

Health and Safety Executive	Operational Circular
<i>Field Operations Division</i>	OC 401/3
Review Date	26/01/2008
Open Government Status	Fully Open
Author Unit	FOD Safety Unit
Version No & Date	2: 19/05/1999

To
Agricultural, Factory and Quarries Inspectors (Bands 0-4)
Railway Inspectors (Bands 0-3)
CHID Inspectors (Bands 0-3)
Mines Inspectors (Bands 0-2)

THE ENFORCEMENT OF FIRE SAFETY STANDARDS DURING CONSTRUCTION WORK

This OC advises inspectors of a Memorandum of Understanding between HSE and the Home Office and advises on the practical implications of it.

BACKGROUND

1 This OC provides guidance to inspectors on the enforcement of fire safety standards during construction work, a major part of which is concerned with the Construction (Health, Safety and Welfare) Regulations 1996 (CHSW Regulations) reg.33. [OC 217/2 \(Rev\)](#) deals with general principles of enforcement responsibilities across all work activities. While this OC is concerned mainly with the implications of reg.33, other legislation such as the Fire Precautions Act 1971 (FPA) and the Health and Safety at Work etc Act 1974 (HSW Act) may also be relevant.

2 A Memorandum of Understanding (MOU) has been agreed between the Home Office and HSE on CHSW Regulations reg.33. It addresses the relationship between HSE and fire authorities (FAs) in respect of construction work taking place on construction sites which are contained within occupied premises. A copy of the MOU is reproduced at Appendix 1. The MOU does not refer to local authority (LA) enforcement responsibilities.

3 This OC explains in more detail the practical implications of the principles defined in the MOU. It also refers to situations where the MOU does not apply, ie those where a construction site does not exist but there is construction work taking place. Although the MOU deals exclusively with the relationship between HSE and FAs, LAs may also have an enforcement role in respect of construction fire risks and this OC refers to it. A key requirement is for HSE inspectors to inform, without delay, FAs and/or LAs of matters of evident concern for which the latter are the enforcing bodies. These requirements are summarised in the flow chart at Appendix 2.

4 Construction fires are potentially extremely dangerous, largely because evacuation from unfinished buildings is invariably much more difficult than in the finished structure. If inspectors encounter particularly serious fire safety shortcomings, they should not hesitate to deal with them robustly, using enforcement if necessary. Such robust action may even be needed if HSE is not the enforcing authority for CHSW Regulations regs.19-21. (See [para 23-25](#)).

UNDERLYING PRINCIPLES OF ENFORCEMENT OF CHSW REGULATIONS FIRE REQUIREMENTS

5 The CHSW Regulations fire safety requirements can be divided into 2 areas:

- (1) **process fire safety matters**, ie precautions to prevent fire starting in the first place. This is dealt with in reg.18. Process matters include the safe use and storage of flammable materials and precautions to ensure that work processes do not start fires; and
- (2) **general fire precaution matters** (GFP) which deal with the actions needed should a fire occur. These are dealt with in reg.19, 20 and 21. General fire precaution matters include raising the alarm, means of escape, fire fighting facilities and emergency planning.

6 Regulation 18 applies to all construction work. Regulations 19-21 only apply if there is a construction site as defined in CHSW Regulations reg.2. Consequently, CHSW Regulations GFP requirements will often not apply for more minor construction work which does not constitute a 'construction site' as defined (see [paras17-21](#)).

7 Fire authorities have no enforcement power in respect of CHSW Regulations reg.18. They therefore have no role in the enforcement of CHSW Regulations process fire safety standards for any construction work however minor or extensive.

8 In certain circumstances FAs are the sole enforcing authority in respect of CHSW Regulations GFP requirements, ie regs.19-21. Those circumstances are where:

- (1) construction work as defined by CHSW Regulations is taking place; and
- (2) the construction work is taking place on a construction site as defined in CHSW Regulations reg.2; and
- (3) the construction site is contained within or forms part of premises occupied by those unconnected with the construction work.

9 **All 3** of these criteria need to be satisfied for the FA to be the enforcing authority for CHSW Regulations regs.19-21.

10 For construction work on premises subject to the Fire Certificates (Special Premises) Regulations 1976 (FCSP Regulations), HSE remains the sole enforcing authority for all GFP matters throughout both the construction site and the premises itself.

11 HSE also remains the enforcing authority under FCSP Regulations 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](#) and [OC 401/4](#) for further information).

