

**Jersey Law 8/1977**

**FIRE PRECAUTIONS (JERSEY) LAW, 1977.**

---

**A LAW** to enable provision to be made for the protection of persons from fire risks and to provide generally for matters connected therewith, sanctioned by Order of Her Majesty in Council of the

**26th day of JULY, 1977.**

---

*(Registered on the 9th day of September, 1977).*

---

**STATES OF JERSEY.**

---

The 18th day of February, 1975.

---

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

**ARTICLE 1**

**INTERPRETATION**

In this Law, unless the context otherwise requires –

“building” includes a temporary or movable building;

“the Committee” means the Defence Committee;

“furniture” includes furnishings (including wall-coverings and ceiling-coverings of all sorts as well as floor coverings);

“premises” means building or part of a building;

“prescribed” means prescribed by Order made by the Committee under this Law.

## ARTICLE 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 house which is used as a single private dwelling.

### ARTICLE 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 Committee 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 Committee may require the applicant within such time as it may specify –

- (a) to furnish it with such plans of the premises as it may specify; and
- (b) if the premises consist of part of a building, to furnish it, in so far as it is possible for him to do so, with such plans of such other part or parts of the building as it may specify;

and if the applicant fails to furnish the required plans within that time or such further time as the Committee 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) of this Article in connexion with it have been duly furnished, it shall be the duty of the Committee to 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 Committee 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 connexion with that use of the premises, the Committee shall issue a certificate covering that use.

(4) Where the Committee, 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) of this Article are such as may reasonably be required in the circumstances of the case in connexion with that use, it shall by notice served on the applicant –

- (a) inform him 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 it as aforesaid as regards that use; and

- (b) notify him that it 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 Committee or by any order made by a court on, or in proceedings arising out of, an appeal under Article 7 of this Law against the notice, a certificate covering that use has not been issued, it shall be deemed to have been refused.

#### ARTICLE 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 Committee 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 sub-paragraphs (c) to (e) of paragraph (1) of this Article 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 persons who may be in the premises at any one time; and
- (e) as to other precautions to be observed in the relevant building in relation to the risk of fire to persons in the premises.

(3) Any requirements imposed by virtue of paragraph (2) of this Article 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) of this Article 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 sub-paragraph (b), (c), (d) or (e) of paragraph (1) of this Article 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 Committee 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, it 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) of this Article, the Committee

—  
(a) shall not issue a fire certificate which would have the effect of making a person responsible under or by virtue of paragraph (5) of this Article 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) it has previously consulted the person in question about his 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 the said 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 of this Law, a fire certificate shall not be invalidated by any failure of the Committee to comply with the requirements of this paragraph.

(7) Where the Committee 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) of this Article for contraventions of the existing requirement continue to be so responsible for contraventions of it as reimposed, the Committee shall not be required under paragraph (6) of this Article 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 occupier of the premises and shall be kept in the premises so long as it is in force.

## ARTICLE 5

### OFFENCES

(1) Subject to paragraph (2) of this Article and paragraph (3) of Article 7 of this Law 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 of this Law 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 occupier of the premises shall be guilty of an offence.

(2) A person shall not be guilty of an offence under paragraph (1) of this Article 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 paragraphs (4) and (5) of Article 7 of this Law, if, while a fire certificate is in force in respect of any premises, any requirement imposed thereby 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 paragraph (5) of Article 4 of this Law 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 his responsibility for contraventions of the requirement in question had been made known to him before the occurrence of the contravention in respect of which he is charged.

(4) A person guilty of an offence under this Article shall be liable to a fine or to imprisonment for a term not exceeding two years, or both.

(5) In the event of a contravention of paragraph (8) of Article 4 of this Law in the case of a fire certificate required by that paragraph to be kept in any premises the occupier of the premises shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

## ARTICLE 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 Committee 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 sub-paragraphs (b) to (e) of paragraph (1) of Article 4 of this Law 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 twenty-four 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; or
- (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; or
- (c) the 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 occupier shall, before the carrying out of the proposals is begun, give notice of the proposals to the Committee and if the carrying out of the proposals is begun without such notice having been given, the occupier shall be guilty of an offence.

(3) If, while a fire certificate is in force with respect to any premises not constituting the whole of the relevant building, any person who as occupier of any other part of that building is under paragraph (5) of Article 4 of this Law 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 Committee and if the carrying out of the proposals is begun without such notice having been given, that person shall be guilty of an offence.

