

Article 31 Prohibition Notice – Serving of.

Standard Operating Procedure No. TFS - 040

Document Overview: -

Article 31 of the Regulatory Reform (Fire Safety) Order 2005 provides for a Prohibition Notice to be served “If the enforcing authority is of the opinion that use of the premises involves or will involve a risk to relevant persons so serious that use of the premises ought to be prohibited or restricted”.

This document outlines the procedure for the correct serving of an Article 31 Prohibition Notice.

Contents

- 1.0 Introduction
- 2.0 Criteria
- 3.0 Premises Incorporating Single Private Dwellings
- 4.0 HMO’s (Homes in Multi-Occupancy)
- 5.0 Preparation of the Notice
- 6.0 Responsible Person Not Identified
- 7.0 Serving the Notice
- 8.0 Distribution of Copies
- 9.0 CFRMIS Update (Community Fire Risk Management Information System)
- 10.0 Withdrawing or Lifting a Notice
- 11.0 Public Register
- Appendix A [Procedure Flow Chart](#)

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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 31 Prohibition Notice (A31 Notice) is a Formal Notice served on the Responsible Person as defined by the Regulatory Reform (Fire Safety) Order 2005 (The Order).
- 1.2 The notice may restrict or prohibit the use of all or part of a premises or process when the risk of serious personal injury is or will be imminent.
- 1.3 A process flow chart is attached. ([Appendix A](#)).

2.0 Criteria

- 2.1 An A31 notice must be served “if the enforcing authority is of the opinion that use of the premises involves, or will involve, a risk to relevant persons so serious that the use of the premises ought to be prohibited or restricted”.

3.0 Premises Incorporating Single Private Dwellings

- 3.1 Single private dwellings incorporated within the premises are subject to prohibition restrictions under A31.
- 3.2 Works or installations cannot be required in these areas to rectify matters.
- 3.3 Works can be recommended but these cannot appear on the notice.

4.0 HiMO's (Homes in Multi-Occupancy)

- 4.1 If the premises are a HiMO, where practical, the Local Authority Housing Officer should be notified (via control).
- 4.2 Failure to notify will not invalidate the notice.

5.0 Preparation of the Notice

- 5.1 A Designated Manager (a suitably qualified manager who has been approved by the Group Manager Protection) and Visual Aids Technician must be requested. For a list of Designated Managers, [click here](#).
- 5.2 The duty Principal Officer must be informed.
- 5.3 A “Code B - Notice of Powers and Rights” must be issued to the perceived responsible person (or person present) to advise them of their rights and the inspector’s powers under PACE (The Police and Criminal Evidence Act 1984). For further information refer to “[Code B SOP](#)”.
- 5.4 Catalogue the offences or concerns in contemporaneous notes and support with photographic evidence.

- 5.5 Write the notice naming the responsible person. (If the responsible person has not been identified, refer to section 6).
- 5.6 The notice number is generated by the CFRMIS (Community Fire Risk Management Information System). If the notice number is not available (i.e. outside of office hours) then a temporary notice number must be used comprising of the initials of the person (or organisation) on which the notice is being served and the date, written in numeric format but without date separators. A contemporaneous note must be kept of the temporary notice number used and the reason for use.

Example: The Red Lion Hotel served on 25/07/09 would become "RLH250709". The notice number when generated in CFRMIS would then be added to the internal notice copies (i.e. RLH250709 -158) and a contemporaneous note made accordingly.

- 5.7 The notice must be signed by a designated manager.

6.0 Responsible Person Not Identified

- 6.1 Annotate the notice "To the Responsible Person".
- 6.2 Make a contemporaneous note accordingly.

7.0 Serving the Notice

- 7.1 The notice should be served on the responsible person and their signature requested on the notice as acknowledgement of receipt.
- 7.2 If the responsible person is not present, it may be served on any person present who is or appears to be resident or employed at the premises. Their signature should be requested on the notice as acknowledgement of receipt.
- 7.3 If no person with apparent responsibility is available, annotate the section "Signature of person on whom this notice is served" "No person available to receive notice".
- 7.4 In the case of 7.3 attach the notice to a conspicuous part of the premises, photograph the location and make a contemporaneous note. Save copies to FISH.
- 7.5 Refusal to sign should be recorded as a contemporaneous note and a copy saved to FISH.
- 7.6 A copy of the notice should be saved to FISH.

8.0 Distribution of Copies

- 8.1 On completion, the yellow copy of the notice should be sent to Service Delivery (Protection) Central.
- 8.2 Service Delivery (Protection) Central to vet the notice and enter onto the Public Register.

8.3 The pink copy to remain in the Article 31 book.

9.0 Public Register

9.1 The Environmental and Safety Information Act 1988 requires that a public register of relevant notices be maintained by the enforcing authority.

9.2 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.

9.3 A notice that has been withdrawn (see section 10.4) must be removed from the public register within 7 days.

9.4 A notice that has been lifted (see sections 10.2 and 10.3) will be annotated on the public register accordingly and remain on the register for a further minimum period of three years following the date of lifting.

