 5  
Powers of Inspectors**

1. Subject to the provisions of this Schedule, any inspector may do anything necessary for the purpose of carrying this Act and regulations there under into effect and, in particular, shall, so far as may be necessary for that purpose, have power to do at any reasonable time any of the following things, namely:-
  - (a) to enter any such premises as are mentioned in paragraph 2 below, and to inspect the whole or any part thereof and anything therein;
  - (b) to make such inquiry as may be necessary for any of the purposes mentioned in paragraph 3 below;

**[Subpara (b) not in operation]**

- (c) to require the production of, and to inspect, any fire certificate in force with respect to any premises or any copy of any such certificate;
  - (d) to require any person having responsibilities in relation to any such premises as are referred to in sub-paragraph (a) above (whether or not the owner or occupier of the premises or a person employed to work therein) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this paragraph.
2. The premises referred to in paragraph I(a) above are the following, namely:-
  - (a) any premises requiring a fire certificate or to which any regulations made under Part I of Schedule 8 to this Act apply;
    - (aa) any premises in respect of which there is in force an exemption under section 4A from the requirement for a fire certificate in respect of them;

**[Subpara (aa) inserted by Fire Precautions (Amendment) Act 1992 Sch 1]**

- (b) any premises such as are mentioned in section 8(1)(a) of this Act;
  - (c) any premises to which section 3 of this Act for the time being applies;

**[Subpara (c) not in operation]**

- (d) any premises not falling within any of the foregoing paragraphs which form part of a building comprising any premises so falling; and
  - (e) any premises which the inspector has reasonable cause to believe to be premises falling within any of the foregoing sub-paragraphs.
3. The purposes referred to in paragraph I(b) above are the following, namely
- (a) to ascertain, as regards any premises, whether they fall within any of sub-paragraphs (a) to (d) of paragraph 2 above;
  - (b) to identify the owner or occupier of any premises falling within any of those sub-paragraphs;
  - (c) to ascertain whether, in the case of any premises to which section 3 of this Act for the time being applies, any person has the overall management of the building constituting or comprising the premises and, if so, to identify that person;

**[Subpara (c) not in operation]**

- (d) to ascertain, as regards any premises falling within any of the said sub-paragraphs (a) to (d), whether the provisions of this Act and regulations made under Part I of Schedule 8 thereto are complied with, and, where a fire certificate is in force in respect of any such premises, whether the requirements imposed by the certificate are complied with.
4. An inspector shall, if so required when visiting any premises in the exercise of powers conferred by this Schedule, produce to the occupier of the premises some duly authenticated document showing his authority.
5. In the case of premises used as a dwelling or premises of any other description prescribed for the purposes of this paragraph, no power of entry conferred by paragraph 1 above shall be exercised as of right unless twenty-four hours' notice has been given to the occupier; and, for the purposes of this paragraph, a description of premises may be framed in any of the ways mentioned in section 1 (4) of this Act.

**Schedule 6  
Appeals**

**PART I  
RIGHTS OF APPEAL AGAINST NOTICES UNDER SECTION 3**

**[Part I not in operation]**

1. Where a notice under section 3 of this Act is served in respect of any premises, the person on whom it is served may, within twenty-one days from the service of the notice, appeal to the court on either or both of the following grounds, that is to say:-
- (a) that the premises to which the notice relates are not premises to which section 3 applies; or that he does not occupy the specified position.
2. On an appeal under this Part, the court, if satisfied as to either of the grounds

mentioned in paragraph 1 above, shall by order cancel the notice, but shall otherwise by order confirm it.

