



Jersey

FIRE PRECAUTIONS (JERSEY) LAW 1977

Official Consolidated Version

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Jersey

FIRE PRECAUTIONS (JERSEY) LAW 1977¹

A **LAW** to enable provision to be made for the protection of persons from fire risks and to provide generally for matters connected therewith

Commencement [[see endnotes](#)]

1 Interpretation²

- (1) In this Law, unless the context otherwise requires –
- “building” includes a temporary or movable building;
 - “furniture” includes furnishings (including wall-coverings and ceiling-coverings of all sorts as well as floor coverings);
 - “inspector” means any officer of the States of Jersey Fire and Rescue Service and any other person authorized in writing by the Minister to be an inspector for the purposes of this Law;
 - “Minister” means the Minister for Justice and Home Affairs;
 - “premises” means a building or part of a building;
 - “prescribed” means prescribed by Order made by the Minister;
 - “responsible person” means –
 - (a) in relation to a workplace, the employer, if the workplace is to any extent under his or her control;
 - (b) in relation to any premises not being a workplace under the control of the employer –
 - (i) the person who has control of the premises (as occupier or otherwise), or
 - (ii) the owner, where no other person has control of the premises (as occupier or otherwise).³
- (2) The States may by Regulations amend the definition “responsible person”.

2 Fire Certificate

- (1) Where any premises are put to a use for the time being designated by the States by Regulations made under this Article, a fire certificate shall be required in respect of those premises.
- (2) The States shall not so designate any use unless it falls within one of the following classes –
 - (a) use as, or for any purpose involving the provision of, sleeping accommodation;
 - (b) use as, or as part of, an institution providing treatment or care;
 - (c) use for purposes of entertainment, recreation or instruction or for purposes of any club, society or association;
 - (d) use for purposes of teaching, training or research;
 - (e) use for any purpose involving access to the premises by members of the public, whether on payment or otherwise;
 - (f) use as an office, factory or shop.
- (3) Regulations made under this Article may exempt premises of any description specified in the Regulations from the provisions of this Law notwithstanding that they are or form part of premises which are put to a use designated in the Regulations.
- (4) Regulations made under this Article may make different provision in relation to different circumstances or classes of circumstance and may include such supplementary and incidental provisions as appear to the States necessary or expedient.
- (5) A fire certificate shall not be required in respect of any premises that are used as a single dwelling by a single household.⁴
- (6) The States may specify in Regulations the circumstances when persons are to be regarded, or not to be regarded, as being members of the same household.⁵

2A Transitional arrangements⁶

- (1) This Article applies where a fire certificate (“existing fire certificate”) has been issued under this Law and is in force immediately before 1st January 2013.
- (2) The existing certificate shall remain in force for a period of 3 years beginning with 1st January 2013 or until 3 months after the date of a notice given under paragraph (3) in respect of the premises to which it relates, whichever period ends sooner.
- (3) At any time during the period of 3 years beginning with 1st January 2013, the Minister may give notice to the person the Minister reasonably believes to be the responsible person in respect of any premises that –
 - (a) an application for a new certificate in respect of those premises must be made on or before the date specified in the notice;
 - (b) the existing fire certificate for those premises will expire the day after the date specified in the notice;

- (c) if an application for a new fire certificate is not received on or before the date specified in the notice as being the date by which an application must be made the premises will be treated as having no fire certificate in respect of it from the day that falls immediately after the date specified in the notice; and
 - (d) the person receiving the notice must inform the Minister within 14 days of the date of the notice if that person is not the responsible person for the premises, and that a failure to do so is a criminal offence.
- (4) The date specified in the notice under paragraph (3) shall be not less than 3 months after the date of the notice.
 - (5) If a person who is given a notice under paragraph (3) is not the responsible person for the premises, the person receiving the notice shall inform the Minister of that fact within 14 days of the date of the notice.
 - (6) This Article does not affect any power of an inspector or the Minister under the Law, or the duty of the responsible person to notify the Minister of a proposal under Article 6(2) or (3).
 - (7) Nothing in this Article shall prevent any person making an application for a fire certificate within 3 years of 1st January 2013 in respect of any premises that has an existing fire certificate.
 - (8) A person who fails to comply with paragraph (5) shall be guilty of an offence and shall be liable to a fine of level 2 on the standard scale.

