

SARK STATUTORY INSTRUMENT

2016 No. 1

**The Fire Services (Regulation of Controlled Premises) (Tourist
Accommodation) (Sark) Regulations, 2016**

Made - 7th December, 2016

Coming into operation 1st March, 2017

Laid before the Chief Pleas 18th January, 2017

THE EMERGENCY SERVICES COMMITTEE OF THE CHIEF PLEAS OF SARK, in exercise of the powers conferred on it by section 7 of the Fire Services (Sark) Law, 2016^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

General principle.

1. The Occupier of any controlled premises falling within section 4(2)(c) of the Law ("tourist premises") must ensure that any duty imposed on any person by Part III of the Law and by these regulations is complied with in respect of those premises, and the following provisions of these Regulations are without prejudice to the generality of this regulation.

Duty to maintain fire-fighting equipment, keep records etc.

2. (1) It is the duty of the Occupier of tourist premises –

(a) to ensure that any fire-fighting equipment provided in

^a Order in Council No. XIII of 2016; amended by Order in Council No. XIV of 2016.

accordance with the requirements of the Law or these regulations is easily accessible to all occupants and simple to use,

- (b) to ensure that any fire-fighting equipment so provided is kept in good working order in accordance with the manufacturers' recommendations and in particular to ensure that the servicing of all fire extinguishers, and the inspection of all fire-blankets, is carried out by a suitably qualified person at least annually,
- (c) to comply with the manufacturers' recommendations with regard to installation and maintenance of any smoke alarms and carbon monoxide detectors, where required, and in any event, where relevant, to replace any battery in all such alarms at least annually and to replace the alarms and detectors at the recommended intervals.

(2) The Occupier must –

- (a) keep records of any action taken in compliance with the Law and these regulations, including (without limitation) details of all equipment installed, with manufacturers' instructions, and of all works of maintenance and servicing carried out in relation to such equipment,
- (b) produce such records when required so to do by a fire inspector.

Provision of means of escape etc.

3. (1) The duty to ensure that tourist premises are provided with means of escape includes the duty to take measures –

- (a) to keep all the emergency exits, and the routes leading to the emergency exits, free from obstruction, and clear of all combustible materials, at all times,
- (b) where such means of escape requires illumination, to provide emergency lighting in case of failure of the normal lighting, such emergency lighting to include at least one hand-held battery-powered lamp or torch, maintained in good working order, in each bedroom of the premises above the ground floor where fixed emergency lighting to illuminate the means of escape is not provided,
- (c) where any sleeping accommodation is provided on any floor more than one floor above the ground floor, to provide, in each such bedroom, an accessible alternative means of escape such as a portable escape ladder,

and in paragraph (b) "**fixed emergency lighting**" shall include motion sensor battery-powered lighting provided that the batteries in such lighting are replaced at least annually.

(2) The duty to ensure that tourist premises are provided with means for fighting fire includes the duty –

- (a) to provide at least one fire extinguisher on each floor of

the premises, each such fire extinguisher –

- (i) to be of an appropriate type and size for its position and potential use, according to the manufacturer's recommendations, and
 - (ii) to carry a CE marking or Kitemark BS EN3, and
- (b) to provide at least one fire blanket in each kitchen in the premises, such fire blanket to measure a minimum of –
- (i) 1 square metre, in the case of a kitchen with domestic appliances only, and
 - (ii) 1.4 square metres, in the case of a commercial kitchen or a domestic kitchen containing any appliances suitable for use in a commercial kitchen.

(3) The duty to ensure that tourist premises are provided with means for giving warning in case of fire or other hazards associated with fuel-burning appliances includes the duty –

- (a) to provide at least one smoke alarm on each floor of the premises in which there is a room used wholly or partly as living accommodation, in an appropriate position and of sufficient decibel level to sound a minimum of 75 decibels at each bed head,
- (b) to provide at least one carbon monoxide detector in any

room of the premises which is used wholly or partly as living accommodation and contains a fuel burning combustion appliance, in an appropriate position,

- (c) where more than one smoke alarm is provided on the premises, to ensure that such smoke alarms are interlinked in such a way that all alarms in adjoining rooms, whether adjoining horizontally or vertically, will sound if one alarm is activated,

and for the purposes of subparagraphs (a) and (b) a bathroom or lavatory is to be treated as living accommodation.

(4) Where fire doors are installed in the tourist premises for the purpose of preventing or resisting the spread of fire –

- (a) such doors should be kept closed at all times where practicable, but
- (b) where the closure of any door at all times would cause serious restriction on the movement of persons within the premises, that door may be held open by an automatic door release which –
 - (i) will cause the closure of the door in the event of the activation of the fire alarm system in the premises by whatever means, and
 - (ii) is provided with a means of manual operation from a position at the door,

and no fire door should be held open by any other means such as a door stop or other obstruction.

(5) Where any oil-burning, including diesel oil-burning, appliance is present on any tourist premises –

- (a) with immediate effect, any new installation of such an appliance and, with effect from 1st January 2020, each such appliance, should be equipped with a remote sensor fire safety shut-off valve,
- (b) with immediate effect, any new installation of an oil storage tank must be contained within a secondary containment system totalling no less than 110% of the storage tank's full capacity (a bunded oil tank or catchpit) or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater, and
- (c) the positioning and fitting of any such new installation must comply with the standards and specifications laid down by OFTEC at the date of such installation.

Additional requirements in certain cases.

4. Where the tourist premises are capable of providing sleeping accommodation for 10 or more persons, and where any sleeping accommodation is located on a floor more than one floor above the ground floor, it is the duty of the Occupier, in addition to the requirements set out in regulation 3, to provide emergency battery-powered lighting, designed to be activated by a power failure, illuminating any staircase.

Interpretation.

5. (1) In these Regulations, unless the context requires otherwise -

"the Law" means the Fire Services (Sark) Law, 2016, as amended,

"tourist premises" - see regulation 1,

and other expressions have the same meanings as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of these Regulations.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

6. These Regulations may be cited as the Fire Services (Regulation of Controlled Premises) (Tourist Accommodation) (Sark) Regulations, 2016 and shall come into force on the 1st March, 2017.

Dated this 7th day of December, 2016



H. PLUMMER

Chairman of the Emergency Services Committee of the Chief Pleas of Sark

For and on behalf of the Committee

^b Ordres en Conseil Vol. XIII, p. 355.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Fire Services (Sark) Law, 2016, as amended, and make provision for the regulation of tourist premises within the meaning of section 4(2)(c) of that Law. The Regulations set out the duties of Occupiers of such premises in relation to fire-fighting equipment, smoke alarms and carbon monoxide detectors, impose minimum requirements as regards means of escape and of fighting fire and for warnings in case of fire etc., and also impose an additional requirement for tourist premises capable of accommodating 10 or more persons at one time.

These Regulations come into force on the 1st day of March, 2017.