



## FIRE PRECAUTIONS (HOUSES IN MULTIPLE OCCUPATION AND FLATS) REGULATIONS 2016

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Statutory Document No. XX/20XX



*Fire Precautions Act 1975*

# FIRE PRECAUTIONS (HOUSES IN MULTIPLE OCCUPATION AND FLATS) REGULATIONS 2016

*Approved by Tynwald:*

*Coming into Operation:*

*1 January 2017*

The Department of Home Affairs makes the following Regulations under paragraphs 1, 3, 4, 12 and 13 of Schedule 8 of the Fire Precautions Act 1975.

## PART 1

### GENERAL

#### 1 Title

These Regulations are the Fire Precautions (Houses in Multiple Occupation and Flats) Regulations 2016.

#### 2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 January 2017.<sup>1</sup>

#### 3 Interpretation

(1) In these Regulations —

“**the Act**” means the Fire Precautions Act 1975;

“**fire authority**” means the Department of Home Affairs.

(2) In these Regulations in relation to a building that is a permanent, temporary or movable structure the following definitions may apply to the dwellings within that building —

“**dwelling**” means a building or part of a building, together with any yard, garden, outhouses and appurtenances belonging to, or usually enjoyed with, that building or part;

<sup>1</sup> Tynwald approval required under paragraph 14 of Schedule 8 to the Fire Precautions Act 1975.

“**flat**” means a separate dwelling, whether or not on the same storey –

- (a) forming part of a building; and
- (b) either the whole or material part of which lies above or below some other part of the building;

“**House in Multiple Occupation**” or “**HMO**” has the same meaning as in the Housing (Definition of House or Flat in Multiple Occupation) Order 2013<sup>2</sup>; and

- (3) In these Regulations in relation to a building (that is a permanent, temporary or movable structure which contains a dwelling, flat or HMO) and parts of a building—

“**place of special fire hazard**” means a compartment of the building containing a number of ignition sources, including, but not limited to, boiler rooms, laundries, catering facilities, and industrial facilities;

“**basement storey**” means a storey with a floor which at some point is more than 1200mm below the highest level of ground adjacent to the outside walls;

“**common area**” means an area of the building that is not a dwelling or a place of business and is accessible by either the public, the occupants of the building, or more than one household within the building;

“**common stairs**” means stairs serving more than one flat or HMO within a building, or stairs serving a flat or HMO and other occupancies within a building;

“**compartment**” means the ceilings, walls and doors enclosing a flat, common area, common stairs or any other non-residential occupancy;

“**FD30 door**” means a standard fire door that is fire resistant for 30 minutes with intumescent seals and a suitable self-closing device that conforms to the specified standard or the equivalent standard;

“**FD30S door**” means a standard fire door that is fire resistant for 30 minutes with intumescent seals, smoke seals and a suitable self-closing device that conforms to the specified standard or the equivalent standard;

“**fire resistance**”, in relation to a component or structure of a building, means its ability to resist the spread of fire for a period of time prescribed by the regulations 8 and 9 and Schedule 2 to these Regulations;

“**habitable room**” means a room used or intended to be used for as living accommodation, but does not include rooms used or intended to be used exclusively as a bathroom;

“**inner room**” means a room from which escape is only possible by passing through another room;

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<sup>2</sup> SD 0377/13.

“**low radius of fire spread**” means all covering materials used in an escape route must meet the requirements of B2, B3 and B4 of Schedule 1 to the Building Regulations 2014<sup>3</sup>;

“**protected lobby**” means an internal hall or lobby forming part of the escape route that –

- (i) is separated from the common stairs or common areas by a minimum of an FD30S door; and
- (ii) provides for access to habitable rooms by a minimum of an FD30 door.

“**storey**” means a set of rooms on the same level within a building and, for the avoidance of doubt, the “**ground floor**” or “**ground storey**” is the first storey which is not more than 1200mm below the highest level of ground adjacent to the outside walls.

- (4) In these Regulations in relation to escape routes from a building, flat or HMO –

“**alternative escape route**” means an escape route sufficiently separated by either direction or space, or by fire resistant construction, to ensure that it is still available should the other escape route be affected by fire;

“**escape route**” means a route, available for use by occupants of a building as a safe means of escape, from any place in the building to a final exit from the building and provides a minimum of 30 minutes of fire resistance;

“**escape window**” means a window that is intended to be used as a means of escape from the building;

“**final exit**”, means the termination of an escape route from a building giving direct access to a street, passageway, walkway or open space, and sited to ensure the rapid dispersal of persons from the vicinity of a building so they are no longer in danger from fire, smoke or falling masonry;

“**open space**” means an unenclosed space in the open air at ground level;

“**street**” has the same meaning as in the Local Government Act 1985.