3 Application for, and issue of, fire certificate

- (1) An application for a fire certificate with respect to any premises shall be made to the Minister in the prescribed form and –
 - (a) shall specify the particular use or uses of the premises, which it is desired to have covered by the certificate;
 - (b) shall give such information as may be prescribed about the premises and any prescribed matter connected with them; and
 - (c) if the premises consist of part of a building, shall, in so far as it is available to the applicant, give such information as may be prescribed about the rest of the building and any prescribed matter connected with it.
- (2) On receipt of an application for a fire certificate with respect to any premises the Minister may require the applicant within such time as the Minister may specify –
 - (a) to furnish the Minister with such plans of the premises as the Minister may specify; and
 - (b) if the premises consist of part of a building, to furnish the Minister, in so far as it is possible for the applicant to do so, with such plans of such other part or parts of the building as the Minister may specify,and if the applicant fails to furnish the required plans within that time or such further time as the Minister may allow, the application shall be deemed to have been withdrawn at the end of that time or further time, as the case may be.
- (3) Where an application for a fire certificate with respect to any premises has been duly made and all such plans (if any) as are required to be furnished under paragraph (2) in connection with it have been duly furnished, the Minister may

cause to be carried out an inspection of the relevant building (including any part of it which consists of premises to which any exemption conferred by or under this Law applies), and if the Minister is satisfied as regards any use of the premises which is specified in the application that –

- (a) the means of escape in case of fire with which the premises are provided;
- (b) the means (other than means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times;
- (c) the means for fighting fire (whether in the premises or affecting the means of escape) with which the relevant building is provided for use in case of fire by persons in the building; and
- (d) the means with which the relevant building is provided for giving to persons in the premises warning in case of fire,

are such as may reasonably be required in the circumstances of the case in connection with that use of the premises, the Minister shall issue a certificate covering that use.⁷

- (4) Where the Minister, after causing to be carried out an inspection of the relevant building, is as regards any use of the premises specified in the application, not satisfied that the means mentioned in paragraph (3) are such as may reasonably be required in the circumstances of the case in connection with that use, the Minister shall by notice served on the applicant –
 - (a) inform the applicant of that fact and of the steps which would have to be taken (whether by way of making alterations to any part of the relevant building or of otherwise providing that building, or as the case may be, the premises with any of those means) to satisfy the Minister as aforesaid as regards that use; and
 - (b) notify the applicant that the Minister will not issue a fire certificate covering that use unless those steps are taken (whether by the applicant or otherwise) within a specified time,

and if at the end of that time or such further time as may be allowed by the Minister or by any order made by a court on, or in proceedings arising out of, an appeal under Article 7 against the notice, a certificate covering that use has not been issued, it shall be deemed to have been refused.⁸

- (5) A fire certificate issued under this Article –
 - (a) comes into force at the time that is specified in the certificate; and
 - (b) unless previously cancelled by the Minister under Article 6(9), continues in force until the last day of the 36th month after it came into force.⁹
- (6) The States may by Regulations –
 - (a) amend paragraph (3); and
 - (b) amend paragraph (5) so as to substitute a different period during which a fire certificate shall remain in force.¹⁰

4 Contents of fire certificate

- (1) Every fire certificate issued with respect to any premises shall specify –
- (a) the particular use or uses of the premises which the certificate covers;
 - (b) the means of escape in case of fire with which the premises are provided;
 - (c) the means (other than means for fighting fire) with which the relevant building is provided for securing that the means of escape with which the premises are provided can be safely and effectively used at all material times;
 - (d) the type, number and location of the means for fighting fire (whether in the premises or affecting the means of escape) with which the relevant building is provided for use in case of fire by persons in the building; and
 - (e) the type, number and location of the means with which the relevant building is provided for giving to persons in the premises warning in case of fire,
- and may, where appropriate, do so by means of or by reference to a plan.
- (2) A fire certificate issued with respect to any premises may impose such requirements as the Minister considers appropriate in the circumstances –
- (a) for securing that the means of escape in case of fire with which the premises are provided are properly maintained and kept free from obstruction;
 - (b) for securing that the means with which the relevant building is provided as mentioned in paragraph (1)(c) to (e) are properly maintained;
 - (c) for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire, and that records are kept of instruction or training given for that purpose;
 - (d) for limiting the number of households that may occupy the premises at any one time;
 - (e) for limiting the number of persons who may be in the premises at any one time;
 - (f) for ensuring that the Minister is notified as soon as reasonably practicable where there is any change of responsible person in respect of the premises;
 - (g) in the case of a fire certificate issued for a dwelling, for ensuring that the Minister is informed of any increase in the number of persons or households, above the number authorized under paragraph (d) or (e), as the case may be, living at the dwelling; and
 - (h) as to other precautions to be observed in the relevant building in relation to the risk of fire to persons in the premises.¹¹
- (3) Any requirements imposed by virtue of paragraph (2) by a fire certificate issued with respect to any premises –
- (a) may, in so far as they apply to the premises, be framed either so as to apply to the whole of the premises or so as to apply to one or more parts of them; and
 - (b) where the premises do not constitute the whole of the relevant building, may (where appropriate) be framed either so as to apply to the whole of the rest of that building or so as to apply to one or more parts of the rest of it,

and different requirements may, in either case, be imposed in relation to different parts, and a fire certificate covering more than one use of the premises to which it relates may by virtue of paragraph (2) impose different requirements in relation to different uses of the premises or of any part of the premises.

