TECHNICAL GUIDANCE NOTE

Responsible person roles and requirements

Emergency lighting, responsibilities, duties, and the law

Key Information

- Emergency lighting is a life safety service
- Legislation outlines who has responsibility for emergency lighting
- Legislation defines the duties of the responsible person

1. Introduction

There are three principal Standards that set out the requirements for the installation and verification of emergency lighting systems in the UK:

- BS 5266
- BS EN 1838
- BS EN 50172

All three Standards have recently been updated. Members should refer to the *ECA Guidance Note: Top Changes to Emergency Lighting Standards* for further detail. These documents should be read in conjunction with one another to obtain a complete understanding of emergency lighting requirements.

It is important to note that these documents are **Standards** and are therefore considered **guidance**, not legislation. While they are referenced within statutory documents, they are not statutory in themselves. Their primary focus is on installation and verification requirements, rather than on providing legal instruction or defining legal responsibilities.

The legislative framework and supporting guidance relating to emergency lighting, and the allocation of responsibilities, is complex and spread across multiple documents.

The purpose of this Guidance Note is to clarify these matters for Members by explaining:

- Where emergency lighting is required
- The relevant statutory and reference documents
- Who is legally responsible for emergency lighting
- What those responsibilities mean in practice
- How emergency lighting relates to a Fire Risk Assessment (FRA)

2. Legal requirement for emergency lighting

The legal requirement for emergency lighting is relatively straightforward, as legislation clearly indicates that it is required in certain circumstances.

2.1 Fire Safety Order 2005

The Regulatory Reform (Fire Safety) Order 2005 (hereon in referred to as the Fire Safety Order 2005) is one of the most influential pieces of fire safety legislation. For the purposes of this Guidance Note, it applies to commercial and industrial premises, but not domestic properties comprising of a house which is occupied as a single private dwelling.

Part 2 of the Fire Safety Order 2005 is entitled '*Fire Safety Duties*'. Article 14 of this section is entitled '*Emergency routes and exits*', and includes explicit requirements, as shown in Figure 1. Note the word **"must"**.

(2) The following requirements must be complied with in respect of premises where necessary (whether due to the features of the premises, the activity carried on there, any hazard present or any other relevant circumstances) in order to safeguard the safety of relevant persons—

Figure 1 Article 14, item 2 from the Fire Safety Order 2005

Further relevant detail from Article 14 is shown in Figure 2.

(g) emergency routes and exits must be indicated by signs; and

(h) emergency routes and exits requiring illumination must be provided with emergency lighting of adequate intensity in the case of failure of their normal lighting.

Figure 2 Detail from the Fire Safety Order 2005

These extracts demonstrate that emergency lighting forms part of the overall fire safety strategy for a building.

2.2 Workplace Regulations

Further confirmation of the requirement for emergency lighting is found within *The Workplace (Health, Safety and Welfare) Regulations 1992*, made under the Health and Safety at Work Act 1974. These Regulations define what constitutes a *workplace* and set out lighting requirements, including emergency lighting (Figure 3).

"workplace" means, subject to paragraph (2), any premises or part of premises which are not domestic premises and are made available to any person as a place of work, and includes—

(a) any place within the premises to which such person has access while at work; and

(b) any room, lobby, corridor, staircase, road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work other than a public road.

Figure 3 Excerpt from The Workplace (Health, Safety and Welfare) Regulations 1992

For the purposes of this Guidance Note, the term *workplace* is taken to mean commercial or industrial premises, subject to specific exclusions (for example, construction sites - see *Application of these Regulations*).

Within The Workplace (Health, Safety and Welfare) Regulations 1992, and under the title '*Maintenance of workplace, and of equipment, devices and systems*' can be found the following confirming a requirement for lighting during a mains failure in point (3) –

Lighting

8.—(1) Every workplace shall have suitable and sufficient lighting.

(2) The lighting mentioned in paragraph (1) shall, so far as is reasonably practicable, be by natural light.

(3) Without prejudice to the generality of paragraph (1), suitable and sufficient emergency lighting shall be provided in any room in circumstances in which persons at work are specially exposed to danger in the event of failure of artificial lighting.

Figure 4 Excerpt from The Workplace (Health, Safety and Welfare) Regulations 1992

2.3 Building Regulations and Approved Documents

Approved Documents provide guidance on how compliance with the Building Regulations 2010 may be achieved. Approved Document B (*Fire Safety*), Volume 2 (*Buildings other than dwellings*), is specifically related to fire safety and signposts the requirement for emergency lighting within the section headed '*intention'*, point (e) (Figure 5).

Intention

In the Secretary of State's view, requirement B1 is met by achieving all of the following.

a. There are sufficient means for giving early warning of fire to people in the building.

b. All people can escape to a place of safety without external assistance.

c. Escape routes are suitably located, sufficient in number and of adequate capacity.

d. Where necessary, escape routes are sufficiently protected from the effects of fire and smoke.

e. Escape routes are adequately lit and exits are suitably signed.