12 If construction work takes place in circumstances where the LA is the enforcing authority for it under the Health and Safety (Enforcing Authority) Regulations 1989, the LA is responsible for all CHSW Regulations reg.18 matters. If there is a construction site the FA will enforce CHSW Regulations regs.19-21 if it is contained within occupied premises. If there is no construction site CHSW Regulations regs.19-21 do not apply.

SUMMARY OF MOU PRINCIPLES

13 For HSE inspectors the most important of the MOU principles concerns the action they should

take when they encounter GFP shortcomings on sites within occupied premises for which they are not the enforcing authority. The message in the MOU is clear. It is that in such cases where they note matters of evident concern (see [para 22](#)) they should inform the FA as soon as practicable - irrespective of any action taken to resolve the matter. (It is not acceptable to inform the FA at the inspector's convenience). HSE inspectors should inform the FA at the first available opportunity and this should be subsequently confirmed by correspondence. The MOU also allows for action by HSE inspectors in serious cases even if they are not the appropriate enforcing authority for CHSW Regulations regs.19-21.

EXPLANATION OF KEY TERMS AND THEIR IMPLICATIONS

Premises

14 'Premises' does not have the same meaning as 'building' and does not necessarily mean that everything contained within a boundary (such as a factory fence) constitutes a single premises. For the purposes of CHSW Regulations reg.33 the key to defining 'premises' is whether or not a construction site is sufficiently isolated or separated from other occupied parts to prevent people in the latter being exposed to fire risks arising from the construction work. If a construction site is contained within the same building or structure as other occupiers, but is genuinely isolated such that:

- (1) a fire in the construction site **cannot** spread to the other parts; and
- (2) GFPs for the site are self contained and do not rely, in any way, on GFPs for the remainder of the building or structure, which themselves remain adequate

the site can be considered completely separate and not 'contained within or forming part of' the occupied premises. In that case the FA are not the enforcing authority for CHSW Regulations GFP standards on the construction site. (However they will be the enforcing authority for any requirements under the Fire Precautions Act 1971 (FPA) in respect of the occupied part of the premises).

15 [Appendix 3](#) provides an example illustrating the nature of 'premises' in more detail.

Occupied

16 'Occupied' means the physical presence of people outside the construction site who are not concerned with the construction work taking place on it. A premises may be owned by a person or organisation unconnected with the carrying out of the construction work, eg a client or a tenant. That ownership or tenancy does not in itself constitute occupation for the purposes of CHSW Regulations reg.33 - unless it results in the physical presence of non construction personnel on the premises while the work is going on. A common example of such occupation is office workers in occupied floors of an office block while refurbishment takes place on another floor(s).

Construction site

17 This is an important definition. If there is construction work going on but a construction site as defined does not exist, regs.19-21 do not apply. If regs.19-21, in respect of GFPs do not apply, FAs have no enforcement powers under CHSW Regulations. Regulation 18 in respect of process fire safety still applies to construction work, even if there is no construction site. HSE will normally enforce CHSW Regulations reg.18 wherever construction work is taking place (but see para 21 in respect of LA enforcement).

18 Construction site means 'any place where the principal work activity being carried out is

construction work'. For instance, minor decorating work in an occupied office or building maintenance work in a factory often would not constitute a site. The principal work activity is the office work or factory process and the decorating or maintenance work carries on around it.

19 The intention of this definition of construction site is to exclude minor construction work from the full range of CHSW Regulations requirements and so avoid duplication of GFP requirements that are already effectively dealt with by compliance with other legislation. For instance, the GFPs required under FPA will often be able to deal with the needs of both construction workers and office staff in minor works within occupied premises.

20 During inspection on occupied premises where there is no construction site as defined, HSE inspectors may encounter GFP matters of evident concern in respect of either occupier or contractor staff. In such cases the FA should be contacted without delay in accordance with OC 217/2.

21 Where LAs are the enforcing authority for construction work (cf the Health and Safety (Enforcing Authority) Regulations 1989) they are the enforcing authority for CHSW Regulations reg.18. If HSE inspectors become aware of any construction fire safety shortcomings in such construction work (eg via complaints) they should inform the LA. If this involves matters of evident concern the LA should be informed as soon as practicable. In such cases the FA should also be informed where the HSE inspector suspects that construction work gives rise to matters of evident concern for occupier GFPs (in accordance with OC 217/2).

