



Home Office

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Home Office
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By email

30 March 2023

Dear Sir/Madam,

I am writing to let you know that we recently laid commencement regulations for the majority of the provisions within Section 156 of the Building Safety Act 2022 (BSA) to bring these into force on 1 October 2023.

Section 156 of the BSA makes a number of amendments to the Regulatory Reform (Fire Safety) Order 2005 (FSO) to improve fire safety in all buildings regulated by the FSO. These improvements form Phase 3 of our fire safety reform programme, building on Phase 1 (the Fire Safety Act 2021) and Phase 2 (the Fire Safety (England) Regulations 2022). Phase 3 will further strengthen fire safety in all FSO regulated premises by improving cooperation and coordination between Responsible Persons (RPs) when there is more than one in a building, making it easier for enforcement authorities to take action against non-compliance and ensuring residents have access to comprehensive information about fire safety in their building.

Section 156 does this by placing new legal duties on RPs to record their fire risk assessments in full (previously only the significant findings had to be recorded and only in specific circumstances) and provide this and other fire safety information to residents to increase transparency and promote the importance of fire safety precautions such as fire doors; identify, and share information with, other RPs in the premises to help facilitate a cohesive approach to fire safety throughout the entire building; share fire safety information with incoming RPs when control of the building passes between them to provide a continual record of fire safety information throughout a building's lifetime; and record their name and a UK address in the fire risk assessment to make it easier for enforcement authorities to identify them and, where necessary, take enforcement action.

Section 156 also increases the level of fines available for some FSO non-compliance offences (non-compliant fire-fighters switches for luminous tube signs and failure to comply with any requirements imposed by an inspector or impersonation of an inspector) to the highest possible, providing an increased deterrent against non-

compliance. And a further amendment adds a provision specifically stating that failure to follow all guidance issued under Article 50 of the FSO may be relied on as tending to establish a contravention of the duties contained within articles 8-22 of the FSO.

We will publish guidance under Article 50 of the FSO to support RPs in understanding and meeting these new requirements before they come into force.

We are not at this stage commencing Sub-section 156(4) which places a new legal duty on RPs to ensure that anyone they appoint to do a fire risk assessment is competent. Further work is required with the fire risk assessor sector to develop a robust roll-out plan before we can bring this into force. This work is already being actively taken forward and we will look to provide more information on this over the coming months.

I am also pleased to announce that we have today published 3 new fire safety guides on small non-domestic premises, small blocks of flats and for small sleeping accommodation. These replace the old *short guide to making your premises safe from fire* and the *do you have paying guests?* guide. We have also published an updated fire risk assessment checklist. I am grateful to the many of you who have contributed to the production of these guides and hope they prove to be a valuable source of information for everyone involved in fire safety.

The laying of the commencement regulations for Phase 3 of our fire safety reform programme alongside the publication of these guides marks a significant milestone for us as we look to continually improve the fire safety landscape in the wake of the Grenfell Tower fire. We will continue to engage with you all as the changes already delivered through Phases 1 and 2 take full effect and as we look to roll out the changes contained in Phase 3. I hope you will join with me in welcoming these improvements and I look forward to continuing to work with you all to make sure they have a real and positive impact on fire safety outcomes.

Yours faithfully,

Sarah Gawley

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