

ASFP Advisory Note

FIRE AND YOUR LEGAL LIABILITY

2008 produced the highest UK peace time fire losses of all time, rising over the previous year by 16% to a record £1.3bn. That's why we must all play our part.

Why is this of relevance to me!

If you are involved in provision of a fire protection package, at any level, then you share liability for its usefulness and its operation when it's needed in fire, and that liability will still be there in the event of a court case.

I place the order; it is 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. It's no longer simply a duty of care or voluntary – it's 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, then 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 tells the user of the building about the fire prevention measures provided in the building. Otherwise, the user cannot make an effective risk assessment under the Regulatory Reform (Fire Safety) Order 2005.

What is expected of me?

In the event of fire, and deaths, 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 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, those that use the building, those who maintain it and those that demolish it – cradle to grave.

Be aware – the time to consider your involvement is before the event, not after it!