



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 3

#### FIRE SAFETY

### CHAPTER 1

#### FIRE SAFETY DUTIES

#### *Special case*

#### **60 Special case: temporary suspension of Chapter 1 duties**

- (1) If in relation to any relevant premises the application of any of the Chapter 1 duties would prevent a person who falls within subsection (2) from carrying out the person's operational duties, the Chapter 1 duty (or, as the case may be duties) in question shall be deemed not to apply in relation to those relevant premises during the period when the person is carrying out those duties.
- (2) A person falls within this subsection if the person is—
  - (a) a member of—
    - (i) the armed forces of the Crown; or
    - (ii) a visiting force;
  - (b) a constable; or
  - (c) of such other description as the Scottish Ministers may by regulations prescribe.
- (3) A person subject to the Chapter 1 duty (or duties) which, by virtue of subsection (1) is (or are) deemed not to apply in relation to relevant premises shall, during the period mentioned in that subsection, ensure so far as is possible the safety of relevant persons in respect of harm caused by fire in those premises.
- (4) For the purposes of this section, “operational duties”, in relation to a person falling within subsection (2), means anything done—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) while the person is at work in the capacity in which the person falls within that subsection; and
- (b) which the person is required to do by virtue of being at work in that capacity.