

SARK STATUTORY INSTRUMENT

2017 No. 3

**The Fire Services (Regulation of Controlled Premises)  
(Sark) Regulations, 2017**

*Made*

*7th December, 2017*

*Coming into operation*

*1st March, 2018*

*Laid before the Chief Pleas*

*17 JANUARY, 2018*

THE MEDICAL AND 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<sup>a</sup> and all other powers enabling it in that behalf, hereby makes the following Regulations:-

**General principle.**

1. The Occupier of any 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.

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

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

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<sup>a</sup> Order in Council No. XIII of 2016; amended by Order in Council No. XIV of 2016; Sark Ordinance No. I of 2017.

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

**Minimum requirements applicable to certain controlled premises.**

3. (1) In relation to premises falling within section 4(1) (a) to (g) of the Law, the duty to ensure that 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 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,

(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 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 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 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 for tourist accommodation.**

4. Where, in relation to premises falling within section 4(2)(c) of the Law (premises requiring an accommodation permit), the 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 or motion sensor, illuminating any staircase.

**Additional requirements for premises within section 4(2)(d).**

5. Where the premises fall within section 4(2)(d) of the Law (premises comprising, or comprised within, a building containing one or more sets of premises), it is the duty of the Occupier of each premises in the building, in addition to the duties set out in regulation 3, to co-operate with the Occupiers of the other premises to ensure that all smoke alarms situated in the building are interlinked in such a way that all alarms in adjoining rooms, whether adjoining horizontally or vertically, will sound if one alarm is activated.

**Additional requirements for places of entertainment etc.**

6. (1) Where the premises fall within section 4(2)(g) of the Law (premises used for entertainment, clubs, education or training, consumption of food and drink and public access), the Occupier must ensure, in addition to the duties set out in regulation 3, that the following requirements are fulfilled –

- (a) subject to paragraph (2), where the premises are such that it is possible to accommodate at least 50 people in a room at once, the exit doors of such room must open outwards towards the place of safety,
- (b) such exit doors must be kept unlocked while the room is occupied unless emergency exit push bars or pads are fitted,
- (c) the smoke alarms in the premises must be linked to an appropriate visual display in that room, and
- (d) any kitchen in the premises must be provided with a heat alarm linked to any other alarms provided in the premises; and where such an alarm is provided the requirements of regulation 2(1)(c) as to installation and maintenance must be complied with as if it were a smoke alarm.

(2) The provisions of paragraph (1)(a) shall apply to all premises construction of which begins after commencement of these regulations and, in relation to existing premises, when an exit door is replaced.

**Requirements for tented accommodation etc.**

7. (1) Where the premises fall within section 4(2)(h) of the Law (space provided for tented and other temporary accommodation), the Occupier must ensure that the following requirements are fulfilled –

- (a) any tent or other temporary accommodation capable of accommodating at least 50 persons should have a minimum of two emergency exits, each –
- (i) not less than 1050 millimetres in width at the point of exit (and any approach to the exit should be the same width as the exit),
  - (ii) clearly identified with signs, illuminated if the premises are to be used in the hours of darkness, and
  - (iii) kept unlocked or fastened in such a manner so that the exit can easily and immediately be opened from the inside,
  - (iv) kept clear, on the exterior of the tent in the vicinity of the exit, of guy ropes, tent pegs or stakes or any other obstruction; and any such ropes, pegs, stakes or other obstruction elsewhere than in the vicinity of the exit should be shielded, or marked and illuminated to ensure visibility at all times,
- (b) each tent or other temporary accommodation capable of accommodating up to 50 persons shall be equipped with a minimum of one fire point, and each tent or other temporary accommodation capable of accommodating more than 50 persons shall be

equipped with a minimum of two fire points, each fire point to comprise a minimum of –

- (i) one 9-litre water, or 4-kilogram multi-purpose, fire extinguisher, and
- (ii) one 2-kilogram carbon dioxide fire extinguisher,

positioned immediately adjacent to each exit and clearly visible,

(c) where cooking of food is to be carried out on the premises –

- (i) such cooking should so far as reasonably practicable be carried out outside or in a tent or other accommodation specially designated for the purpose,
- (ii) where that is not possible, all cooking appliances should be positioned well clear of the walls and roofs of the tent or other accommodation and of any combustible materials,
- (iii) a fire blanket of a minimum size of 1.4 square metres should be provided in the immediate vicinity of the cooking area,

- (iv) a minimum of a 4-kilogram multi-purpose fire extinguisher should be positioned in the immediate vicinity of the emergency exit nearest to the cooking area,
- (v) where cooking is to be carried out in a tent or other accommodation which is also intended to be used as sleeping accommodation, a minimum of one smoke alarm and one carbon monoxide detector should be provided in each such tent or other accommodation, and
- (d) the use of liquefied petroleum gas cylinders inside any tent or other temporary accommodation is prohibited.

