

2005 No. 344

FIRE AND RESCUE SERVICES

The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) (No. 2) 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 sections 87 and 88(2) 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 (Scotland) Act 2005 (Consequential Modifications and Amendments) (No. 2) Order 2005 and shall come into force on the day on which Part 1 of the Fire (Scotland) Act 2005 comes into force.

Consequential modifications and amendments

- 2.—(1) The instruments referred to in Schedule 1 are amended as there specified.
(2) The instruments listed in Schedule 2 are revoked in accordance with that Schedule.

HUGH HENRY

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
7th June 2005

PART 1

MODIFICATIONS OF STATUTORY INSTRUMENTS

The Cinematograph (Safety) (Scotland) Regulations 1955 (S.I. 1955/1125 (S.112))

1.—(1) The Cinematograph (Safety) (Scotland) Regulations 1955(a) are amended as follows.

(2) In paragraph (3) of regulation 5 (fire precautions), for “fire brigade” substitute “employees of the relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

(3) In paragraph (2) of regulation 21 (electric discharge-lamps), for “members of the fire brigade” substitute “employees of the relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Tribunals and Inquiries (Discretionary Inquiries) Order 1975 (S.I. 1975/1379)

2. After paragraph 19A of Part I of the Schedule to the Tribunals and Inquiries (Discretionary Inquiries) Order 1975(b) (inquiries designated for the purposes of the Tribunals and Inquiries Act 1992) insert—

“**19B.** Any inquiry held under section 34(7), 37(2) or 80 of the Fire (Scotland) Act 2005.”.

The Building (Procedure) (Scotland) Regulations 1981 (S.I. 1981/1499)

3. In paragraph (2)(b)(ii) of regulation 20 of the Building (Procedure) (Scotland) Regulations 1981(c) (preparation of draft direction), for “firemaster of the fire authority” substitute “Chief Officer of the relevant authority (as defined in section 6 of the Fire (Scotland) Act 2002 (asp 5))”.

The Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985 (S.I. 1985/1047)

4. In paragraph (h) of article 3 of the Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985 (exemption under section 1 subject to conditions), for “local fire brigade” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) for the area in which the premises are situated”.

The Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)

5.—(1) The Road Vehicles (Construction and Use) Regulations 1986(d) are amended as follows.

(2) In regulation 10B(3)(f) (vehicles to which regulation 10A applies), for “a motor vehicle” to “1947” substitute “a motor vehicle used by employees of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) for the purposes of that authority under that Act”.

(a) S.I. 1955/1125 to which there are amendments not relevant to this instrument.

(b) S.I. 1975/1379 to which there are amendments not relevant to this instrument.

(c) S.I. 1981/1499; relevant amendments were made by S.I. 1991/159.

(d) S.I. 1986/1078; relevant amendments were made by S.I. 1993/3048 and S.I. 1997/530.

(3) In regulation 10C(7)(d) (meaning of “trailer”), for “a fire brigade” to “1947” substitute “employees of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” for the purposes of that authority under that Act”.

(4) In the following provisions, for the words “fire brigade” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” in each place where the words occur—

- (a) regulation 36B(14)(e) (speed limits);
- (b) regulation 37(5)(a) (audible warning instruments);
- (c) regulation 82(10)(a) (wide loads);
- (d) regulation 101(2)(a) (parking in darkness); and
- (e) regulation 107(2)(a) (leaving motor vehicles unattended).

The Dangerous Substances in Harbour Areas Regulations 1987 (S.I. 1987/37)

6. In paragraphs (1) and (2) of regulation 30 of the Dangerous Substances in Harbour Areas Regulations 1987(**a**) (storage tanks), for “fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989 (S.I. 1989/76)

7. In paragraph (2)(c) of article 5 of the Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989 (premises exempt from requirement for fire certificate) and article 6(1) (premises qualifying for exemption by fire authorities from requirement for fire certificate), for “fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Fire Precautions (Sub-surface Railway Stations) Regulations 1989 (S.I. 1989/1401)

8.—(1) The Fire Precautions (Sub-surface Railway Stations) Regulations 1989 are amended as follows.