10.0 Withdrawing or Lifting the Notice

10.1 A notice can be *withdrawn* at any time under Article 31 (9) of the Order.

10.2 The use of the word *withdrawn*, in the context of this article, is understood to mean that the restriction or prohibition to which the notice referred can now be removed.

10.3 In order to avoid confusion with the requirements of the Environmental and Safety Information Act 1988, restriction notices that have or will be *withdrawn* under article 31(9) of the Order due to the relevant serious risk now being reduced or removed, will be described as *lifted*.

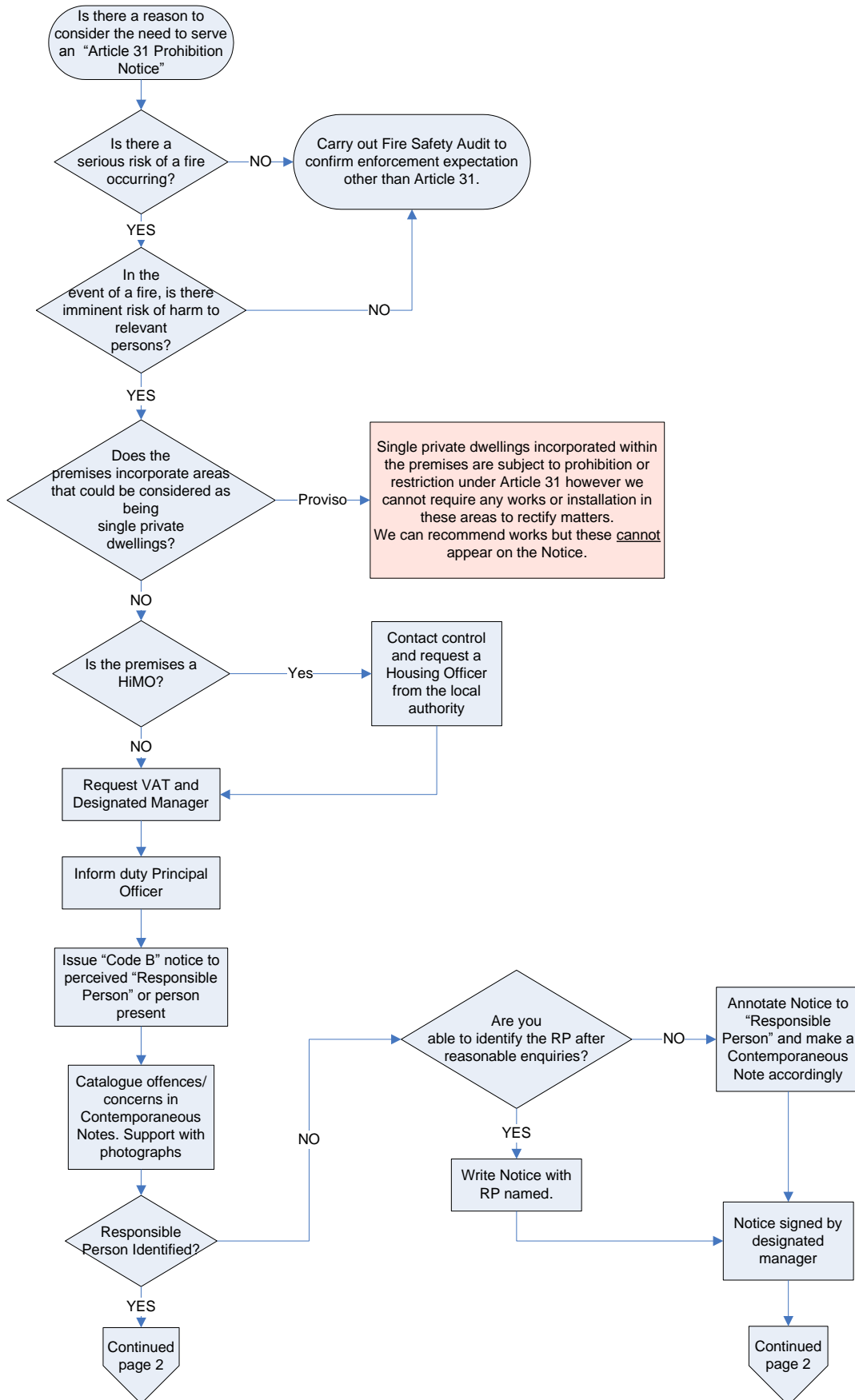
10.4 A notice may be withdrawn if it has been incorrectly served or if it may be regarded as no longer valid for technical reasons. Withdrawn notices must be removed from the public register. (See section 9.2)

10.5 A copy of the letter lifting the restriction or withdrawing the notice must be sent to Service Delivery (Protection) Central.

11.0 CFRMIS Update

11.1 The CFRMIS (Community Fire Risk Management Information System) prohibition pages must be updated as required.

Article 31 – Prohibition Notice



Article 31 – Prohibition Notice (Continued)

