

SCHEDULE 7 MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATING TO PART 2

Gas Act 1965 (c.36)

- 46 In section 17(5) of the Gas Act 1965 (notification of accidents)—
- (a) in paragraph (a) the words “fire and rescue authority,” are repealed, and
 - (b) after that paragraph insert—
 - “(aza) for the Scottish Fire and Rescue Service if it appears to them that the Scottish Fire and Rescue Service will or may have duties to discharge, or will or may have to take precautionary or preventative action in any such event,”.

Transport Act 1968 (c.73)

- 47 In section 102(4) of the Transport Act 1968 (exemption for police and fire), for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”.

Pensions (Increase) Act 1971 (c.56)

- 48 In paragraph 44 of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions), for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”.

Health and Safety at Work etc. Act 1974 (c.37)

- 49 In section 23(4)(b) of the Health and Safety at Work etc. Act 1974 (consultation requirements relating to notices), for “relevant authority (as defined in section 6 of that Act) for the area where the premises are (or are to be) situated” substitute “Scottish Fire and Rescue Service”.

Control of Pollution Act 1974 (c.40)

- 50 In section 62(2)(a) of the Control of Pollution Act 1974 (exemption from control of loudspeakers in roads), for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”.

Water (Scotland) Act 1980 (c.45)

- 51 (1) The Water (Scotland) Act 1980 is amended as follows.
- (2) In section 9A(1)(a) (exemption from Scottish Water charges), for “a fire authority” substitute “the Scottish Fire and Rescue Service”.
 - (3) In section 19 of Schedule 4 (undertakers to fix and maintain fire hydrants), for “fire authority concerned” substitute “Scottish Fire and Rescue Service”.

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- (4) In section 20 of Schedule 4 (undertakers to deposit keys of hydrants), for “fire authority”, in both places where it occurs, substitute “Scottish Fire and Rescue Service”.
- (5) In section 21 of Schedule 4 (cost of hydrants), for “fire authority” substitute “Scottish Fire and Rescue Service”.
- (6) In section 21A of Schedule 4 (regulations on recovery of costs of hydrants), for “fire authorities” substitute “the Scottish Fire and Rescue Service”.

Zoo Licensing Act 1981 (c.37)

- 52 In section 3(3) of the Zoo Licensing Act 1981 (appropriate authority for purposes of representations on an application)—
- (a) for paragraph (a)(ii) substitute—

“(ii) the Scottish Fire and Rescue Service, if it is not the enforcing authority,” and
 - (b) in paragraph (b) for “relevant authority in whose area the zoo or any part of it is, or is to be, situated” substitute “Scottish Fire and Rescue Service”.

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

- 53 (1) The Civic Government (Scotland) Act 1982 is amended as follows.
- (2) In section 54(4)(a) (use of loudspeaker exempt from offence), for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”.
 - (3) In section 89(4A) (safety of platforms etc.), in the words after paragraph (b) for “appropriate relevant authority” substitute “Scottish Fire and Rescue Service”.
 - (4) In section 93 (fire precautions in common stairs etc.)—
 - (a) for “appropriate relevant authority”, where it occurs in each of subsections (3), (4) and (7), substitute “Scottish Fire and Rescue Service”, and
 - (b) in subsection (6) for “an appropriate relevant authority” substitute “the Scottish Fire and Rescue Service”.
 - (5) In section 98 (luminous tube signs)—
 - (a) in subsection (1) for “appropriate relevant authority”, where it occurs in each of paragraphs (a), (b) and (c), substitute “Scottish Fire and Rescue Service”, and
 - (b) in subsection (1A) for “appropriate relevant authority” substitute “Scottish Fire and Rescue Service”.
 - (6) In Schedule 1 (licensing - further provision as to the general system), for “appropriate relevant authority”, where it occurs in each of paragraphs 2(1)(b), 5(5)(d), 7(3)(a)(ii), 9(5)(b), 9(7)(b), 10(2)(a), 10(2A), 10(4)(b), 11(7)(d), 12(4)(b), 12(7)(b), 17(4)(c)(ii) and 17(4)(d)(ii), substitute “Scottish Fire and Rescue Service”.
 - (7) In Schedule 2 (control of sex shops), for “appropriate relevant authority”, where it occurs in each of paragraphs 8(1)(b), 10(1)(d), 13(5)(d), 14(5)(b), 14(7), 15(2)(a), 15(2A), 15(5) and 23(4)(b)(ii), substitute “Scottish Fire and Rescue Service”.

Road Traffic Regulation Act 1984 (c.27)

- 54 In section 87(1)(a) of the Road Traffic Regulation Act 1984 (exemptions from speed limits), for “a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005” substitute “the Scottish Fire and Rescue Service”.

Cinemas Act 1985 (c.13)

- 55 (1) The Cinemas Act 1985 is amended as follows.
- (2) In section 3(10) (definition for purposes of the Act), in paragraph (b) of the definition of “appropriate fire authority” for the words from “authority discharging” to the end of the paragraph substitute “Scottish Fire and Rescue Service”.
- (3) In section 8(2) (definition for purposes of the section), in paragraph (b) of the definition of “appropriate fire authority” for the words from “authority discharging” to the end of the paragraph substitute “Scottish Fire and Rescue Service”.

Housing (Scotland) Act 1987 (c.26)

- 56 In section 61(11) of the Housing (Scotland) Act 1987 (persons providing houses for purpose of occupation requirement for exercise of right to purchase), for paragraph (k) substitute—
- “(k) the Scottish Fire and Rescue Service or its statutory predecessors,”.

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

- 57 In section 3(8)(a) of the Schedule to the Strathclyde Regional Council Order Confirmation Act 1991 (regulation of traffic), for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”.

Vehicle Excise and Registration Act 1994 (c.22)

- 58 In Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt vehicles)—
- (a) in paragraph 4(2)(b), for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”, and
- (b) in paragraph 5—
- (i) for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”, and
- (ii) for “authority’s” substitute “Scottish Fire and Rescue Service’s”.

Merchant Shipping Act 1995 (c.21)

- 59 In section 135(1) of the Merchant Shipping Act 1995 (restrictions on transfer of oil at night), for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”.

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

- 60 In section 6(9) of the Schedule to the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 (entry to closed public roads), for “a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute “the Scottish Fire and Rescue Service”.

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 61 In schedule 3 to the Ethical Standards in Public Life etc. (Scotland) Act 2000 (devolved public bodies), after the entry for “Scottish Environment Protection Agency” insert—
 “The Scottish Fire and Rescue Service”.

Scottish Public Services Ombudsman Act 2002 (asp 11)

- 62 In schedule 2 to the Scottish Public Services Ombudsman Act 2002 (listed authorities), for paragraph 13 substitute—
 “13 The Scottish Fire and Rescue Service.”.

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

- 63 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities)—
 (a) for paragraph 9 substitute—
 “9 Her Majesty’s Chief Inspector of the Scottish Fire and Rescue Service.”, and
 (b) after paragraph 85 insert—
 “85ZA The Scottish Fire and Rescue Service.”.

Local Government in Scotland Act 2003 (asp 1)

- 64 In section 16(1) of the Local Government in Scotland Act 2003 (duty to participate in community planning), for paragraph (d) substitute—
 “(d) the Scottish Fire and Rescue Service,”

Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 65 In schedule 2 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (specified authorities), after the entry for “Scottish Environment Protection Agency” insert—
 “Scottish Fire and Rescue Service”.

Fire and Rescue Services Act 2004 (c.21)

- 66 (1) The Fire and Rescue Services Act 2004 is amended as follows.
 (2) For subsection (10) of section 34 (pensions etc.) substitute—
 “(10) In this section “Scottish fire authority”—
 (a) means the Scottish Fire and Rescue Service, and

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- (b) except in subsections (2)(e) and (h), includes a relevant authority as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) (despite the repeal of that section by the [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#)).
- (3) In subsection (6) of section 35 (definitions for purpose of information in connection with pensions etc.), after the definition of “prescribed” add—
 - ““Scottish fire authority”—
 - (a) means the Scottish Fire and Rescue Service, and
 - (b) in subsection (5) includes a relevant authority as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) (despite the repeal of that section by the [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#)).

[Emergency Workers \(Scotland\) Act 2005 \(asp 2\)](#)

- 67 In section 1(3) of the Emergency Workers (Scotland) Act 2005 (definition of capacity for the purpose of section 1(1) offence)—
- (a) in paragraph (zb) for the words from “a relevant” to “authority’s functions” substitute “the Scottish Fire and Rescue Service while discharging any of the Service’s functions”, and
 - (b) in paragraph (b) for the words from “a relevant” to “on the authority” substitute “the Scottish Fire and Rescue Service for the purpose of carrying out any of the functions conferred on the Service”.

[Fire \(Scotland\) Act 2005 \(asp 5\)](#)

- 68 (1) The Fire (Scotland) Act 2005 is amended as follows.
- (2) For the title of Part 1 of the 2005 Act and the italic cross heading immediately preceding section 1 of that Act, substitute—

“THE SCOTTISH FIRE AND RESCUE SERVICE”.

- (3) In section 17 (duty to secure water supply)—
- (a) in subsection (1)—
 - (i) for “A relevant authority” substitute “SFRS”, and
 - (ii) for “the authority’s” substitute “its”, and
 - (b) in subsection (2), for “the authority”, where it occurs in each of paragraphs (a), (e) and (f), substitute “SFRS”.
- (4) In section 18 (use of water)—
- (a) in subsection (1) for “a relevant authority” substitute “SFRS”, and
 - (b) in subsection (2) for “A relevant authority” substitute “SFRS”.
- (5) In section 19 (agreements in relation to water supply), for “a relevant authority”, where it occurs in each of subsections (1) and (3), substitute “SFRS”.
- (6) In section 20(1) (emergency supply by Scottish Water) for “a relevant authority” substitute “SFRS”.
- (7) In section 21 (fire hydrants: provision etc.)—

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- (a) in subsection (4) for “the relevant authority in whose area the hydrant is located” substitute “SFRS”, and
 - (b) in subsection (6) for “a relevant authority) the relevant authority in whose area the hydrant is located” substitute “SFRS) SFRS”.
- (8) In section 23(2)(b) (use of fire hydrants exempt from offences) for “a relevant authority” substitute “SFRS”.
- (9) In section 24 (notice of works affecting water supply and fire hydrants)—
 - (a) in subsection (1)—
 - (i) for “a relevant authority” substitute “SFRS”, and
 - (ii) for “the authority” substitute “SFRS”, and
 - (b) in subsection (3) for “the relevant authority in whose area the hydrant is situated” substitute “SFRS”.
- (10) In section 25 (powers of authorised employees in relation to emergencies), in subsection (1)—
 - (a) for “a relevant authority” substitute “SFRS”, and
 - (b) for “the authority”, in both places where it occurs, substitute “SFRS”.
- (11) In section 27 (powers of authorised employees in relation to obtaining information), in subsection (1)—
 - (a) for “a relevant authority” substitute “SFRS”,
 - (b) for “the authority” substitute “SFRS”, and
 - (c) for “the authority’s” substitute “SFRS’s”.
- (12) In section 29 (powers of authorised employees in relation to investigating fires), in subsection (1)—
 - (a) for “a relevant authority” substitute “SFRS”, and
 - (b) for “the authority” substitute “SFRS”.
- (13) In section 30 (exercise of authorised employee powers) for “a relevant authority” substitute “SFRS”.
- (14) In section 39 (assaulting or impeding employees discharging certain functions)—
 - (a) in subsection (1)—
 - (i) in paragraph (a) for “a relevant authority” substitute “SFRS”, and
 - (ii) in paragraph (b) for “the authority” substitute “SFRS”,
 - (b) in subsection (2)—
 - (i) for “a relevant authority” substitute “SFRS”, and
 - (ii) for “that authority” substitute “SFRS”, and
 - (c) in subsection (3) for “a relevant authority” substitute “SFRS”.
- (15) In section 40 (framework document)—
 - (a) in subsection (1)—
 - (i) in paragraph (a) for “relevant authorities” substitute “SFRS”,
 - (ii) in paragraph (a) for “their functions” substitute “its functions under this Act or any other enactment,” and
 - (iii) in paragraph (b)(ii) for “those authorities” substitute “SFRS”,
 - (b) in subsection (3)—

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- (i) in paragraph (b) for “fire and rescue authorities” substitute “SFRS”, and
 - (ii) in paragraph (c) for “relevant authorities have” substitute “SFRS has”, and
 - (c) for subsection (6), substitute—
 - “(6) Those persons are—
 - (a) SFRS,
 - (b) such persons as the Scottish Ministers consider represent employees of SFRS,
 - (c) such persons as the Scottish Ministers consider represent local authorities, and
 - (d) such other persons as the Scottish Ministers consider appropriate.”.
- (16) In section 41 (adherence to framework document)—
- (a) for subsection (1), substitute—
 - “(1) In carrying out its functions, SFRS must have regard to the framework document.”,
 - (b) in subsection (2)—
 - (i) for “a relevant authority” substitute “SFRS”, and
 - (ii) for “document prepared under section 40(1)” substitute “framework document”,
 - (c) in subsection (4), for “the authority”, in both places where it occurs, substitute “SFRS”,
 - (d) in subsection (5)—
 - (i) in paragraph (b) for “the authority” substitute “SFRS”, and
 - (ii) in paragraph (c) for “relevant authorities have” substitute “SFRS has”, and
 - (e) in subsection (6), for “the authority in respect of which it is proposed to be made” substitute “SFRS”.
- (17) For the italic cross-heading immediately preceding section 45, substitute—
“CHAPTER 8C

EQUIPMENT, FACILITIES AND SERVICES”.
- (18) In section 47(1) (provision of equipment etc. by Scottish Ministers) for “relevant authorities” substitute “SFRS”.
- (19) In section 51 (prohibition on employment of police)—
- (a) for “A relevant authority” substitute “SFRS”, and
 - (b) for “the authority” substitute “it”.
- (20) In section 52 (interpretation of Part 2), in the appropriate place in alphabetical order insert the following definitions—
- ““Chief Inspector” has the meaning given by section 43A(6).”,
 - ““Chief Officer” means the person appointed under paragraph 7 of schedule 1A.”,

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““framework document” means the document prepared under, and having effect by virtue of, section 40,”

““Inspector” has the meaning given by section 43A(6).”

- (21) In section 59(1) (application of power to make further provision for protection of fire-fighters) for “relevant authorities” substitute “SFRS”.
- (22) In section 79(1) (interpretation of Part 3) in the definition of “relevant person” for “a relevant authority” substitute “SFRS”.
- (23) In section 80 (inquiries), for “a relevant authority”, where it occurs in each of paragraphs (a) and (b)(iii), substitute “SFRS”.
- (24) In section 81(2) (inquiries about which Ministers may not make regulations) for “44” substitute “43B”.
- (25) In section 85(1) (false alarms), for “a relevant authority” substitute “SFRS”.
- (26) In section 86 (disposal of land), for “A relevant authority” substitute “SFRS”.
- (27) Before section 87, insert—

“86A Interpretation

- (1) In this Act—

“local authority” means a council constituted under section 2 of the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#); and “area” in relation to a local authority, means the local government area for which the authority is constituted,

“SFRS” has the meaning given by section 1A(1).

- (2) References in this Act to the area of SFRS are to be construed as references to Scotland, but taking the seaward boundary of the area to be the low water mark.”.

Gambling Act 2005 (c.19)

- 69 In section 157 of the Gambling Act 2005 (responsible authorities in relation to premises), for paragraph (f) substitute—
 “(f) the Scottish Fire and Rescue Service.”.

Housing (Scotland) Act 2006 (asp 1)

- 70 In paragraph 4 of schedule 2 to the Housing (Scotland) Act 2006 (duty to consult on provision for detecting fires), for “fire and rescue authority for the area in which the house concerned is situated” substitute “Scottish Fire and Rescue Service”.

Corporate Manslaughter and Corporate Homicide Act 2007 (c.19)

- 71 In section 6(2) of the Corporate Manslaughter and Corporate Homicide Act 2007 (duty of care for certain organisations in emergencies), for paragraph (b) substitute—
 “(b) the Scottish Fire and Rescue Service;”.

Public Services Reform (Scotland) Act 2010 (asp 8)

- 72 (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.
- (2) In schedule 5 (improvement of public functions: listed bodies), after the entry for “Scottish Environment Protection Agency” insert—
“Scottish Fire and Rescue Service”.
- (3) In schedule 8 (information on exercise of public functions: listed public bodies)—
- (a) for the entry “Her Majesty’s Chief Inspector of Fire and Rescue Authorities” substitute—
“Her Majesty’s Chief Inspector of the Scottish Fire and Rescue Service”, and
- (b) after the entry for “Scottish Environment Protection Agency” insert—
“Scottish Fire and Rescue Service”.
- (4) In schedule 19 (persons subject to user focus duty), for the entry “Her Majesty’s Chief Inspector of Fire and Rescue Authorities, Her Majesty’s Inspectors of Fire and Rescue Authorities and Assistant Inspectors of Fire and Rescue Authorities appointed under section 43 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)” substitute—
“Her Majesty’s Chief Inspector of the Scottish Fire and Rescue Service, Her Majesty’s Inspectors of the Scottish Fire and Rescue Service and Assistant Inspectors of the Scottish Fire and Rescue Service appointed under section 43A of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)”.

Public Records (Scotland) Act 2011 (asp 12)

- 73 In the schedule to the Public Records (Scotland) Act 2011 (authorities to which Part 1 of the Act applies), for the entry “Her Majesty’s Chief Inspector of Fire and Rescue Authorities, Her Majesty’s Inspectors of Fire and Rescue Authorities and Assistant Inspectors of Fire and Rescue Authorities (appointed under section 43 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute—
“Her Majesty’s Chief Inspector of the Scottish Fire and Rescue Service, Her Majesty’s Inspectors of the Scottish Fire and Rescue Service and Assistant Inspectors of the Scottish Fire and Rescue Service appointed under section 43A of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)”.