Figure 5 Excerpt from Approved Document B

Additional guidance is provided in Table 5.1 of Approved Document B (Figure 6).

Table 5.1 Provisions for escape lighting

Use of the building or part of the building	Areas requiring escape lighting
Residential	All common escape routes(1), except in two storey blocks of flats
Office, industrial, storage and other non-residential	a. Underground or windowless accommodation b. Stairs either: • in a central core • that serve storey(s) more than 18m above ground level c. Internal corridors more than 30m long d. Open-plan areas of more than 60m²

Figure 6 Table 5.1 from Approved Document B

Shop and commercial, and car parks	a. Underground or windowless accommodation b. Stairs either: • in a central core • that serve storey(s) more than 18m above ground level c. Internal corridors more than 30m long d. Open-plan areas of more than 60m² e. All escape routes (other than the following exception) to which the public are admitted.(1) The exception is shops that meet all of the following: • have a maximum of three storeys • have no sales floor of more than 280m² • are *not* a restaurant or bar
Assembly and recreation	a. All escape routes(1) b. Accommodation except for that which is open on one side to view sport or entertainment during normal daylight hours
Any purpose group	a. All toilet accommodation with a minimum floor area of 8m² b. Electricity and generator rooms c. Switch room/battery room for emergency lighting system d. Emergency control rooms

NOTE:
1. Including external escape routes.

Figure 6 Table 5.1 Continued

Section 5 (*General provisions*) includes a reference to BS 5266-1 *Emergency lighting of premises – Code of Practice* (Figure 7).

Lighting of escape routes

5.25 All escape routes should have adequate artificial lighting. If the mains electricity power supply fails, escape lighting should illuminate the routes listed in Table 5.1.

5.26 Escape stair lighting should be on a separate circuit from the electricity supply to any other part of the escape route.

5.27 Escape lighting should conform to **BS 5266-1**.

Figure 7 Excerpt from Section 5 Approved Document B

As can be seen from the detail within Figure 7, there is a useful pointer towards *BS 5266-1 Emergency lighting of premises – Code of practise*, the new version of which came into effect on 31 October 2025. See ECA Guidance Note for more information.

Within the foreword of BS 5266-1 can be found reference to two key documents for emergency lighting in the UK, as seen in Figure 8, which echoes the information contained within the Introduction of this Guidance Note.

Relationship with other publications

This part of BS 5266 is intended to be read in conjunction with BS EN 50172:2024 and BS EN 1838:2024.

Figure 8 Excerpt from foreword of BS 5266-1

Therefore, the main statutory and guidance documents for emergency lighting (in England and Wales) looks like this-

Main Statutory Documents which include emergency lighting
The Regulatory Reform (Fire Safety) Order 2005
The Building Regulations 2010
The Workplace (Health, Safety and Welfare) Regulations 1992

Main Guidance Documents
Approved Document B
BS 5266-1:2025
BS EN 50172:2024
BS EN 1838:2024

Figure 9 Main Statutory and Guidance Notes relating to emergency lighting

2.4 Scope of Legal Requirement

It can confidently be stated there is a legal requirement (in some buildings) for emergency lighting, and that this is encompassed within the overall regulatory requirement of the fire strategy. References can be found in the Fire Safety Order 2005, The Workplace (Health, Safety and Welfare) Regulations 1992 and Approved Document B.

However, it is important to emphasise a key aspect of terminology here. Strictly speaking, the legislation covering fire safety and pertaining to emergency lighting is for **emergency escape lighting** only i.e., lighting that in the event of a mains failure enables safe evacuation and exit from a building, and which includes escape routes, exit signs and emergency equipment etc. Local area lighting and standby lighting (lighting that allows normal activities to continue) are not considered to be part of emergency escape lighting but come under the general term of 'emergency lighting' and are therefore not encompassed by fire safety legislation. See excerpt from Table 2 of BS 1838 in figure 10.

Application	Emergency lighting				
	Emergency escape lighting			Local area lighting Uses the emergency escape system during failures of the normal supply[d]	Standby lighting Does not provide emergency escape lighting[c]
	Escape route lighting,	Open area (anti-panic) lighting,	High-risk task area lighting,		

Figure 10 Excerpt from Table 2 BS EN 1838

3. Responsibility for Emergency Lighting

3.1 The Responsible Person

The Fire Safety Order 2005 is the key piece of legislation that impacts building owners and occupiers when it comes to fire safety. Section 3 (Figure 11) sets out who is the responsible person -

Meaning of "responsible person"

3. In this Order "responsible person" means—

(a) in relation to a workplace, the employer, if the workplace is to any extent under his control;

(b) in relation to any premises not falling within paragraph (a)—

(i) the person who has control of the premises (as occupier or otherwise) in connection with the carrying on by him of a trade, business or other undertaking (for profit or not); or

(ii) the owner, where the person in control of the premises does not have control in connection with the carrying on by that person of a trade, business or other undertaking.

