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<sup>F1</sup>SCHEDULE 1  
(introduced by section 4)

**Textual Amendments**

- F1** Sch. 1 repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 8 Pt. 2](#); [S.S.I. 2013/51](#), art. 2 (with transitional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](#))

<sup>F2</sup>SCHEDULE 1A  
(introduced by section 1A(3))

THE SCOTTISH FIRE AND RESCUE SERVICE

**Textual Amendments**

- F2** 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—

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- (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).

#### *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) or the Insolvency Act 1986 (c.45),
    - (d) who is the subject of a bankruptcy restrictions undertaking entered into under either of those Acts,

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- (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.

*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.

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- (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.

*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.

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- (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,
  - (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.

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### *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).

### *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.]

## SCHEDULE 2

*(introduced by section 53(4))*

### FIRE SAFETY MEASURES

- 1 Subject to paragraph 2, the fire safety measures are—
- (a) measures to reduce the risk of—
    - (i) fire in relevant premises; and
    - (ii) the risk of the spread of fire there;
  - (b) measures in relation to the means of escape from relevant premises;
  - (c) measures for securing that, at all material times, the means of escape from relevant premises can be safely and effectively used;
  - (d) measures in relation to the means of fighting fires in relevant premises;
  - (e) measures in relation to the means of—
    - (i) detecting fires in relevant premises; and
    - (ii) giving warning in the event of fire, or suspected fire, in relevant premises;
  - (f) measures in relation to the arrangements for action to be taken in the event of fire in relevant premises (including, in particular, measures for the instruction and training of employees and for mitigation of the effects of fire); and

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- (g) such other measures in relation to relevant premises as may be prescribed by the Scottish Ministers by regulations.
- 2 Nothing in paragraph 1 shall be construed as including process fire precautions.

### SCHEDULE 3

*(introduced by section 89(1))*

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Civil Defence Act 1948 (c. 5)*

- 1 (1) The Civil Defence Act 1948 shall be amended as follows.
- (2) In subsection (1)(b) of section 1 (civil defence functions of Ministers), for “fire brigades” substitute “ employees of relevant authorities (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) ”.
- (3) In section 5(civil defence obligations)—
- (a) for “and fire brigades” substitute “ , employees of relevant authorities (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) ”;
  - (b) the words “and brigades” are repealed; and
  - (c) for “respectively” substitute “ and by employees of relevant authorities (as so defined) ”.
- (4) In section 9(1)(interpretation) the definition of “fire brigade” is repealed.

##### *The Pipe-lines Act 1962 (c. 58)*

- 2 In section 37 of the Pipe-lines Act 1962 (persons to be notified of certain pipe-line accidents)—
- (a) in each of subsections (1)(a) and (2)(a), after “fire” insert “ and rescue authority ”; and
  - (b) in subsection (4), for paragraph (a) substitute—
    - “(a) “fire and rescue authority”, in relation to any area, means a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) for the area;”.

##### *The Gas Act 1965 (c. 36)*

- 3 (1) The Gas Act 1965 shall be amended as follows.
- (2) In section 17 (provisions in relation to gas-related accidents), in subsection (5)(a) for “fire authority” substitute “ fire and rescue authority ”.
- (3) In section 28(1) (interpretation), for the definition of “fire authority” substitute—
  - ““fire and rescue authority” means a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5);”.

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*The Transport Act 1968 (c. 73)*

- 4 In section 102(4) of the Transport Act 1968 (application to the Crown and exemptions)—
- (a) the words “or fire brigade” are repealed; and
  - (b) after “purposes” insert “ or for or in connection with the exercise of any function of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ”.

*The Local Government (Scotland) Act 1973 (c. 65)*

- 5 In section 63A of the Local Government (Scotland) Act 1973 (disapplication of sections 62A to 62C in relation to fire authorities), after “fire” insert “ and rescue ”.

*The Control of Pollution Act 1974 (c. 40)*

- 6 In subsection (2)(a) of section 62 of the Control of Pollution Act 1974 (restrictions on use of loudspeakers in streets)—
- (a) the words “, fire brigade” are repealed; and
  - (b) after “purposes,” insert “ for or in connection with the exercise of any function of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)), ”.

*The Local Government (Scotland) Act 1975 (c. 30)*

- 7 (1) The Local Government (Scotland) Act 1975 shall be amended as follows.
- (2) For paragraph (a) of section 23(2) (authorities subject to investigation) substitute—
- “(a) any joint fire and rescue board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005 (asp 5);”.
- (3) In subsection (3)(b) of section 29A (consideration of adverse reports), for “fire” substitute “ joint fire and rescue boards ”.

