



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 9

EMPLOYMENT

Negotiation of conditions of service

49 Statutory negotiation arrangements

- (1) The Scottish Ministers may by order make provision for the establishment of a body of persons (a “statutory negotiation body”), or two or more such bodies, for the purpose of negotiating the conditions of service of employees of relevant authorities.
- (2) An order under subsection (1) shall provide for the statutory negotiation body established by it to be composed of—
 - (a) persons representing the interests of some or all relevant authorities;
 - (b) persons representing the interests of some or all employees of relevant authorities; and
 - (c) a person who does not fall within subsection (3), who shall chair the body.
- (3) A person falls within this subsection if the person is—
 - (a) a member or employee of a relevant authority;
 - (b) a member or employee of a body representing the interests of some or all employees of relevant authorities; or
 - (c) an office-holder in, or a member of the staff of, the Scottish Administration.
- (4) The reference in subsection (2)(b) to persons representing the interests of some or all employees of relevant authorities includes trade unions (as defined in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) whose membership consists of or includes employees of relevant authorities.

Status: This is the original version (as it was originally enacted).

- (5) A statutory negotiation body may make arrangements for the purpose of enabling conditions of service of employees of relevant authorities to be negotiated at local level (“local negotiation arrangements”).
- (6) Local negotiation arrangements may in particular include provision as to—
 - (a) the—
 - (i) persons; or
 - (ii) descriptions of person,
by whom, or by means of whom, negotiations are authorised to be carried out at local level;
 - (b) the conditions of service and descriptions of conditions of service authorised to be negotiated at local level.
- (7) Local negotiation arrangements may be made by a statutory negotiation body in respect of employees of a particular description only if the statutory negotiation body includes persons representing the interests of employees of that description.
- (8) Where there is a statutory negotiation body which includes persons representing the interests of employees of a particular description, an agreement as to the conditions of service of employees of that description which is made by or on behalf of a relevant authority and by or on behalf of employees of the description concerned is a legally enforceable contract only where the terms of the agreement were negotiated—
 - (a) by means of the statutory negotiation body; or
 - (b) in accordance with local negotiation arrangements made by the statutory negotiation body in respect of employees of that description.

50 Guidance

- (1) A relevant negotiation body shall, in negotiating the conditions of service of employees of relevant authorities, have regard to any guidance given by the Scottish Ministers in connection with that matter.
- (2) In subsection (1) “relevant negotiation body” means—
 - (a) a body established by virtue of section 49(1); or
 - (b) any other body of persons which—
 - (i) includes both persons representing the interests of some or all relevant authorities and persons representing the interests of some or all employees of relevant authorities; and
 - (ii) is constituted in accordance with what appear to the Scottish Ministers to be appropriate arrangements for the negotiation of the conditions of service of employees of relevant authorities.
- (3) The reference in subsection (2)(b)(i) to persons representing the interests of some or all employees of relevant authorities includes trade unions (as defined in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)) whose membership consists of or includes employees of relevant authorities.

Supplementary

51 Prohibition on employment of police

A relevant authority may not employ a constable for the purpose of carrying out any of the functions conferred on the authority by virtue of this Act.