

Appeal Court guidance on fire sentencing

London Fire Brigade has issued a statement welcoming a Court of Appeal decision which offers guidance on sentencing for serious breaches of fire safety legislation.

The judgment focused on a store's appeal against a sentence and is the first decision made by the Court of Appeal under the Regulatory Reform (Fire Safety) Order 2005 (RRO).

The store, New Look, pleaded guilty to two breaches of the RRO at Southwark Crown Court on 25 November 2009 following a prosecution by the London Fire Brigade.

The company was fined £400,000 and ordered to pay £136,052 in costs by HHJ Rivlin QC, Recorder of Westminster, making it the largest fine to date under the RRO.

New Look argued that HHJ Rivlin, the sentencing judge, had not given sufficient weight to the fact that neither individually nor cumulatively were the breaches of duty linked to the cause of fire, nor did the fire cause injury or death.

It was submitted that the sentencing judge had applied a higher presumed standard of seriousness to breaches of fire safety responsibilities than he would for breaches of duty towards employees and visitors under the Health and Safety at Work, etc Act 1974.

However, these submissions were not accepted and the Court of Appeal agreed with the sentencing judge that [a court does not have to wait until death or serious injury has occurred to express its displeasure at wholesale breaches of the defendant's responsibilities](#) under the Order.

After concluding that the sentencing judge made no error in principle or approach to the issues of seriousness and responsibility, the Court of Appeal recognised that the fines were severe but not manifestly excessive.