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SCHEDULE 7 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATING TO PART 2

Fire (Scotland) Act 2005 (asp 5)

- 68 (1) The Fire (Scotland) Act 2005 is amended as follows.
- (2) For the title of Part 1 of the 2005 Act and the italic cross heading immediately preceding section 1 of that Act, substitute— “ THE SCOTTISH FIRE AND RESCUE SERVICE ”.
- (3) In section 17 (duty to secure water supply)—
- (a) in subsection (1)—
 - (i) for “A relevant authority” substitute “ SFRS ”, and
 - (ii) for “the authority's” substitute “ its ”, and
 - (b) in subsection (2), for “the authority”, where it occurs in each of paragraphs (a), (e) and (f), substitute “ SFRS ”.
- (4) In section 18 (use of water)—
- (a) in subsection (1) for “a relevant authority” substitute “ SFRS ”, and
 - (b) in subsection (2) for “A relevant authority” substitute “ SFRS ”.
- (5) In section 19 (agreements in relation to water supply), for “a relevant authority”, where it occurs in each of subsections (1) and (3), substitute “ SFRS ”.
- (6) In section 20(1) (emergency supply by Scottish Water) for “a relevant authority” substitute “ SFRS ”.
- (7) In section 21 (fire hydrants: provision etc.)—
- (a) in subsection (4) for “the relevant authority in whose area the hydrant is located” substitute “ SFRS ”, and
 - (b) in subsection (6) for “a relevant authority) the relevant authority in whose area the hydrant is located” substitute “ SFRS) SFRS ”.
- (8) In section 23(2)(b) (use of fire hydrants exempt from offences) for “a relevant authority” substitute “ SFRS ”.
- (9) In section 24 (notice of works affecting water supply and fire hydrants)—
- (a) in subsection (1)—
 - (i) for “a relevant authority” substitute “ SFRS ”, and
 - (ii) for “the authority” substitute “ SFRS ”, and
 - (b) in subsection (3) for “the relevant authority in whose area the hydrant is situated” substitute “ SFRS ”.
- (10) In section 25 (powers of authorised employees in relation to emergencies), in subsection (1)—
- (a) for “a relevant authority” substitute “ SFRS ”, and
 - (b) for “the authority”, in both places where it occurs, substitute “ SFRS ”.

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- (11) In section 27 (powers of authorised employees in relation to obtaining information), in subsection (1)—
- (a) for “a relevant authority” substitute “SFRS ”,
 - (b) for “the authority” substitute “SFRS ”, and
 - (c) for “the authority's” substitute “SFRS's”.
- (12) In section 29 (powers of authorised employees in relation to investigating fires), in subsection (1)—
- (a) for “a relevant authority” substitute “SFRS ”, and
 - (b) for “the authority” substitute “SFRS ”.
- (13) In section 30 (exercise of authorised employee powers) for “a relevant authority” substitute “SFRS ”.
- (14) In section 39 (assaulting or impeding employees discharging certain functions)—
- (a) in subsection (1)—
 - (i) in paragraph (a) for “a relevant authority” substitute “SFRS ”, and
 - (ii) in paragraph (b) for “the authority” substitute “SFRS ”,
 - (b) in subsection (2)—
 - (i) for “a relevant authority” substitute “SFRS ”, and
 - (ii) for “that authority” substitute “SFRS ”, and
 - (c) in subsection (3) for “a relevant authority” substitute “SFRS ”.
- (15) In section 40 (framework document)—
- (a) in subsection (1)—
 - (i) in paragraph (a) for “relevant authorities” substitute “SFRS ”,
 - (ii) in paragraph (a) for “their functions” substitute “its functions under this Act or any other enactment, ”, and
 - (iii) in paragraph (b)(ii) for “those authorities” substitute “SFRS ”,
 - (b) in subsection (3)—
 - (i) in paragraph (b) for “fire and rescue authorities” substitute “SFRS ”, and
 - (ii) in paragraph (c) for “relevant authorities have” substitute “SFRS has ”, and
 - (c) for subsection (6), substitute—

“(6) Those persons are—

 - (a) SFRS,
 - (b) such persons as the Scottish Ministers consider represent employees of SFRS,
 - (c) such persons as the Scottish Ministers consider represent local authorities, and
 - (d) such other persons as the Scottish Ministers consider appropriate.”.
- (16) In section 41 (adherence to framework document)—
- (a) for subsection (1), substitute—

“(1) In carrying out its functions, SFRS must have regard to the framework document.”,

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- (b) in subsection (2)—
 - (i) for “a relevant authority” substitute “ SFRS ”, and
 - (ii) for “document prepared under section 40(1)” substitute “ framework document ”,
 - (c) in subsection (4), for “the authority”, in both places where it occurs, substitute “ SFRS ”,
 - (d) in subsection (5)—
 - (i) in paragraph (b) for “the authority” substitute “ SFRS ”, and
 - (ii) in paragraph (c) for “relevant authorities have” substitute “ SFRS has ”, and
 - (e) in subsection (6), for “the authority in respect of which it is proposed to be made” substitute “ SFRS ”.
- (17) For the italic cross-heading immediately preceding section 45, substitute— “ CHAPTER 8C EQUIPMENT, FACILITIES AND SERVICES ”.
- (18) In section 47(1) (provision of equipment etc. by Scottish Ministers) for “relevant authorities” substitute “ SFRS ”.
- (19) In section 51 (prohibition on employment of police)—
 - (a) for “A relevant authority” substitute “ SFRS ”, and
 - (b) for “the authority” substitute “ it ”.
- (20) In section 52 (interpretation of Part 2), in the appropriate place in alphabetical order insert the following definitions—
 - ““Chief Inspector” has the meaning given by section 43A(6),”,
 - ““Chief Officer” means the person appointed under paragraph 7 of schedule 1A,”,
 - ““framework document” means the document prepared under, and having effect by virtue of, section 40,”,
 - ““Inspector” has the meaning given by section 43A(6),”.
- (21) In section 59(1) (application of power to make further provision for protection of fire-fighters) for “relevant authorities” substitute “ SFRS ”.
- (22) In section 79(1) (interpretation of Part 3) in the definition of “relevant person” for “a relevant authority” substitute “ SFRS ”.
- (23) In section 80 (inquiries), for “a relevant authority”, where it occurs in each of paragraphs (a) and (b)(iii), substitute “ SFRS ”.
- (24) In section 81(2) (inquiries about which Ministers may not make regulations) for “44” substitute “ 43B ”.
- (25) In section 85(1) (false alarms), for “a relevant authority” substitute “ SFRS ”.
- (26) In section 86 (disposal of land), for “A relevant authority” substitute “ SFRS ”.
- (27) Before section 87, insert—

Interpretation

“86A(1) In this Act—

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“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39); and “area” in relation to a local authority, means the local government area for which the authority is constituted,

“SFRS” has the meaning given by section 1A(1).

- (2) References in this Act to the area of SFRS are to be construed as references to Scotland, but taking the seaward boundary of the area to be the low water mark.”.

Commencement Information

- I1** Sch. 7 para. 68(1)-(14) in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**
I2 Sch. 7 para. 68(15)(16) in force at 1.10.2012 by S.S.I. 2012/253, **art. 2, Sch.** (with arts. 7, 8(1), 8(3))
I3 Sch. 7 para. 68(17)-(27) in force at 1.4.2013 by S.S.I. 2013/51, **art. 2**

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