Matters of evident concern

22 An indicative list is given at Annex 2 of the MOU. It is not intended to be exhaustive but covers most of the circumstances that inspectors are likely to encounter. Where inspectors encounter something that is not described in the MOU annex but have no doubt that it is of evident concern they should inform the FA as soon as practicable. In cases of uncertainty, the local RSG specialist should be consulted.

Serious cases

23 HSE inspectors will occasionally encounter serious risks in relation to GFPs where the FA is the enforcing authority for CHSW Regulations regs.19-21, such that they may need to consider urgent enforcement action under HSW Act. Such serious matters are exceptional and HSE inspectors should be careful to ensure that their actions do not substitute for enforcement which is more properly the role of FAs under CHSW Regulations reg.33.

24 The MOU does not define serious cases. 'Serious cases' mean exceptional situations where the risks are so great that immediate action is required to remedy life-threatening circumstances. In some cases the HSE inspector may be able to deal with the immediate problem adequately by serving a prohibition notice on the processes giving rise to the risks under CHSW Regulations reg.18. Thus, the risk of a fire starting would be reduced and the immediate need for improvements in GFPs may disappear. Inspectors can then alert FAs to a matter of evident GFP concern in the normal way.

25 If HSE inspectors do take enforcement action on serious GFP deficiencies within occupied premises, this does not alter the need to inform the FA as soon as practicable. They should make every effort to contact the FA before they take any enforcement action (usually by telephoning from the site). If enforcement by HSE is undertaken, then there should subsequently be a joint visit by HSE and FA inspectors. At that stage any further action concerning site GFPs should be taken by the FA. In these cases the key to successful resolution of the matter is close and prompt liaison with the FA.

Process and GFP

26 In most cases identifying whether an issue is process or GFP should be straightforward (see [para 5](#)), but in some cases the distinction may become blurred. For instance, the storage of LPG may be a process matter because of the presence of flammable material or a GFP matter because it is stored somewhere where it could prejudice safe evacuation.

27 In such cases inspectors should deal with the process element as necessary and inform the FA if any matters of evident concern on GFPs remain subsequent to the action they take.

'As soon as practicable'

28 The MOU requires that matters of evident concern are made known to FAs **as soon as practicable**. In most cases this means using the site telephone or a mobile phone if the inspector has one. If this is not possible, every effort should be made by the inspector to contact his/her office as soon as possible so that the relevant details can be relayed to FAs.

Annotation and cancellation of instructions

29 OC 217/2 - **note** "See also OC 401/3".

30 OM 1994/143 - **cancel** and **destroy**.

26 January 1998

(220/FOD/175/97)

Disc ref J:\Editors\CA1\ocfile\401_3.sam

ASI headings

Building operations: construction: Construction (Health, Safety and Welfare) Regulations 1996: enforcement: enforcing authority: fire: fire authorities: fire prevention: Home Office: liaison: memoranda.

APPENDIX 1 (para2)

MEMORANDUM OF UNDERSTANDING BETWEEN THE HEALTH AND SAFETY EXECUTIVE AND THE HOME OFFICE ON ENFORCEMENT RESPONSIBILITIES FOR REGULATIONS 19, 20 AND 21 OF THE CONSTRUCTION (HEALTH, SAFETY AND WELFARE) REGULATIONS 1996

Purpose

1. This Memorandum of Understanding summarises the *enforcement* responsibilities of the Health and Safety Executive (HSE) and local fire authorities (FA) in relation to the fire provisions set out in Regulations 19, 20 and 21 of the Construction (Health, Safety and Welfare) Regulations 1996 (CHSW Regulations) which came into force on 2 September 1996 (Annex 1).
2. It addresses only those fire provisions which are required by the CHSW Regulations, and applies only to construction sites as defined in the CHSW Regulations.

3. The Memorandum does not deal with enforcement responsibilities for any other fire provisions, which remain unchanged.

4. The Memorandum also gives practical guidance to the respective enforcement authorities on *inspection* and liaison arrangements for the fire provisions of the CHSW Regulations.

Enforcement responsibilities

5. The *general* purpose of visits by the enforcing authorities can be summarised as -

(a) HSE inspectors visit construction sites for the general purposes of health and safety at work.

(b) Fire safety officers of the FA (and Crown Premises Inspection Group for Crown Premises) visit premises which are in occupation to ensure compliance with any legislative fire safety requirements which the FA has a statutory duty to enforce or to fulfil their statutory duties to obtain information or to give advice.

