

SCHEDULE 1

Article 2(1)

MODIFICATION OF STATUTORY INSTRUMENTS

The Safety Representatives and Safety Committees Regulations 1977 (S.I.1977/500)

1. In regulation 4A of the Safety Representatives and Safety Committees Regulations 1977(1) (employer’s duty to consult and provide facilities and assistance), in paragraph (1)(b) for “or regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations 1997” substitute “or regulation 12(3)(b) of the Fire Safety (Scotland) Regulations 2006”.

The Dangerous Substances in Harbour Areas Regulations 1987 (S.I. 1987/37)

2. In paragraph (1) of Regulation 30 of the Dangerous Substances in Harbour Areas Regulations 1987(2) (storage tanks) for “the appropriate relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))” substitute–

- “(i) the appropriate enforcing authority (as defined in section 61(9) of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) where Part 3 of that Act applies to the harbour or harbour area within which the storage tank is situated; or
- (ii) in any other case, the appropriate relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005](#)) for the area in which the harbour or harbour area is situated.”.

The Health and Safety (Consultation with Employees) Regulations 1996 (S.I. 1996/1513)

3. In regulation 3 of the Health and Safety (Consultation with Employees) Regulations 1996(3) (duty of employer to consult), in paragraph (b) for “or regulation 4(2)(b) of the Fire Precautions (Workplace) Regulations 1997” substitute “or regulation 12(3)(b) of the Fire Safety (Scotland) Regulations 2006(4)”.

The Construction (Health, Safety and Welfare) Regulations 1996 (S.I. 1996/1592)

4. For regulation 33 of the Construction (Health, Safety and Welfare) Regulations 1996(5) (enforcement in respect of fire) substitute–

“Enforcement in respect of fire

33.—(1) Subject to paragraph (2), the enforcing authority as defined in section 61 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) is the enforcing authority as regards–

- (a) regulations 19 and 20 in so far as those regulations relate to fire; and
- (b) regulation 21,

in respect of a construction site which is contained within, or forms part of, premises which are occupied by persons other than those carrying out the construction work or any activity arising from such work.

(2) Paragraph (1) only applies in respect of premises to which Part 3 of the [Fire \(Scotland\) Act 2005](#) applies.”.

(1) S.I. 1977/500; relevant amendments were made by S.I. 1997/1840 and 1999/3242.

(2) S.I. 1987/37; relevant amendments were made by S.S.I. 2005/344.

(3) S.I. 1996/1513; relevant amendments were made by S.I. 1997/1840 and 1999/3242.

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

(5) S.I. 1996/1592; relevant amendments were made by S.S.I. 2005/344.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Residential Establishments – Child Care (Scotland) Regulations 1996 (S.I. 1996/3256)

5.—(1) Regulation 9 of the Residential Establishments – Child Care (Scotland) Regulations 1996⁽⁶⁾ is amended as follows.

(2) In paragraph (1)–

- (a) at the beginning, insert “Subject to paragraph (4),”; and
- (b) omit “a” where it first occurs.

(3) In paragraph (2) at the beginning insert “Subject to paragraph (4),”.

(4) After paragraph (3) insert–

“(4) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to any residential establishment, paragraphs (1) and (2) shall not apply.”.

MODIFICATION OF SCOTTISH STATUTORY INSTRUMENTS

The Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002 (S.S.I. 2002/114)

6. In regulation 19 of the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002⁽⁷⁾ (records), after paragraph (3) insert–

“(3A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to premises in which providers are providing services–

- (i) paragraph (3)(b) shall apply as if “an” was substituted for “a fire or other”;
and
- (ii) paragraph (3)(c) shall apply as if “fire drills and” were omitted.”.

⁽⁶⁾ S.I. 1996/3256; relevant amendments were made by [S.S.I. 2005/344](#).

⁽⁷⁾ [S.S.I. 2002/114](#); to which there are amendments not relevant to this Order.