- (5) In these Regulations in relation to persons who own and occupy or maintain a flat, HMO or building containing a flat or HMO –

“**beneficial owner**” means the natural person who ultimately owns or controls the flat, HMO or building; and in relation to a legal person or legal arrangement, includes (but is not restricted to) –

- (a) in the case of a legal person other than a company whose securities are listed on a recognised stock exchange, a natural person who ultimately owns or controls (whether through direct

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<sup>3</sup> SD 2014/0165.

or indirect ownership or control, including through bearer share holdings) 25% or more of the shares or voting rights in the legal person;

- (b) in the case of any legal person, a natural person who otherwise exercises control over the management of the legal person; or
- (c) in the case of a legal arrangement the trustees or other persons controlling the flat or building;

“**competent person**” means a person who has acquired through training, qualification and experience, or a combination of them, the knowledge and skills to carry out a particular task; and

“**legal person**” includes any body corporate or unincorporate which is capable of owning real property;

“**occupancy**” means a part of the building used for a specific purpose, examples of such purposes include, but are not limited to, a dwelling, a retail unit or a common area;

“**occupier**” means a person living within a flat or HMO who is not necessarily the responsible person for the flat or HMO; and

“**responsible person**” has the meaning prescribed in regulation 7.

- (6) In these Regulations the following definitions apply in relation to standards of fitness —
  - (a) “**British standard**” means the standard or standards specified by the BSI Group (a British national standards organisation that produce standards and information products promoting and sharing best practice) and “**BS**” followed by a number, is to be construed as a reference to the British standard bearing that number (for example British standard BS 8214:2008 relates to a fire door installed and maintained in accordance with that standard);
  - (b) “**European standard**” means the standard or standards specified by the European Committee for Standardisation, which provides a corresponding service to the BSI Group at the European level, and such a standard is denoted by the initials “**CEN**” followed by a number;
  - (c) “**equivalent standard**” means a standard or standards specified by an accredited standards agency the requirements of which a responsible person can show are equal to, or greater than, the requirements of the applicable standard specified in these Regulations;
  - (d) “**ISO standard**” means a standard or standards specified by the International Organization for Standardization, which provides a corresponding service to the BSI Group at the international level, and such a standard is denoted by the initials “**ISO**” followed by a number; and



- (e) “**specified standard**” means the appropriate standard prescribed for that item further to the table set out in Schedule 1 of these Regulations.
- (7) In these Regulations, “**OFTEC**” means the Oil Firing Technical Association, an independent voluntary body for the persons installing oil fired heating equipment, which is registered as a company in the United Kingdom under company number 02739706.

#### **4 Scope of Regulations**

- (1) Subject to regulation 5 and the modifications set out in part 8 of these Regulations, parts 2, 3, 4 and 7 of these Regulations apply to —
  - (a) any flat used, or intended to be used, as a dwelling; and
  - (b) any part of a building containing such a flat,  
that has been built and occupied immediately prior to the commencement of these Regulations.
- (2) Subject to regulation 5, parts 2, 3, 4 and 7 of these Regulations apply to —
  - (a) any flat used, or intended to be used, as a dwelling; and
  - (b) any part of a building containing such a flat,  
that has been built and occupied following the commencement of these Regulations.
- (3) Subject to regulation 5, parts 2, 3, 5, 6 and 7 of these Regulations apply to —
  - (a) any House in Multiple Occupation (HMO) used, or intended to be used, as a HMO; and
  - (b) any part of a building containing such a HMO,  
that has been built and occupied following the commencement of these Regulations.

#### **5 Exemptions**

If it appears to the fire authority appropriate to do so, the authority may direct that a building, flat or HMO specified in the direction will be exempted from any requirement of these Regulations, either unconditionally or subject to conditions so specified.

