
Changes to legislation: Energy Act 2013, Cross Heading: Fire (Scotland) Act 2005 (asp. 5) is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 3

PART 5

OTHER ENACTMENTS

Fire (Scotland) Act 2005 (asp. 5)

- 86 (1) Section 61 of the Fire (Scotland) Act 2005 (enforcing authorities) is amended as follows.
- (2) In subsection (7), for “Health and Safety Executive” (in both places) substitute “appropriate body”.
- (3) After that subsection insert—
- “(7A) For the purposes of subsection (7), “appropriate body” means—
- (a) in relation to a workplace which is, or is on, premises for which it is the enforcing authority, the Office for Nuclear Regulation;
 - (b) in relation to any other workplace, the Health and Safety Executive.”
- (4) Subsection (9) is amended as follows.
- (5) In paragraph (za)—
- (a) omit sub-paragraphs (i) and (ii);
 - (b) for sub-paragraph (iv) substitute—
- “(iv) which are a workplace which is, or is on, a construction site, other than one in relation to which the Office for Nuclear Regulation is responsible for health and safety enforcement;”.
- (6) After that paragraph insert—
- “(zaa) in relation to relevant premises—
- (i) for which a licence is required by virtue of section 1 of the Nuclear Installations Act 1965 or for which a permit is required by virtue of section 2 of that Act;
 - (ii) for which such a licence or permit would be required but for the fact that the premises are used by, or on behalf of, the Crown; or
 - (iii) which are a workplace which is, or is on, a construction site in relation to which the Office for Nuclear Regulation is responsible for health and safety enforcement,
- the Office for Nuclear Regulation;”.

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(7) In paragraph (b)—

- (a) in sub-paragraph (i), for “(za)(ii), (iii)” substitute “ (za)(iii), (zaa)(ii) ”;
- (b) in sub-paragraph (ii), for “(za)(ii)” substitute “ (zaa)(ii) ”.

(8) After subsection (9) insert—

“(9A) For the purposes of subsection (9)—

- (a) “construction site” means a construction site, as defined in regulation 2(1) of the Construction (Design and Management) Regulations 2007, to which those Regulations apply, other than one to which regulation 46(1) of those Regulations applies;
- (b) the Office for Nuclear Regulation is responsible for health and safety enforcement in relation to a construction site if, by virtue of regulations under section 18(2) of the Health and Safety at Work etc. Act 1974 (enforcement), it is responsible for the enforcement of any of the relevant statutory provisions (within the meaning of Part 1 of that Act) in relation to the site.”

(9) In subsection (10), after “(9)” insert “ or (9A) ”.

Commencement Information

II Sch. 12 para. 86 in force at 1.4.2014 by [S.I. 2014/251](#), [art. 4](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 68(4) inserted by [2023 c. 52 s. 302\(4\)](#)