



Defence  
Safety  
Authority

## Defence Fire Safety Regulator's New Works Consultation Process

Defence Fire Safety Regulator

**DFSR**

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## AMENDMENT RECORD

Date	Version	Author	Comments
30 Nov 17	001	DFSR-HQ	New document first issue.

## AUTHORITY

1. This document is published under the authority of the Defence Fire Safety Regulator (DFSR).

## STATUS

2. All printed copies document are uncontrolled copies.

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## DEFINITIONS / TERMINOLOGY

3. Reference to the Regulatory Reform (Fire Safety) Order 2005 is also reference to the Fire (Scotland) Act 2005.
4. Reference to Building Regulations and associated Approved Documents is also reference to Building Regulations/Standards relevant to other devolved parliaments and assemblies within the UK.
5. Defence Fire Safety Regulations when published in 2017 (currently published under JSP 426 Parts 1 and 2) will explain the Regulatory process applied to premises used and occupied for Defence purposes; including visiting forces.

## GUIDANCE ON FIRE RELATED WORKS

6. The Ministry of Defence has duties under fire safety legislation and policy to provide premises that are safe for relevant persons to use. In pursuance of these duties, there is a legal requirement for new fire safety related building works to be notified to the DFSR. This is achieved by adherence to the procedure outlined in this document, which is based on the CLG Building

Regulations and Fire Safety Procedural Guidance and provides a guide to: designers; developers; occupiers; employers; DFSR and building control bodies.

### **Fire safety related works**

7. Including but not limited to:

- a. New builds, extension, refurbishment or adaption of existing building works (including some multi domestic dwellings).
- b. Change of use of premises including works that; change processes; change purpose group as defined in Building Regulations and any change that may affect fire safety provision including; change of storage media, increase in occupancy numbers, proposed introduction of disabled workforce, and installation of higher fire risk facilities (spray booths, etc).
- c. Change of internal configuration within the premises including: removal or construction of partitions; change of wall lining materials within corridors and rooms.
- d. Any works involving existing or installation of replacement/new fire alarm and emergency lighting system, fire doors, cavity barriers, ventilation systems (including controlled environment systems), fire suppression systems and associated equipment, fire engineering systems (pressurised staircases, etc), external fire escapes and windows affecting means of escape.
- e. Works in locations/process areas that are subject to an assessment under Dangerous Substance and Explosive Atmosphere Regulations.
- f. Works involving or having the potential of affecting fire fighting water supplies.
- g. Building works involving new communications facilities or significant change to the strategic value of existing facilities.

### **ROLES AND RESPONSIBILITIES**

8. Regulatory Reform (Fire Safety) Order 2005 Article 45 places a duty on local authorities to consult with the relevant fire safety enforcing authority when proposals to erect, make extension or structural alteration to a building are submitted.

#### **The DFSR**

9. The DFSR is appointed by a delegation from the Director General (DG) DSA to regulate fire safety across Defence activities in accordance with the DSA Charter and Secretary of State's policy statement. The DFSR derives statutory duties from the Regulatory Reform (Fire Safety) Order 2005 and the Fire (Scotland) Act 2005.

#### **The Building Control Body**

10. On the MOD estate and for the purposes of this process, the local authority duty is discharged by a building control body employed for building works on premises occupied solely for the purposes of the armed forces.

11. Reference to a building control body is reference to any person undertaking the duties of a local control authority under Article 45 and includes Approved Inspectors, Building Control Advisers and other similarly appointed persons.

## **The Defence Fire & Rescue provider**

12. Upon completion of the works, the Fire & Rescue (F&R) provider may be required to conduct or review the Fire Risk Assessment on behalf of the Accountable Person. As such, prior knowledge and the reasoning for the proposed fire safety preventative and protective measures enables a seamless and safe transition from construction to occupancy.

## **PURPOSE OF CONSULTATION**

13. Consultation with the relevant fire enforcing authority<sup>1</sup> is a legal duty under Article 45 of the Regulatory Reform (Fire Safety) Order 2005 (FSO)<sup>2</sup> and applies to all building control bodies employed to deliver services for works involving:

- a. Erection of a building.
- b. Extension of a building.
- c. Structural alteration to a building.

