



Guidance

Guidance on the Fire Safety (England) Regulations 2022 for Fire Safety Regulators

Version 1.0

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Purpose and scope of this guidance

1. The Fire Safety (England) Regulations 2022 (FSER) were introduced under Article 24 of the Regulatory Reform (Fire Safety) Order 2005 (FSO) and their purpose is to enact the majority of the changes to fire safety legislation from the recommendations within the Grenfell Tower Inquiry Phase 1 report. They came into force on 23rd of January 2023 and only apply in England.
2. The regulations sit alongside the Building Safety Act 2022, amendments to the FSO, and government's update of supporting guidance issued under the FSO, aimed at improving fire safety outcomes designed to protect the public from the risk of fire.
3. This guidance is produced by the National Fire Chiefs Council (NFCC) and is intended to be informative and to aid Fire Safety Regulators (FSR). It is based on current understanding and should not be deemed a proxy for statutory guidance that is issued by government, as this would have supremacy.
4. The FSER apply to buildings with 2 or more sets of domestic premises, with the majority of the regulations applicable to high rise residential buildings (HRRB). Further guidance on the applicability of each regulation is given in each section under the relevant regulation and also in diagram 1 on page 6 and the table in appendix D.
5. There are elements of the FSER which will apply to Houses of Multiple Occupation (HMO) self-contained flats as defined in section 257 of the Housing Act 2004. NFCC will engage with government departments to understand how the FSER may apply to other types of HMO.
6. This guidance has been produced primarily for experienced FSR who are involved in inspecting and enforcing fire safety matters in residential buildings. It is expected that users will be competent FSR, familiar with fire safety legislation, enforcement policy, processes, and procedures.
7. FSR should be aware that there is more information on the FSER on the Gov.UK website. Resources include: [Check your fire safety responsibilities under the fire safety England regulations](#), (published by the Secretary of State under Art 50 of the FSO to assist RPs in meeting their duties) and a number of 'Fact Sheets' on specific topics. It is essential that FSR have a good working knowledge of all the latest relevant guidance issued by government as it will inform enforcement decisions.
8. This NFCC guidance does not constitute formal legal advice. All parties' legal duties remain those specified by law, in particular the FSO, the Housing Act 2004, the Building Regulations 2010, and the Building Safety Act 2022.
9. Only the courts can give a binding interpretation on a point of law. FSR should bear this in mind when using this guidance and have regard to their own enforcement policy and the

Regulators' Code amongst others. When dealing with any specific enforcement matter, FSR may have to obtain their own legal advice.

Using this NFCC guidance

10. This guidance is set out so that each regulation is given in full, then followed by relevant information and comment. For assurance and completeness, readers are advised to refer to the original full statutory texts and explanatory notes published by government.
11. In addition, this guidance includes FSR recommendations to Responsible Persons (RPs), and, where relevant, reference to supporting guidance, which are not enforceable but considered good practice such as the [Code of Practice on the provision of Premises Information Boxes \(PIBs\) in Residential Buildings](#). FSR should familiarise themselves with any differences between guidance and the requirements imposed by the FSER, along with their own Fire and Rescue Authority (FRA) policies and procedures. Where FRA promote the inclusion of additional information through guidance for RPs, FSR must clearly distinguish the statutory requirements under the Regulations from recommendations.

12. Paragraphs where potential recommendations to RPs by FSR can be found are indicated by (Potential recommendation to RPs) in the paragraph. FSR should be led by their own FRA policies on these matters.

13. Additional useful references and resources are given at the end of this document.

NFCC support

14. FSR are reminded that NFCC provides a range of support facilities to FRA to assist their fire safety technical and enforcement activities and to promote consistency.
15. For further information, please contact PRU at PPRUadminteam@NFCC.org.uk

FSER - Enforcement considerations

Introduction

16. The FSER impose requirements on RPs, or others (as defined in the FSO), including building owners and building managers, to mitigate the risk to residents for specific premises. They also require the RP to provide information to FRA to assist them to plan and, if needed, provide an effective operational response. A graphic representation of the FSER requirements for residential buildings of different heights is shown in diagram 1 below and the table in appendix D.
17. FSR should be mindful that the FSER introduces additional requirements for which the extent of necessary action to be taken by the RP is set by the FSER themselves and is not determined by the fire risk assessment process.
18. A failure to comply with a regulation under the FSER does not automatically translate into a failure to comply with an article under the FSO. When fire safety deficiencies are encountered, the FSR must identify each specific article or regulation that is not being satisfactorily complied with.
19. For example, if a FSR encounters defective fire doors, this is indicative of a failure to comply with Article (Art) 17 of the FSO. There may also be a failure to carry out quarterly checks of fire doors which would fall under regulation 10 of the FSER. The FSR will need to determine whether the RP has failed to comply with both of these requirements or just one.
20. Enforcement requires professional judgement. Where an audit is undertaken compliance with the FSER should be used to inform the enforcement outcome of the audit, application of the Enforcement Management Model and, if applicable, the Strategic Factors. Where deficiencies are identified, it must be made clear to the RP which articles and/or regulations have not been complied with and the actions to be taken.
21. Enforcement of the FSER is enabled under the FSO. This allows FSR to use their full range of existing powers to address any deficiencies. Therefore, the route to enforcement of the FSER will range from an 'advise and educate' approach through to 'notification of deficiencies' and possibly serving an Art 30 enforcement notice. This will depend on the circumstances and the judgement of the FSR.
22. Whilst the FSER are prescriptive by nature, caution must be exercised when considering formal enforcement action. All enforcement should be proportionate to the nature of the risk generated by any deficiencies in compliance.

Diagram 1

Residential with two or more domestic premises and shared common areas

<11m in height



Provide relevant fire safety information to residents (fire doors, emergency procedures) (FSER 9)

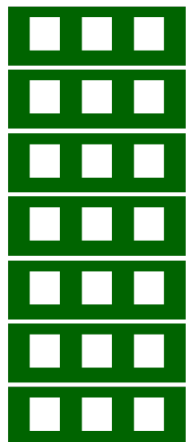
>11m <18m height



Provide relevant fire safety information to residents (fire doors, emergency procedures) (FSER 9)

Responsible person to carry out checks of fire resisting doors ('best endeavours' annual for flat doors and 3 months for other doors) (FSER 10)

>18m or 7 storeys in height



Provide relevant fire safety information to residents (fire doors, emergency procedures) (FSER 9)

Responsible person to carry out checks of fire resisting doors ('best endeavours' annual for flat doors and 3 months for other doors) (FSER 10)

Secure information box and prescribed contents (FSER 4)

Assessment of design and materials of external walls (FSER 5)

Floor and building site plans (FSER 6)

Monthly check on lifts and other fire equipment/installations (FSER 7)

Report faults to FRA if rectification will take more than 24 hours (FSER 7)

Floor identification signs (FSER 8)

Offences

23. The FSR may serve an enforcement notice to require compliance with the FSER. Failure to comply with any requirement imposed by an enforcement notice is an offence under Art 32(1)(d).
24. Art 32(1)(b) of the FSO makes it an offence for any RP or any other person mentioned in Art 5(3), to fail to comply with any requirement imposed by regulations made under Art 24 where that failure places one or more relevant persons at risk of death or serious injury in case of fire.
25. It is important to note that a key element of the offence is that the failure to comply places one or more relevant persons at risk of death or serious injury in case of fire. If this cannot be demonstrated, then no offence has been committed.
26. There is a defence available in Art 33. Subject to the caveats given in this article, it is a defence for the person charged to prove that all reasonable precautions and due diligence were exercised to avoid the commissioning of an offence.
27. When contemplating taking legal action through the courts, FSR should be mindful of the guidance within the [Code for Crown Prosecutors](#), and that the courts do not take kindly to overlapping or duplicate offences being brought. It is usually good practice to pursue the most serious breach that is the root cause of the problem. It is anticipated that in most cases, the root cause will rest with non-compliance with articles of the FSO.

Mixed-use buildings

28. FSR will already be familiar with enforcing fire safety in buildings with multiple occupancies which are being put to different uses. In such buildings, each premises within the building will be under the control of a different RP.
29. In many HRRB, identifying the RP in accordance with Art 3 and also the extent of the control that other persons have over the premises in accordance with Art 5(3), can be challenging.
30. For example, the owner of the building may be the RP under Art 3. However, where there is a resident management company or a head leaseholder they will be the RP under Art 3(b)(i) as they will generally have control of the communal areas of the building and obligations in relation to the repair and maintenance of the building, including the structure.
31. In addition, the RP may appoint a managing agent who will have responsibilities under Art 5 - the extent of these needs to be established on a case-by-case basis.
32. Section 156 of the Building Safety Act 2022 came into force on the 1st of October 2023. It made a number of amendments to the FSO placing additional duties on the RP. This included requiring RPs to take reasonable steps to establish whether any other RP in the building shares, or has, duties in respect of the building. If so, each RP should exchange

information, including contact details and the (perceived) extent of their FSO duties. This information should be recorded. For further information see [Check your fire safety responsibilities under Section 156 of the Building Safety Act 2022](#).

