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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 456**

**The Fire Safety (Scotland) Regulations 2006**

**PART II**  
**ASSESSMENTS**

**Duty to review**

**3.—(1)** A review of an assessment under section 53 or 54 must be carried out regularly so as to keep it up to date.

(2) A review of an assessment under section 53 or 54 must be carried out if—

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates including when the relevant premises, special, technical and organisational measures or organisation of the work undergo significant changes.

**Duty in respect of young persons**

**4.** An employer must not employ a young person unless he or she has, in relation to risks to young persons, carried out or reviewed an assessment in accordance with his or her duties under section 53 or 54 and these Regulations.

**Assessment and review duty in respect of young persons**

**5.** In carrying out or reviewing an assessment under section 53 an employer, before employing a young person, must take particular account of the following in respect of harm caused by fire:—

- (a) the inexperience, lack of awareness of risks and immaturity of young persons;
- (b) the fitting-out and layout of the relevant premises;
- (c) the nature, degree and duration of exposure to physical and chemical agents;
- (d) the form, range, and use of work equipment, and the way in which it is handled;
- (e) the organisation of processes and activities;
- (f) the extent of the fire safety training provided or to be provided to young persons; and
- (g) risks from agents, processes and work listed in the Annex to Council Directive [94/33/EC\(1\)](#) on the protection of young people at work.

**Assessment and review duty in respect of dangerous substances**

**6.** Where a dangerous substance is or is liable to be present in the relevant premises, the matters which must be taken into account when a person carries out an assessment or a review under section 53 or 54 are—

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(1) O.J. No. L 216, 20.8.94, p.12.

- (a) the hazardous properties of the substance;
- (b) information on safety provided by the supplier, including information contained in any relevant safety data sheet;
- (c) the circumstances of the work including—
  - (i) the special, technical and organisational measures and the substances used and their possible interactions;
  - (ii) the amount of the substance involved;
  - (iii) where the work will involve more than one dangerous substance, the risk presented by such substances in combination; and
  - (iv) the arrangements for the safe handling, storage and transport of dangerous substances and of waste containing dangerous substances;
- (d) activities, such as maintenance, where there is the potential for a high level of risk;
- (e) the effect of measures which have been or will be taken pursuant to the 2005 Act and to these Regulations;
- (f) the likelihood that an explosive atmosphere will occur and its persistence;
- (g) the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective;
- (h) the scale of the anticipated effects;
- (i) any places which are, or can be connected via openings to, places in which explosive atmospheres may occur; and
- (j) such additional safety information as the person with duties under section 53 or 54 may need in order to complete the assessment or review.

#### **New work activities where dangerous substances are present**

7. No new work activity involving a dangerous substance may commence unless the person with duties under section 53 or 54 has fulfilled their Chapter 1 duties in respect of the dangerous substances.

#### **Duty to record information**

8. As soon as practicable after an assessment has been carried out or reviewed, the person with duties under section 53 or 54 must record the information specified in regulation 9 where—

- (a) he or she employs five or more employees; or
- (b) a licence or registration under an enactment is required in relation to the relevant premises; or
- (c) an alterations notice requiring this by virtue of section 65(6)(a) is in force in relation to the relevant premises.

#### **Specified information**

9. The specified information is—

- (a) the significant findings of the assessment, including the measures which have been or will be taken by the person having duties under section 53 or 54 pursuant to Part 3 of the 2005 Act and these Regulations; and
- (b) any relevant person or group of relevant persons identified by the assessment as being especially at risk from fire.