**Requirements for premises used for storage of flammable liquids, ammunition etc.**

8. (1) Where the premises are used for the storage of liquid fuels other than liquid petroleum gas, including (without limitation) diesel, kerosene and petrol, the Occupier must ensure that –

- (a) a minimum of two 9-kilogram multi-purpose powder fire extinguishers, and
- (b) enough absorbent material, including granules, absorbent roll/matting and booms, to be capable of absorbing 100 litres of fuel,

are provided in the immediate vicinity of the storage area.

(2) Where the premises are used or intended to be used for the storage of 500 kilograms or more of liquid petroleum gas, the Occupier must ensure that the following requirements are fulfilled –

- (a) all cylinders, whether full or empty, should be stored in the open air (where reasonably practicable), in an upright position in a well-ventilated place away from all sources of heat, sources of ignition and flammable materials, and away from cylinders containing other gases or hazardous substances,
- (b) smoking is prohibited in the vicinity of the storage area,
- (c) vehicles in the vicinity of the storage area should have engines and any auxiliary electrical equipment, including radios, turned off, and
- (d) one 9-kilogram dry powder fire extinguisher should be provided in the immediate vicinity of the storage area.

(3) Where premises are used for the storage of

- (a) ammunition or any type of toxic, flammable or compressed gas (other than liquid petroleum gas), or
- (b) chemicals authorised for professional use (under EC

Directive 2009/128/EC, or any replacement thereof) and for the use of which a specified certificate is required under the Plant Protection Products (Sustainable Use) Regulations 2012, or any modification, re-enactment or replacement thereof,

the Occupier must notify the Committee of the following –

- (a) the type and approximate quantity of ammunition, gas or chemicals stored, and
- (b) the place of storage of such ammunition, gas or chemicals (including the address and the location at that address of the place of storage),

and must keep the Committee notified of any material changes in that information.

(4) Where the premises are used for the storage of fireworks or pyrotechnics, the Occupier must –

- (a) ensure that the fireworks or pyrotechnics are stored at all times in steel or metal lidded containers, and
- (b) notify the Committee of the following –
  - (i) the type and approximate quantity of fireworks or pyrotechnics stored, and
  - (ii) the place of storage of such fireworks or

pyrotechnics (including the address and the location at that address of the place of storage),

and must keep the Committee notified of any material changes in that information,

**Revocation.**

9. The Fire Services (Regulation of Controlled Premises) (Tourist Accommodation) (Sark) Regulations, 2016<sup>b</sup> are revoked.

**Interpretation.**

10. (1) In these Regulations, unless the context requires otherwise –

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**the Law**" means the Fire Services (Sark) Law, 2016,

"**premises**" means controlled premises within the meaning of Part III of the Law,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

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<sup>b</sup> Sark S.I. No. I of 2016.

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

(2) The Interpretation (Guernsey) Law, 1948<sup>c</sup> 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.**

11. These Regulations may be cited as the Fire Services (Regulation of Controlled Premises) (Sark) Regulations, 2017 and shall come into force on the 1st March, 2018.

Dated this 7<sup>th</sup> day of December, 2017



D. BAKER

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

For and on behalf of the Committee

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<sup>c</sup> Ordres en Conseil Vol. XIII, p. 355.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Fire Services (Sark) Law, 2016 and make provision for the regulation of controlled premises within the meaning of section 4 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 for all controlled premises as regards means of escape and of fighting fire and for warnings in case of fire etc. There are additional requirements for tourist accommodation, multi-use buildings, places of entertainment etc where large numbers of people congregate, and for tented and other temporary accommodation.

The Fire Services (Regulation of Controlled Premises) (Tourist Accommodation) (Sark) Regulations, 2016, which applied only to tourist accommodation, are revoked and replaced in substantially the same terms.

These Regulations come into force on the 1st day of March, 2018.