

**2005 No. 342**

**FIRE AND RESCUE SERVICES**

**The Fire (Additional Function) (Scotland) Order 2005**

*Made* - - - - *7th June 2005*

*Laid before the Scottish Parliament* *10th June 2005*

*Coming into force in accordance with article 1*

The Scottish Ministers, in exercise of the powers conferred by section 11 of the Fire (Scotland) Act 2005(a), and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Fire (Additional Function) (Scotland) Order 2005 and shall come into force on the day on which section 11 of the Fire (Scotland) Act 2005 comes into force.

**Interpretation**

2.—(1) In this Order—

“chemical, biological, radiological or nuclear incident” means an event or situation involving the release or potential release of chemical, biological or radio-active contaminants;

“serious transport incident” means an event or situation involving a train, tram or aircraft that causes or is likely to cause one or more individuals to die, be seriously injured or become seriously ill;

“serious flooding” means flooding that causes or is likely to cause one or more individuals to die, be seriously injured or become seriously ill and which results from—

- (a) natural causes; or
- (b) an escape of water; and

“specified authority” means a relevant authority (within the meaning of the Fire (Scotland) Act 2005).

(2) Any reference in this Order to protecting people from serious harm shall be construed as a reference to protecting persons from death, serious injury or serious illness.

**Chemical, biological, radiological or nuclear incident**

3. For the purpose of enabling action to be taken in the event of a chemical, biological, radiological or nuclear incident in its area, a specified authority shall—

- (a) make provision for—
  - (i) the removal of chemical, biological or radio-active contaminants from people; and

- (ii) the capture of any water used to remove such contaminants; and
- (b) make arrangements for ensuring that reasonable steps are taken to prevent or limit serious harm to the environment resulting from action taken for the purpose of paragraph (a).

### **Search and rescue**

**4.**—(1) A specified authority shall make provision for the purpose of rescuing persons who may be trapped and protecting them from serious harm in the event of—

- (a) a landslide; or
- (b) the collapse of a building, tunnel or other structure,

in its area.

(2) The function conferred by paragraph (1) shall not apply where it is reasonable for a specified authority to conclude that another person with search and rescue functions or specialist search and rescue capabilities can make satisfactory provision for the emergency in connection with which the function is conferred.

### **Serious flooding**

**5.** A specified authority shall make provision for the purpose of—

- (a) rescuing people trapped, or likely to become trapped, by water; and
- (b) protecting them from serious harm,

in the event of serious flooding in its area.

### **Serious transport incidents**

**6.** A specified authority shall make provision for the purpose of rescuing people trapped by wreckage and debris and protecting them from serious harm in the event of a serious transport incident in its area.

### **Responding to emergencies outwith a relevant authority's area**

**7.**—(1) This article applies where—

- (a) a specified authority maintains specialist resources for responding to emergencies of a type specified in any of articles 3, 4, 5 or 6;
- (b) an emergency of a type specified in articles 3, 4, 5 or 6 has occurred or is likely to occur in the area of another specified authority (“the second authority”); and
- (c) the second authority has requested the specified authority to act in relation to an emergency for which the specified authority has the appropriate specialist resources.

(2) Where this article applies, a specified authority is required, to the extent that it is reasonable to do so, to use its specialist resources in the area of the second authority to deal with the emergency.

(3) In this article, “specialist resources” means resources maintained for the purpose of discharging functions conferred by this Order, including any personnel who have received specialist training for that purpose.

### **Nature of provision for emergencies**

**8.**—(1) For the purpose of carrying out its functions under this Order, a specified authority shall in particular—

- (a) secure the provision of such equipment as may be necessary to meet efficiently all normal requirements of articles 5 and 6;

- (b) secure the provision of such personnel, services and training for personnel as may be necessary efficiently to meet all normal requirements of this Order;
- (c) make arrangements for dealing with calls for help and summoning personnel;
- (d) make arrangements for obtaining information required or likely to be required for those purposes; and
- (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for those purposes.

*HUGH HENRY*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
7th June 2005

## EXPLANATORY NOTE

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

The functions of fire and rescue authorities and joint fire and rescue boards (together defined as “relevant authorities” in section 6 of the Fire (Scotland) Act 2005 (asp 5) (“the 2005 Act”)) are set out in sections 8 to 11 of the 2005 Act.

This Order specifies those additional functions relating to emergencies which are to be conferred on relevant authorities. The authorities specified for the purposes of this Order are relevant authorities. In particular, it confers functions on relevant authorities in relation to chemical, biological, radiological or nuclear incidents, search and rescue, serious flooding, and serious transport incidents. Where a relevant authority has specialist resources available to it, including specialist trained personnel, that enable it to discharge its functions under this Order in relation to a particular type of emergency, article 7 requires the authority to use those resources outwith its own area in response to a request for assistance from another authority where that type of emergency arises. Article 8 stipulates what provision relevant authorities must make for the specified emergency situations.

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