#### **6 Enforcement**

- (1) The following are liable for any contravention of regulation 4 —
  - (a) in the case of a requirement of regulations 19, 23(1) and 23(2) that are wholly within the flat or HMO, the occupier of the flat or HMO;

- (b) in the case of a requirement of regulations 8, 9, 16(1) or 23(2) that are wholly within the flat or HMO, the responsible person for the flat or HMO;
  - (c) in the case of a requirement of regulations 18(2) or 29(2)(b)(vi), the responsible person for the flat;
  - (d) in the case of a requirement of regulation 32(2)(b)(iv), the responsible person for the HMO;
  - (e) in the case of a requirement of a regulation not already specified in paragraphs (a) to (d), the responsible person for the building.
- (2) Any responsible person or occupier is liable for a contravention of regulation 4 that arises as a direct result of an action, or failure to act, by that responsible person or occupier with regard to the requirements of these Regulations.
- (3) Any person who under paragraphs (1) or (2) is liable for any contravention of regulation 4 is guilty of an offence under Part I of Schedule 8 to the Act.

## 7 Responsible persons

For the purposes of regulation 6 and these Regulations the following are responsible persons in relation to a building, flat or HMO –

- (a) the person in whose name the building, flat or HMO has been registered under regulations made under section 12 of the Housing (Miscellaneous Provisions) Act 2011;
- (b) an agent acting on behalf of the person specified in (a); and
- (c) if the flat or HMO is not registered, the beneficial owner of the dwelling, agent of the beneficial owner of the dwelling or the occupiers of the dwelling.

## PART 2

### FIRE SAFETY PRECAUTIONS COMMON TO A FLAT AND A HMO

## 8 Standard of construction

All walls, partitions and other enclosures comprising a compartment, flat, HMO of a building must be fire resistant in accordance with regulation 9 and the table set out in Schedule 2.

## 9 Surface finishes

Walls, ceilings and floors in a building must have a low radius of fire spread.

## **10 Place of special fire hazard**

Any place of special fire hazard, if accessible from the common stairs or common areas, must be accessed by a protected lobby.

## **11 Basement area**

- (1) An alternative escape route must be provided from a basement area if that basement area is or forms part of a dwelling.
- (2) A staircase from a basement area must be separated from any staircase serving any storey above the ground storey.

## **12 Inner room**

An alternative escape route must be provided from an inner room if that inner room is used as a habitable room.

## **13 Escape Routes**

- (1) An escape route must be provided from every habitable room such that, in the case of fire in any part of the building, the route will remain unaffected by fire and available for use by occupants of the building for not less than 30 minutes.
- (2) Escape windows cannot form part of any escape route.
- (3) An escape route must not require a person using it to pass through one staircase in order to reach another staircase.
- (4) Any gas meter or gas-pipe in or under a common area or common stairs forming part of an escape route must be enclosed within a 30 minute fire-resisting enclosure.
- (5) Any electricity meter and any electrical switchgear in or under a common area or common stairs forming part of an escape route must be enclosed within a 30 minute fire-resisting enclosure.
- (6) Every escape route must be kept free from obstructions whenever any room in the building is occupied.
- (7) A final exit door from a common area or common stairs forming part of an escape route must not be equipped with a deadlock, other than one which can be easily opened from the inside without using a key.
- (8) Combustible materials must not be stored within any escape route.
- (9) The covering materials used in any escape route must have a low radius of fire spread.

## 14 Travel distance

- (1) The travel distance is the distance to be travelled by a person from any point within a habitable room, protected lobby or place of special fire hazard to the nearest exit from the room.
- (2) The travel distance must be calculated in accordance with the table set out in Schedule 3 and consideration must be given to partitions and fittings.

## 15 Corridors

Any corridor in a building containing a flat or a HMO that forms part of an escape route and is longer than 12 metres must be sub-divided using FD30S doors that have a vision panel utilising fire resistant glazing complying with the specified standard or the equivalent standard, and partitions if necessary.

## 16 Signs and notices

- (1) In every occupancy there must be displayed a printed notice containing instructions in case of fire and a notice detailing the prohibitions as specified in form 1 and form 2 of Schedule 4
- (2) In every building there must be displayed on each storey of the common stairs forming part of an escape route a printed notice as set out in form 1 of Schedule 4.
- (3) Any alternative escape route provided under regulations 11, 12 and 36, must be indicated as such in accordance with relevant regulations made under the Health and Safety at Work Etc. Act 1974 (of Parliament)<sup>4</sup> and which have effect in the Island.

## 17 Sprinkler system

If a sprinkler system is installed within the building it must be maintained and serviced in accordance with the standard to which it was installed.

## 18 Emergency lighting

- (1) An emergency lighting system must be installed by a competent person throughout all escape routes.
- (2) The installation must conform to the specified standard or the equivalent standard.

