

## SCHEDULE 2

Article 4

### MODIFICATIONS RELATING TO FIRE

#### *Cinematograph (Safety) (Scotland) Regulations 1955*

- 1.—(1) The Cinematograph (Safety) (Scotland) Regulations 1955(1) are modified as follows.
- (2) In regulation 5(3) (fire precautions), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.
- (3) In regulation 21(2) (electric discharge-lamps), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

#### *Tribunals and Inquiries (Discretionary Inquiries) Order 1975*

2. In paragraph 19B of Part 1 of the Schedule to the Tribunals and Inquiries (Discretionary Inquiries) Order 1975(2) omit “34(7), 37(2) or”.

#### *Building (Procedure) (Scotland) Regulations 1981*

3. In regulation 20(2)(b)(ii) of the Building (Procedure) (Scotland) Regulations 1981 (preparation of draft direction)(3), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

#### *Road Vehicles (Construction and Use) Regulations 1986*

- 4.—(1) The Road Vehicles (Construction and Use) Regulations 1986(4) are modified as follows.
- (2) In regulation 10B(3)(f) (vehicles to which regulation 10A applies)—
  - (a) for “a relevant authority” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”;
  - and
  - (b) for “authority under that Act” substitute “Service”.
- (3) In regulation 10C(7)(d) (interpretation of regulations 10A and 10B)—
  - (a) for “a relevant authority” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”;
  - and
  - (b) for “authority under that Act” substitute “Service”.
- (4) In regulation 36A(13)(e), for “a relevant authority” to “2005” substitute “the Scottish Fire and Rescue Service”.
- (5) In each of the following provisions, for the words from “relevant” to “(asp 5)”, in each place they occur, substitute “Scottish Fire and Rescue Service”—
  - (a) regulation 36B(14)(e);
  - (b) regulation 37(5)(a) (audible warning instruments);
  - (c) regulation 82(10)(a);
  - (d) regulation 101(2)(a) (parking in darkness); and

(1) S.I. 1955/1125 (s.112).

(2) S.I. 1975/1379. Paragraph 19B was inserted by S.S.I. 2005/344.

(3) S.I. 1981/1499. Regulation 20(2)(b)(ii) has been amended for Scotland by S.I. 1991/159 and S.S.I. 2005/344.

(4) S.I. 1986/1078. Relevant amendments were made for Scotland by S.I. 1988/271, S.I. 1993/3048, S.I. 1997/530, S.I. 2005/3170 and S.S.I. 2005/344.

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- (e) regulation 107(2)(a) (leaving motor vehicles unattended).

*Dangerous Substances in Harbour Areas Regulations 1987*

**5.** In regulation 30 of the Dangerous Substances in Harbour Areas Regulations 1987 (storage tanks)<sup>(5)</sup>—

- (a) for paragraph (1)(ii) substitute—
  - “(ii) in any other case, the Scottish Fire and Rescue Service;”;
- (b) in paragraph (2), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

*Fire Precautions (Sub-surface Railway Stations) Regulations 1989*

**6.**—(1) The Fire Precautions (Sub-surface Railway Stations) Regulations 1989<sup>(6)</sup> are modified as follows.

- (2) In regulation 2 (interpretation) omit the definition of “relevant authority”.
- (3) In regulation 5(3), (7) and (8) (means for fighting fire), for “relevant authority” substitute “Scottish Fire and Rescue Service”.
- (4) In regulation 9(2)(b) (instruction and training of persons working in premises), for “relevant authority”, in both places, substitute “Scottish Fire and Rescue Service”.
- (5) In regulation 12 (exemption from requirements)—
  - (a) in paragraph (1), for “a relevant authority are” substitute “the Scottish Fire and Rescue Service is”; and
  - (b) in paragraphs (1A) and (2), for “A relevant authority” substitute “The Scottish Fire and Rescue Service”.

