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STATUTORY INSTRUMENTS

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**2013 No. 602**

**The Police and Fire Reform (Scotland) Act 2012  
(Consequential Provisions and Modifications) Order 2013**

**PART 3**

**FIRE AND RESCUE SERVICES**

**Provision of cross-border assistance by SFRS**

**15.**—(1) SFRS and a 2004 Act authority may enter into arrangements for the provision by SFRS of assistance in England or Wales to a 2004 Act authority in the carrying out of a 2004 Act function.

(2) SFRS and the Northern Ireland Board may enter into arrangements for the provision by SFRS of assistance in Northern Ireland to the Board in the carrying out of a board function.

**Cross-border delegation of functions to SFRS**

**16.**—(1) SFRS and a 2004 Act authority may enter into arrangements for the carrying out to any extent by SFRS in England and Wales of a 2004 Act function.

(2) SFRS and the Northern Ireland Board may enter into arrangements for the carrying out to any extent by SFRS in Northern Ireland of a board function.

**Powers of SFRS employee in England and Wales**

**17.**—(1) This article applies where by virtue of article 15(1) or 16(1) SFRS is carrying out a 2004 Act function in England or Wales.

(2) Section 44 of the 2004 Act (powers of fire-fighters etc. in an emergency etc.)(1) applies in relation to an employee of SFRS who is authorised for the purposes of section 25 of the 2005 Act (powers of authorised employees in relation to emergencies)(2) as if the employee were authorised for the purposes of section 44 of the 2004 Act.

(3) Sections 45 and 46 of the 2004 Act (which make provision in relation to the powers of authorised employees in relation to obtaining information and investigating fires) apply in relation to an employee of SFRS who is authorised for the purposes of section 27 or 29 of the 2005 Act (which make provision in relation to the powers of authorised employees in relation to obtaining information and investigating fires respectively)(3) as if the employee were an authorised officer (as defined in section 45(2) of the 2004 Act).

**Powers of SFRS employee in Northern Ireland**

**18.**—(1) This article applies where by virtue of article 15(2) or 16(2) SFRS is carrying out a board function in Northern Ireland.

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(1) Section 44 was amended by the Emergency Workers (Obstruction) Act 2006 (c. 39), section 6.

(2) Section 25 is amended by the 2012 Act, schedule 7, paragraph 68(10).

(3) Sections 27 and 29 are amended by the 2012 Act, schedule 7, paragraph 68(11) and (12) respectively.

(2) Article 18 of the 2006 Order (powers of fire and rescue officers in emergency etc.) applies in relation to an employee of SFRS who is authorised for the purposes of section 25 of the 2005 Act (powers of authorised employees in relation to emergencies) as if the employee were a fire and rescue officer.

(3) Articles 19, 20 and 22 of the 2006 Order (which make provision in relation to the powers of authorised officers in relation to obtaining information, securing premises and offences) apply in relation to an employee of SFRS who is authorised for the purposes of section 27 of the 2005 Act (powers of authorised employees in relation to obtaining information) as if the employee were an authorised officer (as defined in Article 19(2) of the 2006 Order) subject to the modification in paragraph (4).

(4) The modification is that Article 20(3) of the 2006 Order applies as if the reference to authorisation under Article 19(2) were a reference to authorisation under section 27 of the 2005 Act.

(5) Articles 20 to 22 of the 2006 Order (which make provision in relation to the powers of authorised officers in relation to investigating fires, securing premises and offences) apply in relation to an employee of SFRS who is authorised for the purposes of section 29 of the 2005 Act (powers of authorised employees in relation to investigating fires) as if the employee were an authorised officer (as defined in Article 19(2) of the 2006 Order) subject to the modification in paragraph (6).

(6) The modification is that Article 20(3) of the 2006 Order applies as if the reference to authorisation under Article 19(2) were a reference to authorisation under section 29 of the 2005 Act.

#### **Provision of cross-border assistance to SFRS**

**19.**—(1) SFRS and a 2004 Act authority may enter into arrangements for the provision by the 2004 Act authority of assistance in Scotland to SFRS in the carrying out of an SFRS function.

(2) SFRS and the Northern Ireland Board may enter into arrangements for the provision by the board of assistance in Scotland to SFRS in the carrying out of an SFRS function.

