
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 456

The Fire Safety (Scotland) Regulations 2006

PART III

FIRE SAFETY

Safety assistance

17.—(1) The person with duties under section 53 or 54 must, subject to paragraphs (5) and (6), nominate one or more competent persons to assist him or her in undertaking the measures necessary to comply with the Chapter 1 duties.

(2) Where the person with duties under section 53 or 54 nominates persons in accordance with paragraph (1), he or she must make arrangements for ensuring adequate co-operation between them.

(3) The person with duties under section 53 or 54 must ensure that the number of persons nominated under paragraph (1), the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the premises, the risks to which relevant persons are exposed and the distribution of those risks throughout the relevant premises.

(4) The person with duties under section 53 or 54 must ensure that—

- (a) any person nominated by him or her in accordance with paragraph (1) who is not in his or her employment—
 - (i) is informed of the factors known or suspected by him or her to affect the safety in respect of harm caused by fire of any other person who may be affected by the carrying on by him or her (whether for profit or not) of an undertaking; and
 - (ii) where regulation 18(3) applies, has access to the information referred to in regulation 18(3); and
- (b) any person nominated by him or her in accordance with paragraph (1) is given such information about any person working in his or her undertaking who is—
 - (i) employed by him or her under a fixed-term contract of employment, or
 - (ii) employed in an employment business,

as is necessary to enable that person properly to carry out the function specified in that paragraph.

(5) Paragraph (1) does not apply to a self-employed person who is not in partnership with any other person, where he or she has sufficient training and experience or knowledge and other qualities properly to undertake the fire safety measures.

(6) Paragraph (1) does not apply to individuals who are together carrying on business in partnership, where at least one of the individuals concerned has sufficient training and experience or knowledge and other qualities—

- (a) properly to undertake the fire safety measures; and
- (b) properly to assist his or her fellow partners in undertaking those measures.

(7) Where there is a competent person in the employment of a person with duties under section 53 or 54, that competent person must be nominated for the purposes of paragraph (1) in preference to a competent person not in his or her employment.