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## REGULATORY REFORM (FIRE SAFETY) ORDER 2005 ARTICLE 30

### Enforcement Notice ONR-EN-23-002

Notice requiring steps to be taken under on its behalf by the Office for Nuclear Regulation pursuant to Article 26(1) of the Regulatory Reform (Fire Safety) Order 2005.

Name	Bouygues Travaux Publics
Premises	Unit 1 HR Building, Hinkley Point C Wickmoor Drove Nr. Bridgwater TA5 1UF
Address	Becket House, 1 Lambeth Palace Road, London, United Kingdom, SE1 7EU

I [REDACTED] on behalf of the Office for Nuclear Regulation, hereby give you notice that I am of the opinion that, as a person being under an obligation to do so, you have failed to comply with the requirements placed upon you by the Regulatory Reform (Fire Safety) Order 2005 in respect of the above named premises and the persons who may be on the premises or who may be affected by a fire on the premises.

The provisions of the Regulatory Reform (Fire Safety) Order 2005 which have not been complied with are:- Article 22 in relation to the duty of co-operation and co-ordination between responsible persons.

The matters which in my opinion result in the failure to comply with the aforementioned provisions of the Regulatory Reform (Fire Safety) Order 2005 are specified in the schedule to this notice.

I am also of the opinion that the steps identified in the schedule to this notice must be taken to remedy the specified failure(s) to comply with the Regulatory Reform (Fire Safety) Order 2005.

Unless the steps identified in the schedule to this notice have been complied with by 31 March 2024 you will be regarded as not being in compliance with this notice and the Office for Nuclear Regulation may consider a prosecution against you. You may, however, apply for an extension to this time limit. (See notes)

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You have the right to appeal against this notice (see notes), by way of complaint for an order, to the Clerk to the Court of the Magistrates acting for the petty sessions area in which your premises is located. If you wish to bring an appeal, you must do so within 28 days of the date this notice is served on you. The Magistrates' Courts Act 1980 will apply to the proceedings. The bringing of an appeal shall have the effect of suspending the operation of this Enforcement Notice until the appeal is finally disposed of, or, if the appeal is withdrawn, until the withdrawal of the appeal.

A black rectangular redaction box covering the signature area.

Signature

Date 12<sup>th</sup> December 2023

(Being a person authorised under Article 25(b) of the Regulatory Reform (Fire Safety) Order 2005 (SI No 1541) pursuant to the Section 19 of the Health and Safety at Work Act 1974)

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**SCHEDULE REFERRED TO IN ENFORCEMENT NOTICE ONR-EN-23-002  
REQUIRING STEPS TO BE TAKEN UNDER ARTICLE 30 OF THE REGULATORY  
REFORM [FIRE SAFETY] ORDER 2005 ISSUED BY THE OFFICE FOR  
NUCLEAR REGULATION ON 11<sup>th</sup> DECEMBER 2023**

Name and  
Address  
of Premises

Bouygues Travaux Publics  
Hinkley Point C  
Wickmoor Drove  
Nr. Bridgwater  
TA5 1UF

Where appropriate, a plan may form part of this Schedule to illustrate the action which, in the opinion of the Office for Nuclear Regulation, needs to be taken in order to comply with the Regulatory Reform (Fire Safety) Order 2005.

Note: Notwithstanding any consultation undertaken by the Office for Nuclear Regulation, before you make any alterations to the premises, you may need to apply for approval from the Local Authority Building Control or an Approved inspector and/or the approval of any other bodies having a statutory interest in the workplace.

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SCHEDULE

<b>The location and details of matters, which are considered to be failures to comply with The Regulatory Reform (Fire Safety) Order 2005, are detailed in the column below</b>	<b>The action considered necessary to remedy the failures are detailed in the column below</b>
<p>Location and details Unit 1 HR Building:-</p> <p>I am of the opinion that you have breached Article 22 Co-operation and Co-ordination arrangements:</p> <p>Deficiency from Article 22 (A1) Deficiency from Article 22 (1) Deficiency from Article 22 (1) (a) Deficiency from Article 22 (1) (b) Deficiency from Article 22 (1) (c) Deficiency from Article 22 (2)</p> <p>As a result of the failure to take all reasonable steps to cooperate and coordinate, you have failed to comply with other requirements and prohibitions imposed under this Order.</p>	<p>Action considered necessary</p> <p>Remedy: As a responsible person you should ensure that where you have duties in respect of shared premises you must co-operate and co-ordinate with other responsible persons so as far as is necessary to enable you and them to comply with the duties imposed by the Regulatory Reform (Fire Safety) Order 2005.</p> <p>All these arrangements must be in place for all interactions with other responsible persons who undertake any work on site, regardless of the time required to complete the work.</p> <p>Different approaches may be accepted provided that they are equally effective in remedying the said contravention.</p>

**NOTES TO ACCOMPANY ENFORCEMENT NOTICE  
SERVED UNDER ARTICLE 30 OF  
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

1. Application to premises. The Regulatory Reform (Fire Safety) Order 2005, subject to paragraph 6 (1)(a) to (g) below, applies to any premises.

