



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

### CHAPTER 5

#### POWERS OF EMPLOYEES AND CONSTABLES

##### *Obtaining information*

#### **27 Powers of authorised employees in relation to obtaining information**

- (1) Subject to subsection (2) an employee of [<sup>F1</sup>SFRS] who is authorised in writing by [<sup>F2</sup>SFRS] for the purposes of this section (an “authorised employee”) may at any reasonable time enter premises for the purpose of obtaining information needed for the carrying out of [<sup>F3</sup>SFRS's] functions under section 9, 10 or 11.
- (2) An authorised employee may not under subsection (1)—
  - (a) enter premises by force; or
  - (b) demand admission to premises occupied as a private dwelling unless 24 hours' notice in writing has first been given to the occupier of the dwelling.
- (3) If, on the application of an authorised employee, a sheriff or justice of the peace is satisfied—
  - (a) that—
    - (i) it is necessary for the employee to enter premises for the purposes of subsection (1); and
    - (ii) the employee is unable to do so, or is likely to be unable to do so, otherwise than by force,the sheriff or justice may issue a warrant authorising the employee to enter the premises by force at any reasonable time; or
  - (b) that it is necessary for the employee to enter premises for the purposes of subsection (1) without giving notice as required by subsection (2)(b), the

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*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 27. (See end of Document for details)*

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sheriff or justice may issue a warrant authorising the employee to enter the premises at any time (by force if necessary).

- (4) If an authorised employee exercises a power of entry by virtue of this section, the employee may—
- (a) take onto the premises—
    - (i) such other persons; and
    - (ii) such equipment,
 as the employee considers necessary; and
  - (b) require any person present on the premises to provide the employee with any—
    - (i) facilities, information, documents or records; or
    - (ii) other assistance,
 that the employee may reasonably request.
- (5) An authorised employee exercising a power of entry by virtue of this section shall, if so required, produce the items mentioned in subsection (6)—
- (a) before entering the premises; or
  - (b) at any time before leaving the premises.
- (6) Those items are—
- (a) evidence of the employee's authorisation for the purpose of this section; and
  - (b) any warrant under subsection (3)(a) or (b).

#### **Textual Amendments**

- F1** Word in s. 27(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(11\)\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Word in s. 27(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(11\)\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Word in s. 27(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(11\)\(c\)](#); 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. 27 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\(3\)](#)
- C2** S. 27 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\(3\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 27.