33. For mixed-use buildings containing two or more sets of domestic premises, some premises (e.g. commercial) will be clearly under the FSO, whilst others (residential) will be under the FSO and FSER.
34. Where formal enforcement action is taken, careful consideration should be given to the extent of each party's control and responsibilities, and the obligation under Art 22 to cooperate and co-ordinate. When considering enforcement utilising Art 30 it may be necessary to serve more than one notice on different parties in relation to the matters within their control.
35. In the event where complex multiple occupancy mixed use buildings are encountered FSR should seek their own legal advice to help determine appropriate enforcement actions.
36. Further information on the identification of the RP and other parties with control of the premises, can be found within NFCC's Inspecting and Enforcing Fire Safety in High Rise Residential Buildings: A toolkit for Fire Safety Regulators. You can access this document via NFCC SharePoint using the pinned post link on the Protection Workplace page.

The Fire Safety (England) Regulations 2022

The Secretary of State makes these Regulations in exercise of the powers conferred by article 24(1) of the Regulatory Reform (Fire Safety) Order 2005 (a).

In accordance with article 24(4) of that Order the Secretary of State has consulted such persons or bodies of persons as appeared to the Secretary of State to be appropriate.

(a) S.I. 2005/1541; see article 6 of that Order (application to premises) as amended by section 1 of the Fire Safety Act 2021 (c. 24) for the application to buildings containing domestic premises.

37. Art 24 of the FSO gives the Secretary of State the power by means of statutory instrument to make regulations on the precautions to be taken or observed in relation to the risk to relevant persons as regards premises where the FSO applies.
38. The effect of making the regulations under Art 24 are that the regulations become enforceable under the FSO. It should be noted that the regulations themselves do not contain any reference to offences, penalties, defences, etc. These are given in the FSO.
39. When communicating with RPs or serving notices, FSR must make it clear whether any identified failure(s) to comply are a contravention of the FSO or the FSER.
40. With regard to the change to the FSO, Art 6 has been amended by the Fire Safety Act 2021 as follows **(amendment shown in blue bold in paragraph 41(a) and 1A, 1B and 2 below)**:
41. 6(1) Application to premises: This Order does not apply in relation to:
 - (a) domestic premises, except to the extent mentioned in **paragraph 1A** or Art 31(10);
 - (b) an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995(a);
 - (c) a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;
 - (d) fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;

- (e) an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994(b) or a vehicle exempted from duty under that Act;
- (f) a mine within the meaning of section 180 of the Mines and Quarries Act 1954(c), other than any building on the surface at a mine;
- (g) a borehole site to which the Borehole Sites and Operations Regulations 1995(d) apply.

(1A) Where a building contains two or more sets of domestic premises, the things to which this order applies include –

- (a) the building's structure and external walls and any common parts;**
- (b) all doors between the domestic premises and common parts (so far as not falling within sub-paragraph (a)).**

(1B) The reference to external walls includes—

- (a) doors or windows in those walls, and**
- (b) anything attached to the exterior of those walls (including balconies).**

(2) Subject to the preceding provisions of this article, this Order applies in relation to any premises.

Regulation One - Citation, commencement extent and application

Citation, commencement, extent and application

1. (1) These Regulations may be cited as the Fire Safety (England) Regulations 2022.
(2) These Regulations come into force on 23rd January 2023.
(3) These Regulations extend to England and Wales but apply in England only.
(4) These Regulations do not apply in relation to domestic premises within the House of Commons or the House of Lords or to military premises.
42. As is common with any new law (unless the statute directs otherwise), there is an expectation that compliance with the FSER will coincide with them coming into force. Despite the efforts of government, FRA and others within the fire sector to raise awareness of the FSER, it was inevitable that there would be RPs who were not meeting the requirements placed on them at the time of commencement. There are challenges associated with the introduction of new legislation and FRA are likely to encounter widespread non-compliance in the months following the commencement of the FSER.
43. As highlighted earlier in this document, enforcement should be proportionate to the risk generated by the non-compliance. Where a FSR imposes timescales, they should have regard to the practicalities associated with addressing the issues identified that may affect the RPs ability to achieve compliance in a timely manner.
44. Whilst this should be a consideration for any enforcement under the FSO, in multi-occupied residential premises where there may be multiple RPs and leaseholders, there will likely be additional processes which need to be followed before issues can be addressed.
45. For example, whilst it should be possible for the RP to implement requirements such as providing information to residents relatively swiftly, installing a secure information box or producing suitable floor plans is likely to involve a more complex and protracted process. This could include securing funds, potential procurement processes and Section 20 consultations under the Landlord and Tenant Act 1985.
46. Similarly, where RPs are responsible for large numbers of buildings, this will likely have impacted their ability to achieve full compliance across their building stock in the initial period following the commencement of the FSER.
47. The regulations do not apply to Ministry of Defence (MOD) occupied and operated residential buildings housing service personnel and their families. Where FRA have MOD properties in their area, their usual arrangements for obtaining operationally relevant risk

information should continue (where permitted), but they must be aware that all fire safety matters within MOD properties and sites, are enforced by the Defence Fire Safety Regulator.

Regulation Two - Interpretation

Interpretation

2.(1) In these Regulations:

“Approved Document B” means Approved Document B (Fire Safety), supporting requirements B1 to B5 of Part B of Schedule 1 to the Building Regulations 2010;

“high-rise residential building” has the meaning given in regulation 3;

“lift for use by firefighters” means any lift located within a firefighting shaft, and any passenger lift which has an override switch that enables the fire and rescue service to take control of the lift;

“local fire and rescue authority” means the fire and rescue authority in whose area the building is situated;

“military premises” means—

- (a) military barracks,
- (b) a building occupied solely for the purposes of the armed forces, or
- (c) a building occupied solely for the purposes of any visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964(a);

“secure information box” means a box of the description in regulation 4.

(2) Other expressions in these Regulations which are listed in Appendix A to Approved Document B are to be interpreted in accordance with the meaning given to those expressions in that Appendix.

48. The FSR references [Approved Document B \(ADB\)](#). In regulation 2(2), for the interpretation of expressions used in these regulations (other than those given), the FSR is directed to Appendix A – Key Terms, of ADB. These key terms and their definitions and descriptions must be used when necessary.
49. The interpretation of “lifts for use by firefighters” is not constrained by reference to technical standards. NFCC has produced [National Operational Guidance on firefighting lifts](#).

Regulation Three - Meaning of high-rise residential building

Meaning of high-rise residential building

3.(1) In these Regulations “high-rise residential building” means a building containing two or more sets of domestic premises that—

(a) is at least 18 metres above ground level; or

(b) has at least seven storeys.

(2) For the purposes of paragraph (1)—

(a) the height of a building is to be measured to the height to the top storey in accordance with Appendix D to Approved Document B;

(b) when determining the number of storeys a building has—

(i) any storey which is below ground level is to be ignored,

(ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level, and

(iii) a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building.

50. For the interpretation of ‘domestic premises’ the definition given in Art 2 of the FSO would be appropriate.
51. For other definitions, [ADB Volume 1](#) (2019 edition incorporating 2020 and 2022 amendments – for use in England) states:
52. “To count the number of storeys in a building, or in a separated part of a building, count only at the position which gives the greatest number and exclude any basement storeys”.
53. “Height of top storey measured from upper floor surface of top floor to ground level on lowest side of building” and
54. “Height of top storey excludes roof-top plant areas and any top storeys consisting exclusively of plant rooms.”

55. See diagrams D5 and D6 on page 145 of ADB

56. FSR should be aware that a HRRB under the FSER is not the same as a higher-risk building under the Building Safety Act. [The Higher-Risk Buildings \(Descriptions and Supplementary Provisions\) Regulations](#) provide a definition of higher-risk buildings which will be required to meet the legal requirements of the new more stringent regime for building safety. This definition may be different to that contained within the FSER but should not impact the implementation of the FSER by FSR.

Regulation Four - Secure information box

Secure information box

- 4.(1) The responsible person in relation to a high-rise residential building must install and maintain a secure information box in or on the building.
- (2) The secure information box must be
- (a) positioned at a location in or on the building which is readily accessible to the fire and rescue authority;
 - (b) capable of containing the documents required to be placed in it by these Regulations;
 - (c) reasonably secure from unauthorised access and vandalism.
- (3) The responsible person must ensure that the following information is contained within the secure information box—
- (a) the name, address and telephone number within the United Kingdom of the responsible person;
 - (b) the name and contact information of such other persons within the United Kingdom who are provided with the facilities to and are permitted to access the building as the responsible person considers appropriate;
 - (c) such documents as are required to be placed in it by these Regulations.
- (4) The responsible person must provide the local fire and rescue authority with anything required to enable it to access the secure information box and must provide anything additional required as soon as reasonably practicable if there are any changes to those requirements.
- (5) The responsible person must inspect the secure information box at least annually and ensure that it continues to meet the requirements in paragraph (2).

Application

57. The requirement to install and maintain a Secure Information Box (SIB) only applies to buildings which meet the definition of a HRRB – at least 18m or 7 storeys – see regulation 3.

Purpose

58. The purpose of the SIB is to provide hard copy, on-site essential information to aid FRA response and operations to assist in keeping residents safe in the event of fire.