**PART II**  
**RIGHTS OF APPEAL AS REGARDS MATTERS ARISING OUT OF SCHEDULES 1 TO 3**

3. A person who is aggrieved:-
  - (a) by anything mentioned in a notice served under paragraph 4 of Schedule 1 to this Act as a step which would have to be taken as a condition of the issue of a fire certificate with respect to any premises, or by the period allowed by such a notice for the taking of any steps mentioned in it; or
  - (b) by the refusal of the fire authority to issue a fire certificate with respect to any premises; or
  - (c) by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises by the fire authority; or by the refusal of the fire authority to cancel or to amend a fire certificate issued with respect to any premises; or
  - (e) by any direction given in pursuance of paragraph 4(b) of Schedule 3 to this Act; or
  - (f) by anything mentioned in a notice served under paragraph 5 of the said Schedule 3 with respect to any premises as a step which must be taken if the fire authority is not to become entitled to cancel the fire certificate relating to the premises, or by the period allowed by such a notice for the taking of any steps mentioned in it; or
  - (g) by the amendment or cancellation, in pursuance of paragraph 6, 7 or 8 of the said Schedule 3, of a fire certificate issued with respect to any premises, may, within twenty-one days from the relevant date, appeal to the court; and, on any such appeal, the court may make such order as it thinks fit.
4. Where an appeal is brought under this Part against the refusal of the fire authority to issue a fire certificate with respect to any premises or the cancellation or amendment, in pursuance of paragraph 7 or 8 of Schedule 3 to this Act, of a fire certificate issued with respect to any premises, a person shall not be guilty of an offence under section 15(1) or (2) of this Act by reason of the premises in question being put to a designated use or used as a dwelling at a time between the relevant date and the final determination of the appeal.
5. Where an appeal is brought under this Part against the inclusion in a fire certificate of anything which has the effect of making the certificate impose a requirement, a person shall not be guilty of an offence under section 15(4) of this Act by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.
6. Where an appeal is brought under this Part against:-
  - (a) the inclusion in a fire certificate, in pursuance of paragraph 5 of Schedule 2 to

this Act, of a provision making any person responsible for contraventions of any requirement imposed by the certificate; or

- (b) the omission from a fire certificate of a provision which, if included in pursuance of that paragraph, would prevent any person from being, as the occupier of any premises, responsible under that paragraph for contraventions of any requirement imposed by the certificate,

that person shall not be guilty of an offence under section 15(4) of this Act by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.

7. In this Part, 'the relevant date' means:-

- (a) in relation to a person aggrieved by any such refusal, direction, cancellation or amendment as is mentioned in paragraph 3 above, or by any matter mentioned in sub-paragraph (a) or (f) of that paragraph, the date on which he was first served by the fire authority with notice of the refusal, direction, cancellation, amendment or matter in question;
- (b) in relation to a person aggrieved by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises, the date on which the inclusion or omission was first made known to him;

and, for the purposes of sub-paragraph (b) above, a person who is served with a fire certificate or a copy of, or of any part of, a fire certificate shall be taken to have had what the certificate or that part of it does and does not contain made known to him at the time of the service on him of the certificate or copy.

**[Part III (para 8) repealed by Summary Jurisdiction Act 1989 Sch 6]**

#### **PART IV APPEALS TO STAFF OF GOVERNMENT DIVISION**

- 9. Any person aggrieved by an order made by a court of summary jurisdiction on hearing an appeal under this Act may appeal, in accordance with rules of court, to the Staff of Government Division

**[Para 9 amended by Summary Jurisdiction Act 1989 Sch 5]**

- 10. For the purposes of this Part, the fire authority, a local authority or the Department may be a person aggrieved.

**[Para 10 amended by GC192/86]**

#### **Schedule 7 Service of Documents**

- 1. Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.
- 2. Any notice or other document so required or authorised to be served on a body

corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.

3. For the purposes of this Schedule, and of the expression 'service by post' contained in section 2 of the Interpretation Act 1970 in its application to this Schedule, the proper address of any person, in the case of the secretary or clerk of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm, shall be that of the principal office of the firm, and, in any other case shall be the last known address of the person to be served.
4. If the name or the address of any owner or occupier of premises on whom any such notice or other document as aforesaid is to be served cannot, after reasonable inquiry, be ascertained by the person seeking to serve it, the document may be served by addressing it to the person on whom it is to be served by the description of 'owner' or 'occupier' of the premises (describing them) to which the notice relates, and by delivering it to some responsible person resident or appearing to be resident on the premises, or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

## **Schedule 8 Regulations**

### **PART 1 FIRE PRECAUTIONS REGULATIONS**

1. In the case of any particular use of premises which it has power to designate under section 1 of this Act, the fire authority may by regulations make provision as to the precautions which, as regards premises put to that use, or any specified class of such premises, are to be taken or observed in relation to the risk to persons in case of fire, but so that nothing in any regulations made under this Part shall apply to premises of any description falling within any paragraph of section 2 of this Act.

