

Circular number	<b>64/2008</b>	Date issued	<b>5 December 2008</b>
This circular is	<b>For information</b>	No response required	
This circular is	<b>Relevant to the National Framework</b>		
Status	<b>This Circular covers the outcome of a referral to the Secretary of State of a question for determination under article 36 of the Regulatory Reform (Fire Safety) Order 2005.</b>		

# Secretary of State Determination under article 36 of the Fire Safety Order

## Issued by:

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**Fire and Rescue Service Development Division**

## Addressed to:

**The Chair of the Fire and Rescue Authority  
The Chief Executive of the County Council  
The Clerk to the Fire and Rescue Authority  
The Clerk to the Combined Fire and Rescue  
Authority  
The Commissioner of the London Fire and  
Emergency Planning Authority  
The Chief Fire Officer**

## Please forward to:

**Technical or statutory fire safety officers**

## Summary

This circular publishes the outcome of a request to the Secretary of State to determine a fire safety issue under article 36 of the Regulatory Reform (Fire Safety) Order 2005.

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## Secretary of State Determination under article 36 of the Fire Safety Order

### 1.0 Introduction

- 1.1 This fire and rescue service circular sets out the outcome of the first Determination request that the Secretary of State has received under article 36 of the Regulatory Reform (Fire Safety) Order 2005. It concerns a Grade I listed hotel where the adequacy of fire doors has been questioned.
- 1.2 Where the Responsible Person and the enforcing authority agree that fire safety needs to be improved in a premises, but do not agree on the technical solution to be used, they may agree to refer the issue to the Secretary of State for determination under article 36 of the Fire Safety Order.

### 2.0 Outcome

- 2.1 Following advice from the Chief Fire and Rescue Adviser, the Secretary of State has determined, under article 36 of the Regulatory Reform (Fire Safety) Order 2005, that, if the rooms in question are to continue to be used as bedrooms their doors should be:
- upgraded to achieve a period of fire resistance of 30 minutes;
  - fitted with smoke seals; and
  - fitted with self closing devices.
- 2.2 This Determination is based entirely on the unique circumstances of the hotel in question and the decisions have been taken after careful consideration of the particular circumstances relating to this case.
- 2.3 It is now a matter for the enforcing authority and the responsible person.
- 2.4 Further information on the advice of the Chief Fire and Rescue Adviser to the Secretary of State underpinning this determination can be found at <http://www.communities.gov.uk/publications/fire/heritagehotel>.

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**Fire and Rescue Service Development Division**