General considerations

Requirements of SIBs

59. Regulation 4, the government [SIB fact sheet](#) and the '[Check your fire safety responsibilities under the Fire Safety \(England\) Regulations 2022](#)' guidance provides the specific elements required for SIBs by the FSR.
60. In addition, the [FIA/NFCC Code of Practice for the Provision of Premises Information Boxes in Residential Buildings](#) (CoP) provides non legally binding good practice guidance on how these elements can be achieved and meet the intended purpose. The CoP goes beyond the FSR requirements, for example, the CoP recommends that there should be two sets of plans in the SIB, that they should be A3 size and laminated to ensure they meet the user requirements of fire crews.
61. Regulation 4(3) states the minimum requirements for the documents / information to be kept in the SIB:
- the name, address and telephone number within the United Kingdom of the RP
 - the name and contact information of such other persons within the United Kingdom as are provided with facilities to, and are permitted to, access the building on behalf of the RP
 - a copy of the floor plans and building plan as specified in regulation 6.
62. There is no recommendation or endorsement for any specific brand or manufacturer of SIBs.

Location of SIBs

63. The CoP includes guidance on such matters as location, methods of attachment, security lock types and standards, signage, maintenance, checks, etc. FSR should have a good working knowledge of the CoP and can use it as one of their benchmarks for compliance.
64. Where 24/7 staffing is provided in the building, it may be reasonable to install the SIB in a room, such as the concierge room. However, the RP must be able to demonstrate that the location of the room is appropriately signed and can be readily and quickly accessed by the FRA.

65. For buildings which have multiple access points, there is no legal requirement to provide multiple SIBs, although this may be a recommendation to RPs following discussions with the local FRA. (Potential recommendation to RPs)

66. In addition to Regulation 4, the RP must ensure that the requirements of Regulation 6 are met which relates to the information included in the SIB. (see regulation 6 - floor plans and building plan).

Security of the SIB

67. Regulation 4(2)(c) refers to the need for the SIB to be 'reasonably secure from unauthorised access and vandalism' so that the information in the SIB is available to FRA when needed. The CoP outlines the third-party certification standards that were deemed to meet the 'reasonably secure' element. The CoP security standards were recommended by Secured by Design and adopted in the CoP as being fit for the intended use of a SIB. The security of data kept in the SIB is not regulated under the FSER however, it might be prudent for FSR to advise the RP to check their compliance with GDPR legislation.

68. The FSER do not require a SIB to hold any personal or sensitive information about residents, nonetheless, if this is the case a high level of security of the box can be recommended to the RP. (Potential recommendation to RPs)

Checking compliance

69. It would be good practice for FRA to check the contents of the SIB during an audit, operational information risk gathering visit, inspection or incident. It is expected that the RP or their representative will be present. It is not deemed necessary for master SIB keys/codes to be held by FRA other than for operational purposes.

70. The NFCC advice note ['Provision of Master Keys'](#) provides further information.

71. The FSER require that the SIB is inspected at least annually to ensure the requirements of regulation 4(2) are met. A frequency greater than annually may be determined where for example, the SIB is subject to, or at risk of vandalism.

72. Regulation 4 does not require the RP to keep records of their inspections. FSR can encourage RPs to keep records as 'good practice'. This will provide evidence of their efforts to achieve compliance and can be used to demonstrate 'due diligence'. (Potential recommendation to RPs)

73. Over time, it is likely that the information contained within the SIB may need to be changed. This regulation does not specifically prescribe how quickly the contents of the

SIB must be updated, only that the information is held. It is notable that regulation 6(6) does require the RP to update the floor plans and building plan as soon as reasonably practicable after any change to the layout of the building or location of key fire-fighting equipment.

74. Government's [SIB fact sheet](#) states: "Boxes should be maintained, and their contents kept up to date in line with the duties imposed by the FSER and the Fire Safety Order."

75. The CoP recommends post incident and monthly checks in addition to the prescribed annual check. If the information contained within the box is inaccurate, then it does not comply with the requirements of this regulation. The question arises as to what could be deemed as soon as reasonably practicable for updating the information? This will have to be decided on a case-by-case basis, taking into account the difficulties that may be encountered by some RPs with multiple buildings under their control. (Potential recommendation to RPs)

Enforcement considerations

76. Whilst a proportionate and pragmatic approach to enforcement may have to be adopted, as the purpose of the SIB is to provide essential information to help deal with an emergency incident, it should be expected that information will be updated quickly without extended delays.
77. It should be noted that blocks of flats (with a top storey more than 11m above ground level) designed after November 2020, should already have the appropriate SIB in place to comply with Building Regulations (as amended). As regulation 4 only applies to HRRBs of at least 18m or seven storeys (as defined by regulation 3), it cannot be used to address deficiencies in other buildings.

Regulation Five - Design and materials of external walls

Design and materials of external walls

- 5.(1) The responsible person in relation to a high-rise residential building must prepare a record of the design of the external walls of the building, including details of the materials from which they are constructed.
- (2) The record prepared under paragraph (1) must include details of the level of risk identified in the risk assessment required under article 9 of the Regulatory Reform (Fire Safety) Order 2005 that the design and materials of the external walls give rise to and any mitigating steps that have been taken in respect of that risk.
- (3) The responsible person must prepare a revised record under paragraph (1) if there are any significant changes to the external walls of the building.

Application

78. The requirement to prepare a record of the design and materials of external walls only applies to buildings which meet the definition of a HRRB, i.e. at least 18m or seven storeys – see regulation 3.

Purpose

79. The purpose of providing an external wall record is to assist FRA with pre-planning their operational response should a fire break out in the building, and to provide information that will be of value to FRA response and operations at the time of a fire to assist in keeping residents and firefighters safe.

General considerations

Definition of external walls

80. In accordance with regulation 2(2) the meaning of 'external walls' is to be interpreted in accordance with ADB, Appendix A: Key Terms, which includes all of the following:
- Anything located within any space forming part of the wall.
 - Any decoration or other finish applied to any external (but not internal) surface forming part of the wall.
 - Any windows and doors in the wall.

- Any part of a roof pitched at an angle of more than 70 degrees to the horizontal if that part of the roof adjoins a space within the building to which persons have access, but not access only for the purpose of carrying out repairs or maintenance.

External walls – FSO & FSER

81. The RP has two separate but related duties in relation to external walls:

1) Under Art 9 of the FSO, the RP must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purposes of identifying the general fire precautions needed to comply with the requirements and prohibitions imposed under the FSO. Since 16th May 2022 when the Fire Safety Act 2021 came into force this has included the external walls of a building.

2) Regulation 5 of the FSER requires the production of an external wall record of the design and materials used in external walls and submit this to their local FRA.

82. Whilst similar, these are separate and distinct requirements. It is possible that RPs may confuse the two. It is anticipated that for the majority of buildings the information which is required to be provided by regulation 5 will have been obtained by the RP either through the review and update of the building's fire risk assessment or in order to utilise the risk prioritisation tool produced by the Home Office. In cases where an RP does not have the information required by regulation 5 FSR may need to consider enforcement in relation to Art 9 having regard to the Art 50 statutory guidance - [Fire Safety Act commencement prioritisation guidance](#).

FSER external wall record

83. Information in an external wall record should be presented in a way that is both practical for use by the FRA and is a proportionate burden on the RP.

84. Regulation 5 only requires the submission of relatively simple information and should be restricted to high-level detail. Over-elaborate detail of construction without any explanation of the implications in respect of fire performance and risk may not be of practical value. On the other hand, simple identification of materials used in the external walls, whether combustible or not, is unlikely to help the FRA.

85. Typically, the information that should be provided in the external wall record will comprise the following:

- an overview of the design of the external wall
- brief information on the materials of construction, insulation and any cladding
- any known defects in the construction (either as originally built or currently)
- the level of risk presented by the external walls, cladding and any attachments as determined by a competent person)

- any mitigating steps that have been taken in relation to the risk as identified in the fire risk assessment, including any temporary measures adopted until such time as a permanent solution is provided.
86. The information required to produce a suitable and sufficient fire risk assessment may already be known to the RP. However, a more detailed appraisal of the external walls may be required if, for example, there is a known or suspected risk from the type of construction used. The RP should employ suitably competent person(s) to evaluate the risk to occupants from a fire spreading over, or within the external walls of a building, and identify any mitigating measures. The competent person(s) can use [PAS 9980:2022 Fire risk appraisal of external wall construction and cladding of existing blocks of flats](#) for this appraisal but it is not mandatory if compliance can be demonstrated through other means.
87. The RP may use the building's Fire Risk Appraisal of External Walls (FRAEW) report to inform the content of their external wall record however, it would not be appropriate to submit a FRAEW instead of an external wall record. This is because the FRAEW would not satisfy the information requirements of regulation 5. Similarly, it would not be appropriate to submit a mortgage valuation External Wall Survey 1 (EWS1) form instead of an external wall record as again, this would not provide the appropriate information required under regulation 5. [ESW1 form update and RICS valuation guidance provides further information.](#)
88. A RP may choose to send the information to the general email address of the local FRA, as opposed to using a dedicated website facility. Providing the email contains the information as specified in regulation 5, then the RP has complied with their duties.
89. The RP must also ensure that the requirements of regulation 11 are met via the provision of documents to the local FRA in electronic form.
90. NFCC has worked closely with the Home Office and FRA to develop standard templates to support consistency in the information provided by the RP to FRA in external wall records. [A template for the external wall record has been issued by the Secretary of State to support the FSER and is available to download.](#)
91. Many FRA have used this template to enable submission of information by RPs via their website. Where this facility exists, FRS can recommend this route to RPs as a means of providing external wall information, however, the use of this template is not required under FSER. However, in the case of non-compliance, if the FSR is taking enforcement action under Art.30 then they may direct how the information should be provided. (Potential recommendation to RPs)