Figure 11 Responsible person as defined in the Fire Safety Order 2005

Article 5 sets out the duties of the responsible person (Figure 12).

Duties under this Order

5.—(1) Where the premises are a workplace, the responsible person must ensure that any duty imposed by articles 8 to **[**F11**]**22B**]** or by regulations made under article 24 is complied with in respect of those premises.

(2) Where the premises are not a workplace, the responsible person must ensure that any duty imposed by articles 8 to **[**F11**]**22B**]** or by regulations made under article 24 is complied with in respect of those premises, so far as the requirements relate to matters within his control.

Figure 12 Responsible persons duties under the Fire Safety Order 2005

The responsibilities contained within Articles 8 to 22 inclusive rest with the responsible person, including the duty to take general fire precautions (Figure 13).

Duty to take general fire precautions

8.—(1) The responsible person must—

(a) take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of any of his employees; and

(b) in relation to relevant persons who are not his employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

Figure 13 Responsible persons duty to take general fire precautions as per Fire Safety Order 2005

General fire precautions include item (b) below (which would include emergency lighting) – (Figure 14).

Meaning of "general fire precautions"

4.—(1) In this Order "general fire precautions" in relation to premises means, subject to paragraph (2)—

(a) measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;

(b) measures in relation to the means of escape from the premises;

Figure 14 Measures for means of escape would include emergency lighting

Section 9 details specifically the requirement for a risk assessment to be performed in relation to their duties. A record of the completed FRA must be kept.

Risk assessment

9.—(1) The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he needs to take to comply with the requirements and prohibitions imposed on him by or under this Order.

Figure 15 Clear duty for the responsible person to undertake a risk assessment

The responsible person is liable in law for the FRA and to ensure that it is suitable and sufficient. It is therefore imperative that the responsible person applies due diligence to ensure the fire risk assessor is competent.

It is important to point out to Members here that if undertaking maintenance, repair or any other work that may affect the safety of the premises then Members take on the duties of a responsible person in relation to the work under their control (and how it could affect other areas as a result). This is outlined in *section 5* *Duties under this Order* –

(3) Any duty imposed by articles 8 to [F11 22B] or by regulations made under article 24 on the responsible person in respect of premises shall also be imposed on every person, other than the responsible person referred to in paragraphs (1) and (2), who has, to any extent, control of those premises so far as the requirements relate to matters within his control.

(4) Where a person has, by virtue of any contract or tenancy, an obligation of any extent in relation to—

(a) the maintenance or repair of any premises, including anything in or on premises; or

(b) the safety of any premises,

that person is to be treated, for the purposes of paragraph (3), as being a person who has control of the premises to the extent that his obligation so extends.

(5) Articles 8 to [F11 22B] and any regulations made under article 24 only require the taking or observance of general fire precautions in respect of relevant persons.

Figure 16 Extension of duties to anyone undertaking work

An example of how such work could affect other fire safety elements of a building would be installing cables or containment through compartmentation, or modifying equipment that will affect other areas etc. Incidentally, the duties of the responsible person also extend to maintenance i.e., the requirement to maintain systems so that they operate effectively in the event of them being required. The detail can be found within Article 17 of the Fire Safety Order 2005.

Maintenance

17.—(1) Where necessary in order to safeguard the safety of relevant persons the responsible person must ensure that the premises and any facilities, equipment and devices provided in respect of the premises under this Order or, subject to paragraph (6), under any other enactment, including any enactment repealed or revoked by this Order, are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.

Figure 17 Excerpt from Article 17 of the Fire Safety Order 2005

4. Risk Assessment

A FRA is essentially the foundation on which fire safety measures are built.

The responsible person is clearly the individual with the duty for ensuring a risk assessment is performed, but it doesn't need to be they who undertake it. And here for some there may be a misunderstanding that a full emergency lighting engineering assessment automatically forms part of a FRA. The short answer to this is that it may do, but not necessarily, and will need to be confirmed by the responsible person. For small properties it may be deemed that emergency escape lighting and exit signs are not required.

To unpack this, the detail within current guidance documentation needs to be considered. In no particular order starting with BS 9999.

BS 9999 entitled 'Fire Safety in the design, management and use of buildings – Code of Practice' reiterates that emergency lighting forms part of the overall fire safety strategy, and therefore emergency lighting inclusion within this strategy is confirmed within Section 15, entitled '*Minimum package of fire protection'*, specifically 15.4 (Fig 18) and Table 8 (Fig 19) –

15.4 Artificial and emergency escape lighting

Suitable lighting should be provided to all premises to enable the safe movement of persons along escape routes to a place of relative or ultimate safety. Emergency escape lighting, when needed, should be provided in accordance with Table 8, BS 5266-1 and BS EN 1838.