- (4) For the purposes of this Law a fire certificate issued with respect to any premises shall be treated as requiring every matter specified in the certificate in accordance with paragraph (1)(b), (c), (d) or (e) to be kept in accordance with its specification in the certificate, and references in this Law to requirements imposed by a fire certificate shall be construed accordingly.
- (5) In so far as a requirement imposed by a fire certificate issued with respect to any premises requires anything to be done or not to be done to or in relation to any part of the relevant building, the person responsible for any contravention thereof shall, subject to any provision included in the certificate in pursuance of this paragraph, be the occupier of that part; but if as regards any such requirement, in so far as it requires anything to be done or not to be done to or in relation to any part of the relevant building, the Minister considers it appropriate in the circumstances to provide that some other person or persons shall be responsible for any contravention thereof instead of, or in addition to, the occupier of that part, the Minister may so provide in the certificate and, if the certificate covers more than one use of the premises, may in pursuance of this paragraph make different provision therein in relation to different uses of the premises.
- (6) Subject to paragraph (7), the Minister –
 - (a) shall not issue a fire certificate which would have the effect of making a person responsible under or by virtue of paragraph (5) for contraventions of a requirement imposed by the certificate, or make in a fire certificate any amendment which would have that effect, unless (in either case) the Minister has previously consulted the person in question about the person's proposed responsibility for contraventions of the requirement; and
 - (b) shall not amend a fire certificate so as to vary any requirement imposed by it, in a case where any person already responsible under or by virtue of paragraph (5) for contraventions of that requirement is to continue to be so responsible when the variation takes effect, unless it has previously consulted that person about the proposed variation,

but, without prejudice to any right of appeal conferred by Article 7, a fire certificate shall not be invalidated by any failure of the Minister to comply with the requirements of this paragraph.¹²

- (7) Where the Minister proposes to issue a new fire certificate with respect to any premises as an alternative to amending an existing fire certificate, and the new certificate, would have the effect of reimposing without variation a requirement imposed by the existing certificate and of making any person who is responsible under or by virtue of paragraph (5) for contraventions of the existing requirement continue to be so responsible for contraventions of it as reimposed, the Minister shall not be required under paragraph (6) to consult that person by reason only of that fact.
- (8) A fire certificate issued with respect to any premises shall be sent to the responsible person.¹³
- (9) The responsible person shall ensure that, so long as the fire certificate is in force –

- (a) a copy or copies of the front page of the fire certificate and any plan attached to the fire certificate are kept at all times at the premises, in respect of which the fire certificate has been issued, and displayed in such a position or positions that enable the fire certificate and any plan to be inspected at any time by any of the occupiers of the premises; and
 - (b) the original fire certificate and any records required to be kept under any conditions contained in the fire certificate are kept safe and available for inspection at any reasonable time by the Minister, an inspector or any occupier of the premises in respect of which the fire certificate has been issued.¹⁴
- (10) The States may by Regulations amend paragraph (2) for the purpose of amending the requirements that may be imposed by the fire certificate.¹⁵

5 Offences

- (1) Subject to paragraph (2) and Article 7(3) if any premises are at any time put to a designated use, being premises such that, where they are put to that use, a fire certificate is by virtue of Article 2 required in respect of them, then, if no fire certificate covering that use is at that time in force in respect of the premises, the responsible person for the premises shall be guilty of an offence.¹⁶
- (2) A person shall not be guilty of an offence under paragraph (1) by reason of any premises being put to a designated use or used as a dwelling at a time after an application for a fire certificate with respect to them covering that use has been duly made and before the certificate is granted or refused.
- (3) Subject to Article 7(4) and (5), if, while a fire certificate is in force in respect of any premises, any requirement imposed is contravened by reason of anything done or not done to or in relation to any part of the relevant building every person who under or by virtue of Article 4(5) is responsible for that contravention shall be guilty of an offence:
- Provided that a person shall not be convicted of an offence under this paragraph unless it is proved that the person's responsibility for contraventions of the requirement in question had been made known to that person before the occurrence of the contravention in respect of which that person is charged.¹⁷
- (4) A person guilty of an offence under this Article shall be liable to a fine or to imprisonment for a term not exceeding 2 years, or both.
- (5) A responsible person who fails to comply with the requirements of Article 4(9) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.¹⁸

6 Change of conditions affecting adequacy of certain matters specified in fire certificate etc.

- (1) So long as a fire certificate is in force with respect to any premises, the Minister may cause any part of the relevant building to be inspected at any reasonable time for the purpose of ascertaining whether there has been a change of conditions by reason of which any of the matters mentioned in Article 4(1)(b) to (e) have become inadequate in relation to any use of the premises covered by the certificate; but where a building or part of a building is used as a dwelling or consists of premises of any other description prescribed for the purposes of this paragraph an inspection

of the building or, as the case may be, of such a part shall not be made under this paragraph as of right unless 24 hours' notice has been given to the occupier of the building or, as the case may be, of the part in question.

