



HAMPSHIRE
**FIRE AND
RESCUE
SERVICE**

Hampshire Fire and Rescue Service HQ
Leigh Road Eastleigh
SO50 9SJ
Tele: 02380644000

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NOTICE OF POWERS AND RIGHTS

**THIS NOTICE IS ISSUED TO ADVISE YOU OF YOUR RIGHTS, AND OF THE OFFICER'S
POWERS, ON THIS INSPECTION OF YOUR PREMISES IN ACCORDANCE WITH
PARAGRAPH 6.7 OF CODE B UNDER THE POLICE AND CRIMINAL EVIDENCE ACT 1984**

Address of Premises.....
to be inspected:.....
Name of Person Receiving Notice.....
Status in Relation to Premises :.....

POWER(S) UNDER WHICH THE INSPECTION IS MADE

Under the powers provided by Article 27 of the **Regulatory Reform (Fire Safety) Order 2005** ("The Order") a fire safety inspector ("An Inspector") may enter any premises which he has reason to believe it is necessary for him to enter for the purpose of carrying this Order and any regulations made under it into effect and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force;

An Inspector may make inquiries which may be necessary for any of the following purposes— to ascertain, as regards the premises, whether the provisions of The Order or any regulations made under it apply, or have been complied with; and to identify the responsible person in relation to the premises; to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records— which are required to be kept by virtue of any provision of The Order or regulations made under it; or which it is necessary for him to see for the purposes of an examination or inspection under article 27, and to inspect any entry in, the records.

An Inspector may require any person having responsibilities in relation to any premises (whether or not the responsible person) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by article 27 of The Order.

The powers conferred by article 27 on a fire inspector are also exercisable by an officer of the fire and rescue service maintained by the fire authority when authorised in writing by such an inspector for the purpose of reporting to him on any matter falling within his functions under this Order

Some of the additional powers which an officer may wish to exercise have been summarised, as far as practicable, on the reverse of this Notice, together with a summary of your rights.

Fire Safety Inspector /Authorised Officer
(Print name and role and sign after it)

Other Persons Present:

Date: Time inspection commenced Time inspection concluded

Time Notice Served on Occupier/Responsible Person.....

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ADDITIONAL POWERS WHICH AN INSPECTOR/AUTHORISED OFFICER MAY EXERCISE IN CERTAIN CIRCUMSTANCES

1. Powers in respect of books, documents & other records

Under the Regulatory Reform (Fire Safety) Order 2005, an Inspector/Authorised Officer may require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records—

- (i) which are required to be kept by virtue of any provision of this Order or regulations made under it; or
 - (ii) which it is necessary for him to see for the purposes of an examination or inspection under article 27 of the Order,
- and in addition to inspecting them, may take copies of the records, or of any entry in them.

An Inspector/Authorised Officer may take samples of any articles or substances found in any premises which he has power to enter for the purpose of ascertaining their fire resistance or flammability; and in the case of any article or substance found in any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is, in the circumstances, necessary).

SUMMARY OF YOUR RIGHTS UNDER THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

An inspector/Authorised Officer must, if so required when visiting any premises in the exercise of powers conferred by Article 27 of the Order, produce to the occupier of the premises some duly authenticated document showing evidence of his authority.

Where an Inspector/Authorised Officer proposes to exercise the power under Article 27(1)(f) of The Order, to cause any article or substance, which appears to him to have caused or to be likely to cause danger to the safety of relevant persons, to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is, in the circumstances, necessary) he must, if requested by a person with responsibilities in relation to

the premises and who is present at the time, cause anything to be done under the power given by 27(1)(f) to be done in the presence of that person.

In addition, before causing the article or substance to be dismantled or subjected to any process or test, an inspector/authorised officer must consult such persons as appear to him appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which he proposes to do under the power provided by Article 27(1)(f).

SUMMARY OF YOUR RIGHTS UNDER PACE

Persons whose premises are inspected have certain rights under the Police & Criminal Evidence Act, Code of Practice 'B', a copy of which is available for inspection at any police station and at the Headquarters of the Hampshire Fire and Rescue Service at the address provided on page 1.

In summary:

1. The inspection should take place only at a reasonable hour (normally meaning when open for business) and only after the officer has told you the purpose of the inspection and shown his/her credentials, if requested.
2. Searches must be conducted with due consideration for the property and privacy of the occupier and with no more disturbance than necessary.
3. You may ask a friend, neighbour or other person to witness the inspection unless the officer in charge has reasonable grounds for believing that this would seriously hinder the investigation. A search will not be unreasonably delayed for this purpose.
4. No item may be seized which is the subject of 'legal privilege' (i.e. communications with a legal advisor).
5. You are entitled to a list or description of seized items, on request, within a reasonable time.
6. Seized property will be retained no longer than is necessary, (e.g. to test, photograph, produce in evidence) unless it is forfeited by court order
7. Where practicable, you will be allowed supervised access to seized property to examine, photograph or copy it (or you will be provided with photographs/copies) at your expense.
8. You may be entitled to compensation for loss or damage caused in entering/inspecting your premises or by seizing your property in certain circumstances. Apply to the address on page 1.

For Office Use Only Inspection Record

Goods taken?	YES/NO
List of items taken attached FM/6/15/2 ?	YES/NO
Details of damage caused attached?	YES/NO

Note: For the responsible persons' copy this box can be left blank.