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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 393**

**FIRE SAFETY**

**The Fire Safety (Scotland) Amendment Regulations 2010**

*Made* - - - - 10th November 2010  
*Laid before the Scottish Parliament* - - - - 12th November 2010  
*Coming into force* - - 21st January 2011

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 58(1) of the Fire (Scotland) Act 2005<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. These Regulations may be cited as the Fire Safety (Scotland) Amendment Regulations 2010 and come into force on 21st January 2011.

**Amendment of the Fire Safety (Scotland) Regulations 2006**

2. After regulation 20 (training) of the Fire Safety (Scotland) Regulations 2006<sup>(2)</sup> insert—

**“Capabilities**

**20A.** An employer with duties under section 53 must, when entrusting tasks to an employee, take into consideration the employee’s capabilities as regards health and safety, so far as those capabilities relate to fire and are relevant to those tasks.”.

St Andrew’s House,  
Edinburgh  
10th November 2010

*FERGUS EWING*  
Authorised to sign by the Scottish Ministers

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(1) 2005 asp 5.  
(2) S.S.I. 2006/456.

**Status:** This is the original version (as it was originally made).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

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## EXPLANATORY NOTE

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

These Regulations amend the Fire Safety (Scotland) Regulations 2006 (“the 2006 Regulations”) which, among other things, place duties on employers in relation to fire safety in the workplace.

Regulation 2 inserts regulation 20A into the 2006 Regulations and places a duty on employers to consider the capabilities of their employees in relation to fire safety when entrusting any tasks to them.

These Regulations implement Article 6(3)(b) of Council Directive [89/391/EEC](#) of 12th June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (O.J. No. L 183, 29.6.1989, p.1).