



Fire (Scotland) Act 2005

2005 asp 5

PART 3

FIRE SAFETY

CHAPTER 2

ENFORCEMENT

67 Determination of disputes

[^{F1}(1) Subsections (1A) and (1B) apply where—

- (a) an enforcing authority considers that a person has failed to comply with any of the Chapter 1 duties, and
- (b) in relation to the duty in question, the person and the authority cannot agree on the action that requires to be taken to comply with the duty.

(1A) The person and the authority may refer the matter to the person appointed under section 43A(1)(a) for determination.

(1B) If the enforcing authority is SFRS, it or the person may refer the matter to the person appointed under section 43A(1)(a) for determination.]

^{F2}(2)

(3) The Scottish Ministers may by regulations make provision about references under this section.

(4) Subject to subsection (5), where a determination is made by virtue of subsection [^{F3}(1A) or (1B)], the enforcing authority may not—

- (a) serve an enforcement notice; or
- (b) include in such a notice directions,

if the notice or, as the case may be, the directions would conflict with the determination.

(5) Subsection (4) shall not apply if, after the date of the determination, the risk to relevant persons significantly increases because a change is made to—

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 67. (See end of Document for details)

- (a) the relevant premises; or
- (b) the use to which they are put.

Textual Amendments

- F1** S. 67(1)-(1B) substituted for s. 67(1) (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 103(2)(a), 129(2)**; [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F2** S. 67(2) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 8 Pt. 2**; [S.S.I. 2013/51](#), art. 2 (with transitional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](#))
- F3** Words in s. 67(4) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 103(2)(b), 129(2)**; [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))

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