*The Licensing (Scotland) Act 1976 (c. 66)*

- 8 (1) The Licensing (Scotland) Act 1976 shall be amended as follows.
- (2) In each of—
- (a) subsection (1)(e) of section 16 (objections in relation to licence applications);
  - (b) subsections (5) and (6) of section 23 (special provisions relating to applications for a new licence);
  - (c) subsection (1) of section 24 (special provisions relating to applications for renewal of a licence);
  - (d) subsection (3) of section 35 (consent of licensing board required for works to certain licensed premises); and
  - (e) subsection (2)(c) of section 105 (procedure on application for grant or renewal of registration),
- after “fire” insert “ and rescue ”.
- (3) In subsection (1) of section 139 (interpretation), for the definition of “fire authority” substitute—



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““fire and rescue authority” means a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5));”.

*The Water (Scotland) Act 1980 (c. 45)*

- 9 (1) The Water (Scotland) Act 1980 shall be amended as follows.
- (2) In section 109(1) (interpretation), in the definition of “fire authority” for the words from “has” to the end substitute “ means a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) ”.
- (3) In section 1(1) of Schedule 4 (provisions incorporated in orders relating to water undertakings), in the definition of “fire authority” for the words from “has” to the end substitute “ means a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) ”.

*The Local Government, Planning and Land Act 1980 (c. 65)*

- 10 In subsection (1) of section 2 of the Local Government, Planning and Land Act 1980 (local authorities to whom a duty to publish information applies), for paragraph (h) substitute—
- “(h) a joint fire and rescue board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005 (asp 5);”.

*The Civic Government (Scotland) Act 1982 (c. 45)*

- 11 In section 54 of the Civic Government (Scotland) Act 1982 (playing instruments, singing, playing radios etc.)—
- (a) in paragraph (a) of subsection (3), for “fire brigade” substitute “ fire-fighting ”; and
- (b) after that subsection insert—
- “(4) In subsection (3)(a), the reference to fire-fighting purposes is a reference to—
- (a) the purposes of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)); or
- (b) fire-fighting functions of any other employer of fire-fighters.”.

*The Road Traffic Regulation Act 1984 (c. 27)*

- 12 In section 87 of the Road Traffic Regulation Act 1984 (exemptions from speed limits)—
- (a) the words “fire brigade,” shall be repealed; and
- (b) after “purposes” insert “ or for or in connection with the exercise of any function of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ”.

*The Housing (Scotland) Act 1987 (c. 26)*

- 13 In section 82 of the Housing (Scotland) Act 1987 (interpretation of Part III of Act), in the definition of “fire authority”, for the words from “fire”, where it secondly

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occurs, to the end, substitute “ relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)); ”.

*The Housing (Scotland) Act 1988 (c. 43)*

- 14 In the Housing (Scotland) Act 1988—
- (a) for sub-paragraph (vii) of subsection (3)(a) of section 43 (conditions necessary to make a tenancy a housing association tenancy or secure tenancy) substitute—
- “(vii) a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5));” and
- (b) for paragraph (g) of subsection (4) of section 45 (certain tenancies not to be capable of being protected or secure tenancies) substitute—
- “(g) a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5));”.

*The Tay Road Bridge Order Confirmation Act 1991 (c.iv)*

- 15 In the Schedule (Provisional Order confirmed by Act) to the Tay Road Bridge Order Confirmation Act 1991, in paragraph (b) of subsection (2) of section 54, for the words from “a” where it first occurs to the end of that paragraph substitute “ an employee of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ”.

*The Strathclyde Regional Council Order Confirmation Act 1991 (c.xx)*

- 16 In the Schedule to the Strathclyde Regional Council Order Confirmation Act 1991, in paragraph (a) of subsection (8) of section 3—
- (a) the word “, fire” shall be repealed; and
- (b) after “services” insert “ , or by a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ”.

*The Local Government etc. (Scotland) Act 1994 (c. 39)*

- 17 In subsection (4) of section 43 (guidance as to exercise of traffic powers) of the Local Government etc. (Scotland) Act 1994, for paragraph (b) substitute—
- “(b) the relevant authorities (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5));”.

*The Merchant Shipping Act 1995 (c. 21)*

- 18 In section 135(1) of the Merchant Shipping Act 1995 (restrictions on transfer of oil at night), for “fire brigade” substitute “ relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) or any other employer of fire-fighters ”.

