



Fire Safety Act 2021

Introduction

The Grenfell Tower tragedy in the summer of 2017 claimed 72 lives and led to a Public Inquiry chaired by Sir Martin Moore-Bick. In July 2017, the government also announced an Independent Review of Building Regulations and Fire Safety, led by Dame Judith Hackitt. The 2021 Act implements some of the recommendations from these reviews, the intention being to strengthen fire safety legislation in England and Wales (Scotland and Northern Ireland have their own fire safety legislation).

The *Fire Safety Bill* received Royal Assent on 29 April 2021 and is now known as the Fire Safety Act 2021. This Act amends the *Regulatory Reform (Fire Safety) Order 2005* to improve fire safety in multi-occupancy domestic premises, regardless of the number of storeys.

A key provision of the new Act is that a building's external walls and fire doors to individual flats must now be included in the building's fire risk assessment. Those with responsibility for multi-occupancy residential buildings are required to conduct and, where necessary, review their fire risk assessments such that the building's structure, external walls and entrance doors to flats are all considered.

Summary of the 2021 Act

Section 1–Premises to which the Fire Safety Order applies

Article 6 of the *Regulatory Reform (Fire Safety) Order 2005* ('Application to premises') is amended such that the Order now applies to buildings with two or more sets of domestic premises, including:

- the building's structure and external walls, and any common parts.
- all doors between the domestic premises and common parts (that is doors to individual flats).

The reference to external walls includes doors or windows in those walls, and anything attached to the exterior of those walls (including balconies and cladding).

Section 2–Power to change premises to which the Fire Safety Order applies

The Secretary of State (in England), or the Welsh Ministers can make regulations amending the *Regulatory Reform (Fire Safety) Order 2005* for the purpose of changing or clarifying the premises to which the Order applies, including multi-occupancy domestic premises.

Before making such regulations, the Secretary of State/Welsh Ministers must consult with anyone who appears to them to be relevant. A draft of the statutory instrument containing such regulations must be approved by both Houses of Parliament/Senedd Cymru.

Section 3–Risk-based guidance about the discharge of duties under the Fire Safety Order

This section amends Article 50 of the *Regulatory Reform (Fire Safety) Order 2005* ('Guidance') to allow proof of a failure to comply with applicable risk-based guidance to establish a contravention of any of the Articles 8 to 22 of the **Fire Safety Order** or of regulations made under Article 24. Alternatively, proof of compliance with any applicable risk-based guidance may be relied upon to show that there was no such contravention.

Before revising or withdrawing any risk-based guidance in relation to a building in England containing two or more sets of domestic premises, the Secretary of State must consult with appropriate persons.

Section 4–Extent, commencement, and short title

This section states that the Act applies only to England and Wales, gives dates on which the various provisions come into force, and states the name of the Act as '*The Fire Safety Act 2021*'.

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