



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 3

ANCILLARY FUNCTIONS

12 Emergency directions

- (1) The Scottish Ministers may issue a direction (an “emergency direction”) requiring a relevant authority to—
 - (a) take such action; or
 - (b) refrain from taking such action,in relation to a fire, or emergency of another kind, as is specified in the direction.
- (2) An emergency direction may require an authority to act outwith its area.
- (3) An emergency direction may be varied or revoked by a further such direction.

13 Power to respond to other eventualities

- (1) A relevant authority may take any action it considers appropriate—
 - (a) in response to an event or situation that causes or is likely to cause—
 - (i) a person to die, be injured or become ill; or
 - (ii) harm to the environment (including the life and health of plants and animals and the fabric of buildings); or
 - (b) for the purpose of enabling it to take action in response to such an event or situation.
- (2) The power conferred by subsection (1)—
 - (a) includes power to secure the provision of equipment; and
 - (b) may be exercised by an authority within or outwith its area.

Status: Point in time view as at 23/06/2006.

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Chapter 3. (See end of Document for details)

14 Provision of other services

- (1) A relevant authority may provide—
 - (a) the services of any persons employed by it; or
 - (b) any equipment maintained by it,
 to any person for any purpose that appears to the authority to be appropriate.
- (2) An authority may provide services or equipment under this section within or outwith its area.

15 Provision of centres for education and training

A relevant authority may establish and maintain one or more centres for providing education and training in matters in relation to which relevant authorities have functions.

16 Charging

- (1) The Scottish Ministers may by order (a “charging order”) authorise a relevant authority to charge a person of a description specified in the order for any action so specified taken by the authority.
- (2) A charging order may authorise a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by the authority.
- (3) A charging order may authorise charging for—
 - (a) extinguishing fires;
 - (b) protecting life; or
 - (c) protecting property in the event of fires,
 only in respect of action taken by the authority at sea (or, if the authority's area extends to the low water mark, action taken at sea outwith its area).
- (4) Where a relevant authority authorised by a charging order to charge for taking action of a particular description decides to do so—
 - (a) the amount of the charge shall be set by the authority;
 - (b) different amounts may be charged in different circumstances (and the authority may charge nothing).
- (5) In setting the amount of a charge, a relevant authority shall secure that, taking one financial year with another, the authority's income from charges does not exceed the cost to the authority of taking the action for which the charges are imposed.
- (6) In subsection (5) “financial year” means the period of 12 months ending on 31 March.
- [^{F1}(7) The references in subsection (3) to “sea” include—
 - (a) that part of the territorial sea of the United Kingdom which is not adjacent to Scotland; and
 - (b) sea beyond the territorial sea of the United Kingdom.^{F1]}

Textual Amendments

- F1** S. 16(7) inserted (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(b), **2(2)**; S.S.I. 2005/392, **art. 2(c)(d)**

Status: Point in time view as at 23/06/2006.

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Chapter 3. (See end of Document for details)

Commencement Information

- II** S. 16 wholly in force at 2.8.2005; s. 16 not in force at Royal Assent see s. 90; s. 16 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), [art. 3](#); s. 16 in force at 2.8.2005 in so far as not already in force by [S.S.I. 2005/392](#), [art. 2\(b\)](#)

[^{F2}16A Exercise of powers at sea: further provision

- (1) Subsection (2) applies where a relevant authority has power to act, or is required to act, at sea.
- (2) The power may be exercised or the duty carried out—
- (a) at sea in that part of the territorial sea of the United Kingdom which is not adjacent to Scotland; and
 - (b) at sea beyond the territorial sea of the United Kingdom.]

Textual Amendments

- F2** S. 16A inserted (2.8.2005 in accordance with art. 1(2)(b) of the amending S.I.) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), [art. 2\(3\)](#); [S.S.I. 2005/392](#), [art. 2\(c\)\(d\)](#) and said inserted provision expressed to be commenced on 1.10.2006 by [S.S.I. 2006/458](#), [art. 2\(a\)](#) (subject to [art. 3](#))

Status:

Point in time view as at 23/06/2006.

Changes to legislation:

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