*The Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 (c.xii)*

- 19 In the Schedule to the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996, in subsection (9) of section 6 for “the fire service” substitute “ a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ”.

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*The Housing (Scotland) Act 2001 (asp 10)*

- 20 In paragraph 2 of schedule 1 to the Housing (Scotland) Act 2001 (tenancies which are not Scottish secure tenancies)—
- (a) in sub-paragraph (b), for the words from “a” where it first occurs to “(c.41)” substitute “ an employee of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ”; and
  - (b) in sub-paragraph (c), for “fire brigade” substitute “ authority ”.

*The Scottish Public Services Ombudsman Act 2002 (asp 11)*

- 21 For paragraph 13 of schedule 2 to the Scottish Public Services Ombudsman Act 2002 (listed authorities) substitute—
- “13 A joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of the Fire (Scotland) Act 2005 (asp 5).”

*The Freedom of Information (Scotland) Act 2002 (asp 13)*

- 22 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities), for paragraph 9, substitute “ Her Majesty's Chief Inspector of Fire and Rescue Authorities ”.

*The Local Government in Scotland Act 2003 (asp 1)*

- 23 (1) The Local Government in Scotland Act 2003 shall be amended as follows.
- (2) In subsection (1)(d) of section 16 (community planning: further provision), for the words from “board” to the end of that paragraph substitute “ fire board ”.
  - (3) In subsection (9) of section 22 (limits on power to advance well-being), at the beginning insert “ Subject to section 16(3) of the Fire (Scotland) Act 2005 (asp 5), ”.
  - (4) In section 25 (scrutiny of local authorities' police and fire functions)—
    - (a) in subsection (2)—
      - (i) for “Services for Scotland” substitute “ and Rescue Authorities ”;
      - (ii) for “24 of the Fire Services Act 1947 (c. 41)” substitute “ 43 of the Fire (Scotland) Act 2005 (asp 5) ”;
      - (iii) in paragraph (a), after “fire” insert “ and rescue ”; and
    - (b) in subsection (3)(a), after “fire” insert “ and rescue ”.
  - (5) In section 61 (definitions), in the definition of “joint fire board” for the words from “board”, where it secondly occurs, to the end substitute “ and rescue board constituted by an amalgamation scheme made under section 2(1) of the Fire (Scotland) Act 2005 (asp 5) ”.

*The Fire and Rescue Services Act 2004 (c. 21)*

- 24 In subsection (10) of section 34 of the Fire and Rescue Services Act 2004 (pensions etc.), for the words from “fire”, where it secondly occurs, to the end substitute “ relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)). ”.

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*The Emergency Workers (Scotland) Act 2005 (asp 2)*

- 25 In section 7 of the Emergency Workers (Scotland) Act 2005 (savings for certain offences), the words from “or section 30” to the end are repealed.

SCHEDULE 4

*(introduced by section 89(2))*

REPEALS

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<i>Enactment</i>	<i>Extent of repeal</i>
The Fire Services Act 1947 (c. 41)	The whole Act except sections 26 to 27A.
The Fire Services Act 1959 (c. 44)	The whole Act except sections 8 to 10.
The Town and Country Planning (Scotland) Act 1959 (c. 70)	In paragraph 2 of the Fourth Schedule, the words “the Fire Services Act, 1947;”.
The Local Government (Scotland) Act 1973 (c. 65)	Section 56(9)(a). Section 64(5)(a). Section 147.
The Roads (Scotland) Act 1984 (c. 54)	Paragraph 34 of Schedule 9.
The New Roads and Street Works Act 1991 (c. 22)	Paragraph 99 of Schedule 8.
The Local Government etc. (Scotland) Act 1994 (c. 39)	Section 36. Section 55(8). In section 55(12), the words from “, any” where it secondly occurs to “1947”. Paragraph 27 of Schedule 13.
The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40)	The entries relating to the Fire Services Act 1947 (c. 41) in the table in each of Parts II and III of Schedule 2.
The Merchant Shipping and Maritime Security Act 1997 (c. 28)	Section 4.
The Police and Fire Services (Finance) (Scotland) Act 2001 (asp 15)	Section 2.
The Water Industry (Scotland) Act 2002 (asp 3)	Paragraph 1 of schedule 7.
The Local Government in Scotland Act 2003 (asp 1)	Section 11(2).

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**Status:**

Point in time view as at 01/04/2013.

**Changes to legislation:**

Fire (Scotland) Act 2005 is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.