14. Consultation must be undertaken before plans are passed to avoid the need for additional works after the building is occupied to achieve compliance with relevant UK statute and Defence Fire Safety Regulations<sup>3</sup>.

15. In practice, building work that complies with Building Regulations requirements for fire safety will normally satisfy the provisions of the UK fire legislation when the premises are occupied. However, extensions and structural alterations to premises may not include an upgrade of fire precautions to all parts of the building and therefore may have an impact on the fire safety strategy. Consultation with the fire safety enforcing authority at design stage will assist to identify the impact and any necessary actions that may be required.

## **DEFENCE FIRE SAFETY REGULATOR'S NEW WORKS CONSULTATION PROCESS**

16. Identification and selection of the relevant procedure covered in this process document is undertaken by the respective DFSA Senior Fire Safety Inspector (SFSI). This is achieved by reviewing the information within the submitted Notification of Fire Safety Related Works Form 1 at Annex B. Form F1s are completed and submitted by the originating works' department at the earliest stage (preliminary design; usually at Statement of Need (SON) stage but could differ according to organisation and/or procurement involved).

## **WORKS REQUIRING BUILDING REGULATION APPROVAL CONSULTATION - FORMAL CONSULTATION**

17. On receipt of a completed Form F1 from the Works Originator (WO) giving notification of proposed works requiring Formal Consultation, the DFSA SFSI will nominate a DFSA Fire Safety Inspector (FSI) to undertake the role of the fire safety regulator. The Formal Consultation process must be commenced by the building control body employed for the works by contacting the nominated DFSA FSI. It may be necessary for the DFSA FSI to provide the WO with contact details once nominated but this does not constitute Formal Consultation and does not absolve the building control body of the duty.

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<sup>1</sup> The fire safety enforcing authority for Defence is the Defence Fire Safety Regulator.

<sup>2</sup> Scotland has equivalent arrangements in place.

<sup>3</sup> Defence Fire Safety Regulations when published in 2017 will explain the Regulatory process applied to premises used and occupied for Defence purposes including visiting forces.

18. Other DFSR FSI actions may include:

- a. Attend design meetings as necessary to provide advice<sup>4</sup>.
- b. Issue Certificate A<sup>5</sup> when content the design achieves the expectations of the relevant UK and Defence Fire Safety Regulations<sup>6</sup>.
- c. Undertake site inspections during the works phases and completion of subsequent site inspection record.
- d. Issue Completion Certificate<sup>7</sup> when satisfied there is sufficient evidence that the works have been completed iaw the design at Certificate A stage.

## **WORKS NOT REQUIRING BUILDING REGULATIONS APPROVAL (NON-FORMAL CONSULTATION)**

19. Notwithstanding that a large proportion of other fire safety related works generated on the MOD estate does not attract Building Regulations' approval or Formal Consultation, a Form F1 is still required to be submitted to the DFSR to ensure the WO is made aware of relevant fire safety regulations to be incorporated in the works where necessary.

20. This is achieved by the DFSR SFSI determining the level of consultation required depending on nature and/or complexity of the works by assessing the information provided on the Form F1. If it is deemed the works do not require FSI involvement, the SFSI will inform the WO of that fact by letter or e-mail and include a copy of the Defence Fire Safety New Works Compliance Guide to provide advice and guidance regarding the relevant fire safety standards that may apply. The SFSI will also advise that the existing fire safety risk assessment relevant to the premises in question may require review by a suitable competent person once the works have been completed.

21. Alternatively, the SFSI may assess that input from the DFSR is required due to the complexity of the works and will appoint a FSI to advise as appropriate. The WO will be informed accordingly.

## **VARIATION FROM BUILDING REGULATIONS/STANDARDS**

22. In cases where design proposals vary from the relevant fire safety Approved Documents or Technical Guidance to the respective building regulations and/or standards, the building control body involved with the subject works is required by [DIO Policy](#) to apply for a determination directly to the relevant infrastructure organisation after consulting with the FSI for comment. The FSI will submit a report with details of the submission to the SFSI for consultation purposes with the relevant infrastructure organisation when required.