Enforcement considerations

92. RPs who do not currently have all the information regarding their external walls should provide the information they do hold whilst they update their fire risk assessment. Once their fire risk assessment is updated, they should provide an updated external wall record to their local FRA as soon as possible.
93. If the submitted external wall record is not deemed suitable by the FRA it should be challenged or rejected, with a requirement to re-submit the correct and appropriate information.
94. Under regulation 5(3), where there are significant changes to the external walls of the building the RP will be required to update the external wall record. This requirement links directly with the requirements of FSO Art 9(3) and the duty to keep the assessment of risk under review. A copy of the revised external wall record must be provided by the RP to their local FRA.
95. On receipt of the external wall record, a FRA should not have to validate its content. The accuracy of the information provided remains the responsibility of the RP. However, where personnel are tasked to review the received information, they should be given sufficient training and information so that any concerns and / or discrepancies can be identified and raised with the RP and/or within the FRA as appropriate.
96. Where a FSR is expecting an external wall record, but is not aware it has been sent, they should make enquiries with the RP as soon as practicably possible to ascertain the cause for the non-compliance or delay. The absence of information, or procrastination by the RP in obtaining / sending the information may be unintentional, but it may also be indicative that there is a significant problem putting relevant persons at risk, which the RP is reluctant to reveal. Depending on the circumstances, it may be necessary to consider enforcement to resolve the matter.

Regulation Six - Floor plans and building plan

Floor plans and building plan

- 6.(1) The responsible person in relation to a high-rise residential building must prepare a plan for each floor of the high-rise residential building.
- (2) The floor plans must, together, identify the location of all lifts and identify if the lift is one for use by firefighters or an evacuation lift, and the key fire-fighting equipment in the whole building.
- (3) If the plans for two or more floors of a high-rise residential building would be the same in all material respects, the responsible person may comply with the obligation under paragraph (1) in relation to those floors by preparing a single plan that clearly indicates the floors to which the plan relates.
- (4) The responsible person must also prepare a single-page building plan identifying the following—
- (a) the environs of the building;
 - (b) details of the use of the building, for example for commercial or residential purposes;
 - (c) access for fire and rescue appliances;
 - (d) the dimensions of the building;
 - (e) information on the number of storeys of the building and the number of basement levels (if any);
 - (f) information regarding the presence of maisonettes or scissor section flats;
 - (g) inlets for dry-rising mains;
 - (h) inlets for wet-rising mains;
 - (i) the location of shut-off controls for any sprinklers;
 - (j) access points for the building;
 - (k) the location of the secure information box;
 - (l) the location of the controls for any smoke control system;
 - (m) the location of any firefighting shaft;

Regulation 6 (continuation)

- (n) the location of main stairways in the building;
- (o) the location of the controls for any evacuation alert system.
- (5) The responsible person must place a hard copy of the floor plans and building plan required by paragraphs (1) and (4) in the secure information box.
- (6) The responsible person must update the floor plans and building plan as soon as reasonably practicable after any change to the layout of the building or location of key fire-fighting equipment.
- (7) In this regulation “key fire-fighting equipment” includes—
 - (a) inlets for dry-rising mains;
 - (b) inlets for wet-rising mains;
 - (c) outlets for dry-rising mains;
 - (d) outlets for wet-rising mains;

Application

97. The requirement to prepare floor plan(s) and a building plan only applies to buildings which meet the definition of a HRRB, i.e., at least 18m or seven storeys – see regulation 3.

Purpose

98. The floor plans and the single page building plan are to assist the local FRA in planning for an operational response to a fire. Their purpose is to provide information on the building’s layout in an emergency. They will be used to brief incident commanders and attending fire crews, some of whom will be committed into the incident wearing breathing apparatus and may be working in a hostile environment with restricted visibility.

General considerations

99. Regulation 6 details that a hardcopy of floor and building plans will need to be placed in the SIB and as required by regulation 11, electronic copies must be sent to their local FRA.
100. The plan must clearly indicate to firefighters which floor(s) it relates to and show the location of the firefighting equipment set out in the regulations. They should be a reasonably accurate reflection of each floor of the building to which they relate.

101. The FSER do not require a floor plan to be provided for each floor of the building if floors are identical (regulation 6(3)) however, FSR may wish to recommend to RPs that a floor plan is provided for each floor irrespective of them being identical to other floors. These additional plans will assist in search and rescue by operational crews during an incident as they will provide a means of recording where dwelling occupants require rescue or that the dwelling has been searched and is empty. (Potential recommendation to RPs)

The style and format of plans

102. The FSER do not specify the type or formatting of the information and plans to be provided. Therefore, the style and symbols used by RPs may not be the same as those typically used for fire safety plans.
103. The completeness, currency and accuracy of the information and plans provided remains the responsibility of the RP under the FSER. However, FRA personnel receiving and reviewing any information and plans should be given sufficient training to identify any gaps and/or inaccuracies in the information provided which can be raised with the RP and / or within the FRA as appropriate.
104. Examples of good plans are included in '[The Code of Practice for the Provision of Premises Information Boxes in Residential Buildings](#)' (CoP) produced jointly by the FIA and NFCC. The CoP is not legally binding but can be regarded as good practice.

105. FSR should be familiar with the requirements of the FSER, the content of the CoP and the differences between the two. They should also be guided by their own FRA policy on what aspects of the CoP they should be recommending to RPs to assist operational crews during incidents. (Potential recommendation to RPs)
106. For example, FRA may wish to recommend to RPs that the plans are laminated so that they can be used by operational crews at all times. This will assist during incidents when there is wet weather as they will be able to continue to use key building information. This is not a requirement of the FSER but is a recommendation within the CoP. (Potential recommendation to RPs)
107. Local FRA may have specific IT requirements and arrangements which will impact the way in which information can be received by the organisation. FSR may recommend that information is provided in a specific format (JPEG, PNG, PDF, etc) or they may have a maximum file size permitted by their mail server or other limitations. FSR will want to make this known to RPs. These local IT requirements and arrangements will vary but fall outside the scope of the FSER and are therefore not enforceable. (Potential recommendation to RPs)

108. If an RP has provided plans where the layout is clear, and they identify all the required information, then the RP can be deemed to have complied with their statutory obligation, even if they do not strictly conform to guidance within the CoP.
109. If an RP has provided plans where the layout and essential information is unreadable, confusing and/or obscured due to the quantity or complexity of unnecessary detail and information, it is reasonable to conclude that the plans will not meet the under-pinning function and purpose of the FSR and published guidance. In these circumstances, it could be deemed that the RP will not have complied with their statutory obligation.

Enforcement considerations

Deficient plans

Deficient plans submitted

110. In circumstances where deficient plans have been submitted, a judgement needs to be made as to how far the plans deviate away from what is required. An assessment should be made of what impact the plans may have on emergency operational activities, and whether it may have a detrimental effect on the safety of relevant persons who may be reliant on an efficient FRA intervention.
111. If deficient plans are accepted by FSR, this risks perpetuating 'tokenism' by RPs and will ultimately defeat the purpose of the FSR. Therefore, such plans should be challenged and rejected.

Submitted plans discovered to be inaccurate during inspection/incident

112. Similarly, where plans have been received by the FRA but are subsequently found to be inaccurate during an audit, operational information risk gathering visit, inspection or incident, an assessment should be carried out on how the inaccurate plans may or have impacted the emergency operational activities and any adverse effects on the safety of relevant persons during the incident and potential future incidents.
113. A first step in both instances may be to advise the RP on the approach taken in the CoP, accompanied by a direction to re-submit improved and accurate plans that meet the expectations of guidance and the requirements of the FSR.
114. If this approach is unproductive or is considered inadequate in the circumstances of the case, then consideration may be given to serving an Art 30 Enforcement Notice on the RP requiring submission of plans that conform to the regulation's requirements.
115. Further recourse would be the use of Art 32(1)(b), where it is an offence to fail to comply with any requirement or prohibition imposed by regulations made, or having effect as if made, under Art 24 where that failure places one or more relevant persons at risk of death or serious injury in case of fire.

116. Before considering prosecution, FSR should obtain their own legal advice to ascertain whether there is sufficient and robust evidence to support the assertion that the failure to comply with regulation 6 has placed relevant persons at risk of death or serious injury.

Submission of plans

117. Regulation 11 requires the RP to provide plans to their local FRA by electronic means.
118. If any changes are made to the layout of the building or the location of key firefighting equipment, the RP will be required to update the floor plans and building plan as soon as reasonably practicable after the changes are made. Such changes will inevitably be planned in advance, so RPs should factor in plan updates with the proposed works. The revised plans will need to be placed in the SIB with an electronic copy sent to their local FRA.
119. As soon as reasonably practicable means at the first reasonably available opportunity. It will not always be possible to update the plans immediately, but an RP should seek to do so soon after the changes are made. What is reasonable will depend on the circumstances and will need to be determined on a case-by-case basis, taking account of the difficulties that may be encountered by some RPs, for example those with multiple buildings under their control. [See the statutory guidance 'Fire Safety Act Commencement: Prioritisation Guidance'](#), published by the Secretary of State using powers granted by Art 50 of the FSO.
120. A proportionate and pragmatic approach to enforcement may have to be adopted. As the purpose of the floor and building plans is to provide essential information to help deal with an emergency incident, it should be expected that information will be updated quickly. Extended delays should not be regarded as acceptable unless it can be demonstrated by the RP that there are extenuating circumstances, or the work is part of a risk assessed prioritisation process.
121. Before considering prosecution, FSR should obtain legal advice to ascertain whether there is sufficient and robust evidence to support the assertion that the failure to comply with regulation 6 has placed relevant persons at risk of death or serious injury. This evidence may have been gathered at the time of the incident and the impact of the inaccurate plans clearly demonstrated.