(2) In regulation 2 (interpretation) after “installed;” insert—

““relevant authority” means a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”; and

(3) In regulation 5 (means for fighting fire)—

- (a) in paragraph (3) for “fire brigade” substitute “relevant authority”;
- (b) in paragraph (7) for “fire brigade” substitute “relevant authority”;
- (c) in paragraph (8) for “members of the fire brigade” substitute “employees of the relevant authority” in both places where the words occur.

(4) In paragraph (2)(b) of regulation 9 (instruction and training of persons working in premises)—

- (a) for “fire brigade” where it first occurs substitute “relevant authority”; and
- (b) for “members of the fire brigade” substitute “employees of the relevant authority”.

(5) In regulation 12 (exemption from requirements), in paragraphs (1), (1A) and (2) for “fire authority” substitute “relevant authority”.

The Road Vehicles Lighting Regulations 1989 (S.I. 1989/1796)

9. In the table in paragraph (2) of regulation 3 of the Road Vehicles Lighting Regulations 1989(**b**) (interpretation), in paragraph (a) of the definition of “emergency vehicle” for the words

(a) S.I. 1987/37 to which there are amendments not relevant to this instrument.

(b) S.I. 1989/1796 to which there are amendments not relevant to this instrument.

“fire brigade” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (S.I. 1990/304)

10. In paragraph (1) of regulation 2 of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990(a) (interpretation), in the definition of “fire authority”, for “authority discharging” to the “Fire Services Act 1947” insert “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) for the area in which the site is situated”.

The Electrical Luminous Tube Signs (Scotland) Regulations 1990 (S.I. 1990/683)

11.—(1) The Electrical Luminous Tube Signs (Scotland) Regulations 1990 are amended as follows.

(2) In regulation 2 (interpretation) after the definition of “apparatus” insert—

““relevant authority” means a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)”.

(3) In paragraph (a)(ii) of regulation 3 (fireman’s emergency switches), and in paragraphs (1), (2) and (3) of regulation 5 (notice of installation of apparatus), for “fire authority” in each place where it occurs substitute “relevant authority”.

The Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (S.I. 1992/1215)

12. In paragraph (1) of regulation 2 of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992 (interpretation), in the definition of “fire authority” for the words from “fire authority” (where it secondly occurs) to “1947” substitute “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 (S.I. 1993/176)

13. In paragraph (1)(f) of regulation 6 of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 (exemptions), for “fire brigade” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”;

*The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993
(S.I. 1993/323)*

14. In regulation 11 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993(b) (consultation before the grant of hazardous substances consent)—

(a) in paragraph (1)(e) for “fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”; and

(b) in paragraph (1)(k)(ii) for “fire authority” to the end substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)), that authority”.

The Housing (Preservation of Right to Buy) (Scotland) Regulations 1993 (S.I. 1993/2164)

15. In the definition of “fire authority” in paragraph 82 of Schedule 2 of the Housing (Preservation of Right to Buy) (Scotland) Regulations 1993 (interpretation of this part), for the words from “a fire authority” to “section 36(4)(b) of the Fires Services Act 1947” substitute “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

(a) S.I. 1990/304 to which there are amendments not relevant to this instrument.

(b) S.I. 1993/323 to which there are amendments not relevant to this instrument.

The Roads (Traffic Calming) (Scotland) Regulations (S.I. 1994/2488)

16. In paragraph (c) of regulation 4 of the Roads (Traffic Calming) (Scotland) Regulations 1994^(a) (consultation in respect of proposed traffic calming works) for “fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Motorways Traffic (Scotland) Regulations 1995 (S.I. 1995/2507)

17. In paragraph (1)(d) of regulation 14 of the Motorways Traffic (Scotland) Regulations 1995^(b) (exceptions and relaxations) after “ambulance service” insert “or as an employee of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) employed for the purposes of that authority”.

The Construction (Health, Safety and Welfare) Regulations 1996 (S.I. 1996/1592)

18. In paragraph (1) of regulation 33 of the Construction (Health, Safety and Welfare) Regulations 1996^(c) (enforcement in respect of fire) for “fire authority” to “1971” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) for the area in which the premises are or are to be situated”.

The Residential Establishments – Child Care (Scotland) Regulations 1996 (S.I. 1996/3256)

19. In paragraph (1) of regulation 9 of the Residential Establishments – Child Care (Scotland) Regulations 1996 (precautions against fire and accident)–

- (a) for “fire authority” where it firstly occurs substitute “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”; and
- (b) for “fire authority” where it secondly occurs substitute “relevant authority”.