#### **Cross-border delegation of functions by SFRS**

**20.**—(1) SFRS and a 2004 Act authority may enter into arrangements for the carrying out to any extent by a 2004 Act authority in Scotland of an SFRS function.

(2) SFRS and the Northern Ireland Board may enter into arrangements for the carrying out to any extent by the board in Scotland of an SFRS function.

#### **Powers of 2004 Act authority employee in Scotland**

**21.**—(1) This article applies where by virtue of article 19(1) or 20(1) an employee of a 2004 Act authority is carrying out an SFRS function in Scotland.

(2) Section 25 of the 2005 Act (powers of authorised employees in relation to emergencies) applies in relation to an employee of a 2004 Act authority who is authorised for the purposes of section 44 of the 2004 Act (powers of fire-fighters etc. in an emergency etc.) as if the employee of the 2004 Act authority were an authorised employee (within the meaning of section 25(1) of the 2005 Act).

(3) Section 27 of the 2005 Act (powers of authorised employees in relation to obtaining information) applies in relation to an employee of a 2004 Act authority who is authorised for the purposes of sections 45 and 46 of the 2004 Act (which make provision in relation to the powers of authorised employees in relation to obtaining information and investigating fires) as if the employee of the 2004 Act authority were an authorised employee (within the meaning of section 27(1) of the 2005 Act).

(4) Section 29 of the 2005 Act (powers of authorised employees in relation to investigating fires) applies in relation to an employee of a 2004 Act authority who is authorised for the purposes of sections 45 and 46 of the 2004 Act as if the employee of the 2004 Act authority were an authorised employee (within the meaning of section 29(1) of the 2005 Act).

### **Powers of Northern Ireland Board employee in Scotland**

**22.**—(1) This article applies where by virtue of article 19(2) or 20(2) the Northern Ireland Board is carrying out an SFRS function in Scotland.

(2) Section 25 of the 2005 Act (powers of authorised employees in relation to emergencies) applies in relation to a fire and rescue officer who is entitled to exercise the powers in Article 18 of the 2006 Order (powers of fire and rescue officers in an emergency etc.) as if the fire and rescue officer were an authorised employee (within the meaning of section 25(1) of the 2005 Act).

(3) Section 27 of the 2005 Act (powers of authorised employees in relation to obtaining information) applies in relation to a fire and rescue officer who is an authorised officer (as defined in Article 19(2) of the 2006 Order) as if the fire and rescue officer were an authorised employee (within the meaning of section 27(1) of the 2005 Act).

(4) Section 29 of the 2005 Act (powers of authorised employees in relation to investigating fires) applies in relation to a fire and rescue officer who is an authorised officer (as defined in Article 19(2) of the 2006 Order) as if the fire and rescue officer were an authorised employee (within the meaning of section 29(1) of the 2005 Act).

### **Arrangements under articles 15, 16, 19 and 20: terms**

**23.** Arrangements under articles 15, 16, 19 and 20 may include provision as to the terms (including terms as to payment) on which any function to which the arrangements relate is to be carried out.

### **Offences**

**24.**—(1) Sections 1, 3 and 4 of the Emergency Workers (Scotland) Act 2005 (assaulting or impeding providers of emergency services, persons assisting providers and supplementary provisions)<sup>(4)</sup> apply in relation to the following persons as they apply in relation to a person acting in a capacity mentioned in section 1(3)(b) of that Act—

- (a) a person acting in the capacity of an employee of a 2004 Act authority providing assistance under arrangements made by virtue of article 19(1) or 20(1);
- (b) a person acting in the capacity of a fire and rescue officer providing assistance under arrangements made by virtue of article 19(2) or 20(2).

(2) A person guilty of an offence by virtue of paragraph (1) is liable, on summary conviction, to imprisonment for a period not exceeding 12 months or to a fine not exceeding level 5 on the standard scale, or to both.

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(4) [2005 asp 2](#). Section 1 of that Act was amended by the Fire (Scotland) Act [2005 \(asp 5\)](#), section 38(2) and Emergency Workers (Scotland) Act 2005 (Modification) Order 2008 ([S.S.I. 2008/37](#)), article 2.