*NOTE Guidance on types of luminaire and recommendations for the installation of luminaires are given in **37.4**.*

Figure 18 Excerpt from BS 9999

Table 8 **Provisions for emergency escape lighting**

Occupancy characteristic	Areas needing emergency escape lighting
A	Underground or windowless accommodation Stairways in a central core or serving storey(s) more than 18 m above ground level Internal corridors more than 30 m long Open-plan areas of more than 60 m^2
B [A)]	All escape routes [B)] (except in shops of three or fewer storeys with no sales floor more than 280 m^2 provided that the shop is not a restaurant or bar)
C	All common escape routes [B)], except in two-storey blocks of flats
Any use	All sanitary accommodation with a floor area over 8 m^2 Windowless sanitary accommodation with a floor area not more than 8 m^2 Electricity and generator rooms Switch room/battery room for emergency lighting system Emergency control room

[A)] In areas of shops where the public are not admitted use occupancy characteristic A.

[B)] Including external escape routes.

Figure 19 Table 8 from BS 9999

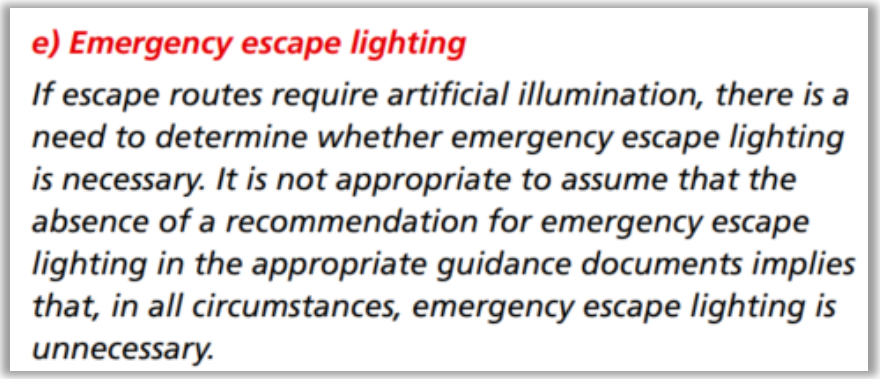
There is also PAS 79-1:2020 entitled '*Fire Risk Assessment – Part 1: Premises other than housing Code of Practice'*.

For reference a PAS (Publicly Available Specification) is developed in response to an identified market need, very often at the request of a sponsor for a Standardization product that serves the needs of an emergent market, technology, service or public policy interest.

A PAS offers an effective means of quickly introducing Standardization in such cases, and for testing the value or validity of a particular approach or methodology. It can also serve as the basis for further Standardization at UK, European or international level.

A PAS is not restricted to application within the UK, nor is its development model restricted to UK stakeholders. The documents are produced following guidelines set out by the British Standards Institution (BSI).

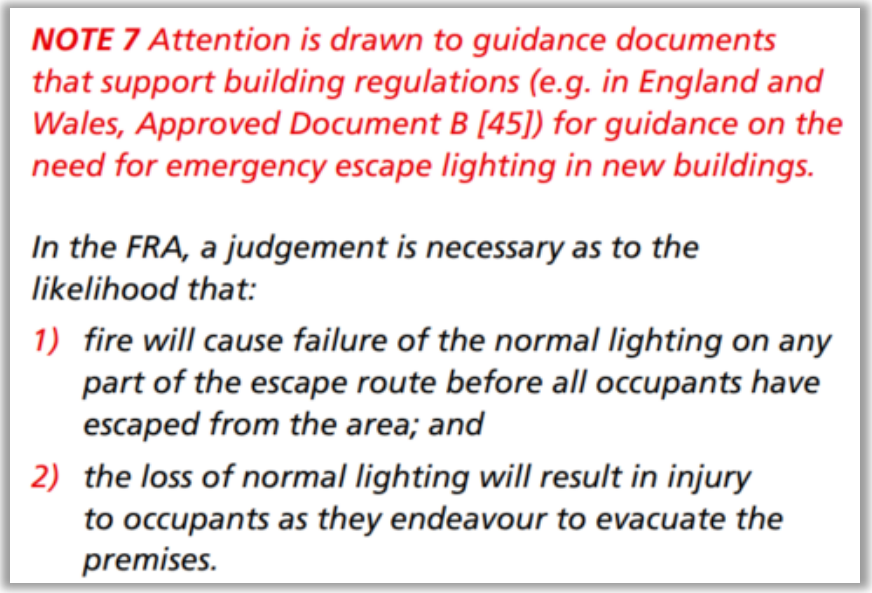
Within PAS 79-1, section *15 Assessment of fire protection measures* is the following –



e) Emergency escape lighting

If escape routes require artificial illumination, there is a need to determine whether emergency escape lighting is necessary. It is not appropriate to assume that the absence of a recommendation for emergency escape lighting in the appropriate guidance documents implies that, in all circumstances, emergency escape lighting is unnecessary.