The Fire Precautions (Workplace) Regulations 1997 (S.I. 1997/1840)

20.—(1) The Fire Precautions (Workplace) Regulations 1997^(d) are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation), for “an authority” to “Fire Services Act 1947” substitute “a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

(3) In regulation 18 (application to the Crown)–

- (a) in paragraph (5)–
 - (i) for the words “officer of a fire brigade” substitute “employee of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”; and
 - (ii) for the words “maintain that brigade” substitute “who employ that person”.
- (b) in paragraph (6), for the words “section 24 of the Fire Services Act 1947” substitute “section 43 of the Fire (Scotland) Act 2005 (asp 5)”.

(4) In paragraph (b) of regulation 20 (application to premises occupied by the UK Atomic Energy Authority) for the words “officer of the fire brigade maintained by the fire authority” substitute “employee of the appropriate authority”.

The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997 (S.I. 1997/2400)

(a) S.I. 1994/2488 to which there are amendments not relevant to this instrument.
(b) S.I. 1995/2507 to which there are amendments not relevant to this instrument.
(c) S.I. 1996/1592 to which there are amendments not relevant to this instrument.
(d) S.I. 1997/1840 amended by S.I. 1999/1877 and S.I. 1999/3242.

21. In the following provisions of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997(**a**), for “fire brigade” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” in each place where the words occur–

- (a) regulation 12(1)(e) (significance of vehicular light signals at Pelican crossings);
- (b) regulation 13(1)(f) (significance of vehicular light signals at Puffin crossings); and
- (c) regulations 21(c) (exceptions to regulation 20).

The Road Humps (Scotland) Regulations 1998/1448

22. The Road Humps (Scotland) Regulations 1998(**b**) are amended as follows–

- (a) in paragraph (1) of regulation 2 (interpretation) omit the definition of “fire authority”;
- (b) in paragraph (b) of regulation 3 (consultation on road hump proposals) for “fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999 (S.I. 1999/614)

23. In paragraph (1) of regulation 2 of the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999 (interpretation) in the definition of fire authority for “council” to “combined area” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864)

24.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(**c**) are amended as follows.

(2) In regulation 23(1) (persons by whom theory tests may be conducted)–

- (a) in sub-paragraph (d), omit the words “or, in Scotland, by the firemaster of such a brigade,”; and
- (b) after sub-paragraph (da), insert–
 - “(db) in Scotland, a person appointed by any relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) for the purpose of testing employees of any relevant authority;”.

(3) In regulation 24(1) (persons by whom practical and unitary tests may be conducted)–

- (a) in sub-paragraph (c), omit the words “or in Scotland, by the firemaster of such a brigade” to the end; and
- (b) after sub-paragraph (ca), insert–
 - “(cb) in Scotland, a person appointed by any relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) for the purpose of testing employees of any relevant authority;”.

The Radioactive Material (Road Transport) Regulations 2002 (S.I. 2002/1093)

25. In paragraph (2)(a) of regulation 69 of the Radioactive Material (Road Transport) Regulations 2002(**d**) (duties of drivers etc. in the event of a radiological emergency), for “fire brigade” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

(a) S.I. 1997/2400 to which there are amendments not relevant to this instrument.

(b) S.I. 1998/1448.

(c) S.I. 1999/2864. Relevant amendments were made by S.I. 2003/2003.

(d) S.I. 2002/1093, amended by S.I. 2004/3168.

The Control of Asbestos at Work Regulations 2002 (S.I. 2002/2675)

26. In paragraph (3)(a) of regulation (3) of the Control of Asbestos at Work Regulations 2002 (duties under these Regulations)–

- (a) for “fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”; and
- (b) for “a fire brigade maintained by that authority” substitute “employees of that authority”.

The Traffic Signs Regulations and General Directions 2002 (S.I. 2002/3113)

27.—(1) The Traffic Signs Regulations and General Directions 2002(a) are amended as follows.