## **OTHER AUTHORITY BODIES**

23. Where known and in order to ensure other authorities/bodies such as: Health & Safety Executive; Military Aviation Authority; Defence Fuels and Gases; Defence Infrastructure Organisation; Office for Standards in Education etc, are aware of significant works in specific premises that fall into their scope of regulation/authority, it may be necessary for design teams to be notified; particularly if variations from the relevant authority regulations is required. Copies of issued DFSR certificates are to be forwarded to that relevant authority if necessary.

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<sup>4</sup> Also see page 13 para 2.5 of the DCLG Procedural Guidance - does not extend to providing design consultancy.

<sup>5</sup> Certificate A at Annex C.

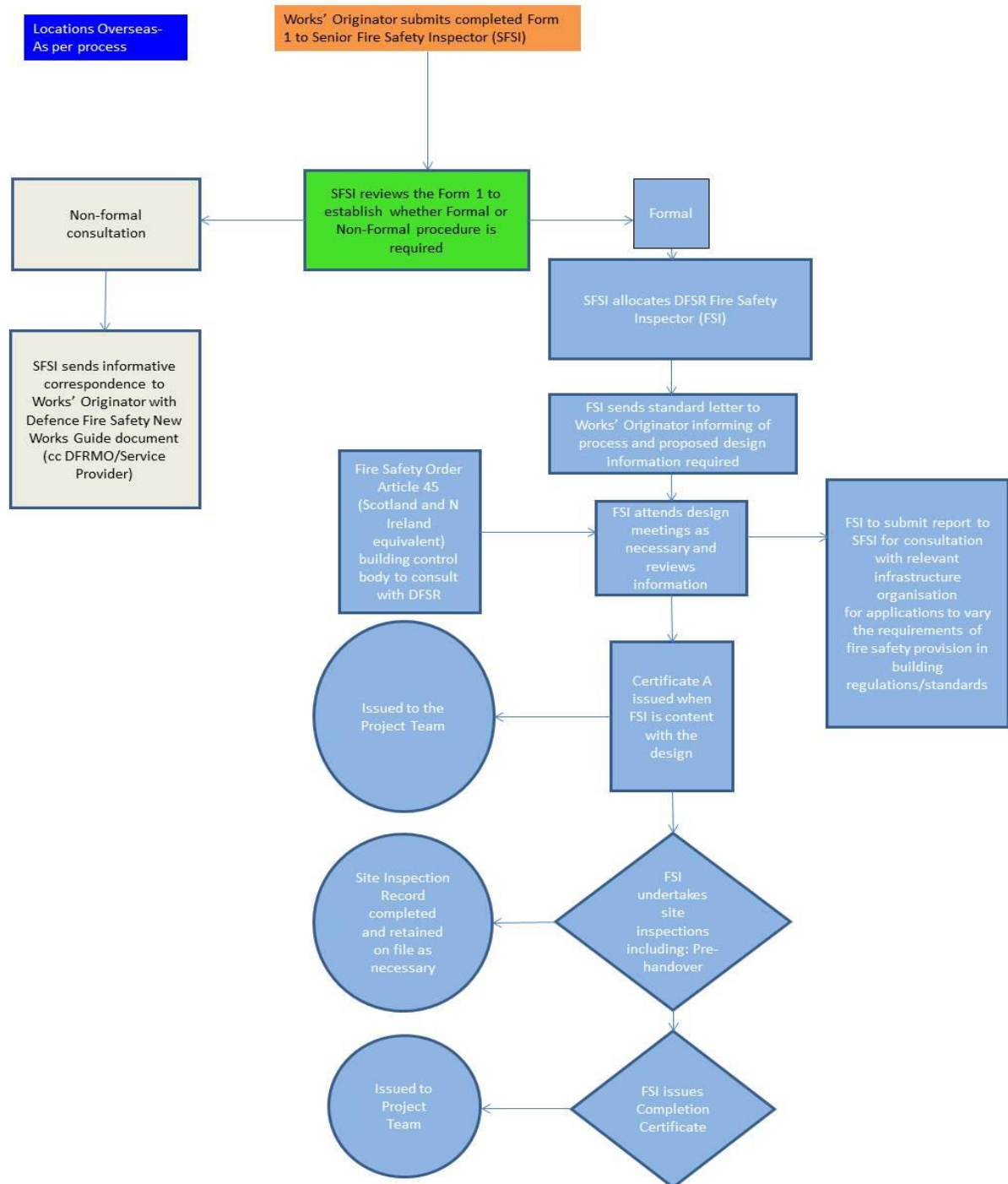
<sup>6</sup> As issued by DFSR.

