

## Article 30 Enforcement Notice – Serving of.

### Standard Operating Procedure No. TFS - 038

#### Document Overview: -

Article 48 of the Regulatory Reform (Fire Safety) Order 2005 provides for a notice to be served “either by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address”.

This document outlines the procedure for the correct serving of an Article 30 Enforcement Notice.

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Ownership:	Group Manager Protection
Author:	TFS Procedures Manager
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This document has been Equality Impact Assessed in accordance with Wiltshire FRS procedure. To view the assessment [click here](#) (to be completed via CRR).

## 1.0 Introduction

- 1.1 An Article 30 Enforcement Notice (A30 Notice) is a Formal Notice served on the Responsible Person as defined in the Regulatory Reform (Fire Safety) Order 2005 (The Order).
- 1.2 The choice of delivery method will be dictated by the individual circumstances relating to the premises involved and whether the need to fast track is required.
- 1.3 The notice may be served by “delivering it to him or by leaving it at his proper address, or by sending it by post to that address”. In the case of a body corporate (a group that has a separate identity from that of the individual members, i.e. a company) it can be served on or given to the secretary or clerk of that body and in the case of a partnership, it can be served on a partner or person having control or management of the partnership business.
- 1.4 A process flow chart is attached. ([Appendix A](#)).

## 2.0 Information Gathering

- 2.1 The need to serve an A30 notice must be supported by the audit process and an audit must be carried out if not already completed prior to the notice preparation to ensure completion of the audit trail.
- 2.2 If any areas of the premises could constitute “single private dwellings”, then Article 27 should be used to clarify their use through examination of the terms of the lease. ([See Article 27 SOP](#))
- 2.3 Following the audit process, the notice can be prepared. The need for consultation to identify the responsible person may require an Article 27 Requisition and the necessity for fast track or normal processing should be considered. Consultation methods will depend on individual circumstances with the following options available:

Fast track:

- Email
- Face to face
- Telephone.

Normal:

- Formal, by letter.

- 2.4 A contemporaneous note must be kept of all non-written consultation.

## 3.0 Finalising the Notice and Public Register Entries

- 3.1 The notice must be signed by a Designated Manager, (a suitably qualified manager who has been approved by the Group Manager Protection). For a list of Designated Managers, [click here](#).

- 3.2 A copy of the signed notice (not a signed copy of the notice) must be stored on FISH.
- 3.3 A photocopy of the signed notice to be sent to Service Delivery (Protection) Central to for vetting.
- 3.4 All relevant notices will be entered onto a public register as required by the Environmental and Safety Information Act 1988
- 3.5 For the purposes of this Act, relevant notices are those served under article 29, article 30 or article 31 of the Order, other than notices which impose requirements or prohibitions solely for the protection of persons at work.

#### **4.0 Serving the Notice**

- 4.1 The method of service will vary depending on individual circumstances.
- 4.2 **By post** - A recorded delivery system must be used and the recorded delivery receipt is to be retained as evidence in the case file.
- 4.3 **By hand** - The delivering officer must make a contemporaneous note recording:
- The time of delivery
  - The name of the recipient. This need not be the responsible person but may be a “responsible individual resident or appearing to be resident on the premises”.
  - Where delivery was made.

The recipient should be asked to countersign the note and any refusal to sign should also be recorded.

- 4.4 **By email** will require the responsible person to confirm his willingness to receive a notice electronically. This must also confirm the correct email address to be used and the format that the recipient requires the notice to be served in. A willingness request must be made using the standard email attachment template ([Appendix B](#)).

