



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

41 Adherence

- [^{F1}(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 [^{F2}SFRS] is failing, or is likely to fail, to act in accordance with the [^{F3}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 [^{F4}SFRS] acts in accordance with the document, by order require [^{F4}SFRS]—
- (a) to take; or
 - (b) to refrain from taking,
- such action as is specified in the order.
- (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 [^{F5}SFRS]; or
 - (c) efficiency and effectiveness in connection with the matters in relation to which [^{F6}SFRS has] functions.
- (6) Before making an order under subsection (4), the Scottish Ministers shall consult [^{F7}SFRS].

Changes to legislation: *There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 41. (See end of Document for details)*

^{F8}(7)

Textual Amendments

- F1** 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))
- F2** 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))
- F3** 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))
- F4** 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))
- F5** 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))
- F6** 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))
- F7** 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))
- F8** 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, Section 41.