

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, SCHEDULE 1A. (See end of Document for details)

[^{F1}SCHEDULE 1A
(introduced by section 1A(3))

THE SCOTTISH FIRE AND RESCUE SERVICE

Textual Amendments

- F1** Sch. 1A inserted (8.8.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), ss. **101(2)**, 129(1) (b) (with s. 122(4))

Status

- 1 (1) SFRS—
- (a) is not a servant or agent of the Crown, and
 - (b) has no status, immunity or privilege of the Crown.
- (2) SFRS's property is not property of, or property held on behalf of, the Crown.

Membership

- 2 (1) SFRS is to consist of—
- (a) a member appointed by the Scottish Ministers to chair SFRS (“the chairing member”), and
 - (b) not fewer than 10 nor more than 14 other members appointed by the Scottish Ministers.
- (2) The Scottish Ministers may appoint as members only persons who they consider to have skills and expertise relevant to the functions of SFRS.
- (3) The Scottish Ministers may by order modify sub-paragraph (1)(b) by substituting for the minimum or maximum number of members for the time being specified such other number as they think fit.
- (4) Members of SFRS may elect from their number a member to act as deputy to the chairing member.

Disqualification

- 3 (1) A person is disqualified from appointment, and from holding office, as a member of SFRS if that person is or becomes—
- (a) a member of staff of SFRS,
 - (b) a member of
 - (i) the Scottish Parliament,
 - (ii) the House of Lords,
 - (iii) the House of Commons, or
 - (iv) the European Parliament,
 - (c) disqualified from standing for election as a member of
 - (i) the Scottish Parliament,
 - (ii) the House of Commons, or
 - (iii) a local authority.
- (2) The Scottish Ministers may by order modify sub-paragraph (1).

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Tenure

- 4 (1) A member is to be appointed for a period not exceeding 4 years specified in the appointment.
- (2) A member holds and vacates office on such terms and conditions as the Scottish Ministers may determine.
- (3) On ceasing to be a member, a person is eligible for reappointment.
- (4) A member may, by notice in writing to the Scottish Ministers, resign office as a member.

Removal from office

- 5 (1) The Scottish Ministers may remove a member from office if—
- (a) the member is an undischarged bankrupt,
 - (b) the member has, without reasonable excuse, been absent from meetings of SFRS for a period longer than 4 consecutive months,
 - (c) the member has, without reasonable excuse, been absent from 3 consecutive meetings of SFRS,
 - (d) the member has been convicted (whether before or after the member's appointment) of a criminal offence,
 - (e) the member has failed to comply with the terms or conditions of the member's appointment,
 - (f) the Scottish Ministers consider that the member is otherwise unfit to be a member or is unable for any reason to carry out the member's functions.
- (2) For the purposes of sub-paragraph (1)(a), “undischarged bankrupt” means a person—
- (a) whose estate has been sequestrated and who has not been discharged (or against whom a bankruptcy order has been made and is still in force),
 - (b) who has granted a trust deed for, or made a composition or arrangement with, creditors (and has not been discharged in respect of it),
 - (c) who is the subject of a bankruptcy restrictions order, or an interim bankruptcy restrictions order, made under the Bankruptcy (Scotland) Act 1985 (c.66)^[F2], the Bankruptcy (Scotland) Act 2016^[F3] or the Insolvency Act 1986 (c.45),
 - (d) who is the subject of a bankruptcy restrictions undertaking entered into under ^[F3]paragraph 7 of Schedule 4A to the Insolvency Act 1986^[F3],
 - (e) who has been adjudged bankrupt (and has not been discharged), or
 - (f) who is subject to any other kind of order, arrangement or undertaking analogous to those mentioned in paragraphs (a) to (d), anywhere in the world.

Textual Amendments

F2 Words in [sch. 1A para. 5\(2\)\(c\)](#) inserted (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), [sch. 8 para. 20](#) (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

F3 Words in [sch. 1A para. 5\(2\)\(d\)](#) substituted (1.4.2015) by [Bankruptcy and Debt Advice \(Scotland\) Act 2014 \(asp 11\)](#), s. 57(2), [sch. 3 para. 39](#); S.S.I. 2014/261, art. 3 (with arts. 4-7, 12) (as amended by S.S.I. 2015/54, art. 2)

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Remuneration, allowances and expenses of members

- 6 SFRS may pay to its members such remuneration, allowances and expenses as the Scottish Ministers may determine.

The Chief Officer

- 7 (1) SFRS must employ a Chief Officer.
- (2) The Chief Officer may not be a member of SFRS.
- (3) The first Chief Officer is to be appointed by the Scottish Ministers on such terms and conditions as they may determine.
- (4) Each subsequent appointment of a person as the Chief Officer is to be made by SFRS.
- (5) The appointment of a person under sub-paragraph (4) is subject to the approval of the Scottish Ministers.
- (6) The terms and conditions of a person appointed under sub-paragraph (4) are to be determined by SFRS.