#### **Note:**

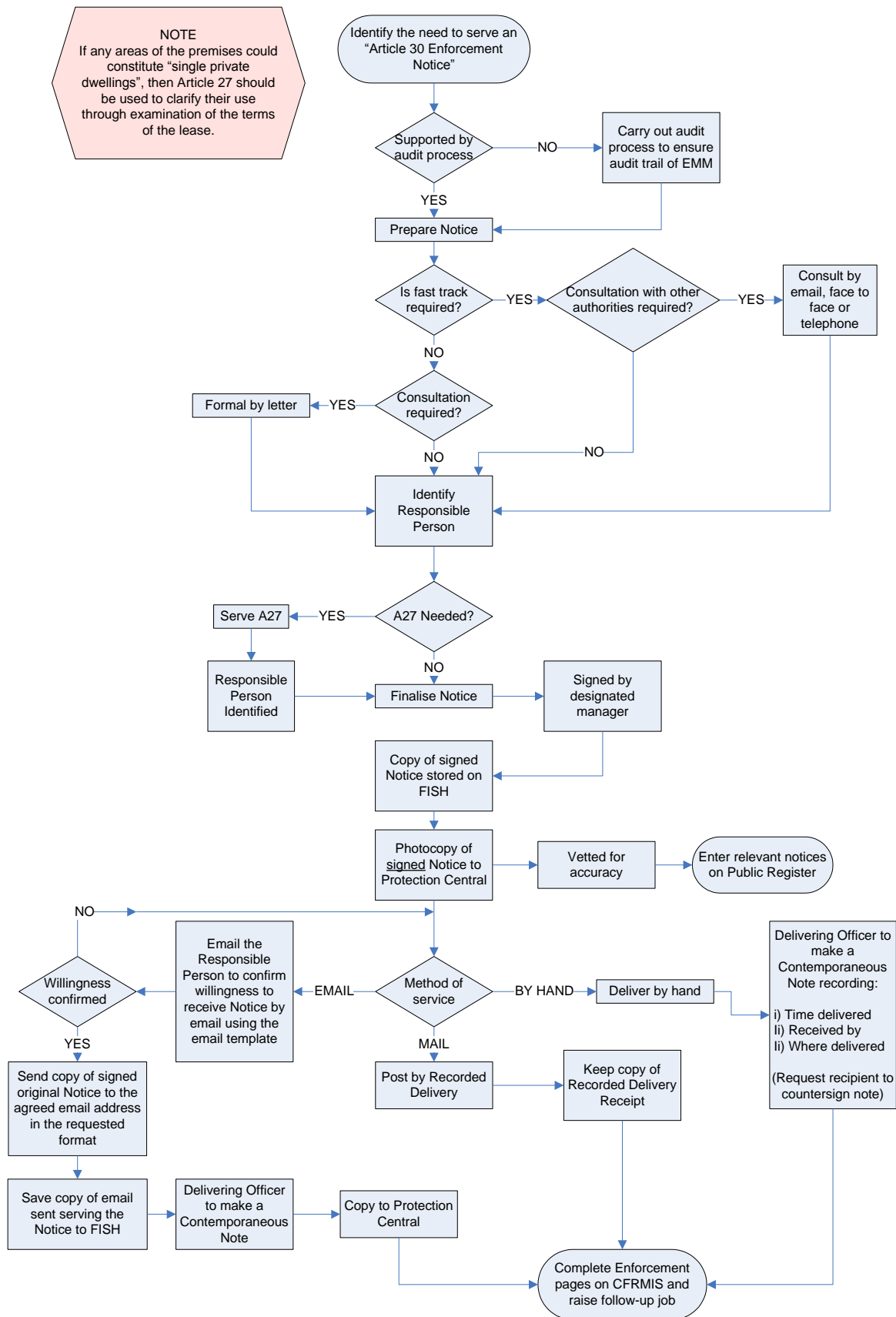
- I. Willingness declined will require either method 4.2 or 4.3 to be employed.
- II. Willingness agreed will require a copy of the agreement email to be saved to FISH.

- 4.5 A copy of the signed Notice to be sent to the agreed email address in the requested format and a copy of the email sent serving the notice must be saved to FISH
- 4.6 The electronic recording of the transmission will be regarded as proof of serving unless proof to the contrary is provided. The delivering officer must however also make a contemporaneous note.
- 4.7 A hard copy of the notice is to be sent to Service Delivery (Protection) Central.

## **5.0 CFRMIS Update**

- 5.1 The CFRMIS (Community Fire Risk Management Information System) enforcement pages must be updated and a follow-up job created accordingly.

Article 30 – Enforcement Notice



Please ask for:  
Tel No: (01793) 401240  
Email: swindon.firesafety@wiltsfire.gov.uk  
Our Reference:  
Your Reference:  
Date:

Dear Sir/Madam

**The Regulatory Reform (Fire Safety) Order 2005 (the Order).  
Article 48 Service of notices etc.**

It is a requirement of the Order that the responsible person must communicate their willingness to receive a notice transmitted electronically and confirm in which format that notice should be transmitted. Evidence of transmission is regarded as proof of delivery unless the contrary is proved.

To enable the notice to be served, please provide the information requested below. If you are unwilling or unable to receive a notice by email, an alternative method of service will be used as detailed in Article 48 of the Order.

Your reply should be sent to [email address of sender] either as an email document or as an attachment and must include confirmation of all of the following:

- 1) Your name and position.
- 2) That you are “the Responsible Person” for the premises identified above (as defined in Article 3 of the Order).
- 3) The email address to which the notice must be transmitted.
- 4) The preferred format the notice should to be transmitted in. (i.e. Word, PDF etc.)
- 5) Whether this information applies to this transmission only or if it may be used for any future such transmissions.

If you do not wish to receive a notice served by email, please respond accordingly. A negative or nil response will require the notice to be served by alternative means.

Yours faithfully

Community Safety Manager