- (2) If, while a fire certificate is in force with respect to any premises –
- (a) it is proposed to make a material extension of, or material structural alteration to, the premises;
 - (b) it is proposed to make a material alteration in the internal arrangement of the premises or in the furniture or equipment with which the premises are provided;
 - (c) in the case of premises used as a private dwelling by more than one household, it is proposed to increase the number of persons or households occupying the premises; or
 - (d) any occupier of the premises proposes to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on the relevant building in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind,

the responsible person shall, before the carrying out of the proposals is begun, give notice of the proposals to the Minister and if the carrying out of the proposals is begun without such notice having been given, the responsible person shall be guilty of an offence.¹⁹

- (3) If, while a fire certificate is in force with respect to any premises not constituting the whole of the relevant building, the responsible person or any person who as occupier of any other part of that building is under Article 4(5) responsible for contraventions of any requirement imposed by the certificate, proposes to begin to keep explosive or highly flammable materials of any prescribed kind anywhere under, in or on that building in a quantity or aggregate quantity greater than the quantity prescribed for the purposes of this paragraph as the maximum in relation to materials of that kind, that person shall, before the carrying out of the proposals is begun, give notice of the proposals to the Minister and if the carrying out of the proposals is begun without such notice having been given, that person shall be guilty of an offence.²⁰
- (4) If the Minister is satisfied that the carrying out of the proposals notified to him or her under paragraph (2) would result in any of the matters mentioned in Article 4(1)(b) to (e) becoming inadequate in relation to any use of the premises covered by the relevant fire certificate, the Minister may, within 2 months from the receipt of that notice, serve a notice on the responsible person –
- (a) informing the responsible person of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to prevent the matters in question from becoming in the Minister's opinion inadequate in relation to that use in the event of the proposals being carried out; and
 - (b) giving the responsible person such directions as the Minister considers appropriate for securing, as regards any of the proposals which may be specified in the directions, that that proposal or any stage of it which may be so specified, is not carried out until such of those steps as may be so specified in relation to that proposal or stage have been taken (whether by him or her or otherwise),

and if those steps are duly taken in connection with the carrying out of the proposals, the Minister shall, if necessary, amend the fire certificate or issue a new one.²¹

- (5) If the Minister is satisfied (whether as a result of an inspection made under paragraph (1) or otherwise) that, as regards any premises with respect to which a fire certificate is in force, any of the matters mentioned in Article 4(1)(b) to (e), has, in consequence of a change of conditions, become inadequate in relation to any use of the premises covered by the certificate, the Minister may by notice served on the responsible person –
- (a) inform the responsible person of that fact and of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to make the matter in question adequate in the Minister's opinion in relation to that use; and
 - (b) notify the responsible person that if those steps are not taken (whether by the occupier or otherwise) within such period as may be specified in the notice, the fire certificate may be cancelled,

and if those steps are duly taken, the Minister shall, if necessary, amend the fire certificate or issue a new one.²²

- (6) If the Minister considers (whether as a result of an inspection made under paragraph (1) or otherwise) that, as regards any premises with respect to which a fire certificate is in force, it would, in consequence of a change of conditions or of the coming into force of any Regulations made under Article 8, be appropriate to amend the certificate for any of the following purposes, that is to say –
- (a) to vary or revoke any requirement which the certificate imposes by virtue of Article 4(2);
 - (b) to add to the requirements which the certificate so imposes; or
 - (c) to alter the effect of the certificate as to the person or persons responsible under or by virtue of Article 4(5) for contraventions of any requirement imposed (whether by virtue of Article 4(2) or otherwise) by the certificate,

the Minister may, subject to Article 4(6), make such amendments in the certificate as the Minister thinks appropriate for that purpose or issue a new certificate embodying those amendments.

- (7) A responsible person who contravenes a direction given to that responsible person in pursuance of paragraph (4)(b) shall be guilty of an offence, and the Minister may cancel the fire certificate issued with respect to any premises if the Minister is satisfied that there has been such a contravention as aforesaid by that responsible person whether or not proceedings are brought in respect of the contravention.²³
- (8) A person guilty of an offence under paragraph (2), (3) or (7) shall be liable to a fine or to imprisonment for a term not exceeding 2 years, or both.
- (9) Where a notice has been served under paragraph (5) in connection with any premises and the steps mentioned in it in accordance with paragraph (5)(a) are not taken within the period specified in the notice in accordance with paragraph (5)(b) or such longer period as may be allowed by the Minister or by any order made by a court on, or in proceedings arising out of, an appeal under Article 7 against the notice, the Minister may cancel the fire certificate in force with respect to the premises or, if it covers 2 or more uses of the premises, may either cancel it or

amend it so as to remove from those uses one or more of them (and in that case may make in it all such amendments as the Minister thinks appropriate in connection with the removal of the use or uses in question).

