



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 5

POWERS OF EMPLOYEES AND CONSTABLES

Powers in emergencies

25 Powers of authorised employees in relation to emergencies

- (1) An employee of [^{F1}SFRS] who is authorised in writing by [^{F2}SFRS] for the purposes of this section (an “authorised employee”) and on duty may—
- (a) if the employee reasonably believes that a fire has broken out, do anything the employee reasonably believes to be necessary for the purpose of—
 - (i) extinguishing the fire; or
 - (ii) protecting life or property;
 - (b) if the employee reasonably believes that a road traffic accident has occurred, do anything the employee reasonably believes to be necessary for the purpose of—
 - (i) rescuing people; or
 - (ii) protecting them from serious harm;
 - (c) if the employee reasonably believes that an emergency other than a fire or road traffic accident has occurred, do anything the employee reasonably believes to be necessary for the purpose of carrying out any function conferred on [^{F2}SFRS] in relation to the emergency; and
 - (d) do anything the employee reasonably believes to be necessary for the purpose of preventing or limiting damage to property resulting from action taken as mentioned in paragraph (a), (b) or (c).
- (2) An authorised employee may in particular under subsection (1)—
- (a) enter premises or a place (by force if necessary);

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross Heading: Powers in emergencies. (See end of Document for details)

- (b) move a vehicle without the consent of its owner;
- (c) force open and enter a lockfast vehicle;
- (d) close a road;
- (e) stop and regulate traffic;
- (f) restrict the access of persons to premises or a place.

Textual Amendments

- F1** Word in s. 25(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(10\)\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Word in s. 25(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(10\)\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Modifications etc. (not altering text)

- C1** S. 25 applied (with modifications) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), [21\(2\)](#)
- C2** S. 25 applied (with modifications) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), [22\(2\)](#)

26 Powers of constables in relation to fires

- (1) A constable may—
- (a) if the constable reasonably believes that a fire has broken out, do anything the constable reasonably believes to be necessary for the purpose of—
 - (i) extinguishing the fire; or
 - (ii) protecting life or property; and
 - (b) do anything the constable reasonably believes to be necessary for the purpose of preventing or limiting damage to property resulting from anything done as mentioned in paragraph (a).
- (2) A constable may in particular under subsection (1)—
- (a) enter (by force if necessary) premises or a place;
 - (b) move a vehicle without the consent of its owner;
 - (c) force open and enter a lockfast vehicle;
 - (d) restrict the access of persons to premises or a place.

Changes to legislation:

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross
Heading: Powers in emergencies.