Figure 20 Section from PAS 79-1



***NOTE 7** Attention is drawn to guidance documents that support building regulations (e.g. in England and Wales, Approved Document B [45]) for guidance on the need for emergency escape lighting in new buildings.*

In the FRA, a judgement is necessary as to the likelihood that:

1) *fire will cause failure of the normal lighting on any part of the escape route before all occupants have escaped from the area; and*
2) *the loss of normal lighting will result in injury to occupants as they endeavour to evacuate the premises.*

Figure 20 Continued

Figure 20 contains a clear indication that the assessment of emergency lighting is an integral part of a FRA. But, further down in the document there is this paragraph –

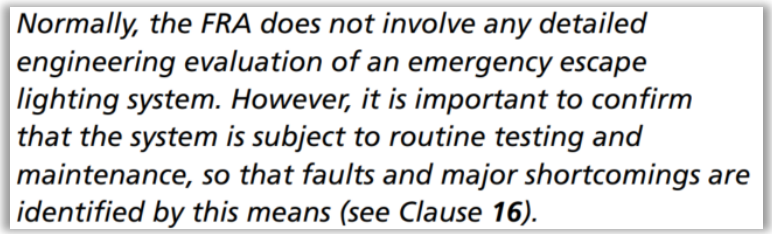


Figure 21 Section from PAS 79-1

This point indicates the boundaries of the assessment of an emergency lighting system within the confines of a FRA (which is also the same statement as seen within BS 9792:2025 (Fire Risk Assessment Housing)

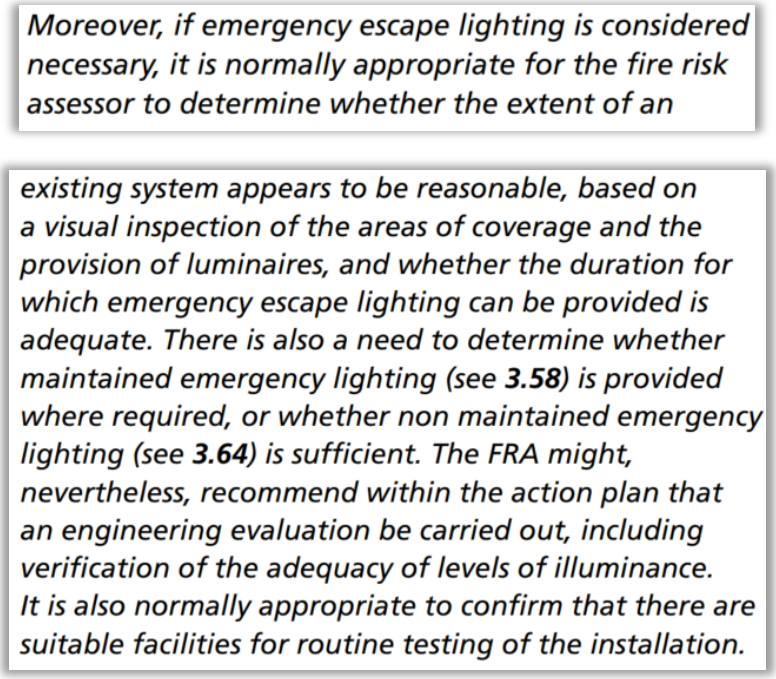


Figure 22 Additional detail from PAS 79-1

Following the review from the Grenfell disaster there have been many changes to legislation in the UK, mostly via the implementation of the Building Safety Act 2022**.** Some of the recommendations within the review have resulted in two new British Standards which emphasis one of the main points of the review - focusing on the FRA for buildings and aiming to strengthen the process by offering guidance and frameworks for competence. (See recommendation 26 from the Phase 2 Report updated June 2025).

BS 9792:2025 (Fire Risk Assessment - Housing): A new code of practice for assessing fire risks in residential buildings (flats, student housing, care homes) to meet legal duties and ensure occupant safety, superseding older guidance.

Within BS 9792 there is another clear requirement for an emergency lighting assessment, as shown if Figure 23 and Figure 24 below.

Emergency escape lighting

*COMMENTARY ON **15.5***

If escape routes require artificial illumination, there is a need to determine whether emergency escape lighting is necessary. Normally, emergency escape lighting is necessary on all escape routes in housing premises, except, for example, a small supported housing bungalow with automatic plug-in night lights. Normally, this comprises non-maintained emergency lighting, but maintained emergency lighting is equally acceptable. (Both terms are defined in BS 5266-1.)

*If a judgement is made that emergency escape lighting is not necessary, it is appropriate for this to be justified in the documented FRA (see Clause **10**).*

*Normally, the FRA does not involve any detailed engineering evaluation of an emergency escape lighting system. However, it is appropriate to confirm that the system is subject to routine testing and maintenance, so that faults and major shortcomings are identified by this means (see Clause **16**).*

Figure 23 Excerpt from BS 9792

Emergency escape lighting (15.5)

Observation

Indicate:

- *If emergency lighting is provided on internal escape routes. If it is not provided, indicate the justification, e.g. the presence of good, borrowed light from street lights.*
- *Whether or not external escape routes have or require emergency lighting.*
- *The type of emergency lighting, e.g. non-maintained, maintained, integrated into the primary lighting, and duration (typically 3 hours).*
- *The presence of suitable facilities for routine testing of the installation.*
- *If the emergency lighting is routinely tested.*

Comment

Record any concerns or shortcomings.