- (10) Where the Minister is satisfied, as regards any premises with respect to which a notice under paragraph (2) has been given to the Minister, that the carrying out of the proposals notified would not result in any of the matters mentioned in Article 4(1)(b) to (e) becoming inadequate, the Minister shall, on production of the fire certificate in force with respect to the premises, cause to be attached to it a copy of the notice together with a written statement that the Minister is so satisfied.
- (11) The States may by Regulations amend the circumstances in which the responsible person must give notice to the Minister under paragraph (2) or (3).²⁴

7 Appeals

- (1) A person who is aggrieved –
- (a) by anything mentioned in a notice served under Article 3(4) as a step which would have to be taken as a condition of the issue of a fire certificate with respect to any premises, or by the period allowed by such a notice for the taking of any steps mentioned in it;
 - (b) by the refusal of the Minister to issue a fire certificate with respect to any premises;
 - (c) by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises by the Minister;
 - (d) by the refusal of the Minister to cancel or to amend a fire certificate issued with respect to any premises;
 - (e) by any direction given in pursuance of Article 6(4)(b);
 - (f) by anything mentioned in a notice served under Article 6(5) with respect to any premises as a step which must be taken if the Minister is not to become entitled to cancel the fire certificate relating to the premises, or by the period allowed by such a notice for the taking of any steps mentioned in it; or
 - (g) by the amendment or cancellation in pursuance of Article 4(6) or (7) of a fire certificate issued with respect to any premises,

may, within 28 days from the relevant date, appeal to the Inferior Number of the Royal Court and on any such appeal the Court may make such order as it thinks fit.

- (2) In this Article, the “relevant date” means –
- (a) in relation to a person aggrieved by any such refusal, direction, cancellation or amendment as is mentioned in paragraph (1), or by any matter mentioned in sub-paragraph (a) or (f) of that paragraph, the date on which the person was first served by the Minister with notice of the refusal, direction, cancellation, amendment or matter in question;
 - (b) in relation to a person aggrieved by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises, the date on which the inclusion or omission was first made known to the person,

and for the purposes of paragraph (1)(b) a person who is served with a fire certificate or a copy of, or of any part of, a fire certificate shall be taken to have had what the certificate or that part of it does and does not contain made known to the person at the time of the service on the person of the certificate or copy.²⁵

- (3) Where an appeal is brought under this Article against the refusal of the Minister to issue a fire certificate with respect to any premises or the cancellation or amendment in pursuance of Article 4(7) of a fire certificate issued with respect to any premises, a person shall not be guilty of an offence under Article 5(1) by reason of the premises in question being put to a designated use at a time between the relevant date and the final determination of the appeal.
- (4) Where an appeal is brought under this Article against the inclusion in a fire certificate of anything which has the effect of making the certificate impose a requirement, a person shall not be guilty of an offence under Article 5(3) by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.
- (5) Where an appeal is brought under this Article against –
 - (a) the inclusion in a fire certificate, in pursuance of Article 4(5), of a provision making any person responsible for contraventions of any requirement imposed by the certificate; or
 - (b) the omission from a fire certificate of a provision which, if included in pursuance of that paragraph, would prevent any person from being, as the responsible person for, or the occupier of any premises, responsible under that paragraph, for contraventions of any requirement imposed by the certificate,

that person shall not be guilty of an offence under Article 5(3) by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.²⁶

8 Power to make Regulations about fire precautions

- (1) In the case of any particular use of premises which may be designated under Article 2, the States may by Regulations make provision as to the precautions which, as regards premises put to that use, or any specified class of such premises, are to be taken or observed in relation to the risk to persons from fire.
- (2) Without prejudice to the generality of the powers conferred by paragraph (1), Regulations may in particular, as regards any premises to which they apply, impose requirements –
 - (a) as to the provision, maintenance and keeping free from obstruction of means of escape in case of fire;
 - (b) as to the provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;
 - (c) as to the provision and maintenance of means for fighting fire and means for giving warning in case of fire;
 - (d) as to the internal construction of the premises and the materials used in that construction;

- (e) for prohibiting altogether the presence or use in the premises of furniture or equipment of any specified description, or prohibiting its presence or use unless specified standards or conditions are complied with;
 - (f) for securing that persons employed to work in the premises receive appropriate instruction or training in what to do in case of fire;
 - (g) for securing that, in specified circumstances, specified numbers of attendants are stationed in specified parts of the premises; and
 - (h) as to the keeping of records of instruction or training given, or other things done, in pursuance of the Regulations.
- (3) Regulations under this Article –
- (a) may impose requirements on persons other than occupiers or the responsible person of premises to which they apply;
 - (b) may, as regards any of their provisions, make provision as to the person or persons who are to be responsible for any contravention thereof; and
 - (c) may provide that if any specified provision of the Regulations is contravened, the person or each of the persons who under the Regulations is or are responsible for the contravention shall be guilty of an offence under this Article.²⁷
- (4) A person guilty of an offence under this Article by virtue of paragraph (3)(c) shall be liable to a fine or to imprisonment for a term not exceeding 2 years, or both.
- (5) While there are in force under this Article any Regulations applying to premises put to a particular use, or to any specified class of such premises, the Minister –
- (a) in determining under Article 3(3) whether to issue a fire certificate covering that use with respect to any premises to which the Regulations apply, shall proceed on the footing that, as regards any matter mentioned in subparagraphs (a) to (d) of that paragraph about which provision is made in the Regulations, no more can reasonably be required in the circumstances of the case than is required by the Regulations; and
 - (b) shall not in any fire certificate covering that use issued with respect to any premises to which the Regulations apply impose in pursuance of Article 4(2) in relation to that use any requirement as to any matter about which provision is made in the Regulations which is more onerous than the requirements of the Regulations as to that matter.
- (6) Where there are in force under this Article any Regulations applying to premises put to a particular use, or to any specified class of such premises, and a fire certificate covering that use is in force with respect to any premises to which the Regulations apply, then –
- (a) so long as the requirements as to any matter which are imposed by the fire certificate in relation to that use are complied with, no person shall be guilty of an offence under the Regulations by reason of any contravention of a requirement of the Regulations as to that matter;
 - (b) if as a result of an inspection made under Article 6(1) it appears to the Minister that any of the matters mentioned in Article 4(1)(b) to (e) is not in conformity with any provision made in the Regulations about that matter, the Minister shall by notice served on the responsible person –