*Road Vehicles Lighting Regulations 1989*

**7.**—(1) The Road Vehicles Lighting Regulations 1989<sup>(7)</sup> are modified as follows.

- (2) In the table in regulation 3(2) (interpretation), in paragraph (a) of the definition of “emergency vehicle”, for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.
- (3) In regulation 11(2)(y)(ii) (colour of light shown by lamps and reflectors), for “relevant” to “2005” substitute “Scottish Fire and Rescue Service”.
- (4) In the table in Part 2 of Schedule 17 (requirements relating to optional side retro reflectors), in the first column of the second entry, for “Relevant” to “2005” substitute “Scottish Fire and Rescue Service”.
- (5) In sub-paragraph (b) of Part 2 of Schedule 18 (requirements relating to optional rear retro reflectors), for “relevant” to “2005” substitute “Scottish Fire and Rescue Service”.

*Dangerous Substances (Notification and Marking of Sites) Regulations 1990*

**8.**—(1) The Dangerous Substances (Notification and Marking of Sites) Regulations 1990<sup>(8)</sup> are modified as follows.

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<sup>(5)</sup> S.I. 1987/37. Relevant amendments were made for Scotland by S.S.I. 2005/344 and S.S.I. 2006/457.

<sup>(6)</sup> S.I. 1989/1401. Relevant amendments were made for Scotland by S.S.I. 2005/344.

<sup>(7)</sup> S.I. 1989/1796. Relevant amendments were made for Scotland by S.S.I. 2005/344 and S.I. 2009/3220.

<sup>(8)</sup> S.I. 1990/304.

- (2) In regulation 2(1) (interpretation)(9) omit the definition of “fire authority”.
- (3) In regulations 4(1) and (2) (notification) and 8 (enforcing authority), for “fire authority”, in each place it occurs, substitute “Scottish Fire and Rescue Service”.

*Road Traffic (Temporary Restrictions) Procedure Regulations 1992*

**9.**—(1) The Road Traffic (Temporary Restrictions) Procedure Regulations 1992(10) are modified as follows.

- (2) In regulation 2 (general interpretation)(11) omit the definition of “fire authority”.
- (3) In regulation 3(4) (procedure for making a temporary order), for sub-paragraph (b) substitute—
  - “(b) to the chief officer of the Scottish Fire and Rescue Service;”.
- (4) In regulation 6(3) (orders to which no time limit applies), for sub-paragraph (b) substitute—
  - “(b) the chief officer of the Scottish Fire and Rescue Service;”.
- (5) In regulation 10(3) (procedure for issue of temporary notice by traffic authority), for sub-paragraph (c) substitute—
  - “(c) to the chief officer of the Scottish Fire and Rescue Service;”.
- (6) In regulation 13(3) (procedure for issue of temporary notice by concessionaire), for sub-paragraph (d) substitute—
  - “(d) to the chief officer of the Scottish Fire and Rescue Service.”.

*Motor Vehicles (Wearing of Seat Belts) Regulations 1993*

**10.** In regulation 6(1)(f) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 (exemptions)(12), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

*Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993*

- 11.** In regulation 11(1) of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 (consultation before the grant of hazardous substances consent)(13)—
- (a) for sub-paragraph (e) substitute—
    - “(e) the Scottish Fire and Rescue Service;”; and
  - (b) in sub-paragraph (k) omit head (ii).

*Roads (Traffic Calming) (Scotland) Regulations 1994*

- 12.** For regulation 4(c) of the Roads (Traffic Calming) (Scotland) Regulations 1994 (consultation in respect of proposed traffic calming works)(14) substitute—
- “(c) the Scottish Fire and Rescue Service;”.

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(9) [S.I. 1993/176](#). Regulation 2(1) has been amended for Scotland by [S.S.I. 2005/344](#).

(10) [S.I. 1992/1215](#).

(11) Regulation 2 has been amended for Scotland by [S.S.I. 2005/344](#).

(12) Regulation 6(1)(f) has been amended for Scotland by [S.S.I. 2005/344](#).

(13) [S.I. 1993/323](#). Regulation 11(1) has been amended by [S.I. 2000/179](#) and [S.S.I. 2005/344](#).

(14) [S.I. 1994/2488](#). Regulation 4(c) has been amended by [S.S.I. 2005/344](#).

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*Motorways Traffic (Scotland) Regulations 1995*

**13.** In regulation 14(1)(d) of the Motorways Traffic (Scotland) Regulations 1995 (exceptions and relaxations)(**15**)—

- (a) for the third “a” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and
- (b) for the second “authority” substitute “Service”.