Regulation Seven - Lifts and essential firefighting equipment

Lifts and essential fire-fighting equipment

- 7.(1) The responsible person in relation to a high-rise residential building must undertake monthly routine checks of lifts for use by firefighters, evacuation lifts and essential fire-fighting equipment within the building.
- (2) Where the responsible person identifies any fault with a lift for use by firefighters, evacuation lift or piece of essential fire-fighting equipment, the responsible person must take steps to rectify the fault.
- (3) Where a fault identified under paragraph (2) cannot be rectified within a 24-hour period beginning with the time the fault is identified, the responsible person must, as soon as reasonably practicable—
- (a) report the fault to the local fire and rescue authority by electronic means; and
 - (b) report the rectification of the fault to the local fire and rescue authority by electronic means when it has been rectified.
- (4) The responsible person must make a record of the monthly checks undertaken pursuant to this regulation and make that record accessible to the residents of the building.
- (5) In this regulation—
- “essential fire-fighting equipment” means key fire-fighting equipment within the meaning of regulation 6(7) and any of the following located within the common parts of the building—
- (a) fire detection and fire alarm systems including any detectors linked to ancillary equipment such as smoke control systems,
 - (b) evacuation alert systems,
 - (c) automatic door release mechanisms linked to fire alarm systems;
- “routine check” means a check that any lift or piece of equipment is in efficient working order and in good repair, carried out in accordance with the relevant industry standard or any recommendations made by the manufacturers of equipment within an operators’ manual.

Application

122. The requirement to undertake monthly routine checks of lifts for use by firefighters, evacuation lifts and essential fire-fighting equipment, only applies to buildings which meet the definition of a HRRB, i.e., at least 18m or seven storeys – see regulation 3.

Purpose

123. The purpose of checking and reporting faults of lifts for use by firefighters, evacuation lifts and essential fire-fighting equipment by RPs is to provide essential information to FRA to help deal with an emergency incident and help ensure the safety of relevant persons.

General considerations

General maintenance issues

124. FSO Art 17 (Maintenance) and Art 38 (Maintenance of measures provided for protection of fire-fighters) requires an RP to ensure facilities, equipment and devices are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.
125. Lifts and essential fire-fighting equipment will have regular inspection, servicing and maintenance requirements specified by their manufacturer and relevant industry/British Standards (or equivalent). The more complex elements of these specified testing and maintenance regimes are recommended to be carried out by specialist contractors, whereas other elements will require simple checks by the owner. The enhanced testing recommendations do not have a statutory basis but are generally regarded as good practice and remain unchanged by the introduction of the FSER.
126. Failing to identify and repair faults quickly, or allowing such equipment to fall into disrepair, will generate otherwise avoidable risks. It was these types of risks that led the Grenfell Tower Inquiry to make recommendations to ensure that routine simple checks and repairs are not ignored by RPs.

FSER routine checks

127. The FSER goes further than the Grenfell Tower Inquiry's recommendations for checks as they include checks and reporting on lifts for use by firefighters, evacuation lifts and essential fire-fighting equipment. The focus of the FSER is ensuring as far as reasonably practicable, that facilities and installations required in an emergency incident are serviceable for use and will operate correctly in the event of fire. The prescriptive requirements set out in regulation 7 puts the routine checks by RPs on an enforceable statutory basis.
128. Key firefighting equipment is defined in regulation 6(7) as:

- Inlets for dry-rising mains;

- Inlets for wet-rising mains;
 - Outlets for dry-rising mains;
 - Outlets for wet-rising mains;
 - Smoke control systems;
 - Suppression systems.
129. Regulation 7(5) links to regulation 6(7) but also includes ‘essential firefighting equipment’ described as:
- Fire detection and alarm systems including any linked to ancillary equipment such as smoke control systems,
 - Evacuation alert systems,
 - Automatic door release mechanisms linked to a fire alarm system.
130. The regulation requires the RP to undertake routine checks which generally only involve visual inspection and/or simple functional operating checks. The checks must confirm that the system or equipment is in efficient working order and in good repair. Government has produced [Check your fire safety responsibilities under the Fire Safety \(England\) Regulations 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-your-fire-safety-responsibilities-under-the-fire-safety-regulations-2022) guidance to provide a high-level summary of the duties imposed by the FSR. It provides examples of the types of checks which RPs are likely to carry out.
131. It is important to note the words ‘common parts’ in the regulations relating to key and essential firefighting equipment. It is anticipated RPs should have easy access to the common parts in a building.
132. Whilst these routine checks are usually conducted in a similar manner to recommendations given by the manufacturer or relevant industry standard, it is not the intention of the FSR to require RPs to engage specialist contractors to undertake them.
133. The RP will need to ensure that any person(s) appointed to assist is able to undertake the required safety checks following either guidance for routine checks provided by the relevant industry standard or any recommendations made by the manufacturers of equipment within an operators’ manual. Where industry standards or manufacturers recommendations have not been followed, the RP will need to be able to demonstrate and prove checks undertaken are sufficient to comply with this regulation.
134. RPs are required to record the outcome of these monthly checks in an open and transparent way that is accessible to residents (for example by posting them on a notice board or making them available to a resident’s association). This will help to reassure residents, providing them with the information they need to hold non-compliant RPs to account, and support the RP Resident Engagement Strategy. FSR should be able to inspect these records.

Fault and rectification reporting

135. Where a fault is identified (whether via a routine check or other notification e.g. from a resident), the RP must take steps to rectify the fault. If the fault cannot be rectified within 24-hours from identification, the RP must report it to their local FRA. By stipulating a 24-hour fault rectification period as the threshold for reporting, the importance placed on lifts and essential firefighting equipment is emphasised.
136. As the FSR are intended to ensure lifts and essential fire-fighting equipment work in an emergency, it would be reasonable to assume that only faults having significant detrimental impact on functionality should be reported.
137. However, the FSR do not define the type of fault which is reportable. This may result in FRA receiving reports of 'minor faults', the impact of which is likely to vary significantly depending on the FRA and the number of HRRBs they regulate. Managing the expectations placed on RPs will be a local matter for each FRA.
138. In all cases, where a fault is identified, the RP should consider the impact on the fire risk assessment and whether any contingency plans need to be implemented, (e.g. alternative/temporary measures). This will be particularly pertinent in the case of faults of a prolonged nature.
139. Faults relating to passenger lifts which are not for use by firefighters, do not have an override switch to allow firefighters to take control, or cannot be used as evacuation lifts, do not need to be reported to the FRA.
140. The FSR reporting requirement does include notifying FRA of the rectification of reported faults.

141. It is not a FSR requirement for FSR to chase the RP for an update on notified fault(s). The RP may inform the FRA of the anticipated time it will take to rectify the fault(s) as part of the notification, but this is not a requirement. FSR can recommend that the RP provide an anticipated completion time. (Potential recommendation to RPs)

142. For both reporting the fault and its rectification the FSR uses the term 'as soon as reasonably practicable'. Given the essential nature of the equipment covered by the FSR and the relative ease to which the information can be provided, it should be expected that reports will be submitted in a timely manner, ideally immediately or within a day or so.
143. The FSR require the RP to report the fault to their local FRA by electronic means. To assist RPs comply with their duties under the FSR, NFCC has worked closely with the Home Office and local FRA to develop standard templates for information sharing ([Fault Reporting.pdf](#)). The provision of templates will also assist FRA by helping to

ensure the required information is captured and shared in a consistent format. FSR should direct RPs to the fault and rectification template accessible via their local FRA website.

144. However, the RP may choose to notify the FRA using a general email address. Providing the email contains sufficient information to identify the lift and/or essential fire-fighting equipment which is at fault or been rectified the RP has complied with their statutory duties.
145. On receipt of a notification by an RP that a lift for use by firefighters, evacuation lift or essential fire-fighting equipment has malfunctioned, FRA should ensure the information is communicated to their respective operational risk department and actioned accordingly.

Lifts

146. The RP will be responsible for identifying the lifts to which the FSER apply. The Lift and Escalator Industry Association (LEIA) has published guidance for lift owners titled [Fire Safety England Regulations - checks of lifts](#). FRA will remain responsible for establishing the features of the lift for operational purposes through their risk visits.
147. Regulation 2(1) defines lift for use by firefighters as any lift located within a firefighting shaft and any passenger lift which has an override switch enabling the FRA to take control. This description is not constrained by reference to technical standards.
148. There will be many types and generations of lifts in different buildings, so the key requirement is to ensure all lifts that can be used by firefighters are maintained appropriately and kept in accordance with the FSER.
149. Operational personnel should be aware of the different specifications, capabilities and safeguards that older generations of lifts may have. [NFCC has produced National Operational Guidance on firefighting lifts](#) There is also a training package on lifts for use by firefighters on the NFCC's virtual learning environment.

