



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2 **S**

#### FIRE AND RESCUE SERVICES

### CHAPTER 4 **S**

#### WATER SUPPLY

##### *Fire hydrants*

#### **21 Fire hydrants: provision etc. **S****

- (1) Sections 19 to 22 of Schedule 4 to the Water (Scotland) Act 1980 (c. 45) (requirement to provide fire hydrants etc.) shall apply to Scottish Water.
- (2) Scottish Water shall cause the location of every fire hydrant provided by it to be clearly indicated by—
  - (a) a notice; or
  - (b) a distinguishing mark.
- (3) Scottish Water may place such a notice or mark on a wall or fence adjoining a road or public place.
- (4) The expenses incurred by Scottish Water under subsection (2) in relation to a hydrant shall be borne by [<sup>F1</sup>SFRS].
- (5) The Scottish Ministers may make regulations providing for uniformity in—
  - (a) fire hydrants provided by Scottish Water; and
  - (b) notices or marks indicating locations of such hydrants.
- (6) Where a fire hydrant provided by Scottish Water is damaged as the result of any use made of it with the authority of Scottish Water (other than use for the purposes of fire-fighting or any other purposes of [<sup>F2</sup>SFRS] SFRS) shall not be liable for the cost of repairing or replacing it.

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

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#### Textual Amendments

- F1** Word in s. 21(4) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(7\)\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Words in s. 21(6) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(7\)\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

## 22 Fire hydrants: recovery of costs S

- (1) Schedule 4 to the Water (Scotland) Act 1980 (c. 45) (provisions incorporated in orders relating to water undertakings) shall be amended as follows.
- (2) After section 21 insert—

The Scottish Ministers may by regulations make provision as to—

- (a) the persons (other than Scottish Water) from whom; or  
 (b) the circumstances in which,

fire authorities may recover costs defrayed under section 21 of this Schedule.”.

- (3) In section 22, for the words “the last but one foregoing section” substitute “ section 20 of this Schedule ”.

## 23 Fire hydrants: offences S

- (1) A person who—
- (a) uses a fire hydrant provided by Scottish Water otherwise than for a purpose mentioned in subsection (2); or  
 (b) damages or obstructs such a fire hydrant otherwise than in consequence of use for such a purpose,
- shall be guilty of an offence.
- (2) Those purposes are—
- (a) fire-fighting;  
 (b) any other purpose of [<sup>F3</sup>SFRS];  
 (c) any purpose authorised by Scottish Water.
- (3) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F3** Word in s. 23(2)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(8\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross  
Heading: Fire hydrants.