Conclusion

Satisfactory ☐ Action Required ☐ Not Applicable ☐

Figure 24 Excerpt from BS 9792

BS 8674:2025 (Competence Framework for Fire Risk Assessors): Establishes clear competency levels (Foundation, Intermediate, Advanced) for assessors, matching their skills to building complexity and risk, crucial for compliance with the Building Safety Act 2022.

Within BS 8674, and under the title of Principle and scope of fire risk assessments can be found the following –

10) Identify and, where necessary, interpret the appropriate standards that describe how the most common active fire protection systems (e.g. fire detection and fire alarm, emergency lighting and emergency voice communication systems) are to be installed and maintained.

Figure 25 Excerpt from BS 8674

So, where does that leave us?

There is a clear link between emergency lighting and fire safety. Emergency lighting is mentioned throughout fire safety legislation (Fire Safety Order), Approved Documents (Document B Fire Safety), British Standard Codes of Practise (BS 9999, BS 8674, BS 9792) and industry recognised guidance relating to the undertaking of FRAs (PAS 79-1). Therefore, there can be no doubt emergency lighting should be considered as part of a FRA. However, whilst there can be little doubt that emergency lighting ought to be included within a FRA, the extent of the inclusion does not cover a detailed engineering evaluation (ref PAS 79-1 and BS 9792:2025). It is further detailed within both of these documents that the fire risk assessor may recommend that a full emergency lighting engineering evaluation be undertaken.

5. How do Members advise their clients?

Some Fire Risk Assessors may well be competent to do a full emergency lighting engineering evaluation; others will not be or may not wish to include anything other than the basic requirements. And that would be fine, but Members need to be able to inform their clients accordingly, by pointing out that the application of emergency lighting is a legal requirement, but also a specialised area, and only to be undertaken by appropriately competent persons. This will include many Members. The basics concerning escape route signage and the presence of emergency lighting (if required) should be covered within the scope of a FRA, but as we have seen, a specific and detailed engineering assessment of the emergency lighting system is not normally included as part of this process (unless the FRA is competent and willing to do so). The fire risk assessor may indicate that a full engineering assessment of the emergency lighting system is recommended.

When you distil this down, this means that a buildings responsible person must obtain a suitable **F**ire Risk Assessment highlighting the fire precautions that must be undertaken.

ECA Members that are not accredited as fire risk assessors should not therefore be giving guidance or instruction to the responsible person in terms of their fire precaution methods.

ECA Members must therefore **not** advise clients on possible solutions when it comes to fire precautions other than to state that a suitable FRA is undertaken stipulating what is required. If that FRA requires the building shall comply with the recommendations of BS 5266, then Members can design a system that meets that specification.

Members should ensure that they are not putting themselves into a situation where they are advising on matters for which they are not suitably trained, competent or insured for.

The requirements of a Code of Practice such as BS 5266, should not always be assumed to suffice either. Granted, they are excellent starting points (and if no other information exists –

they are to be adhered to) but if the FRA requires the installation to be over and above the guidance contained within a UK Code of Practice, then that is what must be done.

Members should remind any client that it is their legal responsibility under the Regulatory Reform (fire safety) Order 2005 to have a suitable risk assessment in place to determine what fire precautions, including that of emergency lighting, should be in place. This is relevant for both new and existing installations.

6. Verification

6a. Initial verification

For Initial verification i.e. verifying an installation before it is put into service BS 5266:2025 refers to the initial verification requirements contained within section 7.3 of BS EN 50172:2024. Whilst BS EN 50172 contains the verification details it refers out to BS EN 1838 for illuminance requirements (hence why all three should be read in conjunction). Members are still advised to consider the FRA, and to liaise with the responsible person in order to confirm whether there are any agreed upon variations to those stated within the aforementioned Standards. If there are no additional requirements as indicated by either the FRA or the responsible person, then the requirements contained within BS EN 50172 and BS EN 1838 current at the time, are to be adhered to.

It is worth also pointing out that the responsible person must ensure that anyone undertaking work has the relevant information to do so safely. This includes having sufficient time to perform the task and passing on any relevant information. This full detail can be found within article 18 of the Fire Safety Order 2005 entitled *Safety Assistance* –

(3) The responsible person must ensure that the number of persons appointed under paragraph (1), the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks to which relevant persons are exposed and the distribution of those risks throughout the premises.