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<sup>4</sup> 1974 c.37

## **19 Fire fighting equipment**

- (1) There must be provided on every storey of the building fire fighting equipment with a performance rating of not less than 13A as specified in the specified standard.
- (2) Every fire extinguisher provided must conform to the specified standard or the equivalent standard.
- (3) In all kitchen areas a fire blanket must be provided that conforms to the specified standard or the equivalent standard.

## **20 Testing and inspection of emergency systems**

- (1) Tests and inspections of flats, HMOs and buildings containing flats and HMOs must be conducted in accordance with Schedule 5.
- (2) When a test or inspection is undertaken by a competent person in accordance with this regulation the responsible person must obtain a written record from the competent person stating that the test or inspection has been conducted in accordance with the applicable specified standard or equivalent standard specified in these regulations.

## **21 Remedial action**

- (1) The responsible person will ensure any remedial action required to ensure compliance with these Regulations is carried out by a competent person within a reasonable period of time.
- (2) On completion of the remedial work the responsible person must obtain a written record from by the competent person stating the work has been completed.

## **22 Recording of tests and inspections**

- (1) Records must be kept in a fire precautions logbook showing when, by whom and with what result, tests and inspections and remedial actions have been carried out.
- (2) The fire precautions logbook must be kept in a readily accessible place in the building, but subject to paragraph (4).
- (3) The fire precautions logbook must be produced to an inspector on demand.
- (4) The responsible person for the building may obtain written authorisation from the fire authority to keep the fire precautions log book other than in the building.

## 23 Prohibited appliances

- (1) The following appliances must not be kept, placed or used in a flat or HMO without the written consent of the fire authority —
  - (a) any gas-fired appliances, other than an appliance properly connected to a mains gas supply or to a piped supply of gas from a cylinder or vessel located outside the building;
  - (b) any oil or paraffin-fired appliance, other than an appliance properly connected to a fixed storage tank properly located inside or outside the building;
  - (c) any cylinder, tank or pressure vessel containing liquefied petroleum gas or any flammable gas (whether or not under pressure); or
  - (d) any container, tank or vessel containing petroleum spirit or alcohol of any kind (except spirits for human consumption).
- (2) Any fixed gas or oil-fired appliance must be installed and maintained in accordance with the Gas Safety (Installation and Use) Regulations 1994<sup>5</sup> made under the *Health and Safety at Work etc. Act 1974* (of Parliament) as applied to the Isle of Man under the Gas Safety (Application) Order 1996<sup>6</sup> as made under the *Health and Safety at Work Etc. Act 1977*; or Oil Industry Regulations issued by OFTEC (as the case requires).
- (3) This regulation does not prohibit the keeping or use in a building of liquefied petroleum gas or petroleum spirit —
  - (a) in suitable closed vessels containing not more than 500cc each, where the total aggregate quantity kept or used does not exceed 1500cc in volume or 1.5kg in weight; or
  - (b) in the fuel tank of a motor vehicle garaged in the building.
- (4) In paragraph (3) “liquefied petroleum gas” means commercial butane, commercial propane or any mixture of them; and for this purpose —
  - (a) “commercial butane” means a hydrocarbon mixture consisting predominantly of butane, butylenes or any mixture of them; and
  - (b) “commercial propane” means a hydrocarbon mixture consisting predominantly of propane, propylene or a mixture of them.

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<sup>5</sup> SI 1994/1886.

<sup>6</sup> SD 326/96.

## PART 3

### FIRE SAFETY PRECAUTIONS FOR A FLAT OR HMO WITHIN A MIXED OCCUPANCY BUILDING

#### 24 Application of this part

This part specifies the fire safety precautions that supersede, or are required in addition to, those specified in Part 2 of these Regulations for a building containing either a flat or a HMO (or both) and any other occupancy.

#### 25 Escape routes in buildings that are four storeys or less

- (1) This regulation applies to a building that –
  - (a) has up to 4 storeys above ground level; or
  - (b) where the floor height for any storey does not exceed 11 metres as measured vertically from any point on the floor of the topmost storey to lowest point on the ground adjacent to the building.
- (2) In such a building the common stairs may serve either a flat or a HMO (or both) and any other occupancy, provided that –
  - (a) the common stairs are separated, from each occupancy, by a protected lobby at all storeys to which the common stairs are connected so as to provide access; and
  - (b) any automatic fire detection and alarm system with which the main part of the building is fitted also covers the flat or HMO (or both).

