



Service Delivery (Protection)

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(a)

Subject	Fire Safety (Employees' Capabilities) (England) Regulations 2010
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The Fire Safety (Employees' Capabilities) (England) Regulations 2010 came into force on 06/04/2010 under powers conferred on the Secretary of State by article 24 of the Regulatory Reform (Fire Safety) Order 2005.

These Regulations were introduced to ensure that employers who task employees' with fire safety duties take into account the capabilities of the employees' with regard to carrying out such duties.

Article 2 states;

Employer to take employees' capabilities into consideration

2. Every employer must, in entrusting tasks to employees, take into account their capabilities as regards health and safety, so far as those capabilities relate to fire.

These Regulations close a minor gap in the implementation of the Framework Directive on Health and Safety of Workers 89/391/EEC(HSWA) caused by the need to avoid overlapping with the HSWA following the introduction of the RR(FS)O.

Breach of these Regulations will be an offence under the RR(FS)O, article 32(b): *fail to comply with any requirement or prohibition imposed by regulations made, under article 24 where that failure places one or more relevant persons at risk of death or serious injury in case of fire;*

Standard paragraphs will be added to CFRMIS in due course.

End.