



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 5

POWERS OF EMPLOYEES AND CONSTABLES

Obtaining information

29 Powers of authorised employees in relation to investigating fires

- (1) An employee of a relevant authority who is authorised in writing by the authority for the purposes of this section (an “authorised employee”) may, at any reasonable time (by force if necessary), enter premises in which there has been a fire for the purpose of investigating—
 - (a) what caused the fire; or
 - (b) why it progressed as it did.
- (2) If an authorised employee exercises the power mentioned in subsection (1) the employee may—
 - (a) take onto the premises—
 - (i) such other persons; and
 - (ii) such equipment,as the employee considers necessary;
 - (b) inspect and copy any documents or records on the premises or remove them from the premises;
 - (c) carry out any inspections, measurements and tests in relation to—
 - (i) the premises; or
 - (ii) an article or substance found on the premises,that the employee considers necessary;

Status: This is the original version (as it was originally enacted).

- (d) take samples of an article or substance found on the premises (but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation);
 - (e) dismantle an article found on the premises (but not so as to destroy it or damage it unless it is necessary to do so for the purpose of the investigation);
 - (f) take possession of an article or substance found on the premises and retain it for as long as is necessary for the purpose of—
 - (i) examining it and doing anything the employee has power to do under paragraph (c) or (e);
 - (ii) ensuring that it is not tampered with before the employee’s examination of it is completed; or
 - (iii) ensuring that it is available for use as evidence in proceedings for an offence relevant to the investigation;
 - (g) require a person present on the premises to provide the employee with any—
 - (i) facilities, information, documents or records; or
 - (ii) other assistance,that the employee may reasonably request.
- (3) An authorised employee exercising the power mentioned in subsection (1) shall, if so required, produce evidence of the employee’s authorisation for the purpose of this section—
- (a) before entering the premises; or
 - (b) at any time before leaving the premises.
- (4) If an authorised employee exercises the power in subsection (2)(d) the employee shall—
- (a) leave a notice at the premises with a responsible person (or, if that is impracticable, fixed in a prominent position) giving particulars of the article or substance and stating that the employee has taken a sample of it; and
 - (b) if it is practicable to do so, give such a person at the premises a portion of the sample marked in a manner sufficient to identify it.
- (5) If an authorised employee exercises the power in subsection (2)(f) the employee shall leave a notice at the premises (either with a responsible person or if that is impracticable fixed in a prominent position) giving particulars of the article or substance and stating that the employee has taken possession of it.
- (6) This section shall apply in relation to vehicles as it applies in relation to premises; but subject to the following modifications—
- (a) the power conferred by subsection (1) includes power to enter premises in which a vehicle in which there has been a fire is being kept;
 - (b) the power conferred by paragraph (a) of subsection (2) includes power to take persons and equipment to the place where a vehicle is; and
 - (c) references to premises in subsections (2)(g) and (3) to (5) include references to premises in which vehicles are kept.
- (7) In this section “premises” includes land.