

EXECUTIVE NOTE

The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) Order 2005 SSI/2005/383

The draft order is to be made in exercise of the powers conferred by section 87 of the Fire (Scotland) Act 2005 (“the 2005 Act”). It is subject to affirmative resolution procedure under s88(4)(b) of the 2005 Act.

Policy Objectives

The policy objective of the order is to make the necessary consequential amendments and repeals to primary legislation considered appropriate in consequence of Parts 1 and 2 of the 2005 Act.

Background

Schedule 3 to the 2005 Act sets out a number of minor and consequential amendments to primary legislation and schedule 4 repeals enactments to the extent specified therein. Section 87(1) of the 2005 Act enables Scottish Ministers to make such incidental, supplementary, consequential, transitory, transitional or saving provision as they consider appropriate for the purposes of, in consequence of, or for giving full effect to, the 2005 Act or any provision of it. Subsection 2 provides for the order to modify any enactment, instrument or document.

While the Fire (Scotland) Bill progressed through the Parliament, work continued on identifying primary and subordinate legislation which would require to be amended as a result of the Act in due course. The changes identified relate to terminology currently used within the Fire Service, e.g. “fire brigade”, and references to the primary legislation which currently govern the Service: the Fire Services Act 1947 to 1959. The references require to be updated to reflect the language of, and references to, the 2005 Act.

Changes will also be required to secondary legislation in consequence of the coming into force of Part 1 of the 2005 Act and a further Order under section 87 will be brought forward in due course to make these changes.

The commencement of this order is designed to co-ordinate with the coming into force of Part 1 of the 2005 Act, which itself depends on the UK Parliamentary passage of a section 104 order under the Scotland Act dealing with reserved issues affected by the 2005 Act.

Consultation

The relevant policy leads in the Scottish Executive and the relevant Whitehall Departments have been consulted in respect of their interests.

Financial Effects

It is not anticipated that there will be any financial implications for the Scottish Executive, fire and rescue authorities or joint fire and rescue boards.

Scottish Executive Justice Department
May 2005