
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 456

The Fire Safety (Scotland) Regulations 2006

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Fire Safety (Scotland) Regulations 2006 and shall come into force on 1st October 2006.

Interpretation

2.—(1) In these Regulations—

“the 2005 Act” means the Fire (Scotland) Act 2005;

“approved classification and labelling guide” means the Approved Guide to the Classification and Labelling of Dangerous Substances and Dangerous Preparations (5th edition)(1) approved by the Health and Safety Commission on 16th April 2002;

“child” means a person who is not over school age, construed in accordance with section 31 of the Education (Scotland) Act 1980(2);

“the CHIP Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(3);

“competent” means that the person has sufficient training and experience or knowledge and other qualities to enable that person—

- (a) in relation to regulation 12(3)(b), properly to implement the measures referred to in that regulation;
- (b) in relation to regulation 14(1)(b), properly to implement the evacuation procedures referred to in that regulation; and
- (c) in relation to regulation 17(1), properly to assist in undertaking the fire safety measures;

“dangerous substance” means—

- (a) a substance or preparation which meets the criteria in the approved classification and labelling guide for classification as a substance or preparation which is explosive, oxidising, extremely flammable, highly flammable or flammable, whether or not that substance or preparation is classified under the CHIP Regulations;
- (b) a substance or preparation which because of its physico-chemical or chemical properties and the way it is used or is present in relevant premises creates a risk; and

(1) ISBN 0-7176-2369-6.

(2) 1980 c. 44.

(3) S.I.2002/1689.

(c) any dust, whether in the form of solid particles or fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere;

“employment business” means a business (whether for profit or not and whether or not carried on in conjunction with any other business) which supplies persons (other than seafarers) who are employed in it to work for and under the control of other persons in any capacity;

“explosive atmosphere” means a mixture, under atmospheric conditions, of air and one or more dangerous substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture;

“hazard”, in relation to a dangerous substance, means the physico-chemical or chemical property of that substance which has the potential to give rise to fire affecting the safety of a person, and references in these Regulations to “hazardous” are to be construed accordingly;

“personal protective equipment” means all equipment which is intended to be worn or held by a person in the relevant premises and which protects that person against one or more risks to his or her safety, and any addition or accessory designed to meet that objective;

“preparation” means a mixture or solution of two or more substances;

“risk” means the risk to the safety of relevant persons from fire;

“safety data sheet” means a safety data sheet within the meaning of regulation 5 of the CHIP Regulations;

“special, technical or organisational measures” means those measures required to be taken or observed in any workplace in connection with the carrying on of any work process, where those measures—

- (a) are designed to prevent or reduce the likelihood of fire arising from such a work process or reduce its intensity; and
- (b) are required to be taken or observed to ensure compliance with any requirement of the relevant statutory provisions within the meaning given by section 53(1) of the Health and Safety at Work etc. Act 1974⁽⁴⁾ and those measures include—
 - (i) technical means of supervision;
 - (ii) connecting devices;
 - (iii) control and protection systems;
 - (iv) engineering controls and solutions;
 - (v) equipment;
 - (vi) materials;
 - (vii) protective systems; and
 - (viii) warning and other communications systems;

“substance” means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

“work process” means all aspects of work involving, or in connection with—

- (a) the use of plant or machinery; or
- (b) the use of storage of any dangerous substance; and

“young person” means any person who has not attained the age of 18.

(2) In these Regulations, any reference to a numbered section is, unless otherwise expressly provided, a reference to a section bearing that number in the 2005 Act.

(4) 1974 c. 37.

(3) In these Regulations, any reference to a numbered regulation is, unless otherwise expressly provided, a reference to a regulation bearing that number in these Regulations.

(4) In these Regulations, any duties imposed on persons having duties under sections 53 or 54 are imposed to the extent that the person has duties under those sections.