
EXPLANATORY NOTE

(This note is not part of the Order)

This Order made under sections 87 and 88(2) of the [Fire Scotland Act 2005 \(asp 5\)](#), (“the 2005 Act”) makes modifications and repeals of primary legislation in consequence of Part 3 of the 2005 Act. The Order also includes savings relevant to the repeal of the Fire Precautions Act 1971.

Part 3 of the 2005 Act, once commenced, shall in its own terms and with attendant regulations alter the existing fire safety regime in respect of the premises to which the 2005 Act applies, placing fire safety duties to be followed in all such premises and replacing the existing fire safety regime that is set out in several different pieces of legislation.

The modifications to existing legislation replace references to existing fire safety legislation with references to the regime under Part 3 of the 2005 Act, prevent fire safety conditions from being included in licences under other legislation (fire safety requirements and prohibitions are to be imposed under Part 3 of the 2005 Act), prevent conditions in licences or certificates under existing legislation from requiring a person to contravene any requirement of Part 3 and provide for fire safety matters to be enforced by the enforcing authority under Part 3 of the 2005 Act where the 2005 Act applies to the premises in question.

Article 1 of the Order provides that the modifications and savings will have effect from the date mentioned therein.

Article 2(1) and Schedule 1 set out modifications to primary legislation.

Article 2(2) and Schedule 2 set out repeals of primary legislation.

Article 3 makes savings for Prohibition Notices issued under section 10 of the Fire Precautions Act 1971.

Article 4 saves the Fire Precautions (Sub-surface Railway Stations) Regulations 1989 which are made under section 12 of the Fire Precautions Act 1971.