



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

### CHAPTER 6

#### MUTUAL ASSISTANCE ETC.

##### *Assistance in discharge of functions*

### **33 Reinforcement schemes**

- (1) Each relevant authority shall, so far as practicable, enter into a reinforcement scheme with other relevant authorities.
- (2) A reinforcement scheme is a scheme for securing mutual assistance as between the relevant authorities participating in it for the purpose of carrying out the functions conferred by virtue of sections 9 to 11 on any of them.
- (3) A reinforcement scheme may make provision for apportioning between the participating authorities any expenses incurred in taking measures to secure the efficient operation of the scheme.
- (4) The participating authorities shall notify the Scottish Ministers of—
  - (a) the making of the scheme;
  - (b) any variation of the scheme; and
  - (c) the revocation of the scheme.
- (5) The participating authorities shall give effect to the scheme.

### **34 Directions about reinforcement schemes**

- (1) Where subsection (2) applies, the Scottish Ministers may direct two or more relevant authorities to make a reinforcement scheme in the terms specified in the direction.

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*Status: Point in time view as at 02/08/2005.*

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- (2) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the making of the scheme;
  - (b) the authorities are unable to agree as to—
    - (i) that matter; or
    - (ii) the terms proposed for the scheme; and
  - (c) one of them asks the Scottish Ministers to make such a direction.
- (3) Where subsection (4) applies, the Scottish Ministers may direct the relevant authorities participating in a reinforcement scheme to vary the scheme in the terms specified in the direction.
- (4) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the variation of the scheme;
  - (b) the authorities are unable to agree as to that matter; and
  - (c) one of them asks the Scottish Ministers to make such a direction.
- (5) Where subsection (6) applies, the Scottish Ministers may direct the relevant authorities participating in a reinforcement scheme to revoke the scheme.
- (6) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the revocation of the scheme;
  - (b) the authorities are unable to agree as to that matter; and
  - (c) one of them asks the Scottish Ministers to make such a direction.
- (7) Before giving a direction under this section, the Scottish Ministers—
- (a) shall give the authorities concerned an opportunity to make representations; and
  - (b) may cause an inquiry to be held.
- (8) A direction given under this section may be varied or revoked by a further such direction.
- (9) In this section “reinforcement scheme” has the meaning given by section 33(2).

### **35 Assistance other than from relevant authorities**

- (1) A relevant authority may enter into arrangements with a relevant person for securing the provision by that person of assistance for the purpose of the carrying out by the authority of a function conferred on it by virtue of any of sections 8 to 11, 13 and 61.
- (2) In subsection (1) “relevant person” means a person who—
- (a) is not a relevant authority; and
  - (b) in the case of arrangements for the securing of assistance for the purpose of extinguishing fires—
    - (i) employs fire-fighters; or
    - (ii) is approved for that purpose by the Chief Officer of a relevant authority.

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- (3) Arrangements under this section may include provision as to the terms (including terms as to payment) on which assistance is to be provided.

*Performance of functions by others*

**36 Arrangements for carrying out of functions by others**

- (1) A relevant authority may enter into arrangements with a relevant person for the carrying out by that person of a function conferred on the authority by virtue of any of sections 8 to 11, 13 and 61.
- (2) In subsection (1) “relevant person” means—
- (a) in the case of arrangements in relation to the authority's function of extinguishing fires—
    - (i) another relevant authority; or
    - (ii) any other person who employs fire-fighters;
  - (b) in any other case—
    - (i) another relevant authority; or
    - (ii) any other person.
- (3) Arrangements under this section may include provision as to the terms (including terms as to payment) on which any function is to be carried out.

**37 Section 36: directions**

- (1) The Scottish Ministers may—
- (a) direct two relevant authorities to enter into arrangements under section 36; or
  - (b) direct two relevant authorities who have entered into such arrangements—
    - (i) to vary the arrangements in the terms specified in the direction; or
    - (ii) to terminate the arrangements.
- (2) Before giving a direction under this section, the Scottish Ministers—
- (a) shall give the authorities concerned an opportunity to make representations; and
  - (b) may cause an inquiry to be held.
- (3) The Scottish Ministers may give a direction under this section only where, after considering—
- (a) any representations made under subsection (2)(a); and
  - (b) the report of any person by whom any inquiry under subsection (2)(b) is held, they consider it expedient to do so with a view to securing greater economy, efficiency and effectiveness.
- (4) A direction given under this section may be varied or revoked by a further such direction.

**Status:**

Point in time view as at 02/08/2005.

**Changes to legislation:**

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