Enforcement considerations

150. The importance of appropriately functioning lifts for use by firefighters, evacuation lifts and essential fire-fighting equipment must not be underestimated. A failure of one or more installation(s) can have dire consequences for the safety of relevant people and a severe detrimental impact on firefighter safety during an operational response to an incident.
151. Regulation 7 of the FSER imposes several requirements on the RP:
- To carry out monthly checks and keep a record,
 - To make the record accessible to residents, and
 - To report faults which cannot be rectified within 24 hours
152. FSR should take a proportionate and pragmatic approach to enforcement relevant to the level of risk and the potential impact on relevant persons and operational response.

153. For example, the failure to maintain a record may be considered a minor risk. Whereas a failure to carry out checks may also result in the failure to report a fault, which could have serious consequences.
154. If during an audit, operational information risk gathering visit, inspection or incident, it is discovered that an RP has failed to notify the FRA of a fault and/or taken steps to rectify it, more formal enforcement action may be appropriate. In this case, the FSR will need to identify whether the RP has failed to comply with the regulation, the articles or both.
155. The absence of information, or procrastination by the RP in sending information to the FRA may be unintentional, but it may also be indicative that there is a significant problem putting relevant persons at risk, which the RP is reluctant to reveal.
156. Where an update on a reported fault(s) has not been provided, the FSR should consider whether to contact the RP. In the first instance this is likely to be a telephone call or email correspondence. Where no response is received, it may prove necessary to conduct an inspection to ascertain the nature and extent of any problem and decide if any urgent action is necessary. Where the fault(s) have been addressed but the RP has failed to report the rectification, an advisory letter may be appropriate.

Regulation Eight - Wayfinding signage

Wayfinding signage

- 8.(1) The responsible person in relation to a high-rise residential building must ensure that the building contains clear markings of floor identification and identification of domestic premises.
- (2) For the purposes of paragraph (1), the “markings” means an identification designed and located in accordance with the guidance in Volume 1 of Approved Document B(a) on each landing within the stairways and in the lift lobbies of the floor level marked in such a way as to be visible both in low level lighting conditions or when illuminated with a torch.

Application

157. The requirement to provide wayfinding signage only applies to buildings which meet the definition of a HRRB, i.e., at least 18m or seven storeys – see regulation 3.

Purpose

158. The purpose of this regulation is to ensure that in the event of a fire, the wayfinding signage will assist FRA personnel to navigate their way round a building during an emergency incident, even when visibility is low to assist in keeping residents and firefighters safe.

General considerations

159. The FSR requires the design and location of the markings to be in accordance with the guidance in Volume 1 of ADB 2019 edition incorporating 2020 and 2022 amendments – for use in England ([Approved Document B Vol. 1](#)), specifically B5, paragraphs 15.14 to 15.16. FSR must familiarise themselves with the ADB guidance, which covers location, mounting height, typeface and letter size, floor and flat indication, etc.
160. It should be noted that ADB makes no reference to photoluminescent signs. Provided the signs conform to the specified requirements, an RP can choose to use this type of sign, but it is not mandatory.
161. Wayfinding signage required under this regulation should not be confused with conventional safety signs and guidance systems (e.g., those conforming to BS 5499, or BS EN ISO 7010) which are provided to aid occupants by highlighting escape routes and fire safety information.

162. FSR should note that blocks of flats (with a top storey more than 11m above ground level) designed after November 2020, should already have the appropriate wayfinding signage in place to comply with Building Regulations. As regulation 8 only applies to HRRBs of at least 18m or seven storeys (as defined by regulation 3), it cannot be used to address deficiencies in other buildings.
163. Whether the signage is required under this regulation or to meet Building Regulations, the signs must be maintained in good condition to ensure they are clear. The RP should have appropriate arrangements in place to check them regularly and comply with the duties imposed by Art 38 of the FSO.

Enforcement considerations

164. It is likely that the absence of wayfinding signage will be identified by FRA during an audit, operational information risk gathering visit, inspection or incident. The purpose of the wayfinding signage is to assist operational crews during an emergency incident to secure the safety of relevant persons and therefore should be provided in a timely fashion. A pragmatic approach to enforcement will need to be adopted subject to the circumstances of the case.

Regulation Nine - Information to residents

Information to residents

- 9.(1) The responsible person must display fire safety instructions in a conspicuous part of any building—
- (a) which contains two or more sets of domestic premises; and
 - (b) which contains common parts through which residents would need to evacuate in the case of an emergency.
- (2) The fire safety instructions must
- (a) be in a comprehensible form that the residents can be reasonably expected to understand; and
 - (b) include
 - (i) instructions relating to the evacuation strategy for the building,
 - (ii) instructions as regards how to report a fire to the fire and rescue authority, and
 - (iii) any other instruction that tells residents what they must do when a fire has occurred.
- (3) The responsible person must provide a copy of the instructions referred to in paragraph (1)—
- (a) to a new resident of domestic premises within the building, as soon as reasonably practicable after that resident moves into the premises; and
 - (b) to all residents of domestic premises within the building within each period of 12 months beginning with the date these Regulations come into force.
- (4) After any material changes to the instructions, the responsible person must display the fire safety instructions in accordance with paragraph (1) and provide a copy to residents.

Application

165. The requirement to provide information to residents applies to all residential buildings which have two or more sets of domestic premises and communal means of escape, encompassing HRRBs as well as small blocks of flats, and other multi-occupied residential buildings.
166. Within regulation 9 the information to residents relates to fire safety instructions which is how information to residents is referred to throughout this regulation.

Purpose

167. The intention of the regulation is to make residents safer, as well as to feel safer, by providing them with fire safety instructions on what they should do in the event of a fire. The purpose of this regulation is to ensure that should there be a fire, residents understand what to do to keep themselves safe.

General considerations

168. The fire safety instructions for the building must be displayed in a communal area where they are clearly visible to all who occupy or visit the building, such as the entrance lobby.

169. There is no requirement to display the instructions in multiple places although, for buildings which have more than one entrance in regular use, FSR may recommend them to be provided in each entrance. The same information must also be provided directly to residents when they move into the building and reissued to all residents on an annual basis. (Potential recommendation to RPs)
170. Regulation 9 does not require the RP to keep records of the provision of instructions to new residents or copies of annual information to existing residents. However, FSR should encourage RPs to keep records as 'best practice'. This will provide evidence of their efforts to achieve compliance and can be used to demonstrate 'due diligence'. (Potential recommendation to RPs)

171. The FSR do not describe the parameters for a "new resident of domestic premises". The requirements placed on the RP could extend to any new occupier of a domestic dwelling whether the occupiers are the new owners of a leasehold flat or a new tenant of a rental property. In addition, the FSR states that the instructions should be provided "as soon as reasonably practicable after that resident moves into the premises". Therefore, what is considered **reasonably practicable** may depend on how the RP is notified of a change of occupier.

172. This regulation requires that fire safety instructions are provided in a comprehensible form that the residents can be reasonably expected to understand. This regulation does not state that these instructions should be translated into multiple languages, but an RP may decide it is necessary to do so to achieve the outcome of ensuring the instructions can be understood by all residents. In some circumstances, pictorial information could be used and face to face engagement undertaken to assist residents in understanding these instructions. FSR may wish to recommend the above to RPs. (Potential recommendation to RPs)

173. These regulations apply to the RP for the building. In many buildings the RP may not have a direct contractual relationship with the occupiers of the flats however, the regulations still require fire safety instructions to be provided to residents when they first move in and annually thereafter.

174. Following any change to the fire safety information, the instructions displayed in the building and given to residents must be updated. The FSR don't define how quickly this must be carried out and therefore FSR will need to use their professional judgement how quickly revised information should be communicated, taking into account what has changed and the risk to occupants.

Fire safety information to residents under the FSO and enforcement considerations

175. Section 156 of the Building Safety Act 2022 came into force on the 1st of October 2023. It made a number of amendments to the FSO placing additional duties on the RP. This includes a new Art 21A requiring the RP of buildings which contain two or more sets of domestic premises to provide information to residents. These new requirements go further than regulation 9 of the FSR. [The government guidance on changes made under Section 156 can be viewed on the website](#) The requirements of Art 21A of the FSO should be considered in relation to any enforcement activity that is undertaken around non-compliance of providing fire safety instructions to residents by RPs under this regulation.

Regulation Ten - Fire doors

Fire doors

- 10.(1) The responsible person, in relation to a building which contains two or more sets of domestic premises and which contains common parts through which residents would need to evacuate in the case of an emergency, must provide the required information about fire doors to the residents of the building.
- (2) The required information referred to in paragraph (1) is information to the effect that
- (a) fire doors should be kept shut when not in use;
 - (b) residents or their guests should not tamper with the self-closing devices; and
 - (c) residents should report any faults or damages with doors immediately to the responsible person;
- (3) The required information must be provided by the responsible person—
- (a) to a new resident of domestic premises in the building, as soon as reasonably practicable after that resident moves into the premises; and
 - (b) to all residents of domestic premises within the building, within each period of 12 months beginning with the date these Regulations come into force.
- (4) The responsible person, in relation to a building which contains two or more sets of domestic premises and which is above 11 metres in height, must use best endeavours to undertake checks of fire doors at the entrances of individual domestic premises in the building at least every 12 months.
- (5) The responsible person must keep a record of the steps taken to comply with the obligation in paragraph (4) including in any case where access to the domestic premises was not granted during any 12 month period, the steps taken by the responsible person to try and gain access.
- (6) The responsible person in relation to a building which contains two or more sets of domestic premises and which is above 11 metres in height, must undertake checks of any fire doors in communal areas of the building at least every 3 months.
- (7) The checks required by paragraphs (4) and (6) must include ensuring that the self-closing devices for the doors are working.
- (8) For the purposes of this regulation, height measurement of a building is to be calculated to the height to the top storey in accordance with regulation 3(2)(a).

