



Fire (Scotland) Act 2005

2005 asp 5

PART 3

FIRE SAFETY

CHAPTER 5

GENERAL

78 Meaning of “relevant premises”

- (1) In this Part, “relevant premises” means any premises other than those mentioned in subsection (2).
- (2) Those premises are—
- (a) domestic premises;
 - (b) ^{F1} ... ^{F2} ... mines and offshore installations;
 - [^{F3}(ba) ships in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;]
 - ^{F3}(c) ^{F4}
 - (d) borehole sites to which the Borehole Sites and Operations Regulations 1995 (S.I. 1995/2038) apply;
 - (e) ^{F5}
 - (f) ^{F5}
 - (g) ^{F5}
 - (h) if the undertaking carried on in premises is agriculture or forestry, any land other than buildings which is situated away from the undertaking's buildings.
- (3) For the purposes of subsection (1), “premises” includes in particular—
- (a) any place;
 - (b) any installation on land;
 - [^{F6}(ba) ships (other than as mentioned in subsection (2)(ba));
 - (bb) premises occupied solely for the purposes of the armed forces of the Crown;

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- (bc) premises occupied solely by any visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 (c. 5);
 - (bd) premises which are situated within premises occupied solely for the purposes of the armed forces of the Crown but which are not themselves so occupied;]
 - ^{F6}(c) any tent or movable structure; and
 - (d) vehicles other than those mentioned in subsection (6).
- (4) In paragraph (a) of subsection (2), “domestic premises” means premises occupied as a private dwelling (including a stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is used in common by the occupants of more than one such dwelling); but does not include premises such as are mentioned in subsection (5).
- (5) Those premises are—
- (a) a house as respects which the giving of permission to occupy it is an activity for which a licence under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 (S.S.I. 2000/177) is required;
 - (b) premises used for the provision of a care home service (as defined in [^{F7}paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010]^{F7}(asp 8));
 - (c) premises used for the provision of a school care accommodation service (as defined in subsection (4) of that section) [^{F8}except where the service is provided as mentioned in subsection (4)(c)(ii) of that section]^{F8};
 - (d) premises used for the provision of an independent health care service (as defined in subsection (5) of that section);
 - (e) premises used for the provision of a secure accommodation service (as defined in subsection (9) of that section);
 - (f) premises which would fall within paragraph (a) but for there being in force in respect of them a control order under section 178 of the Housing (Scotland) Act 1987 (c. 26); and
 - (g) premises which would fall within paragraph (a) but for there being in force in respect of them a management control order granted by virtue of section 74 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8).
- [^{F9}(5A) In subsection (2)(ba) “normal ship-board activities” includes the repair of a ship (other than repair carried out in dry dock).]
- ^{F9}(6) The vehicles referred to in subsection (3)(d) are—
- (a) any aircraft, locomotive, rolling stock, trailer or semi-trailer used as a means of transport;
 - (b) any vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 (c. 22);
 - (c) any vehicle which is exempt from duty under that Act.
- (7) References in this Part to relevant premises include references to a part of relevant premises.
- (8) The Scottish Ministers may by regulations modify subsections (1) to (6).
- (9) Where the Scottish Ministers exercise the power in subsection (8), they may by regulations make any modifications of this Part in its application, in consequence of

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the exercise of that power, to relevant premises specified in the regulations under that subsection that they consider necessary or expedient.

Textual Amendments

- F1** Words in s. 78(2)(b) omitted (15.6.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Relevant Premises\) Regulations 2005 \(S.S.I. 2005/352\)](#), **reg. 2(a)**
- F2** Words in s. 78(2)(b) omitted (22.7.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(a)(i)**
- F3** S. 78(2)(ba) inserted (22.7.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(a)(ii)**
- F4** S. 78(2)(c) omitted (15.6.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Relevant Premises\) Regulations 2005 \(S.S.I. 2005/352\)](#), **reg. 2(b)**
- F5** S. 78(2)(e)-(g) omitted (22.7.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(a)(iii)**
- F6** S. 78(3)(ba)-(bd) inserted (22.7.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(b)**
- F7** Words in s. 78(5)(b) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 2, **Sch. 1 para. 15**
- F8** Words in s. 78(5)(c) inserted (1.9.2007) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), **ss. 83**, 101 (with ss. 90, 99); S.S.I. 2007/385, **art. 2**, Sch.
- F9** S. 78(5A) inserted (22.7.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(c)**

Commencement Information

- I1** S. 78 wholly in force at 1.10.2006; s. 78 not in force at Royal Assent see s. 90; s. 78 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), **art. 3**; s. 78 in force at 1.10.2006 in so far as not already in force by [S.S.I. 2006/458](#), **art. 2(e)**

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