



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 4

WATER SUPPLY

Supply and use of water

17 Duty to secure water supply

- (1) [^{F1}SFRS] shall take all reasonable measures for securing that an adequate supply of water will be available for [^{F2}its] use for the purposes mentioned in subsection (2).
- (2) Those purposes are—
- (a) extinguishing fires in the area of [^{F3}SFRS];
 - (b) protecting life and property in the event of fires in its area;
 - (c) rescuing people in the event of road traffic accidents in its area;
 - (d) protecting people from serious harm in the event of road traffic accidents in its area;
 - (e) carrying out any function conferred on [^{F4}SFRS] by an order under section 11; and
 - (f) fulfilling any requirement made of [^{F5}SFRS] by a direction given to it under section 12.

Textual Amendments

- F1** Word in s. 17(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(3\)\(a\)\(i\)](#); 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, Cross Heading: Supply and use of water. (See end of Document for details)

- F2** Word in s. 17(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(3)(a)(ii)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Word in s. 17(2)(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(3)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** Word in s. 17(2)(e) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(3)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F5** Word in s. 17(2)(f) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(3)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

18 Use of water

- (1) Subject to—
- (a) an agreement under section 19(1); and
 - (b) section 9A of the Water (Scotland) Act 1980 (c. 45) (charging for emergency use of water),
- [^{F6}SFRS] may use any suitable supply of water for the purposes mentioned in section 17(2).
- (2) [^{F7}SFRS] shall pay reasonable compensation for water used by virtue of subsection (1).

Textual Amendments

- F6** Word in s. 18(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(4)(a)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F7** Word in s. 18(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **Sch. 7 para. 68(4)(b)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

19 Agreements in relation to water supply

- (1) For the purposes of section 17, [^{F8}SFRS] may—
- (a) enter into an agreement with Scottish Water; or
 - (b) enter into an agreement to—
 - (i) secure the use of water under the control of a person other than Scottish Water;
 - (ii) improve access to any such water;
 - (iii) lay and maintain pipes and carry out other works in connection with the use of such water.
- (2) Subject to section 9A of the Water (Scotland) Act 1980 (c. 45) (charging for emergency use of water), an agreement mentioned in subsection (1)(a) may include terms as to payment to be made to Scottish Water.
- (3) Scottish Water shall not unreasonably refuse to enter into an agreement mentioned in subsection (1)(a) which is proposed by [^{F9}SFRS].

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- (4) Any question whether Scottish Water has unreasonably refused to enter into an agreement mentioned in subsection (1)(a) shall be determined by the Scottish Ministers.

Textual Amendments

- F8** Word in s. 19(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(5\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F9** Word in s. 19(3) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(5\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

20 Emergency supply by Scottish Water

- (1) If [^{F10}SFRS] requests Scottish Water to provide a supply or pressure of water for a purpose mentioned in section 17(2) that is greater than it would otherwise provide, it shall take all necessary steps in order to do so.
- (2) For the purposes of complying with its obligation under subsection (1) Scottish Water may shut off the water from the mains and pipes in any area.
- (3) Scottish Water (and any other person) shall not be liable to any penalty or claim arising because of anything done by Scottish Water in complying with its obligation under subsection (1).
- (4) If, without reasonable excuse, Scottish Water fails to take any step which it is obliged to take under subsection (1), it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F10** Word in s. 20(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(6\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

Changes to legislation:

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