*Residential Establishments – Child Care (Scotland) Regulations 1996*

**14.** In regulation 9(1) of the Residential Establishments – Child Care (Scotland) Regulations 1996 (precautions against fire and accident)(**16**)—

- (a) for the first “relevant” to “situated” substitute “Scottish Fire and Rescue Service”; and
- (b) for the second “the relevant authority” substitute “that Service”.

*Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997*

**15.**—(1) The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997(**17**) are modified as follows.

(2) In regulation 12(1)(e) (significance of vehicular light signals at Pelican crossings), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

(3) In regulation 13(1)(f) (significance of vehicular light signals at Puffin crossings), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

(4) In regulation 21(c) (exceptions to regulation 20), for “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”.

*Road Humps (Scotland) Regulations 1998*

**16.** In regulation 3 of the Road Humps (Scotland) Regulations 1998 (consultation on road hump proposals)(**18**), for sub-paragraph (b) substitute—

- “(b) the Scottish Fire and Rescue Service;”.

*Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999*

**17.**—(1) The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999(**19**) are modified as follows.

(2) In regulation 2 (interpretation)(**20**) omit the definition of “fire authority”.

(3) In the table in regulation 4 (consultation), in column (3) of the entry for item 5, for “fire authority” substitute “Scottish Fire and Rescue Service”.

*Motor Vehicles (Driving Licences) Regulations 1999*

**18.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999(**21**) are modified as follows.

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(15) [S.I. 1995/2507](#). Regulation 14(1)(d) has been amended by [S.S.I. 2005/344](#).

(16) [S.I. 1996/3256](#). Regulation 9(1) has been amended by [S.S.I. 2005/344](#) and [2006/457](#).

(17) [S.I. 1997/2400](#). Relevant amendments were made for Scotland by [S.S.I. 2005/344](#) and [S.I. 2011/935](#).

(18) [S.I. 1998/1448](#). Regulation 3 has been amended by [S.S.I. 2005/344](#).

(19) [S.S.I. 1999/614](#).

(20) Regulation 2 has been amended by [S.S.I. 2005/344](#).

(21) [S.I. 1999/2864](#).

- (2) In regulation 23(1)(db) (persons by whom theory tests may be conducted)(**22**)—
- (a) for the first “any” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and
  - (b) for the second “any relevant authority” substitute “that Service”.
- (3) In regulation 24(1)(cb) (persons by whom manoeuvres, practical and unitary tests may be conducted)(**23**)—
- (a) for the first “any” to “(asp 5)” substitute “the Scottish Fire and Rescue Service”; and
  - (b) for the second “any relevant authority” substitute “that Service”.

*Traffic Signs Regulations and General Directions 2002*

- 19.**—(1) The Traffic Signs Regulations and General Directions 2002(**24**) are modified as follows.
- (2) In each of the following provisions, for the words from “relevant” to “(asp 5)” substitute “Scottish Fire and Rescue Service”—
- (a) regulation 15(2) (sign shown in diagram 610 and its significance);
  - (b) regulation 26(5)(b) (road markings: double white lines);
  - (c) regulation 27(3)(c) (road marking shown in diagram: zig-zag lines);
  - (d) regulation 36(1)(b) (significance of the light signals prescribed by regulations 33 to 35); and
  - (e) paragraph 4(1)(a) of Schedule 19 (bus stop and bus stand clearways and box junctions).

*Building (Procedure) (Scotland) Regulations 2004*

- 20.** In regulation 2 of the Building (Procedure) (Scotland) Regulations 2004 (interpretation)(**25**), in the definition of “fire authority” omit sub-paragraphs (b) and (c).

*Fire (Additional Function) (Scotland) Order 2005*

- 21.**—(1) The Fire (Additional Function) (Scotland) Order 2005(**26**) is modified as follows.
- (2) In article 2(1) (interpretation) omit the definition of “specified authority”.
- (3) In articles 3 (chemical, biological, radiological or nuclear incident), 4(2) (search and rescue) and 8(1) (nature of provision for emergencies), for “a specified authority” substitute “the Scottish Fire and Rescue Service”.
- (4) In articles 4(1), 5 (serious flooding) and 6 (serious transport incidents), for “A specified authority” substitute “The Scottish Fire and Rescue Service”.
- (5) Omit article 7 (responding to emergencies outwith a relevant authority’s area).

