

REGULATION 38 – FIRE SAFETY INFORMATION

Building Regulations 2010

What is Regulation 38?

Regulation 38 of the Building Regulations 2010 requires that fire safety information is provided to the responsible person when certain building work is completed. Its purpose is to ensure that essential fire safety design information is passed on so the building can be operated and maintained safely throughout its life.

When does Regulation 38 apply?

Regulation 38 applies where building work is carried out to:

- A new building
- An extension
- A material alteration

And where the building is a relevant building.

What is a relevant building?

The Regulatory Reform (Fire Safety) Order 2005

A relevant building includes:

Any building of a commercial nature including offices, institutional buildings, shops and commercial premises, assembly and recreational buildings, industrial buildings, or any residential building with shared communal access.

Who must receive the information?

Responsible Person

Defined under Regulation 3 of The Regulatory Reform (Fire Safety) Order 2005 as:

- The employer in relation to a workplace (where they have control), or
- The person who has control of the premises in connection with a trade, business or undertaking, or
- The owner, where no such controlling person exists

Fire safety information must be provided to the responsible person.

Relevant Persons

Relevant persons include:

- Anyone lawfully on the premises (including the responsible person)
- Anyone in the immediate vicinity who may be at risk from a fire on the premises

Fire-fighters carrying out their statutory duties are excluded from this definition.

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What is “Fire Safety Information”?

Fire safety information means information relating to:

- The design and construction of the building or extension

- The services, fittings and equipment provided in or in connection with the building

This information must allow the responsible person to operate and maintain the building with reasonable fire safety.

If clarification of terms is required, Regulation 2 of the Building Regulations contains key definitions.

Approved Document B – Volume 2 (Fire Safety)

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Buildings Other Than Dwellings

2019 edition incorporating 2020 and 2022 amendments

Approved Document B Volume 2 explains what fire safety information is required under Regulation 38, depending on whether the building is non-complex or complex.

Non-Complex Buildings

A non-complex building is one where the fire safety strategy is straightforward, largely prescriptive, and easy to understand without specialist interpretation.

Typical characteristics

- Simple layout and geometry
- Single or limited use
- Standard means of escape
- No unusual fire engineering solutions
- No active smoke control systems
- Limited fire safety systems

Examples

- Small offices
- Simple retail units
- Single-use industrial buildings
- Low-risk commercial buildings

Complex Buildings

A complex building is one where fire safety relies on interacting systems, management procedures, or engineered solutions rather than straightforward prescriptive compliance.

Typical characteristics

- Mixed uses or phased occupation
- Large or tall buildings
- Fire-engineered solutions
- Extended or managed travel distances
- Smoke control systems
- Phased or progressive evacuation
- Interdependency between systems

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Examples

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Approved Document B Volume 2 – pages 126–129 set out the additional fire safety information required for complex buildings.

Approved Document B (fire safety) volume 2: Buildings other than dwellings, 2019 edition incorporating 2020 and 2022 amendments

For complex buildings, the handover information must be much more detailed because the building cannot be safely managed without fully understanding the fire strategy.

This often includes:

- A full fire strategy report
- Clear explanation of how the strategy works in practice
- Cause and effect schedules
- Smoke control philosophies and operating modes
- Fire fighting shaft and facilities details
- System dependencies and limitations
- Management assumptions built into the design
- Any compensatory measures relied upon

In all of the above cases, Regulation 38 information is effectively the instruction manual for safe occupation and can be referred to via the following link.

The Building Regulations 2010

For Non Complex building, the following fire safety information is required:

- Fire strategy summary (often brief)
- As-built fire plans
- Location of fire resisting construction
- Details of fire doors and escape routes
- Basic operation and maintenance information for alarms and emergency lighting

The key point is that a competent responsible person can understand and manage the building without specialist fire engineering knowledge.