(4) The responsible person must ensure that—

(a) any person appointed by him in accordance with paragraph (1) who is not in his employment—

(i) is informed of the factors known by him to affect, or suspected by him of affecting, the safety of any other person who may be affected by the conduct of his undertaking; and

(ii) has access to the information referred to in article 19(3); and

Figure 26 Excerpt from Fire Safety Order 2005

(b) any person appointed by him in accordance with paragraph (1) is given such information about any person working in his undertaking who is—

(i) employed by him under a fixed-term contract of employment, or

(ii) employed in an employment business,

as is necessary to enable that person properly to carry out the function specified in that paragraph.

Figure 26 Continued

a. Periodic Verification

Periodic verification of an emergency lighting system is not to be compared to the undertaking of an Electrical Installation Condition Report (EICR). For example, following the completion of an EICR , a report is issued to the client confirming the suitability of the electrical installation for continued use, and for which an overall status would be recorded; either satisfactory or unsatisfactory (when compared against the requirements of the current edition of BS 7671).

But for the verification of emergency lighting systems, the requirements within the applicable Standards are clear i.e., when verifying an existing emergency lighting system, the **original design requirements are to be referenced** and **not** those within any current British Standard (see Figure 24 from BS EN 50172:2024 and note the reference to the illuminance data needing to comply with the original design requirements). Assuming original design data is available.

7.4.5 Five-year verification

Additionally to 7.4.4, illuminance measurements shall be performed once every five years in order to verify the corresponding luminous requirements according to EN 1838.

NOTE 1 National regulations can also provide such requirements.

The illuminance levels shall comply with the minimum requirements used for the system design.

NOTE 2 Compliance can be checked by measurements according to Annex B.

Figure 27 Detail from BS EN 50172:2024

If no design data is available then a full assessment is required in line with the information contained within BS EN 50172:2024, section 7.3g. See Figure 28.

In the absence of initial verification documentation, a full assessment is conducted in accordance with BS EN 50172:2024, **7.3**g), at least once every 5 years.

Figure 28 Excerpt from BS 5266 Annex D

There is some additional detail within PAS 79-1 confirming that an older system designed to difference versions of the Standards may not be unsafe.

It is not necessarily (and is often not) the case that failure to comply with current guidance necessitates upgrading of fire precautions to meet current standards, particularly those imposed in the design of new premises under building regulations. It is almost a truism that standards, in their development over a period of time, improve levels of safety, but this does not necessarily imply that older standards are unsafe.

Figure 29 Detail from PAS 79-1

Incidentally the same detail can also be found within BS 9792:2025 (Commentary on Clause 9, Figure 30).

It is an inherent part of the FRA process in such cases to determine whether departures from current guidance, including guidance that supports the relevant fire safety legislation, create sufficient risk to warrant upgrading of fire precautions to current standards. The risk assessor might need to make subjective judgements, but a departure from prescriptive guidance is not, alone, sufficient justification for upgrading work.

The crux of the FRA process is often to determine whether departures from current standards create unacceptable risk (i.e. whether the departure from current standards really matters to any degree). In making judgements, all the circumstances of the case need to be taken into account.

Figure 30 Commentary of Clause 9 from BS 9792:2025

Members can advise clients whether their buildings meet the requirements of the relevant British Standards or not, but **must not go further** and say whether a building is safe, or not, unless they have the relevant skills, knowledge, experience and insurances to do so.

It is important too that Members must always refer to the FRA when undertaking a full evaluation of the emergency lighting system. A FRA operates as a separate and ongoing legal requirement (under the Fire Safety Order) which considers many safety aspects and may require higher or more specific safety Standards for existing buildings. British Standards are to be considered as guidance on how to comply with current requirements and Building Regulations. Therefore, the FRA and British Standards may not align in all cases, but it is the information contained within the FRA (as the legal requirement) which would take priority over guidance within a British Standard (as long as the FRA has been properly conducted of course).

It is the responsibility of the designated responsible person to evaluate the information and risk, and to make the subsequent appropriate decisions. Members can certainly advise whether illuminance levels or similar meet the requirements of current Standards, but this is only part of the picture i.e., it may have been decided between the building's responsible person and Fire Risk Assessor (and documented) that due to building layout, status, age or usage (or any other reason) different requirements are considered appropriate.

This could include illuminance levels above that recommended in the British Standards, or indeed possibly below. See the decision tree taken from PAS 79-1 in Figure 28 for how this may apply.

