

STATES OF JERSEY

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DRAFT FIRE PRECAUTIONS (DESIGNATED PREMISES) (AMENDMENT No. 2 (JERSEY) REGULATIONS 200

**Lodged au Greffe on 17th August 2004
by the Home Affairs Committee**

STATES GREFFE



Jersey

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REPORT

1. Background

- 1.1 On 28th June 2004 the Home Affairs Committee were advised that while preparing a revised edition of the Laws of Jersey, the Law Draftsman's Office had noted three obsolete cross-references which impacted on the Fire Precautions (Designated Premises) Jersey Regulations 1979.
- 1.2 The cross-references are to the Mental Health (Jersey) Law 1969 (to the extent that it dealt with mental nursing homes), Old Person's Homes (Registration) (Jersey) Law 1964 and the Nursing Homes (Registration) (Jersey) Law 1950, all of which were repealed and replaced by the Nursing and Residential Homes (Jersey) Law 1994. The cross-reference appears in the definitions of "mental nursing home", "old person's home" and "nursing home" in the Regulations. In addition the terminology used in the Regulations is now incorrect insofar as "old person's home" has been replaced by the expression "residential care home". Therefore the list of designated uses is no longer correct.
- 1.3 A benefit in updating the 1979 Regulations has been to simplify the categories of premises for which a fire certificate is required.

2. Legislation

- 2.1 The Law Draftsman has produced draft Regulations which were approved by the Home Affairs Committee at its meeting of 30th July 2004.

3. Human Rights, financial and manpower implications

- 3.1 The Committee considers that, in its view, the draft Regulations are compatible with the provisions of the Human Rights (Jersey) Law 2000 and that there are no additional financial or manpower implications for the States.

Explanatory Note

These Regulations amend the Fire Precautions (Designated Premises) (Jersey) Regulations 1979 (the '1979 Regulations'). The current definitions in the 1979 Regulations are out of date, in that they cross-refer to definitions in other legislation that has since been repealed. In updating the 1979 Regulations, the opportunity is taken to simplify the categories of premises for which a fire certificate is required.

Regulation 1 is the interpretation provision.

Regulation 2 replaces the out of date definitions in the 1979 Regulations.

Regulation 3 amends a list of premises for which a fire certificate is required. Taken together with the amendments made by *Regulation 2*, it simplifies the description of certain premises by amalgamating the former categories of 'mental nursing home', 'nursing home' and 'old person's home' as a single category of 'care or nursing home'.

Regulation 4 is the citation and commencement provision.



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 2 of the Fire Precautions (Jersey) Law 1977,^[1] have made the following Regulations –

1 Interpretation

In these Regulations, “principal Regulations” means the Fire Precautions (Designated Premises) (Jersey) Regulations 1979.^[2]

2 Regulation 1 amended

In Regulation 1(1) of the principal Regulations –

(a) before the definition “first floor” there shall be inserted the following definition –

“care or nursing home” means any home to which the Nursing and Residential Homes (Jersey) Law 1994^[3] applies;”;

(b) in the definition “hostel”, after the words “other than a” there shall be inserted the words “care or nursing home,”;

(c) the definitions “mental nursing home”, “nursing home” and “old person’s home” shall be deleted.

3 Regulation 2 amended

In Regulation 2(1) of the principal Regulations, for the words “a mental nursing home; a nursing home; an old person’s home;” there shall be substituted the words “a care or nursing home.”.

4 Citation and commencement

These Regulations may be cited as the Fire Precautions (Designated Premises) (Amendment No. 2) (Jersey) Regulations 200- and shall come into force 7 days after they are made.

[1] *Recueil des Lois, Volume 1975-1978, page 263.*

[2] *Nos. 6718 and 9122.*

[3] *Recueil des Lois, Volume 1994-1995, page 85, Volume 1996-1997, page 564, Volume 1999, page 516 and Volume 2003, page 7.*