

ADVISORY LEAFLET

NOTES ON INSPECTION AND ENFORCEMENT PROCEDURES

This advisory leaflet has been provided to ensure that you are aware of the inspector's powers, and to explain any enforcement action the Bedfordshire Fire and Rescue Authority (the Authority) **may** take to rectify any deficiencies. A further leaflet (General Enforcement Policy) is available to you, which will explain what to expect when a fire inspector calls. The inspector will explain the reason for the inspection and what you will be required to provide during the inspection.

As the responsible person it is your duty to ensure the health and safety of your employees and others, such as members of the public, who could be affected by the way you run your business. The purpose of an inspection is to sample how you are complying with your legal responsibilities imposed by the Regulatory Reform (Fire Safety) Order 2005 (the Order).

Summary of Powers

An inspector appointed by Bedfordshire Fire and Rescue Authority and in possession of a written warrant, has powers under the following legislation:

- i) Regulatory Reform (Fire Safety) Order 2005
- ii) Health and Safety at Work etc. Act 1974 (HASWA). Sections 19, 20, 21, 23 and 25 of the Construction (Health, Safety and Welfare) Regulations made under HASWA.
- iii) Regulations made under the above Acts.

An inspector may do anything necessary for the purpose of carrying this Order into effect and in particular shall have the power to do, at any reasonable time, the following-

- a) to enter any premises and to inspect the whole or part of the premises and anything in them;
- b) to make such enquiry as may be necessary to ascertain whether the provisions of this order have been complied with and to identify the responsible person in relation to the premises;
- c) to require the production of any records, and to take copies of any entry in the records, which are required under any provision of the Order or for the purposes of examination under this article;
- d) to require any person to give such facilities and assistance to enable the inspector to exercise the powers conferred by this article;
- e) to take samples of any articles or substances found on the premises for the purposes of ascertaining their fire resistance or flammability; and
- f) in the case of any article or substance, to cause it to be dismantled or subjected to any process or test.

ENFORCING THE LAW

Where a breach of fire safety legislation is found, the inspector will decide what action to take. The action will depend on the nature of the breach and will be based on the principles set out in the Authority's General Enforcement Policy.

Inspectors may take enforcement action in several ways to deal with a breach of the legislation. In most cases these will be: