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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 456**

**The Fire Safety (Scotland) Regulations 2006**

**PART IV**

**MISCELLANEOUS**

**Maintenance of measures provided in the common areas of private dwellings for protection of fire-fighters**

**24.**—(1) Regulation 23 shall apply to the common areas of private dwellings as if they were relevant premises, with the modifications specified in paragraphs (2) and (3).

(2) The duty imposed by paragraph (1) shall apply to—

- (a) a person who has control to any extent of the common areas of private dwellings, to that extent; and
- (b) if a person falls within sub-paragraph (a) other than by virtue of—
  - (i) having control to any extent of the common areas of private dwellings in connection with the carrying on by the person (whether for profit or not) of an undertaking; or
  - (ii) owning the common areas of private dwellings,

the person or persons who own the common areas of private dwellings shall also comply with the duty.

(3) For the purposes of this regulation the following modifications are made:—

- (a) the references to “relevant premises” in—
  - (i) section 61(9)(zb)(1), (b)(2) and (c) (enforcing authorities);
  - (ii) section 62 (powers of enforcement officers);
  - (iii) section 64 (enforcement notices);
  - (iv) section 77 (Crown application)(3); and
  - (v) section 77A (application to visiting forces etc.)(4),shall be taken to include the common areas of private dwellings;
- (b) any references to “Chapter 1 duties” in—
  - (i) section 60(1) and (3) (special case: temporary suspension of Chapter 1 duties);
  - (ii) section 61(1) and (9)(b) (enforcing authorities);
  - (iii) section 62(2)(c), (4)(a), (6) and (7) (powers of enforcement officers);
  - (iv) section 64(1), (2)(a), (3)(b) and (10) (enforcement notices); and
  - (v) section 67(1)(a) (determination of disputes),

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(1) Section 61(9)(zb) was inserted by S.I. 2005/2060.  
(2) Section 61(9)(b) was substituted by S.I. 2005/2060.  
(3) Section 77 was amended by S.I. 2005/2060.  
(4) Section 77A was inserted by S.I. 2005/2060.

shall be taken to include the application in paragraph (1) of the safeguarding provision to the common areas of private dwellings; and

- (c) for the purposes of section 72(3)(a), this regulation is deemed to be one to which a person is subject by virtue of regulations made under section 58.