Application

Fire door information to all residents

176. FSER Regulations 10(1), 10(2) and 10(3) apply to all buildings (including HRRBs as well as small blocks of flats and other multi occupied residential buildings) which contain two or more sets of domestic premises and which contain “common parts through which residents would need to evacuate in the case of an emergency”. The requirements are for the RP to provide specified information on fire doors to all residents.

Fire door checks by RPs

177. Regulations 10(4) – 10(8) apply to all buildings which contain two or more sets of domestic premises, and which are above 11 metres in height. The requirements are for the RP to undertake checks on specified fire doors.

Purpose

178. One purpose of regulation 10 is to protect the common areas of buildings from fire and smoke ingress, thereby maintaining tenable conditions for escape by occupants, and to facilitate firefighting and rescue efforts. The second purpose of regulation 10 is to make residents safer, as well as feel safer in their homes.

General considerations

179. It should be noted that where a building contains two or more sets of domestic premises, the Fire Safety Act 2021 has confirmed that the FSO applies to the building’s structure, external walls, any common parts, and all doors between the domestic premises and common parts.
180. Regulation 10 is written so that the regulatory requirements are applied sequentially in accordance with building height. It follows that a low-rise residential building within scope, will only need to comply with regulation 10(1), (2) and (3), whereas a building above 11m in height will have to comply with the entire regulation.
181. Regulation 10(1) refers to any fire door in the common parts through which residents would need to evacuate in case of an emergency. These will include those entirely under the control and supervision of the RP (staircases, lobbies, storage cupboards, doors to ducts and services, etc.) and flat front doors which open into the common areas.

Information for residents

182. For buildings in scope of the FSER of any height, regulation 10(1), (2) and (3) prescribes what information the RP must provide to residents and its frequency. Fire-door-guidance published by government states that information provided to residents “must be in a comprehensible form”. It is important to focus on the practical effectiveness of this

requirement as depending on the circumstances, the FSR may wish to recommend that information is provided in different languages or formats to cater to the needs of all residents. (Potential recommendation to RPs)

183. The regulation doesn't state how the information should be provided. The fact that information about fire doors must be provided to residents as soon as reasonably practicable after they move into their flat, implies that this information is imparted directly to the resident rather than simply displayed in the premises.

184. Regulation 10 does not require the RP to keep records of the provision of copies of instructions to new residents, or annual copies for existing residents. FSR should encourage RPs to keep records as 'best practice'. This will provide evidence of their efforts to achieve compliance and can be used to demonstrate 'due diligence'. (Potential recommendation to RPs)

RP Fire door checks

185. For buildings above 11m, the expectation is that the RP will be able to provide documentary evidence of checks on fire doors within common areas every 3 months (regulation 10(6)) and their 'best endeavours' to check individual domestic premises front doors every 12 months (regulation 10(4)).

186. The legislation is not very specific about what the checks entail although the government's [fire door guidance](#) to RPs gives the RP further information and confirms that "with appropriate instruction, caretakers, managing agents, housing officers and maintenance personnel should be able to..." conduct a simple check. It may be that circumstances arise where the condition of a fire door requires an inspection by a competent specialist but this will have to be dealt with on a case-by-case basis.

RP Access to flat doors

187. It is expected that the majority of flat occupiers will recognise it is in their own best interests to cooperate with their RP to facilitate fire door checks, maintenance and any necessary upgrades. However, FSR should be aware of some of the problems and difficulties that may be encountered by an RP when trying to access and check flat front doors.

188. Conditions imposed in the terms and conditions of some occupancy contracts, or lease agreements for flats, include a requirement for the occupier/owner to permit the building's RP to conduct periodic inspection of the structure and fire resisting doors. If this is the case, the RP should use this facility. It would become a civil law matter if an occupier did not comply with such a requirement and this would have to be pursued by the RP.

189. If there are no specific conditions imposed in the occupancy contract or lease agreement the RP will need to determine the best approach to engage with leaseholders to gain access to undertake the annual checks of their flat entrance doors. This could include the RP agreeing a date with leaseholders, so access can be granted.
190. The starting point for determining ownership and therefore responsibility for maintenance, repair or replacement of a flat front door should be to consider the terms of any existing lease or occupancy contract as the law regarding this matter is currently not clear. FSR should be aware that the Court of Appeal decision in the case of; Marlborough Knightsbridge Management Limited v Thierry Giles Fivaz [2021] EWCA CIV 989 is informative. The case involved a landlord's right to end the lease of a tenant (leaseholder) because the tenant had replaced two flat front doors without permission (the lease required the tenant to obtain the landlord's written permission before removing any of the "landlord's fixtures"). The Court of Appeal's decision was that the flat front door was part of the flat's structure, and not a "landlord's fixture". The landlord was therefore not entitled to end the lease.
191. It is recognised that this case law is not helpful to RPs trying to access and check flat front doors. Indeed, government is proposing to introduce wholesale changes to leasehold agreements related to the ownership of flat front doors (defaulting ownership to RPs) under section 112 of the Building Safety Act. As yet, this section of the legislation has not been enacted. Therefore, as with all examples of case law, it will require a professional legal opinion as to the applicability of the precedent set by the Court of Appeal in the Marlborough Knightsbridge Management Limited v Thierry Giles Fivaz case to the matter in hand.
192. The term "best endeavours" is not defined in the FSER but government's [Check your fire safety responsibilities under the Fire Safety \(England\) Regulations 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/check-your-fire-safety-responsibilities-under-the-fire-safety-regulations-2022) provides some guidance on this matter:
193. "In the case of any leasehold flats, arrangements will need to be made with the leaseholders to grant access to their flats for the purpose of flat entrance door checks. In the event of an impasse, a court order can be obtained for this purpose. It is recommended that any new leases include this right of access."
194. Similarly the government's [fire door guidance](#) aimed at RPs states the following:
195. "Regulation 10 requires that, over every 12-month period, you keep a record of the steps taken to check flat entrance doors. In any cases when access to a flat was not granted, this must also be detailed. Ultimately, you might need to consider legal action if a resident persistently refuses to cooperate with these checks."
196. Best endeavours could also be described as all steps that a prudent and determined person would take. It is regarded as a higher burden than reasonable endeavours. It is reasonable to assume from government guidance that all the steps an RP could take under civil law would have to be exhausted before 'best endeavours' could be claimed, and a 'due diligence' defence asserted.

197. If access cannot be achieved, the RP should always record the steps they have taken to discharge this duty. If satisfactory evidence of best endeavours can be obtained, then the building's RP has complied with the FSER and has a 'due diligence' defence (see Art 33).
198. FSR may have to seek their own legal advice as to whether an RP has done enough and ultimately, it may be for a court to decide.

FSR access to flat front doors

199. Determining compliance with regulation 10 will require consideration of the systems the RP has in place for undertaking checks on doors in common parts and flat front doors. Although regulation 10 only requires the RP to undertake checks, these checks are linked to responsibilities under the FSO in relation to means of escape and maintenance. FSR should therefore be looking to establish what action is being taken by the RP where a check identifies a problem with a door.
200. Due to the link with RP responsibilities under the FSO and the importance of fire doors to the safety of residents, FSR may want to undertake sample checks of front doors to both verify that the RPs system of checks is appropriate and that the condition of the doors do not pose any risk to residents.
201. If it is deemed necessary for a FSR to inspect a flat front door, it would be helpful to explain to the occupier the reason for the request and why it is in their interest to cooperate.
202. Gaining access for inspection is a matter requiring tact, diplomacy and sensitivity to the occupiers needs and concerns. If it is necessary to inspect a particular flat front door, consideration should be given to arranging for the door inspection to take place at a time convenient for the occupier.
203. It is highly probable that in the majority of premises no difficulties will be encountered as most flat occupiers will recognise it is in their own self-interest to cooperate with a FSR and permit the necessary inspections and checks to be made.
204. Where a FSR has been unable to carry out an inspection of a flat front door to be satisfied that there is no risk to relevant persons, the FSR should seek their own legal advice as to whether, in the circumstances of the case, it would be reasonable to exercise Art 27 powers to gain entry.

Enforcement considerations

205. For circumstances where the fire doors in question appear to be in efficient working order and in good repair, but there has been a failure by an RP to comply with the FSER, it could be difficult to establish that failure has placed one or more relevant persons at risk of death or serious injury in case of fire, so it would not constitute an offence under Art 32 (1)(b).