6. Regulation 33 of the CHSW Regulations (Annex 1) provides enforcement powers to FAs for the fire provisions only in respect of Regulations 19, 20 and 21 as they apply to those parts of premises which are or become construction sites *while other parts of the premises remain in occupation by persons other than those carrying out the construction work or any activity arising from such work*. If the premises are not in occupation, then HSE will carry out enforcement on the construction site in respect of fire provisions.

7. While it would be a question of fact in each case, as a general rule, when a construction site (or sites) is physically separated from other existing structures by space or fire resisting walls so that it may be said to constitute separate premises, it should be treated as separate premises. For enforcement purposes, where an existing occupied structure is being extended and there is a risk of fire spreading from one part of the structure to the other (eg through doors or other openings in separating walls) the fire authority will be the enforcing authority for the fire provisions of the CHSW Regulations. Where there is no risk of fire spreading from one part of the structure to the other, HSE will be the enforcing authority.

Liaison arrangements where the visiting authority is not the enforcing authority for the fire provisions of the CHSW Regulations

8. In premises where the visiting authority is not the enforcing authority for the fire provisions of the CHSW Regulations, it will inform the enforcing authority of matters of evident concern (A non-exhaustive list of such matters is contained in Annex 2). The visiting authority will also notify the duty holders under the CHSW Regulations of those matters and that these are being reported to the relevant enforcing authority.

Exchange of information

9. Matters of evident concern should be communicated to the authority with enforcement responsibilities as soon as is practicable by telephone. Arrangements should be made either for a joint visit if necessary, or the matters discussed should be confirmed in writing to the enforcing authority as soon as possible. The enforcing authority should notify the visiting authority in writing of any enforcement action it has taken on the fire provisions of the CHSW Regulations.

Action in serious cases

10. Where an inspector or officer, who does not have the enforcement powers in respect of the fire

provisions of the CHSW Regulations for the premises concerned, is of the opinion that a situation might pose a series risk to health and safety, then immediate enforcement action under any statutory powers available to that inspector/officer should be considered. Where possible, this intention should be communicated to the relevant enforcing authority *before* the enforcement action is taken (this action is necessary in order to allow each enforcing authority to fulfil its statutory duty to consult the other on such action). As soon as practicable after that arrangements should be made for a joint visit and any enforcement in respect of the fire provisions of the CHSW Regulations should be taken by the relevant enforcing authority.

Exception to the arrangement

11. HSE remains the sole enforcing authority for the fire provisions of the CHSW Regulations where they apply to premises where they apply to premises specified in Part 1 of Schedule 1 to the Fire Certificates (Special Premises) Regulations 1976 (Annex 3).

Future arrangements

12. In the event that one or both of the enforcing authorities intend to prepare guidance on enforcement and inspection arrangements for its officers or inspectors on matters in this Memorandum, then such guidance will be discussed and agreed with the other authority.

Signed Sandra Caldwell	Signed..... Vicki Harris
on behalf of the Health and Safety Executive	on behalf of the Home Office
Date 10 March 1997	Date..... 17 March 1997

ANNEX 1
(MOU paras 1 and 6)

Interpretation

2.-(1) In these Regulations, unless the context otherwise requires-

"construction site" means any place where the principal work activity being carried out is construction work;

Emergency routes and exits

19.-(1) Where necessary in the interests of the health and safety of any person on a construction site, a sufficient number of suitable emergency routes and exits shall be provided to enable any person to reach a place of safety quickly in the event of danger.

(2) An emergency route or exit provided pursuant to paragraph (1) shall lead as directly as possible to an identified safe area.

(3) Any emergency route and exit provided in accordance with paragraph (1), and any traffic route or door giving access thereto, shall be kept clear and free from obstruction, and, where necessary, provided with emergency lighting so that such emergency route or exit may be used at any time.

(4) Any provision for emergency routes and exits made under paragraph (1) shall have regard to -

- (a) the type of work for which the construction site is being used;
- (b) the characteristics and size of the construction site and the number and location of places of work on that site;
- (c) the plant and equipment being used;
- (d) the number of persons likely to be present on the site at any one time; and
- (e) the physical and chemical properties of any substances or materials on or likely to be on the site.

(5) All emergency routes or exits shall be indicated by suitable signs.

