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28 February 1986

NBPM

DEREGULATION: FIRE SAFETY AND MISC 121

will report if req'd.
My letter of 13 February to Kenneth Clarke explaining that we are actively considering ways in which the regulatory impact of fire precautions legislation for which the Home Office is responsible on places of work which constitute lesser fire risks can be reduced without detriment to fire safety standards was not, of course, available when MISC 121 last met. I thought it might therefore be helpful if I were to expand upon the letter for the benefit of our colleagues in MISC 121 and to put in perspective some points in which they expressed an interest at our third meeting on 12 February (MISC 121 (86)3rd).

The Home Secretary announced on 16 January that he would be publishing a consultative document proposing ways of achieving the objectives of the Popplewell Inquiry's report, fitting this into the review already under way of the future of the Fire Precautions Act 1971. This Act is in general concerned with fire precautions in hotels and boarding houses and offices, shops and railway premises and factories by requiring fire certificates for such premises. Present indications are that it may be possible to propose removing all places of work which represent lesser fire risks from fire certification controls and instead placing such premises under a statutory obligation to achieve certain reasonable fire safety standards. We estimate - although this needs to be further explored - that in this way more than 25% of places of work can be removed from the need to obtain fire certificates. This should be a significant deregulatory step and will doubtless be recognised as such, even though the "Burdens on Business" scrutiny revealed that very few businessmen mentioned fire precautions as a burden on small firms; I understand only four firms out of the 200 surveyed mentioned it unprompted as being any kind of burden.

The Fire Precautions Act only impinges on existing buildings put to certain uses; it does not operate on buildings which are being planned or constructed. There the Building Regulation operate. District councils enforce building regulations and they are required to consult fire authorities about some new building (but not all and not about private homes) although they retain complete discretion as to the extent they impose any requirement on builders or architects as a result of consulting the fire authority. Building Regulations are a matter for DOE but I understand that they require a fire resistance of $\frac{1}{2}$ hour for a small single storey workshop, not "several hours" as stated in sub paragraph b of the minutes of the 3rd meeting. Businessmen often confuse the standard of fire resistance imposed by Building Regulations and fire regulations with those imposed by insurance companies; the latter are sometimes much higher.

/I confirm

The Rt Hon The Lord Young of Graffham

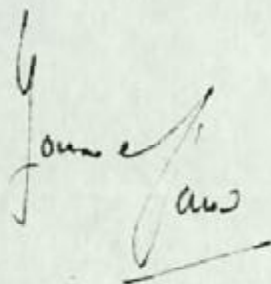
I confirm that we intend to continue in any legislation amending the Fire Precautions Act 1971 the right of appeal to the courts - magistrates courts - for anyone who is aggrieved by anything which is required of him as a condition of being issued with a fire certificate, such as is currently provided by section 9 of the 1971 Act, and we would propose to introduce a similar right of appeal in connection with enforcement of the statutory duty.

I also confirm that the 1971 Act does not extend to private houses in single family occupation (sub paragraph c of the minutes of the 3rd meeting is misleading in this respect) and we have no intention of extending the scope of the Act to include such premises.

Colleagues will also be encouraged to learn that the current Cinema Regulations introduced in 1955 take full account of the difference between flammable film and non flammable safety film which began to be used from the early 1950s. Different requirements are in force for the use of both types of film and, because flammable films are still stored and frequently used even today, the new regulations with which we propose to replace them were drafted in consultation with the Cinema industry (who fully support them) and with the advice of a cinema safety expert from the Health and Safety Executive and the British Film Institute.

I hope that what I have said has further demonstrated the extent of our commitment to deregulate in fire precautions where fire risks are small and where a reduction in controls can be brought about without raising public anxieties about a loss of fire safety standards. The Home Secretary will be circulating to colleagues shortly his recommendations for legislation to replace the Fire Precautions Act, and I know he will hope to be able to count on fully informed support for his proposals.

I am copying this letter to the other Members of MISC 121 and to No 10.

A handwritten signature in dark ink, appearing to read 'David Waddington', with a horizontal line underneath.

(DAVID WADDINGTON)