#### **[Para 1 amended by Fire Services Act 1984 Sch 2]**

2. The fire authority may by regulations make provision as to the precautions which are to be taken or observed in relation to the risk to persons in case of fire as regards premises which, while section 8 of the Act applies to them and a notice under that section is in force in relation to them, are used as a dwelling, or any specified class of such premises.

#### **[Para 2 amended by Fire Services Act 1984 Sch 2]**

3. Without prejudice to the generality of the powers conferred on the fire authority by paragraphs 1 and 2 above, regulations made by it under this Part may in particular as regards any premises to which they apply, impose requirements:-
  - (a) as to the provision, maintenance and keeping free from obstruction of means of escape in case of fire;
  - (b) as to the provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;
  - (c) as to the provision and maintenance of means for fighting fire and means for giving warning in case of fire;

- (d) as to the internal construction of the premises and the materials used in that construction;
- (e) for prohibiting altogether the presence or use in the premises of furniture or equipment of any specified description, or prohibiting its presence or use unless specified standards or conditions are complied with;
- (f) for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire;
- (g) for securing that, in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises: and
- (h) as to the keeping of records of instruction or training given or other things done, in pursuance of the regulations.

**[Para 3 amended by Fire Services Act 1984 Sch 2]**

4. Regulations under this Part may:-

- (a) provide for the making of loans and/or grants, in accordance with the regulations, to persons who are required to carry out works in pursuance of regulations under this Part, but no such regulation shall be made except with the prior concurrence of the Treasury;

**[Subpara (a) amended by Treasury Act 1985 Sch 2]**

- (b) impose requirements on persons other than occupiers of premises to which they apply; and
- (c) as regards any of their provisions as to the person or persons who is or, as the case may be, are to be responsible for any contravention thereof; and
- (d) provide that if any specified provision of the regulations is contravened, the person or, as the case may be, each of the persons who under the regulations is or are responsible for the contravention shall be guilty of an offence under this Part;
- (e) preset be anything which is required to be or may be, prescribed under this Act.

5. It shall be the duty of the fire authority, before making any regulations under this Part, to consult with such persons or bodies of persons as appear to it requisite.

**[Para 5 amended by Fire Services Act 1984 Sch 2]**

6. While there are in force under this Part any regulations applying to premises put to a particular use, or to any specified class of such premises, the fire authority:-

- (a) in determining under paragraph 3 of Schedule 1 to this Act whether to issue a fire certificate covering that use with respect to any premises to which the regulations apply, shall proceed on the footing that, as regards any matter mentioned in sub-paragraphs (a) to (d) of that paragraph, about which

provision is made in the regulations, no more can reasonably be required in the circumstances of the case than is required by the regulations; and

- (b) shall not, in any fire certificate covering that use issued with respect to any premises to which the regulations apply, impose, in pursuance of paragraph 2 of Schedule 2 to this Act in relation to that use any requirement, as to any matter about which provision is made in the regulations which is more onerous than the requirements of the regulations as to that matter.

