



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

#### CHAPTER 8

##### CENTRAL SUPERVISION AND SUPPORT

##### *Fire and Rescue Framework for Scotland*

#### 41 Adherence

- [<sup>F1</sup>(1) In carrying out its functions, SFRS must have regard to the framework document.]
- (2) Subsections (3) and (4) apply where the Scottish Ministers consider that [<sup>F2</sup>SFRS] is failing, or is likely to fail, to act in accordance with the [<sup>F3</sup>framework document].
- (3) The Scottish Ministers may cause an inquiry to be held into the matter.
- (4) Subject to subsection (5), the Scottish Ministers may, for the purpose of securing that [<sup>F4</sup>SFRS] acts in accordance with the document, by order require [<sup>F4</sup>SFRS]—
- (a) to take; or
  - (b) to refrain from taking,
- such action as is specified in the order.
- (5) The Scottish Ministers may make an order under subsection (4) only where they consider that it would promote—
- (a) public safety;
  - (b) the efficiency and effectiveness of [<sup>F5</sup>SFRS]; or
  - (c) efficiency and effectiveness in connection with the matters in relation to which [<sup>F6</sup>SFRS has] functions.
- (6) Before making an order under subsection (4), the Scottish Ministers shall consult [<sup>F7</sup>SFRS].

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*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 41. (See end of Document for details)*

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<sup>F8</sup>(7) .....

#### **Textual Amendments**

- F1** S. 41(1) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(16)(a)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F2** Word in s. 41(2) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(16)(b)(i)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F3** Words in s. 41(2) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(16)(b)(ii)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F4** Words in s. 41(4) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(16)(c)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F5** Word in s. 41(5)(b) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(16)(d)(i)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F6** Words in s. 41(5)(c) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(16)(d)(ii)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F7** Word in s. 41(6) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(16)(e)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F8** S. 41(7) 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 41.