



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 8

CENTRAL SUPERVISION AND SUPPORT

[^{F1}Best value

Textual Amendments

- F1** Ss. 39A-39C and cross-heading inserted (8.8.2012) by [Police and Fire Reform \(Scotland\) Act 2012](#) (asp 8), **ss. 113**, 129(1)(b)

39A Best value

- (1) It is the duty of SFRS to make arrangements which secure best value.
- (2) Best value is continuous improvement in the carrying out of SFRS's functions.
- (3) In securing best value, SFRS must maintain an appropriate balance among—
 - (a) the quality of its carrying out of its functions,
 - (b) the cost to SFRS of that carrying out of its functions,
 - (c) the cost to persons of any service provided by SFRS for them on a wholly or partly rechargeable basis.
- (4) In maintaining that balance, SFRS must have regard to—
 - (a) efficiency,
 - (b) effectiveness,
 - (c) economy, and
 - (d) the need to meet the equal opportunity requirements.

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Chapter 8. (See end of Document for details)

- (5) SFRS must carry out its duties under this section in a way which contributes to the achievement of sustainable development.
- (6) In measuring the improvement of the carrying out of SFRS's functions for the purposes of this section, regard is to be had to the extent to which the outcomes of the carrying out of the functions have improved.
- (7) In this section, “equal opportunity requirements” has the same meaning as in Section L2 of Part 2 of Schedule 5 to the Scotland Act 1998 (c.46).

39B Best value: further provision

- (1) In carrying out its duties under section 39A, SFRS must have regard to the matters mentioned in subsection (2).
- (2) The matters are—
 - (a) any relevant guidance issued by the Scottish Ministers,
 - (b) what are, whether by reference to any generally recognised published code or otherwise, regarded as proper arrangements for the purposes of section 39A(1) (or purposes which include those purposes).
- (3) Before issuing relevant guidance, the Scottish Ministers must consult—
 - (a) SFRS, and
 - (b) such other persons as they think appropriate.
- (4) In the event of a conflict in any respect between the matter to which SFRS is to have regard under paragraph (a) of subsection (2) and the matter to which it is to have regard under paragraph (b) of that subsection, SFRS must in that respect have regard only to matters within paragraph (a).
- (5) In this section “relevant guidance”—
 - (a) means guidance on the carrying out of the duties imposed by section 39A,
 - (b) includes in particular guidance on
 - (i) how to make and what is to be included in the arrangements mentioned in section 39A(1),
 - (ii) how to implement the duty imposed by that section.

39C Examinations of SFRS by Auditor General

The reference in section 23 of the Public Finance and Accountability (Scotland) Act 2000 (asp 1) to examinations into the economy, efficiency and effectiveness with which resources have been used is, in relation to SFRS, to include a reference to examinations into the arrangements made by SFRS under section 39A.]

Fire and Rescue Framework for Scotland

40 Framework document

- (1) The Scottish Ministers shall prepare a document—
 - (a) setting out priorities and objectives for [F²SFRS] in connection with the carrying out of [F³its functions under this Act or any other enactment,]; and

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Chapter 8. (See end of Document for details)

- (b) containing—
 - (i) such guidance in connection with the carrying out of any of those functions; and
 - (ii) such other matters relating to [^{F4}SFRS] or those functions, as the Scottish Ministers consider appropriate.
- (2) The Scottish Ministers—
 - (a) shall keep the document prepared under subsection (1) under review; and
 - (b) may from time to time revise it.
- (3) The Scottish Ministers shall carry out the functions conferred on them by subsection (1) and (2) in the manner and to the extent that appears to them to be best calculated to promote—
 - (a) public safety;
 - (b) the efficiency and effectiveness of [^{F5}SFRS]; and
 - (c) efficiency and effectiveness in connection with the matters in relation to which [^{F6}SFRS has] functions.
- (4) The document prepared under subsection (1), and any revision of it which appears to the Scottish Ministers to be significant, shall have effect only when brought into effect by the Scottish Ministers by order.
- (5) In preparing—
 - (a) the document mentioned in subsection (1); and
 - (b) any revision of it which appears to them to be significant, the Scottish Ministers shall consult the persons mentioned in subsection (6).
- [^{F7}(6) Those persons are—
 - (a) SFRS,
 - (b) such persons as the Scottish Ministers consider represent employees of SFRS,
 - (c) such persons as the Scottish Ministers consider represent local authorities, and
 - (d) such other persons as the Scottish Ministers consider appropriate.]

Textual Amendments

- F2** Word in s. 40(1)(a) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(a\)\(i\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F3** Words in s. 40(1)(a) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(a\)\(ii\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F4** Word in s. 40(1)(b)(ii) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(a\)\(iii\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))
- F5** Word in s. 40(3)(b) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(b\)\(i\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 7, 8(1)(3))
- F6** Words in s. 40(3)(c) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(b\)\(ii\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 7, 8(1)(3))
- F7** S. 40(6) substituted (1.10.2012) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(15\)\(c\)](#); S.S.I. 2012/253, art. 2, Sch. (with arts. 78(1)(3))

Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Chapter 8. (See end of Document for details)

Commencement Information

- I1** S. 40 wholly in force at 2.8.2005; s. 40 not in force at Royal Assent see s. 90; s. 40 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), [art. 3](#); s. 40 in force at 2.8.2005 in so far as not already in force by [S.S.I. 2005/392](#), [art. 2\(f\)](#)

41 Adherence

- [^{F8}(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 [^{F9}SFRS] is failing, or is likely to fail, to act in accordance with the [^{F10}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 [^{F11}SFRS] acts in accordance with the document, by order require [^{F11}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 [^{F12}SFRS]; or
 - (c) efficiency and effectiveness in connection with the matters in relation to which [^{F13}SFRS has] functions.
- (6) Before making an order under subsection (4), the Scottish Ministers shall consult [^{F14}SFRS].
- [^{F15}(7)]

Textual Amendments

- F8** 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))
- F9** 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))
- F10** 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))
- F11** 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))
- F12** 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))
- F13** 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))
- F14** 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))
- F15** 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, Chapter 8.