



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 3

#### FIRE SAFETY

#### CHAPTER 1

#### FIRE SAFETY DUTIES

#### *Regulations*

#### 57 Risk assessments: power to make regulations

- (1) The Scottish Ministers may make regulations about the carrying out of assessments and reviews under sections 53 and 54.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
  - (a) specifying matters which persons must take into account when carrying out assessments and reviews in relation to substances specified in the regulations;
  - (b) specifying other matters which persons must take into account when carrying out assessments and reviews;
  - (c) requiring persons to carry out assessments and reviews before employing persons of a description so specified;
  - (d) requiring persons in such circumstances as may be so specified to keep records of such information as may be so specified; and
  - (e) specifying circumstances in which reviews must be carried out.

#### **Commencement Information**

- II** S. 57 wholly in force at 1.10.2006; s. 57 not in force at Royal Assent see s. 90; s. 57 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), [art. 3](#); s. 57 in force at 1.10.2006 in so far as not already in force by [S.S.I. 2006/458](#), [art. 2\(e\)](#)

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

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## 58 Scottish Ministers' power to make regulations about fire safety

- (1) The Scottish Ministers may by regulations make provision about fire safety in relevant premises.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
  - (a) precautions that must be taken or observed;
  - (b) imposing requirements on persons (including requirements about the enforcement of any provision included in the regulations);
  - (c) the provision, maintenance and keeping free from obstruction of any means of escape in case of fire;
  - (d) the provision and maintenance of means for securing that any means of escape can be safely and effectively used at all material times;
  - (e) the provision and maintenance of means for fighting fire and means for giving warning in the event of fire;
  - (f) the internal construction of premises and the materials used in that construction;
  - (g) prohibiting the presence or use in relevant premises of equipment of a description specified in the regulations, or prohibiting its presence or use unless standards, or conditions, so specified are complied with;
  - (h) where relevant premises form part of a building, enabling arrangements to be entered into with owners or occupiers of other parts of the building for the purpose of enabling persons who are subject to duties imposed by virtue of this Part to comply with them;
  - (i) securing that employees receive appropriate instruction or training in what to do in the event of fire;
  - (j) securing that, in circumstances so specified, numbers of attendants so specified are stationed in parts of the relevant premises so specified;
  - (k) the keeping of records of instruction or training given, or other things done, in pursuance of the regulations; and
  - (l) the giving of assistance or information by any person concerned in the enforcement of requirements imposed by virtue of this Part to any other person so concerned for the purposes of any such requirement.

### Commencement Information

- I2** S. 58 wholly in force at 1.10.2006; s. 58 not in force at Royal Assent see s. 90; s. 58 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), [art. 3](#); s. 58 in force at 1.10.2006 in so far as not already in force by [S.S.I. 2006/458](#), [art. 2\(c\)](#)

## 59 Power to make further provision for protection of fire-fighters

- (1) This section applies where regulations under section 58(1) make provision for or in connection with the maintenance of premises, facilities or equipment with a view to securing the safety of fire-fighters (whether employees of [<sup>F1</sup>SFRS] or otherwise) in the event of a fire in relevant premises (“safeguarding provision”).
- (2) The Scottish Ministers may by regulations apply, subject to any modifications (specified in the regulations) that they consider necessary, the safeguarding provision to common areas of private dwellings.

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

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- (3) In subsection (2), “common area” includes, where a stair, passage, garden, yard, garage, outhouse or other appurtenance of a private dwelling is used in common by the occupants of more than one private dwelling, that stair, passage, garden, yard, garage, outhouse or other appurtenance.

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**Textual Amendments**

- F1** Word in s. 59(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(21\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

**Changes to legislation:**

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