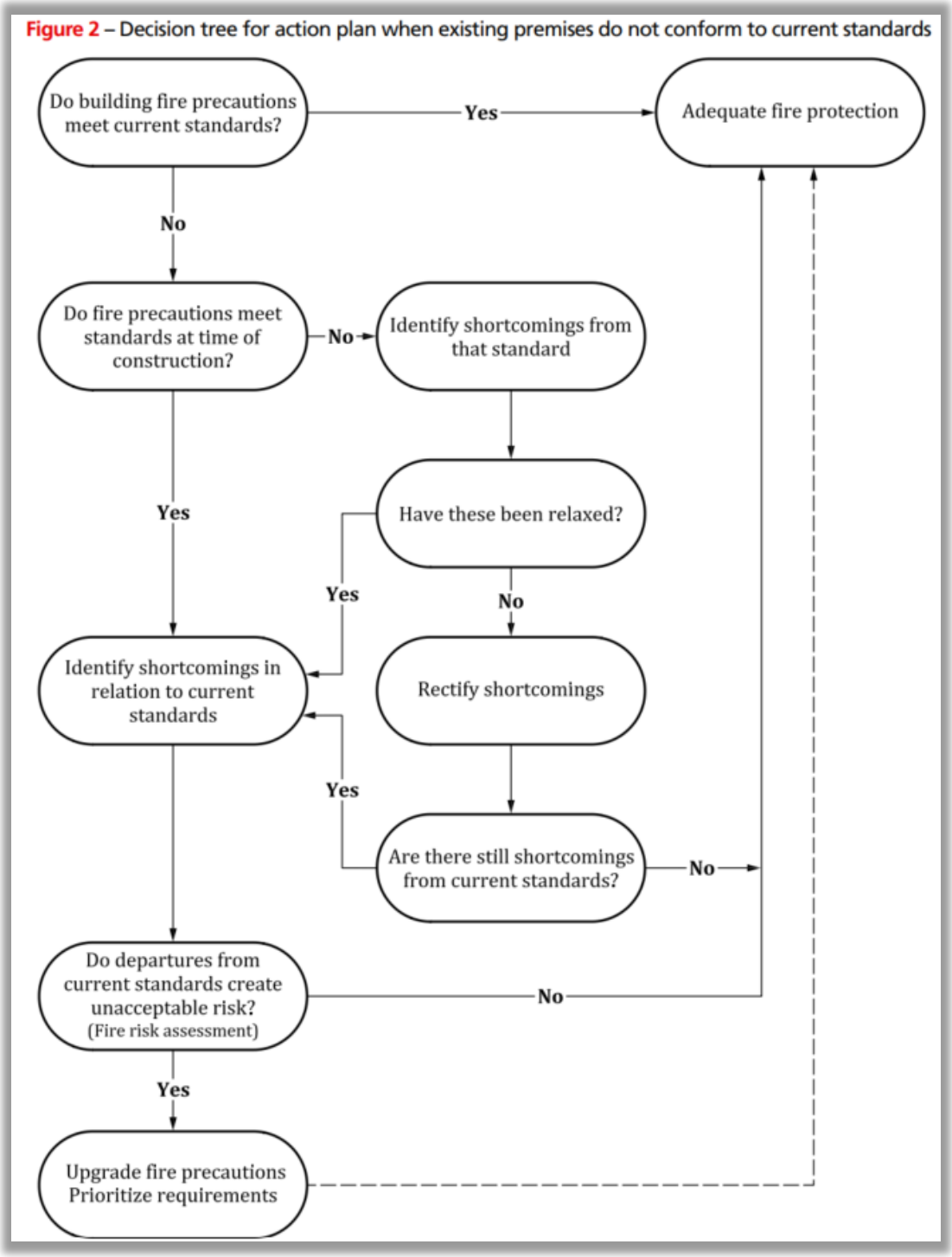


Figure 31 Decision tree for Fire Risk Assessors from PAS 79-1

7. In Summary

As can be seen from the information contained within this Guidance Note, the legal requirement for emergency lighting is straightforward, and the application of who is responsible for emergency lighting within a building is clearly defined within legislation.

What is sometimes unclear is how to advice clients when the specific illuminance levels recorded on site vary from either those within the current version of the Standards, or else the original design data. This information is to be noted and fed back to the responsible person.

As stated within this Guidance Note, there is no doubt that the responsibility for the fire safety of any building rests with the designated person for that building. The responsible person may turn to Members for advice. If so, Members are advised to be mindful of their responsibilities and not to stray outside of their competence and insurance boundaries, but to pass over any relevant information to their clients, and avoid using terminology such as ‘unsatisfactory’ or ‘non-compliant’ etc.

The information transfer from Members to the responsible person would include the site illuminance results following a verification process, identifying any variations from the original design or current Standard recommendations, whichever is applicable. Members are advised to offer this information in writing if possible and record any test results in the site Emergency Lighting Logbook.

It is the responsible persons decision alone whether to take any action, but should be based upon the information they have received from the verification process, the fire risk assessor, and using their judgement and knowledge of the building usage / insurance requirements/ general risk assessment etc. The responsible person with the input of the fire risk assessor may choose to deviate from the requirements of the Standard, (see Figure 31). This is a decision for a competent and insured fire risk assessor and the building responsible person to make.

8. Other Useful Information

Home Office – A guide for persons with duties under the Regulatory Reform (Fire Safety) Order 2005 (as amended) and the Fire Safety (England) Regulations 2022

Fire Sector Federation Approved Code of Practise – A National Framework for Fire Risk Assessor Competency

PAS 0:2022 Principles of PAS Standardization

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