<sup>7</sup> Completion Certificate at Annex D.

## **LOCATIONS OVERSEAS**

24. The consultation process for fire related works in locations overseas will follow the process above as far as reasonably practicable. This aligns with the Secretary of State HSEP policy and takes into account the operational and geographical constraints prevailing at the time.

## Defence Fire Safety Regulator's New Works Consultation Process



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Buff infill – Non-formal Consultation Procedure





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## Notification of Fire Related Works Form 1 (F1)

<b>Works' Title:</b>			
<b>Works' Serial / ID Number:</b>			
<b>Works' Originator/Sponsor:</b>		<a href="#">[ Please Choose ]</a>	
<b>Reason for Works:</b>		<a href="#">[ Please Choose ]</a>	
<b><u>Project Manager / Technical Services Officer / Estate Manager - Contact Details</u></b>			
Name/Role/Position:			
Email:			
Telephone:		Landline:	/ Mobile:
Form Submission Date:			
<b><u>Location of site/building to which work relates</u></b>			
<b>Country/Region:</b>			
<b>Unit/Formation/Establishment/Site:</b>			
<b>Address:</b>			
<b>Post Code:</b>			
<b>Building(s) Name/Number:</b>			
<b><u>Summary of Works</u></b>			
<b>For New Build:</b>			
<b>Proposed Use:</b>			
<b>For New extension:</b>			
<b>Proposed Use:</b>			
<b>For Existing:</b>			
<b>Change of Use?</b>	From:	to:	(Example STORE to OFFICE)
<b>Are Building Regulations Applicable to the works?</b>	<a href="#">[ Please Choose ]</a>	<b>Enter contact details of BCA</b>	
<b><u>Once Completed please send to the relevant Senior Fire Safety Inspector below</u></b>			
<a href="mailto:DSA-DFSR-NorthMailbox@mod.uk">DSA-DFSR-NorthMailbox@mod.uk</a>		<a href="mailto:DSA-DFSR-CentralMailbox@mod.uk">DSA-DFSR-CentralMailbox@mod.uk</a>	<a href="mailto:DSA-DFSR-SouthMailbox@mod.uk">DSA-DFSR-SouthMailbox@mod.uk</a>
		<a href="mailto:DSA-DFSR-SFSI-Overseas@mod.gov.uk">DSA-DFSR-SFSI-Overseas@mod.gov.uk</a>	<a href="mailto:DSA-DFSR-USVF-GroupMailbox@mod.gov.uk">DSA-DFSR-USVF-GroupMailbox@mod.gov.uk</a>

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# CERTIFICATE A

### Works Design Consultation - Fire Safety Inspector Reviewed

**Works Title:**

**Works Description:**

**Works Report Dated:**

**File Ref:**

**In relation to UK fire legislation\*, Defence Fire Safety Regulations and fire safety standards relevant by virtue of the fire prevention and protection strategy, the proposed design and associated building control body approval\*\* submitted at the time of consultation are/is duly recorded with no adverse comments made.**

Any significant change(s) to the design will invalidate this certificate requiring a new or amended certificate to be issued.

This certificate is valid for 3 years from the date of issue.

**Name:**

**Appointment:**

**Issue Date:**

**Expiry Date:**

**Further comments:** ( to include any additional comments relevant to the fire safety strategy that may help inform the fire risk assessment).

