



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 3

#### FIRE SAFETY

### CHAPTER 2

#### ENFORCEMENT

#### **63 Prohibition notices**

- (1) Where subsection (2) applies in relation to relevant premises, an enforcing authority may serve a prohibition notice on the occupier of the relevant premises.
- (2) This subsection applies where having regard in particular to the matter mentioned in subsection (3), the enforcing authority considers that use of the relevant premises involves or will involve a risk to relevant persons so serious that use of the relevant premises ought to be prohibited or restricted.
- (3) The matter is anything affecting relevant persons' escape from the relevant premises in the event of fire.
- (4) A prohibition notice is a notice—
  - (a) stating that the enforcing authority considers that subsection (2) applies;
  - (b) specifying the matters which the enforcing authority considers give rise or, as the case may be, will give rise to the risk;
  - (c) directing that until those matters have been remedied the use to which the prohibition notice relates is—
    - (i) prohibited; or
    - (ii) restricted to such extent as may be specified in the notice; and
  - (d) subject to subsection (5), specifying when the notice shall take effect.
- (5) An enforcing authority may specify that a notice shall take effect on service of the notice only if the authority considers that, in consequence of the matters specified under subsection (4)(b), there is or, as the case may be, will be an imminent risk of serious personal injury to relevant persons.

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**Changes to legislation:** *There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 63. (See end of Document for details)*

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- (6) A prohibition notice may specify steps which may be taken to remedy the matters specified in the notice.
- (7) If relevant premises fall within paragraph (a) of subsection (5) of section 78, the enforcing authority shall, before serving the prohibition notice and if it is practicable to do so, notify the local authority in whose area the relevant premises are situated of—
  - (a) the enforcing authority's intention to serve a prohibition notice; and
  - (b) the use which it is intended to prohibit or, as the case may be, restrict.
- (8) Where an enforcing authority serves a prohibition notice on the occupier of relevant premises, the authority may, by notice in writing to the occupier, withdraw the prohibition notice.

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 63.