

ANNEX F

ENFORCEMENT OF GENERAL FIRE SAFETY LEGISLATION

GENERAL

1. The Regulatory Reform (Fire Safety) Order 2005 Article 25 (RRO) and the Fire (Scotland) Act 2005 (as amended) (FSA) Section 61(9), define the areas for which the Health and Safety Executive (HSE) or the Defence Fire and Rescue Management Organisation¹ (DFRMO) are the enforcing authority.

INTERPRETATION OF THE LAW

2. The wording of the legislation is unclear in places and so the HSE and MOD have reached and agreed the following interpretation:

- a. HSE are the Enforcing Authority:
 - i. for HM Ships and Royal Fleet Auxiliaries (RFA) undergoing repair at civil premises.
 - ii. at nuclear sites licensed by the Nuclear Installations Inspectorate where MOD nuclear activities are being undertaken.
- b. DFRMO are the Enforcing Authority at:
 - i. MOD owned premises
 - ii. premises occupied solely by any visiting force or an international headquarters or defence organisation
 - iii. all ships undergoing repair (but not construction, reconstruction or conversion) at MOD owned premises

HM SHIPS UNDERGOING SHIPBUILDING OR SHIP REPAIR

3. HSE is the enforcing authority for HM Ships in the course of construction, reconstruction or conversion and they are inspected in accordance with Annex C of the General Agreement.

4. HSE is also the enforcing authority where repairs are undertaken at any civil site. Where such activity involves a nuclear powered warship, regulation and enforcement will also be guided by the letter of understanding between the HSE's Nuclear Installations Inspectorate and the Defence Nuclear Safety Regulator. Where repairs are undertaken at a MOD site (e.g. HM Naval Bases) then DFRMO is the enforcing authority; this will include any RFA or civilian ship undergoing repair at MOD owned premises (see para 2).

MOD NUCLEAR ACTIVITIES

5. As a Crown body MOD does not require a nuclear site licence for MOD premises where it carries on nuclear activities. MOD and HSE have interpreted the meaning of RRO Article 25(b)(ii) or FSA – as amended - Section 61(9)(2)(za)(ii) such that DFRMO will enforce the regulatory requirements for all activities on MOD owned premises.

¹ The Defence Fire and Rescue Management Organisation includes the Defence Fire and Rescue Service

REACHING AGREEMENT ON ENFORCEMENT DEMARCATION

6. Disagreements between MOD and HSE about the application of this annex that cannot be resolved locally should be referred, in accordance with the liaison arrangements of the main General Agreement, to the Head of Fire Safety in DFRMO and, as appropriate, either the Deputy Chief Inspector responsible for regulation of Naval Nuclear Programme sites in HSE or the Deputy Director of Policy in HSE. Thereafter, the matter may be referred to the HSE/MOD Joint Liaison Committee.