#### 26 Escape routes in buildings that are five storeys or higher

- (1) This regulation applies to a building that –
  - (a) has 5 or more storeys above ground level; or
  - (b) where the floor height for any storey exceeds 11 metres as measured vertically from any point on the floor of the topmost storey to lowest point on the ground adjacent to the building;
- (2) In such a building the common stairs may serve either a flat or a HMO (or both) and any other occupancy provided that –
  - (a) the flat or HMO is ancillary to the main use of the building and is provided with an independent alternative escape route;
  - (b) any automatic fire detection and alarm system with which the main part of the building is fitted also covers the flat or HMO;
  - (c) any security measures should not prevent escape at all material times; and

- (d) increased periods of fire resistance, to a minimum of 60 minutes, is required between different types of occupancies.

## PART 4

### ADDITIONAL FIRE SAFETY PRECAUTIONS COMMON TO A FLAT AND A BUILDING CONTAINING A FLAT

#### 27 Application of this part

This part specifies the fire safety precautions required, in addition to those specified in Part 2, for a flat and a building containing a flat.

#### 28 Protected lobby

- (1) For a flat that is accessed from a common staircase or common area, entry to the flat must be via a FD30S door into a protected lobby.
- (2) Access to a habitable room from a protected lobby must be through a FD30 door or a door of an equivalent standard.
- (3) Where a flat is not required to have a protected lobby the access to the kitchen from every habitable room must be via an FD30 door or a door of an equivalent standard.

#### 29 Fire alarm systems

- (1) A fire alarm system must be installed throughout the flat and a building containing the flat by a competent person.
- (2) In a building with a common area or common staircase the installation must —
  - (a) conform to the specified standards or the equivalent standards; and
  - (b) provide for the following —
    - (i) at least one manual call-point of the break-glass type fixed in an accessible place within the escape route on each floor, and adjacent to each point of egress from the building, fixed in a prominent position on a wall at 1.4 metres above floor level;
    - (ii) at least one automatic smoke detector —
      - (A) at every level within the common staircase (including half-landing levels where such levels give access to the entrance to a flat or to a room in common use); and



- (B) within every room (other than a room forming part of a flat) which is used for storage;
  - (iii) at least one automatic heat detector in –
    - (A) every boiler room;
    - (B) every room comprising a kitchen; and
    - (C) every room containing cooking or laundry facilities;
  - (iv) a control and indicator panel incorporating test facilities, sited within a common hall or staircase and as close to the main entrance door of the building as is reasonably practicable; and
  - (v) electronic sounders sited, and of sufficient volume, so as to attain the sound levels in accordance with the relevant standard; and
  - (vi) a self-contained smoke alarm in the protected lobby of every flat conforming to the specified standard or the equivalent standard, and not forming part of the main fire alarm system.
- (3) In a building without a common area or common staircase the installation must –
  - (a) be a LD2 Grade D fire alarm that conforms to the specified or equivalent standards; and
  - (b) provide for the following –
    - (i) a self-contained smoke alarm in the protected lobby of every flat conforming to the specified standard or the equivalent standard;
    - (ii) heat detection in any kitchen, boiler room or laundry area; and
    - (iii) detection outlined in both (i) and (ii) above are to form one system within a flat, with a battery back up in the event of a power failure.

## PART 5

### FIRE SAFETY PRECAUTIONS COMMON TO A HMO AND A BUILDING CONTAINING A HMO THAT HAS UP TO 2 STOREYS ABOVE GROUND LEVEL AND A FLOOR AREA ON EACH STOREY NOT EXCEEDING 200 M<sup>2</sup>

#### 30 Application of this part

This part specifies the fire safety precautions that supersede, or are required in addition to, those specified in Part 2, that apply to a HMO and a building containing a HMO when —

- (a) the building has up to 2 storeys above ground level;
- (b) the floor area of each storey does not exceed 200m<sup>2</sup>; and
- (c) the building is occupied, or intended to be occupied, by more than 6 people.

#### 31 Fire doors

Entry to a habitable room from a staircase must be via a FD30 door.

#### 32 Fire alarm system

- (1) A fire alarm system must be installed throughout the HMO, and the building containing a HMO, by a competent person.
- (2) The installation must —
  - (a) be a LD2 Grade D fire alarm system that conforms to the specified standards or the equivalent standards; and
  - (b) provide for the following —
    - (i) smoke detection in all circulation spaces which form parts of the means of escape to include every level within the common staircase (including half-landing levels where such levels give access to the entrance to a habitable room or to a room in common use;
    - (ii) heat detection in any kitchen, boiler room, or laundry area;
    - (iii) detection outlined in both (i) and (ii) above are to form one system with a battery back up in the event of a power failure; and
    - (iv) each room used for sleeping must contain at least one self-contained smoke alarm conforming to the relevant standard, and not forming part of the main fire alarm system.