2. The Order does not apply in relation to:-

a. domestic premises;

**Note:** Where the premises are, or consist of, a house in multiple occupation this Order applies in relation to those parts of the premises which are not domestic premises;

b. an offshore installation within the meaning of regulation 3 of the Offshore Installation and Pipeline Works (Management and Administration) Regulations 1995.

c. a ship, in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;

d. fields woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings;

e. an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act.

f. a mine within the meaning of section 180 of the Mines and Quarries Act 1954, other than any building on the surface at a mine; and

g. a borehole site to which the Borehole Sites and Regulations 1995 apply.

3. You may appeal (under Article 35 of the Order) against an enforcement notice served (under Article 30 of the Order). The appeal is made, within 21 days from the day on which the notice is served, to the magistrates' court for the area in which your premises is situated and may be brought on the grounds that you think that:

a. the service of an enforcement notice was based on an error of fact;

b. the service of the enforcement notice was wrong in law; and

c. the Office for Nuclear Regulation erred in the exercise of their discretion in serving the enforcement notice.

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Without prejudice to the breadth of the grounds of appeal set out in paragraph (a) to (c) above, examples of situations in which an appeal may lie are where:

- a. You dispute any of the facts in the notice, which detail the steps, which have to be taken in order to comply with any provision of the Order.
- b. You think that an unreasonable time period has been set for the taking of the steps set out in the notice.

4. The Office for Nuclear Regulation may grant, at their discretion, an extension (or further extension) of time specified for the steps to be taken if an appeal against the notice is not pending. Application for an extension of time should be addressed to:- The Office for Nuclear Regulation [Type in address of ONR Office].

5. Failure to comply with any requirement imposed by an enforcement notice served under Article 30 of the Order within the time specified in the notice (or such further time as the Office for Nuclear Regulation may, at their discretion, grant) is a criminal offence under Article 32(d) of the Order. A person guilty of such an offence shall be liable,

- a. on summary conviction to a fine not exceeding the statutory maximum;
- or
- b. on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or both.

6. In any proceedings for an offence referred to above, where the commission by any person of an offence under the Order, is due to the act or default of some other person, that person is guilty of the offence, and a person may be charged with and convicted of the offence whether or not proceedings are taken against the first mentioned person.

7. Nothing in the Order operates so as to afford an employer a defence in any criminal proceedings for a contravention of those provisions by reason of any act or default of an employee or person nominated to implement measures for fire-fighting and procedures for serious and imminent danger and for danger areas, and appointed to assist him/her in undertaking such preventive and protective measures as necessary.

8. Subject to Note 9, in any proceedings for an offence under the Order, except for a failure to comply with articles 8(1) (Duty to take general fire precautions) or 12 (Elimination or reduction of risks from dangerous substances), it is a defence for the person charged to prove that he/she took all reasonable precautions and exercised due diligence to avoid the commission of such an offence.

9. If you are the responsible person you are under an obligation to comply with the provisions of the Order of any regulations made under it. If you have failed to comply and you and the Office for Nuclear Regulation cannot agree on the measures

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which are necessary to remedy the failure(s), under Article 36 of the Order, you and the Office for Nuclear Regulation may agree to refer the question, as to what measures are necessary to remedy the failure(s), to the Secretary of State for a determination.

10. It should be noted that in order to satisfy the “Environment and Safety Information 1988” the Office for Nuclear Regulation is obliged to enter details of any enforcement notice into a register to which the public have access. If you feel that any such entry would disclose secret or confidential trade or manufacturing information then you should appeal in writing to the Office for Nuclear Regulation within a period of fourteen days following the service of the notice.

11. To assist with administration procedures, it would be helpful if you could quote the reference number (at the top of this notice) when dealing with the Office for Nuclear Regulation.

## **STANDARD TERMS AND DEFINITIONS**

**FIRE RESISTING (FIRE RESISTANCE):** The ability of a component or construction of a building to satisfy, for a stated period of time, some or all of the appropriate criteria specified in the relevant British Standard.

**INTUMESCENT STRIPS:** A strip of material placed along the door edges (excluding the bottom edge), or frame, that will react to heat by expanding to form a seal to the passage of hot gases and flame.

**SMOKE SEAL:** A flexible strip of material (often used in conjunction with an intumescent strip) placed along the door edges or frame to limit the spread of cold smoke during the early stages of a fire.

**SELF-CLOSING DEVICE:** A device, which is capable of closing the door from any angle and against any latch fitted to the door. Rising butt hinges are not acceptable.

**AUTOMATIC DOOR RELEASE:** A device, linked to (or operated by the sound of) the fire alarm system, that when fitted to a fire resisting self closing door, enables it to be held open during normal working conditions.

**EMERGENCY ESCAPE LIGHTING:** That part of the emergency lighting system provided for use when the electricity supply to the normal lighting fails so as to ensure that the means of escape can be safely and effectively used at all times.

**RISK ASSESSMENT:** An organised appraisal of your activities and premises to enable you to identify potential fire hazards, and to decide who (including employees and visitors) might be in danger in the event of fire, and their location. You will then evaluate the risks arising from the hazards and decide whether the existing fire precautions are adequate, or whether more needs to be done. It will be necessary for you to record your findings (if you have five or more employees), and to review and revise when necessary.