



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

### CHAPTER 3

#### ANCILLARY FUNCTIONS

#### <sup>F1</sup>12 Emergency directions

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##### Textual Amendments

**F1** S. 12 repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 8 Pt. 2](#); [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))

#### 13 Power to respond to other eventualities

- (1) [<sup>F2</sup>SFRS] may take any action it considers appropriate—
- (a) in response to an event or situation that causes or is likely to cause—
    - (i) a person to die, be injured or become ill; or
    - (ii) harm to the environment (including the life and health of plants and animals and the fabric of buildings); or
  - (b) for the purpose of enabling it to take action in response to such an event or situation.
- (2) The power conferred by subsection (1)—
- (a) includes power to secure the provision of equipment; and
  - (b) may be exercised by [<sup>F3</sup>SFRS] within or outwith its area.

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*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Chapter 3. (See end of Document for details)*

#### Textual Amendments

- F2** Word in s. 13(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 107(a)**, 129(2); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Word in s. 13(2)(b) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 107(b)**, 129(2); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)

## 14 Provision of other services

- (1) [<sup>F4</sup>SFRS] may provide—
- (a) the services of any persons employed by it; or
  - (b) any equipment maintained by it,
- to any person for any purpose that appears to [<sup>F5</sup>SFRS] to be appropriate.
- (2) [<sup>F6</sup>SFRS] may provide services or equipment under this section within or outwith its area.

#### Textual Amendments

- F4** Word in s. 14(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 108(a)(i)**, 129(2); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F5** Word in s. 14(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 108(a)(ii)**, 129(2); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F6** Word in s. 14(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 108(b)**, 129(2); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)

## 15 Provision of centres for education and training

[<sup>F7</sup>SFRS] may establish and maintain one or more centres for providing education and training in matters in relation to which [<sup>F8</sup>it has] functions.

#### Textual Amendments

- F7** Word in s. 15 substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 109(a)**, 129(2); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F8** Words in s. 15 substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 109(b)**, 129(2); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)

## 16 Charging

- (1) The Scottish Ministers may by order (a “charging order”) authorise [<sup>F9</sup>SFRS] to charge a person of a description specified in the order for any action so specified taken by [<sup>F10</sup>SFRS].
- (2) A charging order may authorise a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by [<sup>F11</sup>SFRS].
- (3) A charging order may authorise charging for—
- (a) extinguishing fires;
  - (b) protecting life; or

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- (c) protecting property in the event of fires,  
only in respect of action taken by [<sup>F12</sup>SFRS at sea beyond the low water mark].
- (4) Where [<sup>F13</sup>SFRS is] authorised by a charging order to charge for taking action of a particular description [<sup>F14</sup>and it] decides to do so—
  - (a) the amount of the charge shall be set by [<sup>F15</sup>SFRS];
  - (b) different amounts may be charged in different circumstances (and [<sup>F15</sup>SFRS] may charge nothing).

<sup>F16</sup>(5) .....

<sup>F16</sup>(6) .....

[<sup>F17</sup>(7) The references in subsection (3) to “sea” include—

- (a) that part of the territorial sea of the United Kingdom which is not adjacent to Scotland; and
- (b) sea beyond the territorial sea of the United Kingdom.]

#### Textual Amendments

- F9** Word in s. 16(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(a)(i)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F10** Word in s. 16(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(a)(ii)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F11** Word in s. 16(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(b)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F12** Words in s. 16(3) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(c)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F13** Words in s. 16(4) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(d)(i)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F14** Words in s. 16(4) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(d)(ii)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F15** Word in s. 16(4) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(d)(iii)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F16** S. 16(5)(6) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 8 Pt. 2**; [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F17** S. 16(7) inserted (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(b), **2(2)**; [S.S.I. 2005/392](#), **art. 2(c)(d)**

#### Commencement Information

- II** S. 16 wholly in force at 2.8.2005; s. 16 not in force at Royal Assent see s. 90; s. 16 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), **art. 3**; s. 16 in force at 2.8.2005 in so far as not already in force by [S.S.I. 2005/392](#), **art. 2(b)**

### [<sup>F18</sup>16A Exercise of powers at sea: further provision

- (1) Subsection (2) applies where [<sup>F19</sup>SFRS] has power to act, or is required to act, at sea.
- (2) The power may be exercised or the duty carried out—
  - (a) at sea in that part of the territorial sea of the United Kingdom which is not adjacent to Scotland; and
  - (b) at sea beyond the territorial sea of the United Kingdom.]

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#### **Textual Amendments**

- F18** S. 16A inserted (2.8.2005 in accordance with art. 1(2)(b) of the amending S.I.) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), [art. 2\(3\)](#); S.S.I. 2005/392, [art. 2\(c\)\(d\)](#) and said inserted provision expressed to be commenced on 1.10.2006 by S.S.I. 2006/458, [art. 2\(a\)](#) (subject to [art. 3](#))
- F19** Word in s. 16A(1) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 47](#)

**Status:**

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**Changes to legislation:**

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