## PART 6

### FIRE SAFETY PRECAUTIONS FOR A HMO AND A BUILDING CONTAINING A HMO THAT IS THREE STOREYS OR GREATER ABOVE GROUND LEVEL OR HAS A FLOOR AREA ON ANY STOREY GREATER THAN 200 M<sup>2</sup>

#### 33 Application of this part

- (1) This part specifies the fire safety precautions that supersede, or are in addition to, those specified in Parts 2 and 4 of these Regulations.
- (2) The part only applies to a HMO, and a building containing a HMO, when the building containing a HMO —
  - (a) that has —
    - (i) a floor area for any storey that exceeds 200m<sup>2</sup>; or
    - (ii) has three storeys, or greater, above ground level; and
  - (b) the floor height of any storey does not exceed 11 metres as measured vertically from any point on the floor of that storey to the lowest point on the ground adjacent to the building.

#### 34 Fire doors

A habitable room or a place of special fire hazard within a building containing a HMO must be separated from a common staircase by a minimum of 2 FD30S doors.

#### 35 Fire alarm systems

- (1) A fire alarm system must be installed throughout the HMO or building containing a HMO by a competent person.
- (2) The installation must —
  - (a) conform to the specified standards or the equivalent standards; and
  - (b) provide for the following —
    - (i) at least one manual call-point of the break-glass type fixed in an accessible place within the escape route on each floor, and adjacent to each point of egress from the building, fixed in a prominent position on a wall at 1.4 metres above floor level;
    - (ii) at least one automatic smoke detector —
      - (A) at every level within the common staircase (including half-landing levels where such levels

- give access to the entrance to a HMO or to a room in common use); and
- (B) within every room (other than a room forming part of a HMO) which is used for storage;
- (iii) at least one automatic heat detector in —
- (A) every boiler room;
  - (B) every room comprising a kitchen; and
  - (C) every room containing cooking or laundry facilities;
- (iv) a control and indicator panel incorporating test facilities, sited within a common hall or staircase and as close to the main entrance door of the building as is reasonably practicable;
- (v) electronic sounders sited, and of sufficient volume, so as to attain the sound levels in accordance with the relevant standard; and
- (vi) in every room used for sleeping —
- (A) one self-contained smoke alarm conforming to the specified standard or the equivalent standard that is not connected to the fire alarm system; and
  - (B) one automatic heat detector connected to the fire alarm system and conforming to the specified standard or the equivalent standard.

## PART 7

### FIRE SAFETY PRECAUTIONS IN A BUILDING CONTAINING A FLAT OR A HMO (OR BOTH) THAT IS FIVE STOREYS OR GREATER ABOVE GROUND LEVEL

#### 36 Application of this part

This Part specifies the fire safety precautions that apply to a building containing a flat or HMO (or both), in addition to the precautions specified in Part 2, when the building —

- (a) has five storeys, or greater, above ground level; or
- (b) the floor height of the any storey exceeds 11 metres as measured vertically from any point on the floor of that storey to the lowest point on the ground adjacent to the building.

### **37 Alternative means of escape**

An alternative means of escape must be provided for a flat or a HMO if—

- (a) any point on any floor level of the flat or habitable room in a HMO is more than five storeys above the ground storey level; or
- (b) the height of the flat or HMO measured from the floor height of that flat or HMO exceeds 11 metres as measured vertically from any point on the floor of that storey to the lowest point on the ground adjacent to the building.

## **PART 8**

### **AMENDMENTS TO THE FIRE PRECAUTIONS SPECIFIED IN THESE REGULATIONS FOR A FLAT AND A BUILDING CONTAINING A FLAT THAT WAS BUILT AND OCCUPIED PRIOR TO THE COMMENCEMENT OF THESE REGULATIONS**

### **38 Application of this Part**

This part specifies the modifications that are made to these Regulations with regard to the fire safety precautions for a flat and a building containing a flat that was built and occupied prior to the commencement of these Regulations.

### **39 Regulation 3 (Interpretation)**

- (1) Regulation 3 is amended as follows.
- (2) In the definition of “FD30 door” prescribed in paragraph (3), for “specified standard” insert **BS** British Standard BS 476-22:1987 **BS**.
- (3) In the definition of “FD 30S door” prescribed in paragraph (3), for “specified standard” insert **BS** British Standard BS 476-22:1987 **BS**.