*Fire (Charging) (Scotland) Order 2005*

- 22.**—(1) The Fire (Charging) (Scotland) Order 2005(**27**) is modified as follows.

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(22) Regulation 23(1)(db) was inserted by [S.S.I. 2005/344](#).

(23) Regulation 24(1) has been amended by [S.I. 2000/3157](#) and [2009/788](#) and by [S.S.I. 2005/344](#).

(24) [S.I. 2002/3113](#). Relevant amendments were made for Scotland by [S.S.I. 2005/344](#). There are other amendments which are not relevant to this Order.

(25) [S.S.I. 2005/342](#). Regulation 2 has been amended by [S.I. 2009/117](#). There are other amendments which are not relevant to this Order.

(26) [S.S.I. 2005/342](#).

(27) [S.S.I. 2005/343](#).

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- (2) In article 2 (power to charge for services)—
  - (a) for “A relevant authority” substitute “The Scottish Fire and Rescue Service”;
  - (b) for the second and third “authority” substitute “Service”; and
  - (c) for “(or,” to “area)” substitute “beyond the low water mark”.
- (3) In the table in the Schedule (authorised charges)—
  - (a) in the heading of the first column, for “relevant authority” substitute “Service”;
  - (b) in the first column of entry 1, for “a relevant authority” substitute “the Scottish Fire and Rescue Service”; and
  - (c) in the first column of entry 9, omit from “, other” to “scheme”.

*Fire Safety (Scotland) Regulations 2006*

- 23.**—(1) The Fire Safety (Scotland) Regulations 2006(**28**) are modified as follows.
- (2) In regulation 23 (maintenance of measures provided in relevant premises for protection of fire fighters), for “relevant authorities” substitute “the Scottish Fire and Rescue Service”.
  - (3) In regulation 24(3) (maintenance of measures provided in the common areas of private dwellings for protection of fire-fighters)—
    - (a) in sub-paragraph (a)(i), for “, (b) and (c)” substitute “and (b)”;
    - (b) in sub-paragraph (b)(ii) omit “and (9)(b)”.

*REACH Enforcement Regulations 2008*

- 24.** In paragraph 5 of Part 3 of Schedule 3 to the REACH Enforcement Regulations 2008 (The Executive)(**29**), for head (e) substitute—
- “(e) the Scottish Fire and Rescue Service;”.

*A9 Trunk Road (Bankfoot) (Prohibition of Specified Turns) Order 2009*

- 25.** In article 4 of the A9 Trunk Road (Bankfoot) (Prohibition of Specified Turns) Order 2009 (exemption for emergency vehicles)(**30**), for the second “a” to “2005” substitute “the Scottish Fire and Rescue Service”.

*Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009*

- 26.**—(1) The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(**31**) are modified as follows.
- (2) In regulation 2(5) (interpretation – general) omit the definition of “relevant authority”.
  - (3) In paragraph 4(2)(b) of Schedule 1 (telephone number to be used to obtain specialist advice to be displayed (road))—
    - (a) omit “or,” to the second “authority”; and
    - (b) after “goods”, insert “or, as regards Scotland, the chief officer of the Scottish Fire and Rescue Service”.

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(28) S.S.I. 2006/456.

(29) S.I. 2008/2852. There is an amendment to paragraph 5 which is not relevant to this Order.

(30) S.S.I. 2009/241.

(31) S.I. 2009/1348.

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(4) In paragraph 5(1)(a)(ii) of Schedule 2 (duties of drivers, carriers and consignors in the event of the occurrence of a radiological emergency), for “relevant authority” substitute “Scottish Fire and Rescue Service”.

*Control of Asbestos Regulations 2012*

**27.** In regulation 3(4)(a) of the Control of Asbestos Regulations 2012 (application of these Regulations)(**32**), for the second “a” to “2005” substitute “the Scottish Fire and Rescue Service”.

*Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013*

**28.** In paragraph 23 of Part 2 of Schedule 4 to the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (excepted professions, offices, employments, and occupations)(**33**), for “a” to “2005” substitute “the Scottish Fire and Rescue Service”.

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(32) S.I. 2012/632.

(33) S.S.I. 2013/50. Paragraph 25 was inserted by S.S.I. 2007/75.