

<b>Health and Safety Executive</b>	<b>Operational Circular</b>
<b><i>Field Operations Directorate</i></b>	<b>OC 401/4</b>
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<b>Open Government Status</b>	Fully Open
<b>Author Unit</b>	FOD Safety Unit

To  
 AFQ Inspectors (Bands 0-4)  
 CHID Inspectors (Bands 0-4)  
 Railway Inspectors (Bands 0-3)

## **ENFORCEMENT OF GENERAL FIRE PRECAUTIONS IN TEMPORARY ACCOMMODATION UNITS ON CONSTRUCTION SITES**

This OC advises inspectors of their role in the enforcement of general fire precautions (GFP) in temporary accommodation units (TAUs) and similar buildings on construction sites.

### BACKGROUND

1 Several pieces of legislation require GFPs to be provided at construction sites. The Construction (Health, Safety and Welfare) Regulations 1996 (CHSWR) regs.19-21 require the provision of adequate GFPs at construction sites. In addition, the Fire Certificates (Special Premises) Regulations 1976 (FC(SP)R) require a fire certificate to be issued for temporary occupation of buildings on such sites where more than 20 people (or more than 10 elsewhere than on the ground floor) are employed. The Fire Precautions Act 1971 (FPA) and the Fire Precautions (Workplace) Regulations 1997 (FP(W)R) may also apply to buildings/premises which contain, or are not separate from, a construction site and continue to be occupied during construction work. Workplaces to which the CHSWR apply are excepted from application of the FP(W)R.

2 Both the fire authorities (FA) and HSE can have enforcement responsibilities for GFPs. The fire safety requirements of the CHSWR are enforced by HSE on construction sites which are separate from any other premises. However, in premises occupied by persons unconnected with the construction work, the FA enforces the GFP requirements of the CHSWR on the construction site (see reg. 33(1) and [OC 401/3](#)), and the FPA/FP(W)R elsewhere in the premises. HSE remains the enforcing authority under FC(SP)R for GFPs in buildings, or parts of buildings provided on the construction site for any activity ancillary to the construction work (see [OC 404/23](#) for further information). In these special premises, HSE also has enforcement responsibility for the GFP requirements of the CHSWR. (Although in effect, the requirements of FC(SP)R surpass those of the CHSWR because HSE determines and directs the necessary GFPs through the fire certificate.)

### APPLICATION OF CHSWR TO TAUS ETC

3 It has been thought that the CHSWR did not apply to TAUs and similar buildings containing site offices, eating and resting facilities etc, because this was not considered to be 'construction work' within the meaning of the CHSWR. (If this was the case, then the FP (W)R would apply to such buildings.) However, HSE's Solicitor has confirmed that 'construction work' includes activities such as administration, resting and eating, carried on

in TAUs etc on construction sites and, therefore, the CHSWR apply accordingly.

### ACTION

4 Inspectors should note the meaning of 'construction work' within the context of the CHSWR, and the correct application of the CHSWR to TAUs and similar buildings on construction sites. Where HSE has enforcement responsibility for CHSWR regs.19-21, inspectors should require the provision of adequate GFPs in temporary accommodation, including site offices etc, as well as on the rest of the site.

### ANNOTATION OF INSTRUCTIONS

5 OC 401/3 para 11 third line after....'see OC 404/23' and before 'for further....' **add** 'and OC 401/4' .

6 OC 404/23 para 3, end of first sentence **note** 'See OC 401/4'.

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