- (i) inform the responsible person of that fact and of the steps which would have to be taken in relation to the relevant building (whether by way of making alterations to any part of the relevant building or otherwise) to bring the matter in question into conformity with that provision, and
 - (ii) notify the responsible person that if those steps are not taken (whether by the responsible person or otherwise) within such period as may be specified in the notice, the fire certificate may be cancelled,
- and if those steps are duly taken, the Minister shall, if necessary, amend the fire certificate or issue a new one.²⁸
- (7) Article 6(9) and Article 7 shall (with the necessary modifications) have effect in a case where a notice is served under paragraph (6)(b) of this Article with respect to any premises as they have effect in a case where a notice is served under Article 6(5) and where in pursuance of this Article the Minister amends a fire certificate of which by virtue of Article 4(8) a copy is required to be kept in the premises to which the certificate relates, the Minister shall cause the copy to be similarly amended.

9 Power to prohibit or restrict use of premises in cases of excessive risk

- (1) Where the Minister is satisfied that, in respect of any premises being used or proposed to be used for one of the purposes set out in Article 2(2) (whether or not the use has been designated by the States) the risk to persons in case of fire is so serious that, until steps have been taken to reduce the risk to a reasonable level, the use of the premises ought to be prohibited or restricted, the Minister may prohibit or restrict to the extent appropriate in the circumstances of the case, the use of the premises until such steps have been taken as in the opinion of the Minister are necessary to reduce the risk to a reasonable level.
- (2) Where the Minister prohibits or restricts the use of premises under this Article, the Minister shall communicate his or her decision by notice to the responsible person and the occupier, if any, and the responsible person or the owner, or a person acting on behalf of the responsible person or owner, may, within 28 days of the date of the notice, appeal to the Inferior Number of the Royal Court on the ground that the decision of the Minister was unreasonable.²⁹
- (3) Any prohibition or restriction imposed under this Article shall continue in force notwithstanding any appeal made against such prohibition or restriction.
- (4) Any person who contravenes any prohibition or restriction imposed under this Article shall be guilty of an offence and liable to a fine or imprisonment, or both.

10 Inspection

- (1) For the purposes of implementing this Law and any Regulations made thereunder, an inspector shall, so far as may be necessary for those purposes, have power to do at any reasonable time any of the following things, namely –
 - (a) to enter any such premises as are mentioned in paragraph (2) and to inspect the whole or any part thereof and anything therein;
 - (b) to make such inquiry as may be necessary for any of the purposes mentioned in paragraph (3);

- (c) to require the production of, and to inspect, any fire certificate in force with respect to any premises or any copy of any such certificate;
 - (d) to require any person having responsibilities in relation to any such premises as are referred to in sub-paragraph (a) (whether or not the responsible person, the owner or occupier of the premises or a person employed to work therein) to give that person such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him or her by this paragraph.³⁰
- (2) The premises referred to in paragraph (1)(a) are the following, namely –
- (a) any premises requiring a fire certificate or to which any Regulations made under Article 8 apply;
 - (b) any premises not falling within sub-paragraph (a) which form part of a building comprising any premises so falling; and
 - (c) any premises which the inspector has reasonable cause to believe to be premises falling within any of the foregoing sub-paragraphs.
- (3) The purposes referred to in paragraph (1)(b) are the following, namely –
- (a) to ascertain, as regards any premises, whether they fall within paragraph (2)(a) or (2)(b);
 - (b) to identify the responsible person or owner or occupier of any premises falling within any of those sub-paragraphs;
 - (c) to ascertain, as regards any premises falling within paragraph (2)(a) or (2)(b), whether the provisions of this Law and any Regulations made under Article 8 are complied with, and, where a fire certificate is in force in respect of any such premises, whether the requirements imposed by the certificate are complied with.³¹
- (4) An inspector shall, if so required when visiting any premises in the exercise of powers conferred by this Article, produce to the occupier of the premises some duly authenticated document showing his or her authority.
- (5) In the case of premises used as a dwelling or premises of any other description prescribed for the purposes of this paragraph, no power of entry conferred by paragraph (1) shall be exercised as of right unless 24 hours' notice has been given to the occupier.
- (6) A person who –
- (a) intentionally obstructs an inspector in the exercise or performance of his or her powers or duties under this Law; or
 - (b) without reasonable excuse fails to comply with any requirement imposed by an inspector under paragraph (1)(d),
- shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.³²
- (7) If an inspector discloses, otherwise than in the course of his or her duties or for the purpose of any legal proceedings, any information obtained by him or her in any premises entered by him or her in the exercise of powers conferred by this Law, he or she shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.³³

