

SCHEDULE 1

MODIFICATIONS OF PUBLIC GENERAL ACTS

The Civic Government (Scotland) Act 1982 (c. 45)

11.—(1) The Civic Government (Scotland) Act 1982 is amended as follows.

(2) In section 89 (safety of platforms etc.), for subsection (4)(1) substitute—

“(4) Where—

- (a) Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) (“the 2005 Act”) applies in relation to the premises where the raised structure is situated; and
- (b) the local authority are not the enforcing authority (as defined in section 61(9) of the 2005 Act),

the local authority shall consult the enforcing authority before making their decision under subsection (3)(b) above.

(4A) Where—

- (a) Part 3 of the 2005 Act does not apply in relation to the premises where the raised structure is situated; and
- (b) the local authority are not the appropriate relevant authority,

the local authority shall consult the appropriate relevant authority before reaching their decision under subsection (3)(b) above.

(4B) In subsection (4A) “appropriate relevant authority” means a relevant authority (as defined in section 6 of the 2005 Act) discharging in the area of the local authority the functions of a relevant authority under that Act.”

(3) In section 93 (fire precautions in common stairs etc.)—

(a) in subsection (3), at the beginning insert—

“Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the common property, an enforcement officer appointed under section 61(3) of that Act or, in any other case,”;

(b) in subsection (4), at the beginning insert—

“Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the common property, the enforcing authority or, in any other case,”;

(c) in subsection (6), after “by”, where it first occurs, insert “an enforcing authority or”; and

(d) in subsection (7)(2), at the beginning insert “The enforcing authority or, as the case may be,”.

(4) In section 98(3) (luminous tube signs), after subsection (1) insert—

“(1A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to premises where there is an electrical luminous tube sign, paragraphs (a), (b) and (c) of subsection (1) above apply as if references to the appropriate relevant authority were references to the enforcing authority.”.

(5) In section 133, after “requires—” insert—

(1) Subsection (4) was amended by [S.S.I. 2005/383](#).

(2) Subsection (7) was amended by [S.S.I. 2005/383](#).

(3) Section 98 was amended by [S.S.I. 2005/383](#).

““enforcing authority” has the meaning given by section 61(9) of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)”.

- (6) In Schedule 1(4) (licensing – further provisions as to the general system)–
- (a) in sub-paragraph (1) of paragraph 2, for “in premises” substitute–
 - “(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) in any other premises”;
 - (b) in paragraph 5–
 - (i) in sub-paragraph (2), at the beginning insert “Subject to sub-paragraph (2A),”;
 - (ii) after that sub-paragraph insert–
 - “(2A) The conditions referred to in sub-paragraph (1)(b) above shall not relate to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#).”; and
 - (iii) in sub-paragraph (5)(d), for “in premises” substitute–
 - “(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) in any other premises”;
 - (c) in sub-paragraph (3) of paragraph 7–
 - (i) after “(2)” insert “, (2A)”;
 - (ii) in paragraph (a), for “in premises” substitute–
 - “(i) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (ii) in any other premises”;
 - (iii) in paragraph (b), after “may” insert “, subject to sub-paragraph (3A) below,”;
 - (d) after sub-paragraph (3) of paragraph 7 insert–
 - “(3A) The conditions referred to in paragraph (b) of sub-paragraph (3) above shall not relate to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#).”;
 - (e) in paragraph 9–
 - (i) in sub-paragraph (5) for “in premises” substitute–
 - “(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) any other premises”;
 - (ii) in sub-paragraph (7) for “to premises” substitute–
 - “(a) to premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) to any other premises”;
 - (f) in paragraph 10–
 - (i) in sub-paragraph (2)(b), for “mentioned in” substitute “required to be notified under”;
 - (ii) after sub-paragraph (2) insert–

(4) Schedule 1 was amended by [S.S.I. 2005/383](#).

- “(2A) Where the premises mentioned in sub-paragraph (2)(a) above are premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, that sub-paragraph applies as if the reference to the appropriate relevant authority were a reference to the enforcing authority”; and
- (iii) in sub-paragraph (4) for “in premises” substitute–
- “(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) in any other premises”;
- (g) in sub-paragraph (7)(d) of paragraph 11, for “in premises” substitute–
- “(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) in any other premises”;
- (h) in paragraph 12–
- (i) in sub-paragraph (4) for “in premises” substitute–
 - “(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) in any other premises”;
 - (ii) in sub-paragraph (7) for “in premises” substitute–
 - “(a) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (b) in any other premises”;
- (i) in paragraph 17–
- (i) in sub-paragraph (4)(c) for “in premises” substitute–
 - “(i) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (ii) in any other premises”;
 - (ii) in sub-paragraph (4)(d) for “in premises” substitute–
 - “(i) in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority;
 - (ii) in any other premises”.
- (7) In Schedule 2(5) (control of sex shops)–
- (a) in sub-paragraph (1) of paragraph 8, after “and” insert–
 - “(a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, vehicle vessel or stall to which the licence relates, to the enforcing authority;
 - (b) where Part 3 of that Act does not so apply,”;
 - (b) in paragraph 9–
 - (i) in sub-paragraph (2), at the beginning insert “Subject to sub-paragraph (2A)”;
 - (ii) after that sub-paragraph insert–

(5) Schedule 2 was amended by the Local Government etc. (Scotland) Act 1994 c. 39, schedule 1, paragraph 129(22) and by S.S.I. 2005/383.

- “(2A) The conditions referred to in sub-paragraph (1) above shall not relate to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#).”;
- (c) in sub-paragraph (1)(d) of paragraph 10, at the beginning insert “where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, vehicle, vessel or stall to which the licence relates, the enforcing authority or, where Part 3 of that Act does not so apply,”;
 - (d) in sub-paragraph (5)(d) of paragraph 13, at the beginning insert “where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, vehicle, vessel or stall to which the licence relates, the enforcing authority or, where Part 3 of that Act does not so apply,”;
 - (e) in paragraph 14–
 - (i) in sub-paragraph (5), for “with” substitute–
 - “(a) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, vehicle, vessel or stall, the enforcing authority;
 - (b) where Part 3 of that Act does not so apply,”; and
 - (ii) in sub-paragraph (7), after “and” insert “either the enforcing authority where Part 3 of that Act applies in relation to the premises, vehicle, vessel or stall or, where Part 3 of that Act does not so apply,”;
 - (f) in paragraph 15–
 - (i) after sub-paragraph (2) insert–

“(2A) Where the proposed variation is in respect of a licence which relates to any premises, vehicle, vessel or stall to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, sub-paragraph (2)(a) above applies as if the reference to the appropriate relevant authority were a reference to the enforcing authority.”; and
 - (ii) in sub-paragraph (5), after “and” insert “either the enforcing authority where Part 3 of that Act applies in relation to the premises, vehicle, vessel or stall or, where Part 3 of that Act does not so apply,”; and
 - (g) in sub-paragraph (4)(b) of paragraph 23, after “or” insert–
 - “(i) where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the premises, vehicle, vessel or stall to which the licence relates, the enforcing authority;
 - (ii) where Part 3 of that Act does not so apply.”.