\* Consultation with the relevant fire enforcing authority is a duty under Article 45 of the Regulatory Reform (Fire Safety) Order 2005 and Fire (Scotland) Act 2005 equivalent.

\*\* Building Control Body to be deleted if one is not appointed (i.e. Complex Non-Formal works with FSI input).

**Drawing Schedule to Certificate A Reference.....      dated.....**

[illegible]

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# COMPLETION CERTIFICATE

### Incorporated Fire Safety Strategy

**Works Title:**

**Works Description:**

**File Ref:**

**The Defence Fire Safety Regulator\* is satisfied the works to which this certificate applies have been completed in accordance with the design as proposed at:**

**Certificate A [.....] dated [.....]**

**Name:**

**Appointment:**

**Issue Date:**

**Further comments:** ( to include any additional comments relevant to the fire safety strategy that may help inform the fire risk assessment including those raised at Certificate A stage that have not been addressed).

\* DFSR are the relevant fire enforcing authority under Article 45 Regulatory Reform (Fire Safety) Order 2005 and Fire (Scotland) Act 2005 equivalent.

## **DEFENCE FIRE SAFETY NEW WORKS COMPLIANCE GUIDE**

### **Introduction**

1. This document is a guide to the fire safety standards required where applicable for all fire safety related works on the MOD Estate.

### **Authority**

2. The Defence Fire Safety Regulator (DFSR) is the appointed fire safety enforcing authority for the MOD whose duty is to regulate the Regulatory Reform (Fire Safety) Order 2005<sup>8</sup> and provide guidance where necessary to achieve the expectations of the relevant UK and Defence Fire Safety Regulations\*.

### **Bibliography**

3. All fire safety related works on the MOD Estate must comply with the relevant UK and Defence Fire Safety Regulations; these include but not restricted to:

- a. The Regulatory Reform (Fire Safety) Order 2005.
- b. Fire (Scotland) Act 2005.
- c. Standards referenced in the Department for Communities and Local Government Guides to The Regulatory Reform (Fire Safety) Order 2005.
- d. Defence Fire Safety Regulations.
- e. Approved Document B to the Building Regulations\*.
- f. Scottish Technical Handbooks.
- g. British Standards for passive and active fire safety measures.
- h. Health and Safety (Safety Signs and Signal) Regulations.

### **Information for Approval - Formal Consultation Procedure**

4. Formal Consultation with DFSR must be undertaken by the building control body employed for fire related works that attract building regulations' approval. When DFSR are satisfied the proposed design and the comments of the building control body at the time of consultation have been noted, Certificate A (design certificate) will be issued by the nominated Fire Safety Inspector (FSI). The following are examples of information the FSI may request from the building control body during the consultation process:

- a. Details of fire compartmentalisation.
- b. Identification of means of escape routes with travel distances indicated.
- c. Location of special hazards and/or places of higher fire risk.
- d. Location and details of stairs and lifts.

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\* Defence Fire Safety Regulations when published in 2018 will explain the Regulatory process applied to premises used and occupied for Defence purposes including visiting forces.

- e. Details of plant room access and associated escape routes.
- f. Space separation and surface spread of flame standards.
- g. Signage, furniture and other equipment/machinery layout to be shown (where known).
- h. Fire fighting equipment.
- i. Location of fire alarm and associated control equipment.
- j. Emergency escape lighting.
- k. Access and facilities for the Fire & Rescue Service.
- l. Water for fire fighting.

### **Variation from Building Regulations**

5. In cases where design proposals vary from the relevant fire safety Approved Documents or Technical Guidance to the respective building regulations and/or standards, the building control body involved with the subject works is required by DIO Policy to apply for a determination directly to the relevant infrastructure organisation after consulting with the FSI for comment. The FSI will submit a report with details of the submission to the SFSI for consultation purposes with the relevant infrastructure organisation when required.

### **Information - Non-Formal Consultation Procedure**

6. A FSI may not be nominated for works that comprise replacement like-for-like, life maintenance and/or minor non-complex works where building regulations' approval is not required. However, the same standard of fire safety provision as listed at Paragraph 3 above must be incorporated where applicable.