



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 8

CENTRAL SUPERVISION AND SUPPORT

Fire and Rescue Framework for Scotland

40 Framework document

- (1) The Scottish Ministers shall prepare a document—
 - (a) setting out priorities and objectives for [^{F1}SFRS] in connection with the carrying out of [^{F2}its functions under this Act or any other enactment,]; and
 - (b) containing—
 - (i) such guidance in connection with the carrying out of any of those functions; and
 - (ii) such other matters relating to [^{F3}SFRS] or those functions, as the Scottish Ministers consider appropriate.
- (2) The Scottish Ministers—
 - (a) shall keep the document prepared under subsection (1) under review; and
 - (b) may from time to time revise it.
- (3) The Scottish Ministers shall carry out the functions conferred on them by subsection (1) and (2) in the manner and to the extent that appears to them to be best calculated to promote—
 - (a) public safety;
 - (b) the efficiency and effectiveness of [^{F4}SFRS]; and
 - (c) efficiency and effectiveness in connection with the matters in relation to which [^{F5}SFRS has] functions.

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross Heading: Fire and Rescue Framework for Scotland. (See end of Document for details)

- (4) The document prepared under subsection (1), and any revision of it which appears to the Scottish Ministers to be significant, shall have effect only when brought into effect by the Scottish Ministers by order.
- (5) In preparing—
- (a) the document mentioned in subsection (1); and
 - (b) any revision of it which appears to them to be significant,
- the Scottish Ministers shall consult the persons mentioned in subsection (6).
- [^{F6}(6) Those persons are—
- (a) SFRS,
 - (b) such persons as the Scottish Ministers consider represent employees of SFRS,
 - (c) such persons as the Scottish Ministers consider represent local authorities, and
 - (d) such other persons as the Scottish Ministers consider appropriate.]

Textual Amendments

- F1** Word in s. 40(1)(a) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(a\)\(i\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F2** Words in s. 40(1)(a) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(a\)\(ii\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F3** Word in s. 40(1)(b)(ii) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(a\)\(iii\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F4** Word in s. 40(3)(b) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(b\)\(i\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 7, 8(1)(3))
- F5** Words in s. 40(3)(c) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(b\)\(ii\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 7, 8(1)(3))
- F6** S. 40(6) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(c\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))

Commencement Information

- I1** S. 40 wholly in force at 2.8.2005; s. 40 not in force at Royal Assent see s. 90; s. 40 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), [art. 3](#); s. 40 in force at 2.8.2005 in so far as not already in force by [S.S.I. 2005/392](#), [art. 2\(f\)](#)

41 Adherence

- [^{F7}(1) In carrying out its functions, SFRS must have regard to the framework document.]
- (2) Subsections (3) and (4) apply where the Scottish Ministers consider that [^{F8}SFRS] is failing, or is likely to fail, to act in accordance with the [^{F9}framework document].
- (3) The Scottish Ministers may cause an inquiry to be held into the matter.
- (4) Subject to subsection (5), the Scottish Ministers may, for the purpose of securing that [^{F10}SFRS] acts in accordance with the document, by order require [^{F10}SFRS]—
- (a) to take; or
 - (b) to refrain from taking,
- such action as is specified in the order.

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross Heading: Fire and Rescue Framework for Scotland. (See end of Document for details)

- (5) The Scottish Ministers may make an order under subsection (4) only where they consider that it would promote—
- (a) public safety;
 - (b) the efficiency and effectiveness of [^{F11}SFRS]; or
 - (c) efficiency and effectiveness in connection with the matters in relation to which [^{F12}SFRS has] functions.
- (6) Before making an order under subsection (4), the Scottish Ministers shall consult [^{F13}SFRS].

^{F14}(7)

Textual Amendments

- F7** S. 41(1) substituted (1.10.2012) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 68(16)(a)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F8** Word in s. 41(2) substituted (1.10.2012) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 68(16)(b)(i)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F9** Words in s. 41(2) substituted (1.10.2012) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 68(16)(b)(ii)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F10** Words in s. 41(4) substituted (1.10.2012) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 68(16)(c)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F11** Word in s. 41(5)(b) substituted (1.10.2012) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 68(16)(d)(i)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F12** Words in s. 41(5)(c) substituted (1.10.2012) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 68(16)(d)(ii)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F13** Word in s. 41(6) substituted (1.10.2012) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 7 para. 68(16)(e)**; S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F14** S. 41(7) repealed (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **Sch. 8 Pt. 2**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Changes to legislation:

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross
Heading: Fire and Rescue Framework for Scotland.