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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 458 (C.37)**

**FIRE SAFETY**

The Fire (Scotland) Act 2005 (Commencement  
No. 3 and Savings) Order 2006

Made - - - - 5th September 2006

The Scottish Ministers, in exercise of the powers conferred by sections 88(2)(b) and 90 of the Fire (Scotland) Act 2005<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Fire (Scotland) Act 2005 (Commencement No. 3 and Savings) Order 2006.

(2) In this Order “the Act” means the Fire (Scotland) Act 2005.

**Appointed day**

2. —Subject to article 3, 1st October 2006 is the appointed day for the coming into force of the following provisions of the Act:—

- (a) section 16A<sup>(2)</sup>;
- (b) sections 53 to 56;
- (c) sections 57 and 58, so far as not already in force;
- (d) sections 59 to 77A<sup>(3)</sup>;
- (e) section 78, so far as not already in force;
- (f) section 79; and
- (g) schedule 2.

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<sup>(1)</sup> 2005 asp 5.

<sup>(2)</sup> Section 16A was inserted by S.I.2005/2060.

<sup>(3)</sup> Section 77A was inserted by S.I. 2005/2060.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Savings provision**

**3.** —Notwithstanding the commencement of section 70 of the Act (consequential restriction of application of Part I of Health and Safety at Work etc. Act 1974) by article 2(d), the Control of Major Accident Hazards Regulations 1999<sup>(4)</sup> shall continue to apply in relation to fire safety.

St Andrew's House,  
Edinburgh  
5th September 2006

*HUGH HENRY*  
Authorised to sign by the Scottish Ministers

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(4) S.I. 1999/743, amended by S.I. 1999/2597, 2002/2469, 2005/676 and 2005/1088.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings section 16A, Part 3 and schedule 2 of the Fire (Scotland) Act 2005 (so far as not already in force) into force on 1st October 2006. These are the only remaining provisions of the Fire (Scotland) Act 2005 not yet in force. The Order also makes a savings provision in respect of the Control of Major Accident Hazards Regulations 1999, which shall continue to apply in relation to fire safety.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Fire (Scotland) Act 2005 have been brought into force by commencement order made before the date of this Order:–

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 10	2nd August 2005	<a href="#">2005/392</a>
Section 11 (partially)	6th April 2005	<a href="#">2005/207</a>
Section 11 (to the extent not already in force)	2nd August 2005	<a href="#">2005/392</a>
Sections 12 to 15	2nd August 2005	<a href="#">2005/392</a>
Section 16 (partially)	6th April 2005	<a href="#">2005/207</a>
Section 16 (to the extent not already in force)	2nd August 2005	<a href="#">2005/392</a>
Sections 17 to 39	2nd August 2005	<a href="#">2005/392</a>
Section 40 (partially)	6th April 2005	<a href="#">2005/207</a>
Section 40 (to the extent not already in force)	2nd August 2005	<a href="#">2005/392</a>
Sections 41 to 52	2nd August 2005	<a href="#">2005/392</a>
Section 57 (partially)	6th April 2005	<a href="#">2005/207</a>
Section 58 (partially)	6th April 2005	<a href="#">2005/207</a>
Section 78 (partially)	6th April 2005	<a href="#">2005/207</a>
Sections 80 and 81	2nd August 2005	<a href="#">2005/392</a>
Section 82	6th April 2005	<a href="#">2005/207</a>
Sections 83 to 86	2nd August 2005	<a href="#">2005/392</a>
Section 87	6th April 2005	<a href="#">2005/207</a>
Section 89	2nd August 2005	<a href="#">2005/392</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 91	2nd August 2005	<a href="#">2005/392</a>
Schedules 1, 3, and 4	2nd August 2005	<a href="#">2005/392</a>