Emergency procedures

20.-(1) Where necessary in the interests of the health and safety of any person on a construction site, there shall be prepared and, when necessary, implemented suitable and sufficient arrangements for dealing with any foreseeable emergency, which arrangements shall include procedures for any necessary evacuation of the site or any part thereof.

(2) Without prejudice to the generality of paragraph (1), arrangements prepared pursuant to that paragraph shall have regard to those matters set out in paragraph (4) of regulation 19.

(3) Where arrangements are prepared pursuant to paragraph (1), suitable and sufficient steps shall be taken to ensure that -

- (a) every person to whom the arrangements extend is familiar with those arrangements; and
- (b) the arrangements are tested by being put into effect at suitable intervals.

Fire detection and fire-fighting

21.-(1) Without prejudice to the provisions of any other enactment, there shall be provided on a construction site where necessary in the interests of the health and safety of any person at work on that site -

- (a) suitable and sufficient fire-fighting equipment; and
- (b) suitable and sufficient fire detectors and alarm systems,

which shall be suitably located.

(2) Any provision for fire-fighting equipment, fire detectors and alarm systems made under paragraph (1) shall have regard to those matters set out in paragraph (4) of regulation 19.

(3) Any fire-fighting equipment, fire detector or alarm system provided under paragraph (1) shall be properly maintained and subject to examination and testing at such intervals as to ensure that such equipment, detector or system remains effective.

(4) Any fire-fighting equipment which is not designed to come into use automatically shall be easily accessible.

(5) Every person at work on a construction site shall, so far as is reasonably practicable, be instructed in the correct use of any fire-fighting equipment which it may be necessary for him to use.

(6) Where a work activity may give rise to a particular risk of fire, a person shall not carry out such work unless he is suitably instructed so as to prevent, so far as is reasonably practicable, that risk.

(7) Fire-fighting equipment shall be indicated by suitable signs.

Enforcement in respect of fire

33.-(1) Subject to paragraph (2), the fire authority within the meaning of section 43(1) of the Fire Precautions Act 1971(b) shall be the enforcing authority as regards-

(a) regulations 19 and 20 insofar as those regulations relate to fire; and

(b) regulation 21,

in respect of a construction site which is contained within, or forms part of, premises which are occupied by persons other than those carrying out the construction work or any activity arising from such work.

(2) Paragraph (1) shall not apply in respect of any premises of a description specified in Part I of Schedule 1 to the Fire Certificates (Special Premises) Regulations 1976(c).

ANNEX 2 (OC para 22, MOU para 8)

EXAMPLES OF GENERAL FIRE PRECAUTIONS GIVING RISE TO

EVIDENT CONCERN

Below is a non-exhaustive list of examples of those general fire matters which might cause an HSE inspector or fire safety officer evident concern. Such matters may be self-evident or may be drawn to an inspector's/officer's attention by a third party.

MEANS OF ESCAPE IN CASE OF FIRE

1 Fire exit doors which cannot be easily and immediately opened from the inside by emergency door hardware, eg by panic bolts.

2 Fire escape routes which are required to enable escape to a place of safety outside the structure or building not provided or obstructed.

3 External escape routes which are required to enable escape to a place of safety clear of the structure or building not provided or obstructed.

4 Significantly obstructed exit doors or passageways in a substantially enclosed structure or building.

5 Significant quantities of flammable or combustible materials which are stored in such a way that they may in the event of their involvement in fire cause rapid fire spread affecting means of escape and the production of large quantities of smoke that may enter escape routes and prevent their use in

an emergency.

6 In existing, largely completed or enclosed structures and buildings, breaches of fire protection such as missing or permanently-open fire doors on escape routes.

7 Alternative escape routes not provided to give two way travel, ie the creation of excessive dead-end travel conditions.

8 The extensive sub-division of large floor areas which cause significant extensions to escape-route travel distances.

9 Escape routes not adequately identified by fire exit notices.

10 The extensive use of temporary protective wall, floor or ceiling covering which would contribute to rapid fire spread, particularly when located on primary escape routes.

MEANS FOR FIGHTING FIRE

11 Fire fighting equipment not provided or obviously inadequate in relation to number and type for the fire risk present.

