



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 3

#### FIRE SAFETY

### CHAPTER 5

#### GENERAL

#### **79 Interpretation of Part 3**

(1) In this Part, unless the context otherwise requires—

“Chapter 1 duties” means—

- (a) the duties imposed by sections 53, 54, 55 and 56; and
- (b) any duties imposed by regulations made under section 57 or 58;

“employee” has the meaning given by section 53(1) of the Health and Safety at Work etc. Act 1974 (c. 37); and related expressions shall be construed accordingly;

“enforcement officer” means an enforcement officer appointed under section 61(3);

“enforcing authority” has the meaning given by section 61(9);

“fire safety measures” shall be construed in accordance with schedule 2;

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“operational task” means—

- (a) a function such as is mentioned in paragraph (a) or (b) of subsection (1) of section 9;
- (b) a function such as is mentioned in paragraph (a) or (b) of subsection (1) of section 10; or
- (c) a function such as is mentioned in an order under section 11(1);

“public road” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984 (c. 54);

“relevant person”, in relation to premises, means—

- (a) any person who is, or may be, lawfully in the premises; or

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*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 79. (See end of Document for details)*

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- (b) any person—
- (i) who is, or may be, in the immediate vicinity of the premises; and
  - (ii) whose safety would be at risk in the event of fire in the premises;

but does not include an employee of [<sup>F2</sup>SFRS] who is engaged in the performance of an operational task and, in its application to section 54, a person such as is mentioned in subsection (2);

[<sup>F3</sup>“ship” includes every description of vessel used in navigation and hovercraft within the meaning of the Hovercraft Act 1968 (c. 59) (and, in section 61(9)(za) (iii), includes a ship belonging to Her Majesty which forms part of Her Majesty's Navy);]

“work” and “at work” shall be construed in accordance with section 52 of the Health and Safety at Work etc. Act 1974 (c. 37);

“workplace”, in relation to an employer and the employer's employees, means any relevant premises which are used for the purposes of an undertaking carried on by the employer and made available to an employee of the employer as a place of work; and includes—

- (a) any part of those premises to which an employee of the employer has access while at work;
- (b) any relevant premises (other than a public road)—
  - (i) which are a means of access to or egress from the place of work; or
  - (ii) where facilities are provided for use in connection with the place of work.

(2) The person is, where the person (“the employer”) subject to the requirement to carry out an assessment (or a review) under section 54 is also subject to the requirement to carry out an assessment (or a review) under section 53, any employee of the employer.

(3) For the purposes of section 56 references in the definition of “relevant person” in subsection (1) to premises shall be construed as references to the workplace.

#### **Textual Amendments**

- F1** Words in s. 79(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)
- F2** Word in s. 79(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(22\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** S. 79(1): definition 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\(9\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 79.