206. Depending on the circumstances, this may become an 'advise and educate' or 'notification of deficiencies' matter. Other enforcement action could be contemplated if the over-all situation warrants it. Serving an Art 30 Enforcement Notice requiring compliance with the FSR should be considered if all other efforts have failed.
207. For instances where the fire doors in question appear not to be in efficient working order and not in good repair, this is indicative of both a lack of checks under the FSR and a lack of maintenance under Art 17 of the FSO. The usual enforcement options of 'advise and educate', 'notification of deficiencies' and the serving of an Enforcement or Prohibition notice are available to FSR.
208. The FSR will need to determine whether the RP has failed to comply with both of these requirements or just one. However, it is conventional practice to only pursue the most serious breaches, and in most cases, this will be failure to comply with articles in the FSO.

Regulation Eleven - Provision of documents to local fire and rescue authority

Provision of documents to local fire and rescue authority

11. The responsible person in relation to a high-rise residential building must provide the local fire and rescue authority by electronic means with the documents specified in—
- (a) regulation 5 (design and materials in external walls); and
 - (b) regulation 6 (floor plans and building plan).

Application

209. The requirement to provide FRA with documents containing the information as specified in the FSR only applies to buildings which meet the definition of a HRRB i.e., at least 18m or seven storeys – see regulation 3.

Purpose

210. To ensure that RPs supply FRA with essential information to support operational duties during an incident to secure the safety of residents and firefighters.

General considerations

211. It is important to note that the FSR require the documents, as specified in regulations 5 and 6, to be sent by the RP to their local FRA, i.e. the FRA in which the building is situated, not their primary authority partner (if they have one) or the local FRA of their head office.

212. Whilst standard templates and guidance have been created to assist both RPs and FRA to ensure the information is captured and shared in a consistent format, the RP may simply email the information in order to comply. Where this is the case, it may be prudent for the FSR to recommend the use of the standard template for submitting relevant data by explaining how the data is used and the importance of ensuring it is useable. (Potential recommendation to RPs)

213. In the case of non-compliance, if the FSR is taking enforcement action under Art 30 then they may direct how the information is provided to the FRA.
214. It is a matter for each FRA to put in place arrangements for receiving electronic copies of external wall reports, floor and building plans, and fault reports. Whilst the information being shared should be consistent across FRA, the format in which each FRA will prefer to receive that information may vary. To assist both RPs in complying with their duties and FRA in receiving the information in their preferred format, it is recommended that FRA provide clear direction and information on their website and in any correspondence.
215. On receipt of the required documentation, FRA should not have to validate its content. The completeness, currency and accuracy of the information provided remains the responsibility of the RP under the FSO and FSER. However, personnel receiving and reviewing the data should be given sufficient training to identify any gaps and/or inaccuracies in the information provided which can be raised with the RP and/or within the FRA as appropriate.

Regulation Twelve - Duty to review

Duty to review

12.(1) At intervals of no more than 5 years, the Secretary of State must—

- (a) carry out a review of the operation and effect of these Regulations; and
- (b) publish the conclusions of the review in a report.

(2) Any report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) where the objectives remain appropriate, assess the extent to which they could be more effectively achieved.

216. FRA will be aware that there is a requirement to provide government with fire safety and other data returns. FRA are encouraged to record issues, problems and successes in enforcing the FSER. This may prove useful for any future review by the Secretary of State.

Appendices

Appendix A - External wall information

Note: This template is included in statutory guidance issued by the Secretary of State, using powers granted under Article 50 of the FSO.

External Wall Information to FRS template

1. Name, address and postcode of building
2. Name and contact details of responsible person

Masonry Construction

3. Are the walls constructed from masonry materials?			
	Yes		
	No (go to question 8)		
4. Is there any form of cladding or finish present over the outer masonry layer?			
	Yes		
	No (to report additional wall systems go to question 8, otherwise go to question 11)		
5. Select external facing materials present over the outer masonry layer			
	Aluminium composite materials		Metal sheet panels
	Other metal composite materials		Render system
	Brick slips		Stone panels
	Glass		Tiling systems

	High pressure laminate (HPL)		Timber
	Do not know		Other
6. Select materials used for insulation between external facing material and masonry layer			
	Mineral wool		Phenolic foam
	Glass wool		Polyisocyanurate (PIR) or polyurethane (PUR) foam
	Expanded polystyrene (EPS) or Extruded polystyrene (XPS)		Other
6. Are these walls likely to ignite and spread fire easily?			
Consideration should be given to the combustibility of the external facing material (above), combustibility of any insulation, and any defects with the design and construction methods (for example, issues with cavity barriers).			
	Yes – Provide explanation below		
	No		
7. If yes, provide further information below.			
This should include the reason why the wall will contribute to fire spread (e.g. what materials are combustible), and where appropriate, how these sections of wall can be distinguished from those which will not promote fire spread.			

If there are additional external wall systems to report, then provide details below otherwise go to question 11.

Alternative External Wall Systems (not constructed from masonry materials)

8. Select the external facing material(s)			
	Aluminium composite materials		Metal sheet panels
	Other metal composite materials		Render system
	Brick slips		Stone panels
	Glass		Tiling systems
	High pressure laminate (HPL)		Timber / Wood
	Do not know		Other
9. Are these external wall system(s) likely to ignite and spread fire easily?			
Consideration should be given to the combustibility of the external facing material (above), combustibility of any insulation, and any confirmed issues with the design and construction methods.			
	Yes		
	No		
10. If yes, provide further information below.			
This should include the reason why the wall will contribute to fire spread (e.g. what materials are combustible), and where appropriate, how these sections of wall can be distinguished from those which will not promote fire spread.			

Wall Features and Attachments

11. Does the building include any of the following features / attachments - Select all that apply	
	Balconies
	Photo voltaic panels
	Solar shading devices

12. Where the features / attachments selected above are likely to ignite and/or spread fire easily, provide further information below

Risk and Mitigation

13. Following the buildings fire risk assessment, was a further fire risk appraisal of the external walls required?	
	Yes, a further fire risk appraisal of the external walls has been completed
	Yes, a further fire risk appraisal of the external walls is required but not yet completed
	No, a further fire risk appraisal of the external walls was not required
14. What is the overall level of risk of fire spread due to the design and construction of the external walls?	
	Low risk
	Medium risk
	High
	The overall level of risk of the external wall has not been determined
15. What actions have been taken to mitigate the risk relating to the external wall?	
	Remediation
	Change to simultaneous evacuation strategy
	Sprinklers
	Removal of gas supply
	No additional measures are necessary

Person Completing Report

16. Name and contact details of person completing report

Appendix B - Fault reporting to FRA template

1. Name, address and postcode of building	
2. Name and contact details of responsible person	
3. What equipment does the fault relate to?	
	Automatic door release mechanisms
	Evacuation alert systems
	Fire detection and alarm systems
	Lifts for use by firefighters or evacuation lifts
	Rising mains
	Smoke control systems
	Suppression systems
4. What is the nature of the fault?	
5. What area(s) of the building are affected by the fault?	
6. What is the estimated timescale for rectification of the fault?	
7. Has the fault necessitated a temporary change in evacuation strategy from stay put to simultaneous?	
	Yes
	No

	The building already has a simultaneous evacuation policy
8. Have any additional measures being implemented to mitigate against the fault?	
	Yes
	No
9. If yes, provide details on additional measures.	
10. Name and contact details of person completing form	

Appendix C - Further information sources

Legislation

[The Regulatory Reform \(Fire Safety\) Order 2005](#)

[Fire Safety Act 2021](#)

[The Fire Safety \(England\) Regulations 2022](#)

[Police and Criminal Evidence Act 1984](#)

Fire Safety (England) Regulations – Further information

[Check your fire safety responsibilities under the Fire Safety \(England\) Regulations 2022](#)

[Fact Sheet – Design and materials of external walls – Regulation 5](#)

[Overview and fact sheets of the Fire Safety \(England\) Regulations 2022](#)

[Secure information box – Fact Sheet – Regulation 4](#)

[Fire door guidance](#)

[Fire Safety Act commencement – Prioritisation Guidance](#)

NFCC

[NFCC Fire Safety guidance notes and audit](#)

[Fire Safety England Regulations](#)

[National Operational Guidance – Firefighting lifts](#)

[NFCC and Fire Industry Association - Code of Practice for the Provision of Premises Information Boxes in Residential Buildings](#)

[NFCC Advice Note – Provision of Master Keys for Secure Information Boxes and Evacuations Alert Systems Boxes for Fire Safety Inspecting Officers](#)

Fire Safety: Approved Document B

[Statutory guidance- Fire Safety Approved Document B](#)

Appendix D -Table for diagram 1

Less than 11 metres	Greater than 11 metres and less the 18 metres in height	Greater than 18 metres or 7 storeys
Provide relevant fire safety information to residents (fire doors and emergency procedures) (FSER 9)	Provide relevant fire safety information to residents (fire doors and emergency procedures) (FSER 9)	Provide relevant fire safety information to residents (fire doors and emergency procedures) (FSER 9)
	Responsible person – carry out routine checks of FR doors ('best endeavours' annual for flat doors and 3 monthly for other doors) (FSER 10)	Responsible person – carry out routine checks of FR doors ('best endeavours' annual for flat doors and 3 monthly for other doors) (FSER 10)
		Secure information box and prescribed contents. (FSER 4)
		Assessment of design and materials of external walls. (FSER 5)
		Floor and building site plans. (FSER 6)
		Monthly checks on lifts and other fire equipment/installations. (FSER 7)
		Report faults to FRA if rectification will take more than 24 hours. (FSER 7)
		Floor identification signs. (FSER 8)