7. Where there are in force under the Part any regulations applying to premises put to a particular use, or to any specified class of such premises, and a fire certificate covering that use is in force with respect to any premises to which the regulations apply, then:-

- (a) so long as the requirements as to any matter imposed by the fire certificate in relation to that use are complied with, no person shall be guilty of an offence under the regulations by reason of any contravention of a requirement of the regulations as to that matter;
- (b) if, as a result of an inspection made under paragraph t of Schedule 3 to this Act, it appears to the fire authority that any of the matters mentioned in paragraph 1 (b) to (e) of Schedule 2 to this Act is not in conformity, with any provision made in the regulations about that matter, the authority shall, by notice served on the occupier:-
  - (i) inform him of that fact and of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to bring the matter in question into conformity, with that provision; and
  - (ii) notify him that, if those steps are not taken (whether by himself or otherwise) within such period as may be specified in the notice, the fire certificate may be cancelled;

and, if those steps are duty taken, the fire authority shall, if necessary, amend the fire certificate or issue a new one.

8. Where there is in force a notice under section 3 of this Act relating to any premises, paragraph 7(b) above shall apply to them subject to the modification that the first reference to the occupier shall be read as a reference to the occupier or the notified person, and the other references to the occupier shall be read as references to the occupier or the notified person, as the case may be.

**[Para 8 not in operation]**

9. Paragraph 8 of Schedule 3, and Part II of Schedule 6, to the Act shall (with the necessary modifications) have effect in a case where a notice is served under paragraph 7(b) above with respect to any premises as they have effect in a case where a notice is served under paragraph 5 of the said Schedule 3; and where, in pursuance of this Part, the fire authority amends a fire certificate which, by virtue of paragraph 9 of Schedule 2 to this Act, a copy is required to be kept in the premises to which the certificate relates, it shall cause the copy to be similarly amended.

10. No regulations shall, after this Part takes effect, be made under the Cinematograph

Act 1925 but any regulations so made which are in force when this Part takes effect shall have effect as it made under this Part, and may be amended or revoked accordingly.

**PART II**  
**POWER TO APPLY ACT TO VESSELS AND MOVABLE STRUCTURES**

11. The fire authority may by regulations apply any of the provisions of this Act, subject to such modifications as may be prescribed, to:-
- (a) vessels remaining moored or on dry land for such periods or in such circumstances as may be prescribed; and
  - (b) tents and other movable structures of any prescribed description.

**[Para 11 amended by Fire Services Act 1984 Sch 2]**

**PART III**  
**GENERAL PROVISIONS**

12. Any power conferred by this Schedule to make regulations includes power to make different provision in relation to different circumstances.
13. Regulations under this Schedule may grant or provide for the granting of exemptions from any of the provisions of the regulations, either unconditionally or subject to conditions.
14. Regulations under this Schedule shall not have effect until they have been approved by Tynwald.

**PART IV**  
**POWER TO APPLY CERTAIN UK REGULATIONS**

15. Without prejudice to the foregoing provisions of this Schedule, the fire authority may, subject to such modifications or adaptations, or both, as may be specified in the order, by order apply to the Island the provisions of any regulations made under section 12 of the Fire Precautions Act 1971 (an Act of Parliament) or any enactment of Parliament replacing that section.

**[Para 15 amended by Fire Services Act 1984 Sch 2]**

16. Any regulations applied by an order under paragraph 15 above may be amended, varied or revoked by regulations made under Part 1 of this Schedule.
17. An order under paragraph 15 above shall not have effect until it has been approved by Tynwald.

**Schedule 9**

**[Sch 9 repealed by Cinematograph Act 1977 Sch]**

**Schedule 10  
Enactments Repealed**

**[Sch 10 partly in force]**

**[Sch 10 amended by Fire Services Act 11984 Sch 3, and repeals the following Acts in part:-**

**Local Government Consolidation Act 1916**

**Local Government Amendment Act 1922**

**Local Government Act 1963**

**Fees, Charges Etc. Enabling Act 1972**

**Remainder of Schedule as set out below not yet in force]**

Short title	Extent of repeal
The Factories and Workshops Act	Section 35(b)
The Fire Escapes Act 1950	The whole Act

**PENDLEX**

This Act has been amended by the Fire Precautions (Amendment) Act 1992, the whole of which is not yet in operation. The new provisions have been inserted into this Act please see the annotations to section 21A(2), to paragraphs 4, 5 and 6 of Schedule 3A and to the definition of 'improvement notice' in section 30(1).

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