



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 3

ANCILLARY FUNCTIONS

16 Charging

- (1) The Scottish Ministers may by order (a “charging order”) authorise [^{F1}SFRS] to charge a person of a description specified in the order for any action so specified taken by [^{F2}SFRS].
- (2) A charging order may authorise a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by [^{F3}SFRS].
- (3) A charging order may authorise charging for—
 - (a) extinguishing fires;
 - (b) protecting life; or
 - (c) protecting property in the event of fires,only in respect of action taken by [^{F4}SFRS at sea beyond the low water mark].
- (4) Where [^{F5}SFRS is] authorised by a charging order to charge for taking action of a particular description [^{F6}and it] decides to do so—
 - (a) the amount of the charge shall be set by [^{F7}SFRS];
 - (b) different amounts may be charged in different circumstances (and [^{F7}SFRS] may charge nothing).

^{F8}(5)

^{F8}(6)

^{F9}(7) The references in subsection (3) to “sea” include—

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 16. (See end of Document for details)

- (a) that part of the territorial sea of the United Kingdom which is not adjacent to Scotland; and
- (b) sea beyond the territorial sea of the United Kingdom.]

Textual Amendments

- F1** Word in s. 16(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(a)(i)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F2** Word in s. 16(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(a)(ii)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F3** Word in s. 16(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(b)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F4** Words in s. 16(3) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(c)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F5** Words in s. 16(4) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(d)(i)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F6** Words in s. 16(4) inserted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(d)(ii)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F7** Word in s. 16(4) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 110(d)(iii)**, 129(2); [S.S.I. 2013/51](#), **art. 2** (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F8** S. 16(5)(6) 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](#))
- F9** S. 16(7) inserted (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(b), **2(2)**; [S.S.I. 2005/392](#), **art. 2(c)(d)**

Commencement Information

- I1** S. 16 wholly in force at 2.8.2005; s. 16 not in force at Royal Assent see s. 90; s. 16 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), **art. 3**; s. 16 in force at 2.8.2005 in so far as not already in force by [S.S.I. 2005/392](#), **art. 2(b)**

Changes to legislation:

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 16.