**URGENT – PROHIBITION NOTICE – ACTION REQUIRED**

**REGULATORY REFORM (FIRE SAFETY) ORDER 2005: Article 31**

To: ………………………………………………….………………………………………….. (As the responsible person / person having control of the premises)

Address: ……………………………………………………………………………………… …………………………………………………….…………………………………………… …………………………………………………………………………………………………

Premises to which this Notice relates: …………………………………………………… ………………………………………………………………………………………………… ………………………………………………………………………………………………...

The [insert name] Fire and Rescue Authority is of the opinion that use of the premises to which this notice relates involves\*/will involve\*a risk to people so serious that use of the premises ought to be prohibited\*/restricted\*.

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| --- | --- |
| The use of premises to which this notice relates is prohibited\* / restricted\* to the following extent: | …………………………………………………………………………  …………………………………………………………………………  …………………………………………………………………………  …………………………………………………………………………  ………………………………………………………………………… |
| Matter(s) which give rise\* /  will give rise\*  to that risk is\* / are\*: | …………………………………………………………………………  …………………………………………………………………………  …………………………………………………………………………  …………………………………………………………………………  ………………………………………………………………………… |
| The measures which must be taken to remedy the matters are: | …………………………………………………………………………  …………………………………………………………………………  …………………………………………………………………………  …………………………………………………………………………  ………………………………………………………………………… |

The prohibition\*/restriction\* takes effect from: date ……………… time ……………

The premises are prohibited\*/restricted\* as stated until the specified matters have been remedied.

Signed: …………………………………………Dated: ….……………..

On behalf of, and duly appointed by the [insert name] Fire & Rescue Authority

\* Delete as applicable

**Notes to accompany Prohibition Notice**

1. You can legally appeal to this notice (under article 35 of the said Order). You must appeal ‘to the magistrates’ court, for the area in which the premises is situated’, within 21 days from the date shown on the notice. Bringing an appeal does not have the effect of suspending this notice, unless the court so directs.
2. It is an offence for any person to fail to comply with the terms of this notice under Article 32(2)(h) of the Order. The offender is liable, on summary conviction, to a fine, imprisonment, or both.
3. In any proceedings for an offence referred to in Note 2 where the commission of an offence is due to the act or default of some other person, then that person is guilty of the offence, and may be charged with and convicted of the offence.
4. Nothing in the Order operates to afford an employer a defence in any criminal proceedings for a contravention by an employee.
5. Subject to Note 2, it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of the offence. The defence does not apply to a failure to comply with article 8(a) (Duty to take general fire precautions) or article 12 (Elimination or reduction of risks from dangerous substances).
6. If proceedings for an offence consisting of a failure to comply with a duty or requirement so far as is practicable or so far as is reasonably practicable, it is for the accused to prove that it was not practicable or reasonably practicable to do more than was in fact done to satisfy the duty or requirement.
7. Please note that in order to satisfy the “Environment and Safety Information Act 1988” the Fire and Rescue Authority must enter details of any prohibition notice onto a register to which the public have access. If you feel that such an entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the authority within fourteen days of the service of this notice.
8. The works or actions specified in the notice are intended to reduce the excessive risk (to a level at which the risk is not so serious). More safety may be required to reduce the risk to an acceptable level. The Fire and Rescue Authority served this notice without prejudice to any other enforcement action that this or any other enforcement authority might take.
9. The Fire and Rescue Authority is willing to consider any proposals you may have to remedy the matters specified in the notice by other means.