12 Fire-fighting equipment provided but obscured or obstructed.

13 Fire-fighting equipment not properly maintained and in poor condition.

FIRE ALARMS

14 Inadequate or dangerously sited means for raising the alarm.

15 Fire alarms not in working order or not provided.

EMERGENCY LIGHTING

16 Areas without emergency lighting (Annex 1, reg.19(3)) which:

(a) are occupied at night; or

(b) are windowless areas devoid of natural light (eg basements),

and where failure of the normal lighting would result in insufficient illumination being available to enable persons to find their way to safety.

FIRE ROUTINE AND STAFF TRAINING

17 The absence of or clearly inadequate fire routine procedures and/or staff training on the action to be taken in the event of a fire.

ANNEX 3
(MOU para 11)

SCHEDULE 1

Regulation 3**PART I****PREMISES FOR WHICH A FIRE CERTIFICATE IS REQUIRED**

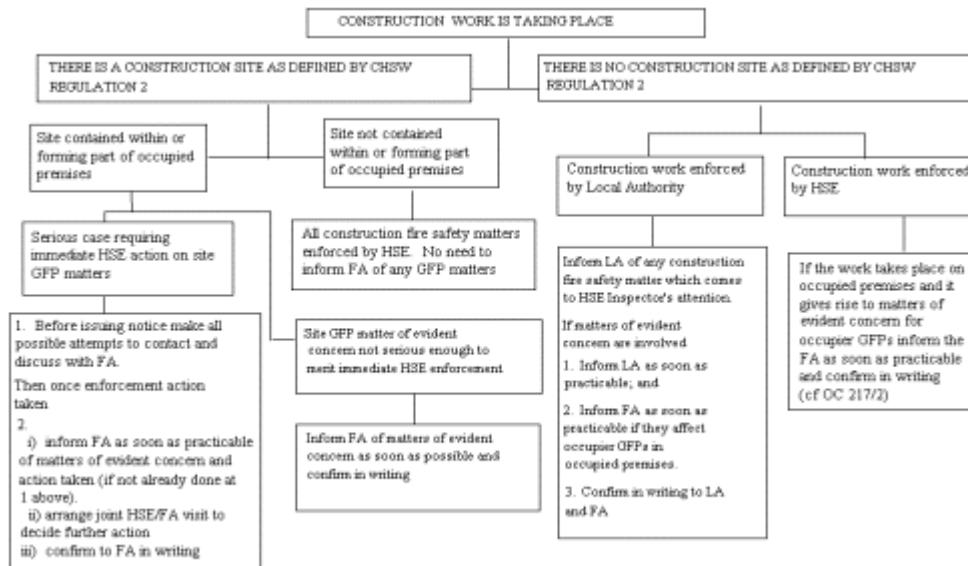
1. Any premises at which are carried on any manufacturing processes in which the total quantity of any *highly flammable liquid* under pressure greater than atmospheric pressure and above its boiling point at atmospheric pressure may exceed 50 tonnes.
2. Any premises at which is carried on the manufacture of expanded cellular plastics and at which the quantities manufactured are normally of, or in excess of, 50 tonnes per week.
3. Any premises at which there is stored, or there are facilities provided for the storage of, *liquefied petroleum gas* in quantities of, or in excess of, 100 tonnes except where the *liquefied petroleum gas* is kept for use at the premises either as a fuel, or for the production of an atmosphere for the heat-treatment of metals.
4. Any premises at which there is stored, or there are facilities provided for the storage of, liquefied natural gas in quantities of, or in excess of, 100 tonnes except where the liquefied natural gas is kept solely for use at the premises as a fuel.
5. Any premises at which there is stored, or there are facilities provided for the storage of, any liquefied flammable gas consisting predominantly of methyl acetylene in quantities of, or in excess of, 100 tonnes except where the liquefied flammable gas is kept solely for use at the premises as a fuel.
6. Any premises at which oxygen is manufactured and at which there are stored, or there are facilities provided for the storage of, quantities of liquid oxygen of, or in excess of, 135 tonnes.
7. Any premises at which there are stored, or there are facilities provided for the storage of, quantities of chlorine of, or in excess of, 50 tonnes except when the chlorine is kept solely for the purpose of water purification.
8. Any premises at which artificial fertilisers are manufactured and at which there are stored, or there are facilities provided for the storage of, quantities of ammonia of, or in excess of, 250 tonnes.
9. Any premises at which there are in process, manufacture, use or storage at any one time, or there are facilities provided for such processing, manufacture, use or storage of, quantities of any of the materials listed below in, or in excess of, the quantities specified -

