ProtectUK

Responsible person

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Who is responsible for qualifying premises and qualifying events?

All qualifying premises and qualifying events will have a responsible person with the responsibility for ensuring the requirements of the Act are met. The identity of the responsible person is the individual, organisation or company that has control over the qualifying premises for the purpose of its Schedule 1 use, or control over the premises for the purposes of the qualifying event. The determination of the responsible person is defined in the Act and is therefore not a matter of choice. The responsible person cannot delegate their legal responsibility to a contracted service provider, for example, but may delegate tasks. The responsible person may not be a named individual or single person. It is most likely to be an organisation.

In some cases, the responsible person may be the same individual, organisation or company for several premises – for example, a company operating a chain of restaurants or shops, or a governing body for an educational or medical trust. If this is the case, the responsible person should consider how the Act's requirements can be met at each individual premises, avoiding a one-size-fits-all approach.

Qualifying Premises

For qualifying premises, the responsible person will be the individual, company or organisation with control of the premises for the purpose of its Schedule 1 use. For the purposes of the Act, a person in control will ordinarily have physical possession of the premises at the relevant time, with the right and the ability to make decisions regarding their management and use, particularly as to who may or may not remain on site. The principle of control does not necessarily require the individual, company or organisation to be the owner of the premises or have exclusive rights and could, for example, be held by a leaseholder or licence holder.

Where premises have two or more Schedule 1 uses, the responsible person will be the individual, organisation, or company with control of the premises in connection with the “principal use” of the premises

Qualifying Events

For qualifying events, the responsible person is the individual, organisation or company which has control of the premises in connection with their use for the event. The responsible person can be different to the individual, organisation or company which has control of the premises outside of their use for the event. The responsible person cannot delegate their legal responsibility to a contracted service provider but may delegate tasks.

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