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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 332**

**FIRE SAFETY**

**The Fire (Scotland) Act 2005  
(Relevant Premises) Regulations 2012**

*Made* - - - - - *28th November 2012*

*Coming into force* - - - - - *29th November 2012*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 58, 78(8) and 88(2) of the Fire (Scotland) Act 2005<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 88(4)(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Fire (Scotland) Act 2005 (Relevant Premises) Regulations 2012 and come into force on the day after the day on which they are made.

**Modifications of the Fire (Scotland) Act 2005**

2. In section 78(5) of the Fire (Scotland) Act 2005 (premises which are not “domestic premises” for the purposes of Part 3)—

- (a) in paragraph (a), for “a house which requires”, substitute “a house or other premises which require”; and
- (b) after paragraph (g), insert—
  - “(h) premises used for the provision of a child minding service (as defined in paragraph 12 of schedule 12 to the Public Services Reform (Scotland) Act 2010<sup>(3)</sup>).”.

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(1) 2005 asp 5.

(2) Section 88(4) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 asp 10.

(3) 2010 asp 8.

### **Modifications of the Fire Safety (Scotland) Regulations 2006**

3.—(1) In their application in relation to premises of a type mentioned in section 78(5)(h) of the Fire (Scotland) Act 2005 (meaning of “relevant premises”), the Fire Safety (Scotland) Regulations 2006(4) are modified as follows.

(2) In regulation 8 (duty to record information), omit paragraph (b).

(3) In regulation 10(2) (fire safety arrangements), omit paragraph (b).

(4) In regulation 17(1), (2), (3), (4) and (7) (safety assistance) and regulation 19 (provision of information to employers and the self-employed from outside undertakings) omit “or 54” each time it appears.

St Andrew’s House,  
Edinburgh  
28th November 2012

*R CUNNINGHAM*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations modify the meaning of “domestic premises” in section 78(4) and (5) of the Fire (Scotland) Act 2005 (“the 2005 Act”) for the purpose of defining the “relevant premises” to which the fire safety requirements in Part 3 of that Act apply.

Regulation 2(a) modifies section 78(5)(a) of the 2005 Act to provide that a house or any other premises which require to be licensed under Part 5 of the Housing (Scotland) Act 2006 do not fall within the definition of domestic premises. The effect of that modification is that any premises which require to be so licensed will be relevant premises within the meaning of section 78(1) of the 2005 Act and therefore subject to the fire safety requirements in Part 3 of that Act.

Regulation 2(b) adds to the list of premises in section 78(5) of the 2005 Act which are not to be considered domestic premises (and are therefore relevant premises within the meaning of section 78(1)), premises used for the provision of a child minding service (within the meaning given by paragraph 12 of schedule 12 to the Public Services Reform (Scotland) Act 2010). Again, this means that such premises will be subject to the fire safety requirements in Part 3 of the 2005 Act.

Regulation 3 makes minor modifications to the Fire Safety (Scotland) Regulations 2006 as they apply to premises used for the provision of a child minding service.