### **40 Regulation 18 (Emergency lighting) amended**

- (1) Regulation 18 is amended as follows.
- (2) In regulation 18(2), for “specified standard” substitute **BS** British Standard BS 5266-1:1988 **BS**.

### **41 Regulation 29 (Fire alarm systems) amended**

- (1) Regulation 29 is amended as follows.
- (2) In regulation 29(2)(a), for “specified standards” substitute **BS** British standard BS 5836-1:1988 **BS**.

## **PART 9**

### **REVOCATIONS**

#### **42 Revocations**

The Fire Precautions (Flats) Regulations 1996<sup>7</sup> are revoked.

**MADE**

**JUAN WATTERSON**  
*Minister for Home Affairs*

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<sup>7</sup> SD 222/96

**SCHEDULE 1**

[regulation 1(6)]

**TABLE OF SPECIFIED STANDARDS**

<b>Regulation</b>	<b>Item</b>	<b>Standard</b>	<b>Date of application</b>
1(3)	FD30 door	British standard BS 8214:2008	In accordance with regulation 2
1(3)	FD30S door	British standard BS 8214:2008	In accordance with regulation 2
15	Fire resistant glazing	British Standard BS EN13501-2	In accordance with regulation 2
18(2)	Installation of emergency lighting	British standard BS 5266-8:2004 (BS EN 50172:2004)	In accordance with regulation 2
19(1)	Fire extinguisher performance rating of 13A	British standard BS EN3 – 7:2004	In accordance with regulation 2
19(2)	Fire extinguisher	British standard BS EN3 – 7:2004	In accordance with regulation 2
29(2)(a)	Installation of fire alarm systems	British standards BS 5839:6:2013 and BS 5446-1:2000	In accordance with regulation 2
29(2)(b)(vi)	Self-contained smoke alarm	British standard BS 5446-1:2000	In accordance with regulation 2
29(3)(a)	Installation of LD2 Grade D fire alarm system	British standards BS 5446-1:2000 and BS 5839-6:2013	In accordance with regulation 2
32(2)(a)	Installation of LD2 Grade D fire alarm system	British standards BS 5446-1:2000 and BS 5839-6:2013	In accordance with regulation 2
35(2)(a)	Installation of fire alarm system	British standards BS 5839-6:2013 and BS 5446-1:2000	In accordance with regulation 2
35(2)(b)(vi)(A)	Self-contained smoke alarm	British standard BS 5839:6:2013	In accordance with regulation 2
35(2)(b)(vi)(B)	Automatic heat detector connected to the fire alarm system	British standard BS 5839-6:2013	In accordance with regulation 2

**SCHEDULE 2**

[regulation 8]

**TABLE OF FIRE RESISTANCE REQUIREMENTS FOR THE STRUCTURE OF A  
FLAT, HMO AND A BUILDING CONTAINING A FLAT OR HMO**

<b>Area of the structure</b>	<b>Walls (Fire resistance in minutes)</b>	<b>Doors (Fire resistance in minutes)</b>	<b>Floors (Fire resistance in minutes)</b>
Floor immediately over a basement			60
All other floors			30
Enclosing a stairway	30	30	
Enclosing an escape route	30	30	
Enclosing a kitchen or a habitable room containing a kitchen	30	30	30
Enclosing a lift motor room	30	30	
Enclosing a lift well	30	30	
Forming a compartment	30	30	
In a corridor to sub-divide it		30	
In a stairway from ground floor to basement	60	2 x 30 or 1 x 60	
Enclosing an place of special fire hazard	60	2 x 30 or 1 x 60	60
Enclosing a ventilation duct	30		30
Any other door required to be a fire door		30	
Any other occupancy within the building	60	2 x 30 or 1 x 60	60



**SCHEDULE 3**

[regulation 14]

**TABLE OF TRAVEL DISTANCE REQUIREMENTS FOR EXITING A FLAT OR  
HMO**

<b>Area of the structure</b>	<b>Maximum travel distance</b>
Habitable room	9 metres
Protected lobby	9 metres
Place of special fire hazard	6 metres

**SCHEDULE 4**

[regulation 16]

**FORM 1**

IN CASE OF FIRE

**1 If you discover a fire**

- (1) Operate the fire alarm by breaking a manual call point. The alarm will sound automatically.
- (2) Go to the nearest telephone at – *[specify location]*
- (3) Wait until the Fire Service arrive, and tell them where the fire is.

