

Proposal 1

Introduce a new definition for Houses in Multiple Occupation into the Fire Precautions (Designated Premises) (Jersey) Regulations 1979. The definition will be similar to that adopted in the UK as part of the Regulatory Reform (Fire Safety) Order 2005.

Reason for Proposal

The current definitions within the Regulations place limitations and constraints on certain premises and preclude certain premises, which would otherwise be certificated, from the Fire Precautions Law.

These premises are those which would be classified as Houses in Multiple Occupation (HMOs), such as:

- Staff accommodation
- Houses which have been converted into units of accommodation
- Farm accommodation
- Accommodation above commercial premises

These types of accommodation are considered to be a high fire risk and have, because of anomalies in law, either been exempt from regulation, or have remained undesignated.

This has left certain premises, which effectively have the same criteria as those already designated (for example, lodging houses and hostels) without any legislative requirement for fire safety.

This imbalance is not only unsafe for the occupants from a fire safety perspective, but may also be construed as unfair on those who have to comply with regulation because their premises are not exempt by definition from Law.

Supported: Yes No

Additional Comments:

Please continue on separate sheet if required

Proposal 2

Adopt the same parameters for the House in Multiple Occupancy definition as those already set in Article 2(3) of the Fire Precautions (Designated Premises) (Jersey) Regulations 1979, which reads:

If and only if, either:

- a) *(i) Sleeping accommodation is provided in those premises for more than 5 persons, and*
(ii) Some sleeping accommodation is provided in those premises above the first floor or below the ground floor; or
- b) *Sleeping accommodation is provided for more than 40 persons in those premises.*

Reason for Proposal

To ensure that the new Regulations for Designated Premises are not over onerous on business and commerce and can be managed with existing organisational resources.

Supported: Yes No

Additional Comments:

Please continue on separate sheet if required

Proposal 3

That the existing definition of “hospital”, set out in the Fire Precautions (Designated Premises) (Jersey) Regulations 1979 be amended, by removing the words “*administered by the States*”. The full definition currently reads:

“hospital” means any premises administered by the States and used for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity, whether physical or mental, or for the reception of pregnant women or of women immediately after childbirth;

Reason for Proposal

The existing definition precludes the Minister from designating any premises, which are not administered by the States, as a hospital, such as a “Private Hospital”. These premises would still require a fire certificate under the Regulations as currently drafted; however, their designation in Law would be a “Care or Nursing Home”. This is deemed unacceptable as this definition is itself derived from another regulatory authority’s definition and does not define the use of such premises appropriately.

Supported: Yes No

Additional Comments:

Please continue on separate sheet if required

Proposal 4

To amend existing legislation to enable the States of Jersey Fire and Rescue Service to introduce a triennial renewal for all new and existing fire certificates.

Reason for Proposal

To provide the States of Jersey Fire and Rescue Service with a more robust mechanism for ensuring that any significant changes to the status of the certificated premises (i.e. ownership, responsible person changes, use, material or structural changes etc.) are brought to their attention. This is currently required under the Law, but is frequently ignored, and many years may pass before this information is discovered. This could render the premises unsafe.

It is proposed that a fee is levied for a re-issued fire certificate in line with the user pays principle ethos. This fee will not constitute a significant cost (proposed cost of £70 based on current fee structure). However, if it is discovered that significant material or structural alterations have taken place, then charges will be imposed in line with the current published fee structure of the States of Jersey Fire and Rescue Service.

Supported: Yes No

Additional Comments:

Please continue on separate sheet if required