



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

#### [<sup>F1</sup>CHAPTER 8B

#### INSPECTION

##### Textual Amendments

- F1** Pt. 2 Ch. 8B inserted (1.1.2013 for specified purposes, 1.4.2013 so far as not already in force) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 119**, 129(2); S.S.I. 2012/333, art. 2, Sch. (with Sch. 2 paras. 2(11)3); S.I. 2013/51, art. 2

#### *Inspectors of SFRS*

#### **43A Inspectors of SFRS**

- (1) Her Majesty may by Order in Council appoint—
  - (a) a Chief Inspector of the Scottish Fire and Rescue Service, and
  - (b) such number of Inspectors of the Scottish Fire and Rescue Service as the Scottish Ministers may determine.
- (2) The Scottish Ministers may appoint Assistant Inspectors of the Scottish Fire and Rescue Service.
- (3) The Scottish Ministers must pay to persons appointed under this section such remuneration as the Scottish Ministers may determine.
- (4) The Scottish Ministers may authorise an Inspector to carry out any of the functions conferred on the Chief Inspector by or under this Act or any other enactment if—
  - (a) there is a temporary vacancy in the office of Chief Inspector, or
  - (b) the Scottish Ministers consider that the Chief Inspector is temporarily unable to carry out the Chief Inspector's functions.

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*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Chapter 8B. (See end of Document for details)*

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- (5) A person who, immediately before the coming into force of section 119 of the Police and Fire Reform (Scotland) Act 2012 (asp 8), is by virtue of section 43—
- (a) the Chief Inspector of Fire and Rescue Authorities is taken to have been appointed under subsection (1)(a),
  - (b) an Inspector of Fire and Rescue Authorities is taken to have been appointed under subsection (1)(b), and
  - (c) an Assistant Inspector of Fire and Rescue Authorities is taken to have been appointed under subsection (2).
- (6) In this Act—
- “Chief Inspector” means a person appointed under subsection (1)(a), and
- “Inspector” means a person appointed under subsection (1) or (2).

### **43B Inquiries by Inspectors**

- (1) An Inspector may inquire into a matter mentioned in subsection (3).
- (2) If directed to do so by the Scottish Ministers, an Inspector must inquire into a matter mentioned in subsection (3).
- (3) The matters are—
  - (a) the state and efficiency of SFRS,
  - (b) whether in carrying out its functions SFRS is complying with its duty under section 39A to make arrangements which secure best value,
  - (c) the manner in which SFRS is carrying out any of its functions.
- (4) In carrying out an inquiry under this section an Inspector may—
  - (a) require SFRS to provide any information or documents relating to the functions of SFRS that the Inspector may require,
  - (b) enter and inspect any premises which are used by SFRS,
  - (c) inspect any equipment which is used by SFRS.
- (5) If an Inspector exercises a power of entry by virtue of subsection (4)(b), the Inspector may—
  - (a) take onto the premises
    - (i) such other persons, and
    - (ii) such equipment,
 as the Inspector considers necessary,
  - (b) require any person present on the premises to provide the Inspector with any information or documents that the Inspector may reasonably request.
- (6) An Inspector may not under subsection (4)(b)—
  - (a) enter or inspect premises occupied as a private dwelling,
  - (b) enter premises by force.
- (7) SFRS must provide such facilities, assistance and co-operation as an Inspector may reasonably request for the purposes of, or in connection with, an inquiry under this section.

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#### **43C Inquiries under section 43B(1): reports**

- (1) This section applies where an inquiry under section 43B(1) has been completed.
- (2) The Chief Inspector must give SFRS a report of the inquiry.
- (3) If a report given to SFRS under subsection (2) relates to a matter mentioned in section 43B(3)(a) or (b), the Chief Inspector must—
  - (a) as soon as is reasonably practicable after giving the report to SFRS, give the Scottish Ministers a copy of the report, and
  - (b) give the Scottish Ministers any other information relating to the inquiry that they may request.
- (4) If a report given to SFRS under subsection (2) does not relate to a matter mentioned in section 43B(3)(a) or (b), the Chief Inspector—
  - (a) may give the Scottish Ministers a copy of the report if the Chief Inspector thinks fit,
  - (b) may give the Scottish Ministers any other information in relation to the report that the Chief Inspector thinks fit,
  - (c) must give the Scottish Ministers any information relating to the inquiry that the Scottish Ministers may request.
- (5) The Chief Inspector must lay before the Scottish Parliament a copy of a report given to the Scottish Ministers under subsection (3)(a).

#### **43D Inquiries under section 43B(2): reports**

- (1) This section applies where an inquiry under section 43B(2) has been completed.
- (2) The Chief Inspector must give the Scottish Ministers—
  - (a) a report of the inquiry, and
  - (b) any other information relating to the inquiry that the Scottish Ministers may request.
- (3) As soon as is reasonably practicable after giving the report to the Scottish Ministers under subsection (2)(a), the Chief Inspector must give a copy of the report to SFRS.
- (4) The Scottish Ministers must lay before the Scottish Parliament a copy of the report given to them under subsection (2)(a).

#### **43E Inquiry reports: duties of SFRS**

In carrying out its functions, SFRS must have regard to a report given to it under section 43C(2) or 43D(3) and, having done so, must take such measures (if any) as it thinks fit in relation to the report.

#### **43F Chief Inspector's plan**

- (1) The Chief Inspector must prepare a plan setting out—
  - (a) priorities for inquiries to be carried out by Inspectors, and
  - (b) information on how inquiries will be carried out in a way which is proportionate, accountable and transparent.
- (2) The Chief Inspector—

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- (a) must keep the plan under review, and
  - (b) may from time to time revise the plan.
- (3) The Chief Inspector must, in preparing a plan (and any revised plan), consult such persons as the Chief Inspector considers appropriate.
- (4) The Chief Inspector must publish the plan (and any revised plan) in such manner as the Chief Inspector thinks fit.

*Co-operation and information-sharing*

**43G Co-operation and information-sharing: Auditor General**

- (1) The Inspectors and the Auditor General must co-operate and co-ordinate activity with each other with a view to improving the carrying out of their respective functions in relation to SFRS.
- (2) In particular, the Inspectors and the Auditor General must together make arrangements with a view to—
- (a) securing the exchange of information between them about SFRS,
  - (b) preventing any unnecessary duplication in relation to any inspections, investigations, inquiries or examinations carried out, or to be carried out, by them in relation to SFRS.
- (3) The duties imposed by subsections (1) and (2) do not apply in so far as compliance with them would prevent or delay any of the persons on whom they are imposed in taking any action which the person considers to be necessary as a matter of urgency.]

**F<sup>2</sup>44 Functions of Inspectors of Fire and Rescue Authorities**

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**Textual Amendments**

**F2** Ss. 44-46 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:**

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