



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

### CHAPTER 6

#### MUTUAL ASSISTANCE ETC.

##### *Assistance in discharge of functions*

#### **33 Reinforcement schemes**

- (1) Each relevant authority shall, so far as practicable, enter into a reinforcement scheme with other relevant authorities.
- (2) A reinforcement scheme is a scheme for securing mutual assistance as between the relevant authorities participating in it for the purpose of carrying out the functions conferred by virtue of sections 9 to 11 on any of them.
- (3) A reinforcement scheme may make provision for apportioning between the participating authorities any expenses incurred in taking measures to secure the efficient operation of the scheme.
- (4) The participating authorities shall notify the Scottish Ministers of—
  - (a) the making of the scheme;
  - (b) any variation of the scheme; and
  - (c) the revocation of the scheme.
- (5) The participating authorities shall give effect to the scheme.

#### **34 Directions about reinforcement schemes**

- (1) Where subsection (2) applies, the Scottish Ministers may direct two or more relevant authorities to make a reinforcement scheme in the terms specified in the direction.

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*Status: This is the original version (as it was originally enacted).*

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- (2) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the making of the scheme;
  - (b) the authorities are unable to agree as to—
    - (i) that matter; or
    - (ii) the terms proposed for the scheme; and
  - (c) one of them asks the Scottish Ministers to make such a direction.
- (3) Where subsection (4) applies, the Scottish Ministers may direct the relevant authorities participating in a reinforcement scheme to vary the scheme in the terms specified in the direction.
- (4) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the variation of the scheme;
  - (b) the authorities are unable to agree as to that matter; and
  - (c) one of them asks the Scottish Ministers to make such a direction.
- (5) Where subsection (6) applies, the Scottish Ministers may direct the relevant authorities participating in a reinforcement scheme to revoke the scheme.
- (6) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the revocation of the scheme;
  - (b) the authorities are unable to agree as to that matter; and
  - (c) one of them asks the Scottish Ministers to make such a direction.
- (7) Before giving a direction under this section, the Scottish Ministers—
- (a) shall give the authorities concerned an opportunity to make representations; and
  - (b) may cause an inquiry to be held.
- (8) A direction given under this section may be varied or revoked by a further such direction.
- (9) In this section “reinforcement scheme” has the meaning given by section 33(2).

### **35 Assistance other than from relevant authorities**

- (1) A relevant authority may enter into arrangements with a relevant person for securing the provision by that person of assistance for the purpose of the carrying out by the authority of a function conferred on it by virtue of any of sections 8 to 11, 13 and 61.
- (2) In subsection (1) “relevant person” means a person who—
- (a) is not a relevant authority; and
  - (b) in the case of arrangements for the securing of assistance for the purpose of extinguishing fires—
    - (i) employs fire-fighters; or
    - (ii) is approved for that purpose by the Chief Officer of a relevant authority.

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**Status:** *This is the original version (as it was originally enacted).*

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- (3) Arrangements under this section may include provision as to the terms (including terms as to payment) on which assistance is to be provided.