
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 456

The Fire Safety (Scotland) Regulations 2006

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Fire Safety (Scotland) Regulations 2006 and shall come into force on 1st October 2006.

Commencement Information

II Reg. 1 in force at 1.10.2006, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“the 2005 Act” means the Fire (Scotland) Act 2005;

F1
...

“child” means a person who is not over school age, construed in accordance with section 31 of the Education (Scotland) Act 1980⁽¹⁾;

F2
...

[^{F3}“the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;]

“competent” means that the person has sufficient training and experience or knowledge and other qualities to enable that person—

- (a) in relation to regulation 12(3)(b), properly to implement the measures referred to in that regulation;
- (b) in relation to regulation 14(1)(b), properly to implement the evacuation procedures referred to in that regulation; and
- (c) in relation to regulation 17(1), properly to assist in undertaking the fire safety measures;

“dangerous substance” means—

(1) 1980 c. 44.

- (a) [^{F4}a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class laid down in the CLP Regulation, other than “corrosive to metals” or “gases under pressure”, whether or not the substance or mixture is classified under that Regulation]
- (b) a substance or [^{F5}mixture] which because of its physico-chemical or chemical properties and the way it is used or is present in relevant premises creates a risk; and
- (c) any dust, whether in the form of solid particles or fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere;

“employment business” means a business (whether for profit or not and whether or not carried on in conjunction with any other business) which supplies persons (other than seafarers) who are employed in it to work for and under the control of other persons in any capacity;

“explosive atmosphere” means a mixture, under atmospheric conditions, of air and one or more dangerous substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture;

“hazard”, in relation to a dangerous substance, means the physico-chemical or chemical property of that substance which has the potential to give rise to fire affecting the safety of a person, and references in these Regulations to “hazardous” are to be construed accordingly;

“personal protective equipment” means all equipment which is intended to be worn or held by a person in the relevant premises and which protects that person against one or more risks to his or her safety, and any addition or accessory designed to meet that objective;

“preparation” means a mixture or solution of two or more substances;

“risk” means the risk to the safety of relevant persons from fire;

“safety data sheet” means a safety data sheet within the meaning of [^{F6}Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC];

“special, technical or organisational measures” means those measures required to be taken or observed in any workplace in connection with the carrying on of any work process, where those measures—

- (a) are designed to prevent or reduce the likelihood of fire arising from such a work process or reduce its intensity; and
- (b) are required to be taken or observed to ensure compliance with any requirement of the relevant statutory provisions within the meaning given by section 53(1) of the Health and Safety at Work etc. Act 1974(2) and those measures include—
 - (i) technical means of supervision;
 - (ii) connecting devices;
 - (iii) control and protection systems;
 - (iv) engineering controls and solutions;
 - (v) equipment;
 - (vi) materials;
 - (vii) protective systems; and

(viii) warning and other communications systems;

“substance” means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

“work process” means all aspects of work involving, or in connection with–

(a) the use of plant or machinery; or

(b) the use of storage of any dangerous substance; and

“young person” means any person who has not attained the age of 18.

(2) In these Regulations, any reference to a numbered section is, unless otherwise expressly provided, a reference to a section bearing that number in the 2005 Act.

(3) In these Regulations, any reference to a numbered regulation is, unless otherwise expressly provided, a reference to a regulation bearing that number in these Regulations.

(4) In these Regulations, any duties imposed on persons having duties under sections 53 or 54 are imposed to the extent that the person has duties under those sections.

- F1** Words in [reg. 2\(1\)](#) omitted (1.6.2015) by virtue of [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **15(2)(a)**
- F2** Words in [reg. 2\(1\)](#) omitted (1.6.2015) by virtue of [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **15(2)(b)**
- F3** Words in [reg. 2\(1\)](#) inserted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **15(2)(e)**
- F4** Words in [reg. 2\(1\)](#) substituted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **15(2)(d)(i)**
- F5** Word in [reg. 2\(1\)](#) substituted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **15(2)(d)(ii)**
- F6** Words in [reg. 2\(1\)](#) substituted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **15(2)(e)**

Commencement Information

- I2** Reg. 2 in force at 1.10.2006, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Fire Safety (Scotland) Regulations 2006, PART I.