(4) If the Committee is satisfied, as regards any premises with respect to which a notice under paragraph (2) of this Article has been given to it, that the carrying out of the proposals notified would result in any of the matters mentioned in sub-paragraphs (b) to (e) of paragraph (1) of Article 4 of this Law becoming inadequate in relation to any use of the premises covered by the relevant fire certificate, the Committee may by notice served on the occupier within two months from the receipt of the notice under paragraph (2) –

- (a) inform the occupier 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 its opinion inadequate in relation to that use in the event of the proposals being carried out; and
- (b) give him such directions as it 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 otherwise);

and if those steps are duly taken in connexion with the carrying out of the proposals the Committee shall amend the fire certificate or issue a new one.

(5) If the Committee is satisfied (whether as a result of an inspection made under paragraph (1) of this Article or otherwise) that, as regards any premises with respect to which a fire certificate is in force,

any of the matters mentioned in sub-paragraphs (b) to (e) of paragraph (1) of Article 4 of this Law, has, in consequence of a change of conditions, become inadequate in relation to any use of the premises covered by the certificate, the Committee may by notice served on the occupier –

- (a) inform him 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 its opinion in relation to that use; and
- (b) notify him that if those steps are not taken (whether by him 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 Committee shall, if necessary, amend the fire certificate or issue a new one.

(6) If the Committee considers (whether as a result of an inspection made under paragraph (1) of this Article 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 of this Law, 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 paragraph (2) of Article 4 of this Law; or
- (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 paragraph (5) of Article 4 of this Law for contraventions of any requirement imposed (whether by virtue of paragraph (2) of Article 4 or otherwise) by the certificate;

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

(7) If any person contravenes a direction given to him in pursuance of sub-paragraph (b) of paragraph (4) of this Article he shall be guilty of an offence, and the Committee may cancel the fire certificate issued with respect to any premises if it is satisfied that there has been such a contravention as aforesaid by the occupier whether or not proceedings are brought in respect of the contravention.

(8) A person guilty of an offence under paragraph (2), (3) or (7) of this Article shall be liable to a fine or to imprisonment for a term not exceeding two years, or both.

(9) Where a notice has been served under paragraph (5) of this Article in connexion with any premises and the steps mentioned in it in accordance with sub-paragraph (a) of that paragraph are not taken within the period specified in the notice in accordance with sub-paragraph (b) of that paragraph or such longer period as may be allowed by the Committee or by any order made by a court on, or in proceedings arising out of, an appeal under Article 7 of this Law against the notice, the Committee may cancel the fire certificate in force with respect to the premises or, if it covers two 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 it thinks appropriate in connexion with the removal of the use or uses in question).

(10) Where the Committee is satisfied, as regards any premises with respect to which a notice under paragraph (2) of this Article has been given to it, that the carrying out of the proposals notified would not result in any of the matters mentioned in sub-paragraphs (b) to (e) of paragraph (1) of Article 4 of this Law becoming inadequate, it 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 it is so satisfied.

## ARTICLE 7

**APPEALS**

- (1) A person who is aggrieved –
- (a) by anything mentioned in a notice served under paragraph (4) of Article 3 of this Law 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; or
  - (b) by the refusal of the Committee to issue a fire certificate with respect to any premises; or
  - (c) by the inclusion of anything in, or the omission of anything from, a fire certificate issued with respect to any premises by the Committee; or
  - (d) by the refusal of the Committee to cancel or to amend a fire certificate issued with respect to any premises; or
  - (e) by any direction given in pursuance of sub-paragraph (b) of paragraph (4) of Article 6 of this Law; or
  - (f) by anything mentioned in a notice served under paragraph (5) of Article 6 of this Law with respect to any premises as a step which must be taken if the Committee 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 paragraph (6) or (7) of Article 4 of this Law of a fire certificate issued with respect to any premises;

may, within twenty-eight 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) of this Article or by any matter mentioned in sub-paragraph (a) or (f) of that paragraph the date on which he was first served by the Committee 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 him;

and for the purposes of sub-paragraph (b) of paragraph (1) 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 him at the time of the service on him of the certificate or copy.

(3) Where an appeal is brought under this Article against the refusal of the Committee to issue a fire certificate with respect to any premises or the cancellation or amendment in pursuance of paragraph (7) of Article 4 of this Law of a fire certificate issued with respect to any premises, a person shall not be guilty of an offence under paragraph (1) of Article 5 of this Law 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 paragraph (3) of Article 5 of this Law 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 paragraph (5) of Article 4 of this Law, 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 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 paragraph (3) of Article 5 of this Law by reason of a contravention of that requirement which occurs at a time between the relevant date and the final determination of the appeal.

## ARTICLE 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 of this Law, 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) of this Article, 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 of premises to which they apply; and
  - (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.

