



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 8

CENTRAL SUPERVISION AND SUPPORT

Fire and Rescue Framework for Scotland

41 Adherence

- (1) In carrying out their functions, relevant authorities shall have regard to the document prepared under section 40(1).
- (2) Subsections (3) and (4) apply where the Scottish Ministers consider that a relevant authority is failing, or is likely to fail, to act in accordance with the document prepared under section 40(1).
- (3) The Scottish Ministers may cause an inquiry to be held into the matter.
- (4) Subject to subsection (5), the Scottish Ministers may, for the purpose of securing that the authority acts in accordance with the document, by order require the authority—
 - (a) to take; or
 - (b) to refrain from taking,such action as is specified in the order.
- (5) The Scottish Ministers may make an order under subsection (4) only where they consider that it would promote—
 - (a) public safety;
 - (b) the efficiency and effectiveness of the authority; or
 - (c) efficiency and effectiveness in connection with the matters in relation to which relevant authorities have functions.

Status: This is the original version (as it was originally enacted).

- (6) Before making an order under subsection (4), the Scottish Ministers shall consult the authority in respect of which it is proposed to be made.
- (7) Where the document prepared under subsection (1) of section 40 has been revised under subsection (2)(b) of that section, the references in this section and section 42 to that document shall be taken to refer to that document as revised.