



Fire (Scotland) Act 2005

2005 asp 5

PART 3

FIRE SAFETY

CHAPTER 2

ENFORCEMENT

66 Appeals

- (1) On the application of the person on whom a relevant notice is served or, if the relevant notice is a prohibition notice, a person who in relation to the relevant premises to which the notice relates is subject to the duties imposed by section 53 or 54, the sheriff may make an order—
 - (a) revoking the notice;
 - (b) varying it in such manner as may be specified in the order; or
 - (c) confirming the notice.
- (2) Any application under this section shall be made before the expiry of the period of 21 days beginning with the service of the relevant notice to which the application relates.
- (3) If the application relates to—
 - (a) an enforcement notice; or
 - (b) an alterations notice,the notice shall be suspended during the relevant period.
- (4) If, pending the making of an order under subsection (1), the sheriff makes an order suspending a prohibition notice (a “suspension order”) the suspension order shall be effective only from its making.
- (5) If not recalled by the sheriff, a suspension order shall cease to have effect on—
 - (a) the making of an order under subsection (1); or
 - (b) the abandonment of the application under this section.
- (6) An application under this section shall be made by summary application.

Status: This is the original version (as it was originally enacted).

(7) In this section—

“relevant notice” means—

- (a) a prohibition notice;
- (b) an enforcement notice; or
- (c) an alterations notice; and

“relevant period” means the period beginning with the making of an application under this section and ending with—

- (a) the making of an order under subsection (1); or
- (b) the abandonment of the application.