

Fire, legal liability and you ...

2008 witnessed the highest UK peace time fire losses of all time; rising over the previous year by 16% to a record £1.3bn

“So why is this of relevance to me?”

Well, if you are involved, at any level, in the provision of a fire protection package, you share the liability for its usefulness and its operation should it be needed in the event of a fire. And that liability will still be there should the matter go to court.

“But I simply place the order – it’s not my responsibility to install the works”.

If it is your responsibility to specify the materials and/or appoint the installation contractor, it is also your responsibility to ensure that they can prove competency for the fire protection materials used, or the works to be carried out. This is no longer simply a duty of care, or a voluntary undertaking, it is a legal obligation.

If you knowingly ignore advice that leads to a failure in the fire performance of any element of installed fire protection within a building, you are likely to be found to be just as culpable as the deficient installer.

You share liability for the provision of information required under Building Regulation 16B that informs the user of the building about the fire prevention measures provided in that building. Otherwise, the user cannot make an effective risk assessment under the Regulatory Reform (Fire Safety) Order 2005.

“So what is expected of me?”

In the event of a fire and as a result, a death, a court will want to know how every fire protection system was selected; the basis for selection of the installer; whether adequate time was provided for its installation and whether there was adequate liaison between the different parties to ensure it was installed correctly. No ifs, no buts – it’s all contained in the Construction, Design and Management (CDM) Regulations 2007.

The CDM 2007 regulations, enforced by Health and Safety Executive, concentrate on managing the risk and the health and safety of all those who build, all those that use, all those who maintain and all those that demolish the building – cradle to grave. Be aware! The time to consider this obligation is before the event, not after it!

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