

## 1993 No. 319

## FIRE SERVICES

**The Fire Services (Factory, Office and Shop Premises)  
Order (Northern Ireland) 1993**

*Made* . . . . . 20th July 1993

*Coming into operation* . . . . . 24th August 1993

The Department of the Environment, in exercise of the powers conferred on it by Articles 22(2)(f), (3) and (3A) and 52(1)(b) of the Fire Services (Northern Ireland) Order 1984(a) and of all other powers enabling it in that behalf, makes the following Order:

*Citation and commencement*

1. This Order may be cited as the Fire Services (Factory, Office and Shop Premises) Order (Northern Ireland) 1993 and shall come into operation on 24th August 1993.

*Interpretation*

2. In this Order—

“the 1984 Order” means the Fire Services (Northern Ireland) Order 1984;

“basement” means a floor (however described) immediately below the ground floor;

“covered market place” means a place where a market is held by virtue of a grant from the Crown or of prescription or under statutory authority;

“factory premises” means premises constituting, or forming part of, a factory within the meaning of section 175 of the Factories Act (Northern Ireland) 1965(b) and premises to which sections 121(1) and 122 of that Act (application to electrical stations and institutions respectively) apply;

“first floor” means the floor above the ground floor;

“office premises” means office premises to which the Office and Shop Premises Act (Northern Ireland) 1966(c) applies and includes premises which are treated by section 1(2) of that Act as forming part of such premises;

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(a) S.I. 1984/1821 (N.I. 11); Article 22(3A) was inserted in the Fire Services (Northern Ireland) Order 1984 by S.I. 1993/1578 (N.I. 7) Article 6; *see* Article 2(2) for the definition of the “Department”  
 (b) 1965 c. 20 (N.I.) as amended by S.R. 1984 No. 283 Sch. 1  
 (c) 1966 c. 26 (N.I.)

“shop premises” means shop premises to which the Office and Shop Premises Act (Northern Ireland) 1966 applies and includes premises which are treated by section 1(3) of that Act as forming part of such premises but does not include premises consisting of a covered market place wherein shop premises are aggregated.

*Designation of uses of factory, office and shop premises*

3. Subject to Article 23(c) of the 1984 Order (premises exempt from the requirement for a fire certificate by virtue of Article 22), the following uses of premises are hereby designated for the purposes of Article 22 of the 1984 Order (which requires fire certificates for premises put to designated uses), that is to say—

- (a) use as factory premises;
- (b) use as office premises; and
- (c) use as shop premises,

being (in each case) a use of premises in which persons are employed to work.

*Premises exempt from requirement for fire certificate*

4.—(1) Notwithstanding the provisions of Article 3, a fire certificate shall not by virtue of Article 22 of the 1984 Order be required for any factory premises, office premises or shop premises in which—

- (a) not more than 20 persons are at work at any one time; and
- (b) not more than 10 persons are at work at any one time elsewhere than on the ground floor of the building constituting or comprising the premises,

unless one or more of the conditions specified in paragraph (2) applies to the premises.

(2) The conditions referred to in paragraph (1) are—

- (a) that the premises are in a building containing 2 or more sets of premises which are put to any of the uses designated by Article 3 and the aggregate of the persons at work at any one time in both or (as the case may be) all those sets of premises exceeds 20;
- (b) that the premises are in a building containing 2 or more sets of premises which are put to such uses and in both or (as the case may be) all those sets of premises the aggregate of the persons at work at any one time elsewhere than on the ground floor of the building exceeds 10;
- (c) that, in the case of factory premises, explosive or highly flammable materials (other than materials of such a kind and in such a quantity that the Authority have determined that they do not constitute a serious additional risk to persons in the premises in case of fire) are stored or used in or under the premises.

(3) Any reference in this Article to persons at work is a reference to any of the following persons—

- (a) an individual who works under a contract of employment or apprenticeship;

- (b) an individual who works for gain or reward otherwise than under a contract of employment or apprenticeship, whether or not he employs other persons;
- (c) a person receiving training provided pursuant to arrangements made under section 1 of the Employment and Training Act (Northern Ireland) 1950(a).

*Premises qualifying for exemption by Fire Authority from requirement for fire certificate*

5.—(1) As respects the use of premises designated by Article 3, the premises described in paragraphs (2) and (3) in relation to such a use qualify for exemption by the Authority under Article 26(A) of the 1984 Order(b) (powers for the Authority to grant exemption in particular cases) from the requirement for a fire certificate in respect of premises which are put to that use.

(2) In the case of a use of premises as factory premises or office premises, the premises referred to in paragraph (1) are any premises consisting of or comprised in—

- (a) the ground floor of a building; or
- (b) the ground floor and basement of a building; or
- (c) the ground floor and first floor of a building; or
- (d) the ground floor, first floor and basement of a building in which the basement is separated from the ground floor by fire-resisting construction.

(3) In the case of a use of premises as shop premises, the premises referred to in paragraph (1) are any premises consisting of or comprised in—

- (a) the ground floor of a building; or
- (b) the ground floor and basement of a building in which the basement is separated from the ground floor by fire-resisting construction.

(4) For the purposes of paragraphs 2(d) and (3)(b), construction shall be treated as fire-resisting if, and only if, it is of such a nature as to be capable of providing resistance to fire for a period of not less than 30 minutes.

*Revocation*

6. The Fire Services (Factory, Office and Shop Premises) Order (Northern Ireland) 1986(c) is hereby revoked.

Sealed with the Official Seal of the Department of the Environment on  
20th July 1993.

(L.S.)

*Trevor Pearson*

Assistant Secretary

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(a) 1950 c. 29 (N.I.); as amended by S.I. 1988/1087 (N.I. 10) Article 3 and S.I. 1990/1200 (N.I. 8) Article 5  
(b) Article 26A was inserted in the Fire Services (Northern Ireland) Order 1984 by S.I. 1993/1578 (N.I. 7) Article 6(3)  
(c) S.R. 1986 No. 355

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order supersedes the Fire Services (Factory, Office and Shop Premises) Order (Northern Ireland) 1986, which is revoked by Article 6. It makes similar provision for the designation of those places of work in respect of which a fire certificate is required by Article 22 of the Fire Services (Northern Ireland) Order 1984 ("the 1984 Order") and for the exemption of certain premises from the requirement for a fire certificate, and it makes new provision for the purpose of enabling the Fire Authority to exempt premises from that requirement.

The principal changes are—

- (a) the term 'covered market place' is redefined (Article 2);
- (b) a definition of the term 'persons at work' for the purposes of Article 4 is inserted (Article 4(3)); and
- (c) a description is given of the categories of premises which qualify for exemption by the Fire Authority from the requirement for a fire certificate under Article 26A of the 1984 Order. These premises are described by reference to their position within a building and, where applicable, the construction of the dividing floor between ground floor and basement (Article 5).