(2) In the following provisions, for “fire brigade” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))” in each place where the words occur–

- (a) regulation 15(2) (significance of certain sign);
- (b) regulation 26(5)(b) (road markings shown in certain diagrams);
- (c) regulation 27(3)(c) (road markings shown in certain diagram);
- (d) regulation 36(1)(b) (significance of light signals prescribed by certain regulations); and
- (e) paragraph 4(1)(a) of Schedule 19 (bus stop and bus stand clearways and box junctions).

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 (S.I. 2004/568)

28.—(1) The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation) omit the definition of “fire authority”.

(3) In paragraph (2)(a)(ii)(bb) of regulation 6 (application to armed forces)–

- (a) for “firemaster” substitute “Chief Officer”; and
- (b) for “fire brigade maintained by the fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

(4) In paragraph (5)(2)(b) and (c) of Part 1 of Schedule 9 (placards, marks and plate markings for carriage within Great Britain, for “firemaster” substitute “Chief Officer”.

MODIFICATION OF SCOTTISH STATUTORY INSTRUMENTS

The Home Zones (Scotland) (No. 2) Regulations (S.S.I. 2002/292)

29. In paragraph (1) of regulation 2 of the Home Zones (Scotland) (No. 2) Regulations 2002 (interpretation), in the definition of “fire authority”, for the words from “council” to “combined area” where it secondly occurs substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

The Road User Charging (Consultation and Publication) (Scotland) Regulations 2003 (S.S.I. 2003/292)

30.—(1) The Road User Charging (Consultation and Publication) (Scotland) Regulations 2003 are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation) omit the definition of “fire authority”;

(3) In paragraph (1)(c) of regulation 3 (consultation) for “fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))”.

(a) S.I. 2002/3113 to which there are amendments not relevant to this instrument.

The Building (Procedure)(Scotland) Regulations 2004 (S.S.I. 2004/428)

31. In paragraph (1) of regulation 2 of the Building (Procedure) (Scotland) Regulations 2004 (interpretation), in the definition of “fire authority”, for the words from “has the meaning” to “1947” substitute “means a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005 (asp 5)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act”.

*The Road User Charging (Exemption from Charges) (Scotland) Regulations 2004
(S.S.I. 2004/519)*

32. In paragraph (1) of the Schedule to the Road User Charging (Exemption from Charges) (Scotland) Regulations 2004 (descriptions of vehicles exempted from payment of charges) for “fire authority within the meaning of the Fire Services Act 1947” substitute “relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)”.

SCHEDULE 2

Article 2(2)

REVOCATIONS

<i>Instrument</i>	<i>Extent of revocation</i>
The Tribunals and Inquiries (Discretionary Inquiries) Order 1975 (S.I. 1975/1379)	Schedule, Part 1, paragraph 19.
The Building (Procedure) (Scotland) Regulations 1981 (S.I. 1981/1499)	In regulation 3 (interpretation) the definition of “fire authority”.
The Fire Precautions (Sub-surface Railway Stations) Regulations 1989 (S.I. 1989/1401)	In regulation 2 (interpretation) the definitions of “fire brigade” and “members of a fire brigade”.
The Motorways Traffic (Scotland) Regulations 1995 (S.I. 1995/2507)	In regulation 14(1)(d) (exceptions and relaxations) the words “a fire brigade or of”.
The Scotland Act 1998 (Consequential Modifications) (No. 1) Order (S.I. 1999/1042)	Schedule 3, Part 1, paragraph 1.
The Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I. 1999/1820)	Schedule 2, paragraph 19.
The Scotland Act 1998 (Cross Border Public Authorities) (Adaptation of Functions etc) (No. 2) Order (S.I. 2000/3251)	In Schedule 1 omit the entry for “The Fire Services Examination Board”. Omit Schedule 5.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to and revokes provisions in subordinate legislation. These amendments and revocations are consequential for the purposes of, or in consequence of, the Fire (Scotland) Act 2005, asp 5 (“the 2005 Act”). The effect of the subordinate legislation has not been altered; however, the terminology used in the subordinate legislation is updated.

Article 1 of the Order provides that the amendments and revocations will have effect from the day on which Part 1 of the 2005 Act comes into force.

Article 2(1) and Schedule 1 set out amendments to subordinate legislation.

Article 2(2) and Schedule 2 set out revocations of subordinate legislation.

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Amendments) (No. 2) Order 2005

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