Phosgene	5 tonnes
Ethylene oxide	20 tonnes
Carbon disulphide	50 tonnes
Acrylonitrile	50 tonnes
Hydrogen cyanide	50 tonnes
Ethylene	100 tonnes
Propylene	100 tonnes
any <i>highly flammable liquid</i> not otherwise specified	4,000 tonnes

10. Explosives factories or magazines which are required to be licensed under the Explosives Act 1875.
 11. Any building on the surface at any mine within the meaning of the Mines and Quarries Act 1954.
 12. Any premises in which there is comprised-
 - (a) any undertaking on a site for which a licence is required in accordance with section 1 of the Nuclear Installations Act 1965 or for which a permit is required in accordance with section 2 of that Act; or
 - (b) any undertaking which would, except for the fact that it is carried on by the United Kingdom Atomic Energy Authority, or by, or on behalf of, the Crown, be required to have a licence or permit in accordance with the provisions mentioned in sub-paragraph (a) above.
 13. Any premises containing any machine or apparatus in which charged particles can be accelerated by the equivalent of a voltage of not less than 50 megavolts except where the premises are used as a hospital.
 14. Premises to which regulation 26 of the Ionising Radiations Regulations 1985 (S.I. 1985 No. 1333) applies.
 15. Any building, or part of a building, which either-
 - (a) is constructed for temporary occupation for the purposes of building operations or works of engineering construction; or
 - (b) is in existence at the first commencement there of any further such operations or works,and which is used for any process or work ancillary to any such operations or works.
-

APPENDIX 2
(para 3)

FLOW DIAGRAM SUMMARISING REQUIREMENTS TO NOTIFY LOCAL AND FIRE
AUTHORITIES OF CONSTRUCTION RELATED FIRE RISKS



APPENDIX 3
(para 15)

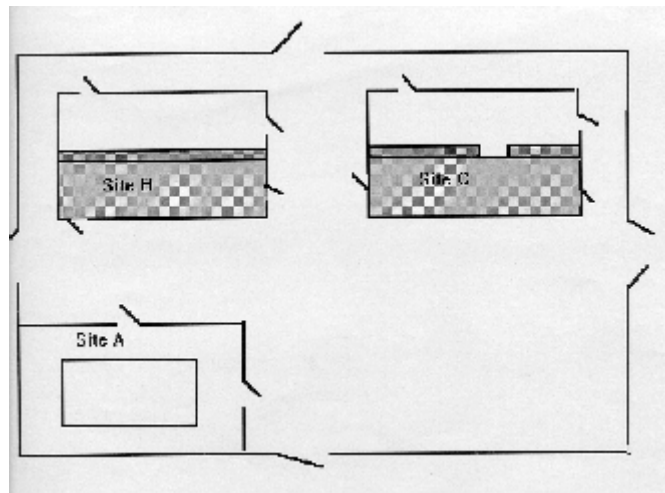
By way of example a number of potential circumstances are indicated in the diagram for which the following explanation applies.

The diagram shows a large factory installation. There is a continuous perimeter fence around the whole installation. Within the fence there are 3 separate construction projects which all qualify as construction sites

Site A is a complete new building. It is in an isolated part of the factory grounds, contained within its own site fence and the only people present are engaged in construction. This is therefore a separate premises even though it is contained within the perimeter fence. The whole of CHSW Regulations regs.18-21 are enforced by HSE inspectors.

Site B represents an occupied building where construction work is going on in the shaded area and occupier activities are going on in the unshaded section. The 2 sections are separated by an unbroken and continuous fire resisting wall. The construction site has its own fire fighting and alarm arrangements and adequate means of escape are provided for construction staff. The occupied section has separate alarm and fire-fighting arrangements and separate means of escape are provided. In effect the occupied and construction sections are completely separate and thus form separate premises. Consequently HSE enforces the whole of CHSW Regulations regs.18-21 in respect of the construction activities.

Site C is similar to site B except that a connecting opening is available through the separating wall. As a result a fire in the construction area will have implications for the occupied section and vice versa because fire and smoke can spread from one section to the other and/or because parts of the escape routes are shared by occupier and construction staff. Consequently the 2 sections are not sufficiently separated to form separate premises. The FA will therefore be the enforcing authority for CHSW Regulations GFP requirements (regs.19-21) in the construction section. HSE will enforce process fire safety matters using CHSW Regulations reg.18 on the construction section.



TOP ^