10A Service of notices³⁴

- (1) Any notice required by this Law to be given to any person shall be in writing and may be given to or served on the person in question –
 - (a) by delivering it to the person;
 - (b) by leaving it at the person's proper address;
 - (c) by sending it by post to the person at that address; or
 - (d) by sending it to the person at that address by facsimile, electronic transmission or other similar means that produces a document containing the text of the communication in legible form or is capable of doing so.
- (2) Any such notice may –
 - (a) in the case of a company incorporated in Jersey, be served by being delivered to its registered office;
 - (b) in the case of a partnership, company incorporated outside Jersey or unincorporated association, be given to or served on the secretary or other similar officer of the partnership, company or association or any person who purports to act in any such capacity, by whatever name called, or on the person having the control or management of the business, as the case may be.
- (3) For the purposes of this Article and of Article 7 of the [Interpretation \(Jersey\) Law 1954](#) in its application to this Article, the proper address of any person to or on whom a notice is to be given or served by post shall be the person's last known address or, where a notice is served as described in paragraph (2), the last known address of the registered office (if there is one) or main business address of the company, partnership, or unincorporated association.
- (4) If the person to or on whom any notice is to be given or served has notified the Minister of an address within Jersey, other than the person's proper address within the meaning of paragraph (3), as the one at which the person or someone on the person's behalf will accept documents, that address shall also be treated for the purposes of this Article and Article 7 of the [Interpretation \(Jersey\) Law 1954](#) as the person's proper address.

11 Falsification of documents, false statements etc.

- (1) If a person –
 - (a) with intent to deceive, forges a fire certificate or makes or has in the person's possession a document so closely resembling a fire certificate as to be calculated to deceive;
 - (b) for the purposes of procuring the issue of a fire certificate, makes any statement or gives any information which the person knows to be false in a material particular or recklessly makes any statement or gives any information which is so false;
 - (c) in purported compliance with any obligation to give information to which the person is subject under or by virtue of this Law, or in response to any inquiry made by virtue of Article 10(1)(b), gives any information which the person knows to be false in a material particular or recklessly gives any information which is so false; or

(d) makes in any register, book, notice or other document required by or by virtue of Regulations made under this Law to be kept, served or given, an entry which the person knows to be false in a material particular,

the person shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding 2 years, or both.³⁵

(2) If a person with intent to deceive pretends to be an inspector within the meaning of Article 10, the person shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.³⁶

12 Criminal liability of partners, directors and other officers³⁷

(1) Where an offence under this Law committed by a partnership, association or body corporate, is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of –

(a) a person who is a partner of the partnership, or a director, manager, secretary or other similar officer of the association or body corporate; or

(b) any person purporting to act in any such capacity,

the person shall also be guilty of the offence and liable in the same manner as the partnership, association or body corporate to the penalty provided for that offence.

(2) If the affairs of an association or of a body corporate are managed by its members, paragraph (1) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the association or body corporate.

13 Offences due to fault of other person

Where the commission by any person of an offence under this Law or any Regulations made thereunder is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this Article whether or not proceedings are taken against the first-mentioned person.

14 Defence available to persons charged with offences

In any proceedings for an offence under this Law or under any Regulations made under the Law, it shall be a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.³⁸

15 Orders

(1) The Minister may by Order –

(a) prescribe anything that by this Law is to be prescribed; and

(b) prescribe fees to be paid on the application for and the issue or amendment of fire certificates.³⁹