(4) A person guilty of an offence under this Article by virtue of sub-paragraph (c) of paragraph (3) shall be liable to a fine or to imprisonment for a term not exceeding two 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 Committee –

(a) in determining under paragraph (3) of Article 3 of this Law 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 sub-paragraphs (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 paragraph (2) of Article 4 of this Law 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 paragraph (1) of Article 6 of this Law it appears to the Committee that any

of the matters mentioned in sub-paragraphs (b) to (e) of paragraph (1) of Article 4 of this Law is not in conformity with any provision made in the Regulations about that matter, the Committee shall by notice served on the occupier –

- (i) inform him 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 him that if those steps are not taken (whether by himself 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 Committee shall, if necessary, amend the fire certificate or issue a new one.

(7) Paragraph (9) of Article 6 and Article 7 of this Law shall (with the necessary modifications) have effect in a case where a notice is served under sub-paragraph (b) of paragraph (6) of this Article with respect to any premises as they have effect in a case where a notice is served under paragraph (5) of Article 6 and where in pursuance of this Article the Committee amends a fire certificate of which by virtue of paragraph (8) of Article 4 of this Law a copy is required to be kept in the premises to which the certificate relates, it shall cause the copy to be similarly amended.

## ARTICLE 9

### **POWER TO PROHIBIT OR RESTRICT USE OF PREMISES IN CASES OF EXCESSIVE RISK**

(1) Where the Committee is satisfied that, in respect of any premises being used or proposed to be used for one of the purposes set out in paragraph (2) of Article 2 of this Law (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 Committee 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 Committee are necessary to reduce the risk to a reasonable level.

(2) Where the Committee prohibits or restricts the use of premises under this Article, it shall communicate its decision in writing to the owner and the occupier where appropriate of the premises concerned and the owner or the occupier may, within twenty-eight days of the date of the notice, appeal to the Inferior Number of the Royal Court on the ground that the decision of the Committee was unreasonable.

(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.

## ARTICLE 10

### INSPECTION

(1) For the purposes of implementing this Law and any Regulations made thereunder, an inspector, that is to say any officer of the States of Jersey Fire Service and any other person designated for that purpose by the Committee 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) of this Article, 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) of this Article;
- (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) of this paragraph (whether or not the owner or occupier of the premises or a person employed to work therein) to give him 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 by this paragraph.

(2) The premises referred to in sub-paragraph (a) of paragraph (1) of this Article are the following, namely –

- (a) any premises requiring a fire certificate or to which any Regulations made under Article 8 of this Law apply;
- (b) any premises not falling within sub-paragraph (a) of this paragraph 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 sub-paragraph (b) of paragraph (1) of this Article are the following, namely –

- (a) to ascertain, as regards any premises, whether they fall within any of sub-paragraphs (a) to (b) of paragraph (2) of this Article;

- (b) to identify the owner or occupier of any premises falling within any of those sub-paragraphs;
- (c) to ascertain, as regards any premises falling within any of the said sub-paragraphs (a) to (b), whether the provisions of this Law and any Regulations made under Article 8 thereof 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.

(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 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) of this Article shall be exercised as of right unless twenty-four hours' notice has been given to the occupier.

(6) A person who –

- (a) intentionally obstructs an inspector in the exercise or performance of his powers or duties under this Law; or
- (b) without reasonable excuse fails to comply with any requirement imposed by an inspector under sub-paragraph (d) of paragraph (1) of this Article;

shall be guilty of an offence and liable to a fine.

(7) If an inspector discloses, otherwise than in the course of his duties or for the purpose of any legal proceedings, any information obtained by him in any premises entered by him in the exercise of powers conferred by this Law, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

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

he shall be guilty of an offence and liable to a fine or to imprisonment for a term not exceeding two years, or both.

(2) If a person with intent to deceive pretends to be an inspector within the meaning of Article 10 of this Law, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

## ARTICLE 12

**OFFENCES BY BODIES CORPORATE**

Where an offence under this Law or any Regulations made thereunder committed by a 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, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

## ARTICLE 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.

## ARTICLE 14

**DEFENCE AVAILABLE TO PERSONS CHARGED WITH OFFENCES**

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

## ARTICLE 15

**ORDERS**

(1) The Committee may by order prescribe anything which by this Law is to be prescribed.



*Jersey Law 8/1977*

*Fire Precautions (Jersey) Law, 1977*

(2) The Subordinate Legislation (Jersey) Law, 1960,<sup>1</sup> shall apply to orders made under this Law.

ARTICLE 16

**SHORT TITLE AND COMMENCEMENT**

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

(2) This Law shall come into force on such day or days as the States may by Act appoint and different days may be fixed for different purposes or different provisions of this Law.

**E.J.M. POTTER,**

*Greffier of the States.*

<sup>1</sup> Volume 1957–1960, page 519.