

*Changes to legislation:* There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross Heading: Removal from office. (See end of Document for details)

## [<sup>F1</sup>SCHEDULE 1A THE SCOTTISH FIRE AND RESCUE SERVICE

### Textual Amendments

- F1** Sch. 1A inserted (8.8.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 101(2), 129(1)(b)** (with s. 122(4))

### *Removal from office*

- 5 (1) The Scottish Ministers may remove a member from office if—
- (a) the member is an undischarged bankrupt,
  - (b) the member has, without reasonable excuse, been absent from meetings of SFRS for a period longer than 4 consecutive months,
  - (c) the member has, without reasonable excuse, been absent from 3 consecutive meetings of SFRS,
  - (d) the member has been convicted (whether before or after the member's appointment) of a criminal offence,
  - (e) the member has failed to comply with the terms or conditions of the member's appointment,
  - (f) the Scottish Ministers consider that the member is otherwise unfit to be a member or is unable for any reason to carry out the member's functions.
- (2) For the purposes of sub-paragraph (1)(a), “undischarged bankrupt” means a person—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force),
  - (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it),
  - (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 (c.66)[<sup>F2</sup>, the Bankruptcy (Scotland) Act 2016] or the Insolvency Act 1986 (c.45),
  - (d) who is the subject of a bankruptcy restrictions undertaking entered into under [<sup>F3</sup>paragraph 7 of Schedule 4A to the Insolvency Act 1986],
  - (e) who has been adjudged bankrupt (and has not been discharged), or
  - (f) who is subject to any other kind of order, arrangement or undertaking analogous to those mentioned in paragraphs (a) to (d), anywhere in the world.]

### Textual Amendments

- F2** Words in [sch. 1A para. 5\(2\)\(c\)](#) inserted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 8 para. 20** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2
- F3** Words in [sch. 1A para. 5\(2\)\(d\)](#) substituted (1.4.2015) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), **sch. 3 para. 39**; S.S.I. 2014/261, art. 3 (with arts. 4-7, 12) (as amended by S.S.I. 2015/54, art. 2)

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