SFRS's employees

- 8 (1) SFRS may employ staff.
- (2) Staff are to be employed on terms and conditions determined by SFRS.
- (3) SFRS may pay or make arrangements for the payment of pensions, allowances or gratuities to, or in respect of, any person who is, or has ceased to be, a member of staff (including the Chief Officer).
- (4) The reference in sub-paragraph (3) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of employment.
- (5) The arrangements mentioned in sub-paragraph (3) may include—
- (a) the making of contributions or payments towards provision for pensions, allowances or gratuities mentioned there, and
 - (b) the establishment and administration of pension schemes.

Committees and sub-committees

- 9 (1) SFRS may establish committees for any purpose.
- (2) Any committee so established may establish sub-committees.
- (3) The members of any committee or sub-committee may include persons who are not members of SFRS but such persons are not entitled to vote at meetings.
- (4) A committee or sub-committee must not consist entirely of persons who are not members of SFRS.
- (5) SFRS may pay such remuneration, allowances and expenses as are determined by SFRS to a member of a committee or sub-committee who is not—
- (a) a member of SFRS, or
 - (b) a member of staff of SFRS.

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Procedure

- 10 (1) SFRS may regulate—
- (a) its own procedure (including quorum), and
 - (b) the procedure (including quorum) of its committees and sub-committees.
- (2) The validity of any proceedings or acts of SFRS is not affected by any—
- (a) vacancy in its membership,
 - (b) defect in the appointment of a member,
 - (c) disqualification of a person as a member after appointment.

Public access

- 11 (1) SFRS must ensure that its proceedings and those of its committees and sub-committees are held in public.
- (2) Despite sub-paragraph (1), SFRS or, as the case may be, any of its committees or sub-committees may decide to hold all or part of any proceedings in private.
- (3) SFRS must publish—
- (a) agendas for its proceedings and those of its committees and sub-committees,
 - (b) the papers relating to those proceedings,
 - (c) such reports of those proceedings as it thinks fit.
- (4) Despite sub-paragraph (3), SFRS may decide that all or part of any agenda, paper or report need not be published.
- (5) SFRS must publish a statement setting out—
- (a) the circumstances in which its proceedings and those of its committees and sub-committees may be held in private, and
 - (b) the circumstances in which agendas, papers and reports need not be published.

Governance and accountability

- 12 SFRS must try to ensure that each of its members, when acting in the capacity of member—
- (a) acts consistently with any principle of good governance which appears to SFRS to constitute best practice, and
 - (b) acts in a way which is as accountable and transparent as is reasonably practicable.

SFRS's general powers

- 13 (1) SFRS may do anything that it considers appropriate for the purposes of, or in connection with, the carrying out of its functions.
- (2) SFRS may in particular—
- (a) enter into contracts,
 - (b) borrow money,
 - (c) acquire and dispose of land and other property,
 - (d) with the authorisation of the Scottish Ministers, purchase compulsorily land,

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- (e) form or promote (whether alone or with another) companies under the Companies Act 2006 (c.46).
- (3) SFRS may not exercise the power in sub-paragraph (2)(b) or (e) without the consent of the Scottish Ministers.
- (4) For the purposes of sub-paragraph (3) consent may be given—
 - (a) with respect to a particular case or class of case,
 - (b) subject to such conditions as the Scottish Ministers consider appropriate.
- (5) The power in sub-paragraph (2)(c) includes the power to accept, on such conditions as SFRS considers appropriate—
 - (a) gifts of money, and
 - (b) gifts or loans of other property.
- (6) The powers in sub-paragraph (2)(c) and (d) to acquire and purchase land include power to acquire a servitude or other right in or over land by the creation of a new right.
- (7) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c.42) applies in relation to the compulsory purchase of land under sub-paragraph (2)(d) as if—
 - (a) that sub-paragraph were contained in an Act in force immediately before the commencement of that Act, and
 - (b) SFRS were a local authority.

Delegation of functions

- 14 (1) SFRS may delegate any of its functions to a person mentioned in sub-paragraph (2).
- (2) Those persons are—
 - (a) the Chief Officer,
 - (b) any other member of staff of SFRS,
 - (c) any of its committees.
- (3) Sub-paragraph (1) does not affect—
 - (a) SFRS's responsibility for the carrying out of the delegated functions, or
 - (b) SFRS's ability to carry out the delegated functions.

Location of principal office premises

- 15 Any determination by SFRS as to the location of the principal office premises of its members or its Chief Officer is subject to the approval of the Scottish Ministers.

Grants

- 16 (1) The Scottish Ministers may make grants to SFRS of such amounts as they may determine.
- (2) A grant is made subject to any conditions specified by the Scottish Ministers (including conditions about repayment).

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Accounts

- 17 (1) SFRS must—
- (a) keep proper accounts and accounting records, and
 - (b) prepare for each financial year a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Scottish Ministers as to—
- (a) the information to be contained in it,
 - (b) the manner in which the information is to be presented,
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) SFRS must send each statement of accounts to the Auditor General for Scotland for auditing.
- (4) In this paragraph, “financial year” means—
- (a) the period beginning on the day on which SFRS is established and ending on 31 March next occurring, and
 - (b) each subsequent period of a year ending on 31 March.]

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