FIRE ROUTINE

**2 Please read this and remember what it says. Your life and the lives of others may depend on it.**

**3 If you discover a fire –**

- (1) Operate the fire alarm by breaking a manual call point.
- (2) Call the Fire Service.
- (3) DO NOT TAKE ANY RISKS, but if you can, attack the fire with the equipment provided.
- (4) Otherwise, close a door on the fire if you can, and close all other doors on your way out.
- (5) Leave the building by the nearest available exit.

**4 If you hear the fire alarm**

- (1) Leave the building by the nearest available exit, closing all doors behind you and report to the assembly point at – *[specify location]*
- (2) DO NOT run.
- (3) DO NOT stop to collect your belongings.
- (4) DO NOT use the lifts (if your building has one).
- (5) DO NOT enter the building again until authorised by a Fire Officer.

**FORM 2**

NOTICE OF PROHIBITION INSIDE FLATS AND HMOS

WARNING

- (1) The Fire Precautions (Houses in Multiple Occupation and Flats) Regulations 2015 forbid anyone to keep, place or use within this building any of the following –
  - (a) any gas-fired appliance, other than an appliance properly connected to a main gas supply or to a piped supply of gas from a cylinder or vessel located outside the building;
  - (b) any oil or paraffin-fired appliance, other than an appliance properly connected to a fixed storage tank properly located inside or outside the building;
  - (c) any cylinder, tank or pressure vessel containing liquid petroleum gas or any flammable gas (whether or not under pressure);
  - (d) any container, tank or vessel containing petroleum spirit or alcohol or any kind (except spirits for human consumption).
- (2) Contravention is an offence punishable upon summary conviction by a fine not exceeding £5,000, or upon conviction on information by a custodial sentence of up to 2 years, or a fine, or both.



**SCHEDULE 5**

[regulation 20]

**TESTING AND INSPECTION OF EMERGENCY SYSTEMS**

**1 Monthly inspections and tests**

- (1) A general inspection must be carried out each month to check that —
  - (a) escape routes are clear from obstructions and combustible materials;
  - (b) doors on all escape routes swing freely, close fully and are in a good state of repair;
  - (c) where security devices are fitted to fire exits, they operate correctly;
  - (d) the fire alarm panel is active and fully operational;
  - (e) the emergency lighting units are in good repair and working where a visual inspection is practicable; and
  - (f) all safety signs and notices are legible.
- (2) In addition, the following inspections and tests must be carried each month to specifically check that —
  - (a) fire detection and warning systems and manually operated warning devices are fully operational;
  - (b) fire extinguishers and hose reels are correctly located and are in working order;
  - (c) emergency lighting has sufficient charge and illumination; and
  - (d) fire doors are in good working order, close correctly and that the frame and seals are intact.

**2 Annual inspections and tests**

The following inspections and tests must be carried out annually —

- (a) the fire-detection and warning system by a competent person in accordance with —
  - (i) British standard BS 5839-6:2013 or the equivalent standard for a flat and a building containing a flat; and
  - (ii) British standard BS 5839-6:2013 or the equivalent standard as applicable for a HMO and a building containing a HMO.
- (b) emergency lighting by a competent person in accordance with the BS 5266-8:2004 [BS EN 50172] or the equivalent standard;

- (c) gas, oil and electrical appliances must be inspected and, where applicable, serviced by a competent person in accordance with the Gas Safety (Installation and Use) Regulations 1994<sup>8</sup> made under the *Health and Safety at Work etc. Act 1974* (of Parliament) as applied to the Isle of Man under the Gas Safety (Application) Order 1996<sup>9</sup> as made under the *Health and Safety at Work Etc. Act 1977*; or Oil Industry Regulations issued by OFTEC (as the case requires);
- (d) fire fighting equipment must be inspected and serviced by a competent person in accordance with British standard BS 5306-3:2009 or the equivalent standard; and
- (e) structural fire safety provisions set out in regulations must be inspected and any remedial action carried out by a competent person.

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<sup>8</sup> SI 1994/1886.

<sup>9</sup> SD 326/96.

*EXPLANATORY NOTE*

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

These Regulations specify the fire safety measures to be taken in flats, houses in multiple occupation, and buildings which contain flats and houses in multiple occupation. Contravention of these Regulations is an offence under Part 1 of Schedule 8 to the Fire Precautions Act 1975 and carries a maximum penalty of a fine not exceeding £5,000 on summary conviction or, on conviction on information, a term in custody not exceeding two years, a fine, or both.