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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 343**

**FIRE AND RESCUE SERVICES**

**The Fire (Charging) (Scotland) Order 2005**

*Made* - - - - - *7th June 2005*  
*Laid before the Scottish*  
*Parliament* - - - - - *10th June 2005*  
*Coming into force in accordance with article 1(1)*

The Scottish Ministers, in exercise of the powers conferred by sections 16 and 88(2) of the Fire (Scotland) Act 2005(1), and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Fire (Charging) (Scotland) Order 2005 and shall come into force on the day on which section 16 of the Fire (Scotland) Act 2005 come into force.

(2) In this Order—

“the Act” means the Fire (Scotland) Act 2005;

“operator” means the person who, as occupier or otherwise, has control of the premises, structure, lift or vehicle, as the case may be, in connection with the carrying on by him of a trade, business or other undertaking (whether or not for profit) and includes the keeper of a vehicle as defined in section 62(2) of the Vehicle Excise and Registration Act 1994(2); and

“premises” includes any place.

**Power to charge for services**

2. A relevant authority is authorised to charge a person of a description specified in column 2 of the table in the Schedule for the action taken by the authority specified in the corresponding entry in column 1 of the table, but not –

- (a) for extinguishing fires;
- (b) for protecting life; or
- (c) for protecting property in the event of fires,

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(1) 2005 asp.5.  
(2) 1994 c. 22.

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except in relation to such action taken by the authority at sea (or, if the authority's area extends to the low water mark, action taken at sea outwith its area) in accordance with entry 12 in the table in the Schedule to this Order.

St Andrew's House, Edinburgh  
7th June 2005

*HUGH HENRY*  
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 2

AUTHORISED CHARGES

<i>Action taken by relevant authority</i>	<i>Person who may be charged</i>
<p><b>1.</b> Hiring out or provision of equipment, vehicles, premises or employees of a relevant authority, except where done pursuant to, or under an order made under, any of the following provisions of the Act—</p> <ul style="list-style-type: none"><li>(a) section 8;</li><li>(b) section 10;</li><li>(c) section 11; or</li><li>(d) sections 33 to 37.</li></ul>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>2.</b> Inspection, testing, maintenance and repair of equipment and vehicles, including the recharging of compressed air cylinders and breathing apparatus.</p>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>3.</b> Containment and clearance of debris, spillages, discharges or leaks from a vehicle, storage tank or pipe.</p>	<p>The owner, occupier or operator of any premises or vehicle which, prior to the incident giving rise to the charge, contained or conveyed the material to be contained or cleared, or the person who requests the service or to whom the service is provided.</p>
<p><b>4.</b> Provision or removal of water, except the removal of flood water which is the result of unusually severe weather conditions.</p>	<p>The owner, occupier or operator of any premises in relation to which the service is provided or the person who requests the service or to whom the service is provided.</p>
<p><b>5.</b> Effecting entry to, or egress from, premises.</p>	<p>The owner, occupier or operator of the premises, or the person who requests the service or to whom the service is provided.</p>
<p><b>6.</b> Rescuing persons from lift cabins.</p>	<p>The owner, operator or occupier of the premises in which the lift is situated or the owner or operator of the lift.</p>
<p><b>7.</b> Rescuing animals.</p>	<p>The owner or keeper of the animal.</p>
<p><b>8.</b> Provision of documents, photographs, tape, video or other similar recordings, where charging is not already authorised or prohibited by another enactment.</p>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>9.</b> Provision of training, other than training provided to employees of other fire and rescue authorities under a reinforcement scheme.</p>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>10.</b> Removal of dangerous structures.</p>	<p>The owner, occupier or operator of the structure or premises where the structure is located or the person who requests the service or to whom the service is provided.</p>

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<i>Action taken by relevant authority</i>	<i>Person who may be charged</i>
<p><b>11.</b> The giving of advice to persons in relation to premises where a trade, business or other undertaking is carried on, other than the giving of advice for which arrangements are required to be made under section 8(2)(b) of the Act.</p>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>12.</b> Extinguishing fires at sea, protecting life at sea or protecting property in the event of fires at sea.</p>	<p>The person who requests the service or to whom the service is provided.</p>

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Section 16 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) provides that Scottish Ministers may, by order, authorise a relevant authority to charge a person of a specified description for any action of a specified description taken by the authority. (“Relevant authority” has the same meaning as at section 6 of the Fire (Scotland) Act 2005). Article 2 and the Schedule to this Order specify the actions for which a relevant authority may make a charge and specify the description of the persons who may be subject to the charge.