(2) ⁴⁰

15A Transitional arrangements⁴¹

- (1) This Article applies where a fire certificate (“existing fire certificate”) has been issued under this Law and is in force immediately before the coming into force of Article 3 of the Fire Precautions (Amendment No. 2) (Jersey) Law 2012.
- (2) The existing certificate shall remain in force for a period of 3 years beginning with the date of the coming into force of Article 3 of the Fire Precautions (Amendment No. 2) (Jersey) Law 2012 or until 3 months after the date of a notice given under paragraph (3) in respect of the premises to which it relates, whichever period ends sooner.
- (3) At any time during the period of 3 years beginning with the date of the coming into force of Article 3 of the Fire Precautions (Amendment No. 2) (Jersey) Law 2012, the Minister may give notice to the person the Minister reasonably believes to be the responsible person in respect of any premises that –
 - (a) an application for a new certificate in respect of those premises must be made on or before the date specified in the notice;
 - (b) the existing fire certificate for those premises will expire the day after the date specified in the notice;
 - (c) if an application for a new fire certificate is not received on or before the date specified in the notice as being the date by which an application must be made the premises will be treated as having no fire certificate in respect of it from the day that falls immediately after the date specified in the notice; and
 - (d) the person receiving the notice must inform the Minister within 14 days of the date of the notice if that person is not the responsible person for the premises, and that a failure to do so is a criminal offence.
- (4) The date specified in the notice under paragraph (3) shall be not less than 3 months after the date of the notice.
- (5) If a person who is given a notice under paragraph (3) is not the responsible person for the premises, the person receiving the notice shall inform the Minister of that fact within 14 days of the date of the notice.
- (6) This Article does not affect any power of an inspector or the Minister under this Law, or the duty of the responsible person to notify the Minister of a proposal under Article 6(2) or (3) of this Law.
- (7) Nothing in this Article shall prevent any person making an application for a fire certificate within 3 years of the coming into force of Article 3 of the Fire Precautions (Amendment No. 2) (Jersey) Law 2012 in respect of any premises that has an existing fire certificate.
- (8) A person who fails to comply with paragraph (5) shall be guilty of an offence and shall be liable to a fine of level 2 on the standard scale.

16 Citation

This Law may be cited as the Fire Precautions (Jersey) Law 1977.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Fire Precautions (Jersey) Law 1977	L.8/1977	1 January 1979 (R&O.6599)
Fire Precautions (Amendment) (Jersey) Law 2002	L.18/2002	14 June 2002
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	R&O.47/2005	9 December 2005
Fire Precautions (Amendment No. 2) (Jersey) Law 2012	L.32/2012	1 January 2013 (R&O.155/2012)
Legislation (Jersey) Law 2021	L.8/2021	28 September 2021 (R&O.112/2021)
States of Jersey (Transfer of Justice Functions – Chief Minister to Justice and Home Affairs) Order 2023	R&O.76/2023	21 September 2023

Table of Renumbered Provisions

Original	Current
Article 16 of L.32/2012	2A
16 of L.32/2012	15A
16(1)	16
(2)	spent, omitted from this revised edition

Table of Endnote References

¹	<i>This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government</i>
² Article 1	<i>substituted by L.32/2012</i>
³ Article 1(1)	<i>amended by R&O.76/2023</i>
⁴ Article 2(5)	<i>substituted by L.32/2012</i>
⁵ Article 2(6)	<i>added by L.32/2012</i>
⁶ Article 16 of L.32/2012	
⁷ Article 3(3)	<i>amended by L.32/2012</i>
⁸ Article 3(4)	<i>amended by L.32/2012</i>
⁹ Article 3(5)	<i>added by L.32/2012</i>
¹⁰ Article 3(6)	<i>added by L.32/2012</i>
¹¹ Article 4(2)	<i>substituted by L.32/2012</i>
¹² Article 4(6)	<i>amended by L.32/2012</i>
¹³ Article 4(8)	<i>substituted by L.32/2012</i>

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- ¹⁴ Article 4(9) added by L.32/2012
- ¹⁵ Article 4(10) added by L.32/2012
- ¹⁶ Article 5(1) amended by L.32/2012
- ¹⁷ Article 5(3) substituted by L.32/2012
- ¹⁸ Article 5(5) substituted by L.32/2012
- ¹⁹ Article 6(2) substituted by L.32/2012
- ²⁰ Article 6(3) substituted by L.32/2012
- ²¹ Article 6(4) substituted by L.32/2012
- ²² Article 6(5) substituted by L.32/2012
- ²³ Article 6(7) substituted by L.32/2012
- ²⁴ Article 6(11) inserted by L.32/2012
- ²⁵ Article 7(2) substituted by L.32/2012
- ²⁶ Article 7(5) amended by L.32/2012
- ²⁷ Article 8(3) amended by L.32/2012
- ²⁸ Article 8(6) amended by L.32/2012
- ²⁹ Article 9(2) substituted by L.32/2012
- ³⁰ Article 10(1) amended by L.32/2012
- ³¹ Article 10(3) amended by L.32/2012
- ³² Article 10(6) amended by L.18/2002
- ³³ Article 10(7) amended by L.18/2002
- ³⁴ Article 10A inserted by L.32/2012
- ³⁵ Article 11(1) amended by L.32/2012
- ³⁶ Article 11(2) amended by L.18/2002, L32/2012
- ³⁷ Article 12 substituted by L.32/2012
- ³⁸ Article 14 amended by L.32/2012
- ³⁹ Article 15(1) substituted by L.18/2002
- ⁴⁰ Article 15(2) deleted by L.8/2021
- ⁴¹ Article 15A Article 16 of L.32/2012