



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 3

#### FIRE SAFETY

### CHAPTER 5

#### GENERAL

#### 77 Crown application

(1) [<sup>F1</sup>Subject to subsection (1A),]<sup>F1</sup> the provisions of this Part, and of regulations made under it, shall bind the Crown.

[<sup>F2</sup>(1A) Where the enforcing authority in relation to relevant premises is the fire service maintained by the Secretary of State for Defence—

- (a) sections 62 and 63 shall bind the Crown only in so far as they apply in relation to relevant premises owned by the Crown but not occupied by it; and
- (b) sections 64 to 67 and 72 to 75 shall not bind the Crown; and
- (c) subsection (2) shall not apply.]

<sup>F2</sup>(2) No contravention by the Crown of any provision of this Act or of any regulations made under it shall make the Crown criminally liable; but the Court of Session may, on the application of an enforcing authority, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Notwithstanding subsection (2), the provisions of this Part and of regulations made under it shall apply to persons in the public service of the Crown as they apply to other persons.

(4) Nothing in this Part authorises the entry of any relevant premises occupied by the Crown.

(5) Nothing in this section affects Her Majesty in Her private capacity.

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*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 77. (See end of Document for details)*

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- (6) This Part shall apply in relation to relevant premises owned or occupied by the Parliamentary corporation as it applies in relation to relevant premises owned or occupied by the Crown.

**Textual Amendments**

- F1** Words in s. 77(1) inserted (22.7.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(6)(a)**
- F2** S. 77(1A) inserted (22.7.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(6)(b)**

**Modifications etc. (not altering text)**

- C1** S. 77 modified (1.10.2006) by [The Fire Safety \(Scotland\) Regulations 2006 \(S.S.I. 2006/456\)](#), **reg. 24(3)(a)(iv)**

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 77.