

1990 No. 683 (S.84)

FIRE PRECAUTIONS

**The Electrical Luminous Tube Signs (Scotland)
Regulations 1990**

<i>Made</i> - - - -	<i>16th March 1990</i>
<i>Laid before Parliament</i>	<i>28th March 1990</i>
<i>Coming into force</i>	<i>1st July 1990</i>

The Secretary of State, in exercise of the powers conferred on him by section 98 of the Civic Government (Scotland) Act 1982(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Electrical Luminous Tube Signs (Scotland) Regulations 1990 and shall come into force on 1st July 1990 .

Interpretation

2. In these Regulations—

“apparatus” means -

(a) any luminous tube sign or other equipment of a rating exceeding 100 watts designed to operate on a voltage in excess of 1,000 volts A.C. or 1,500 volts D.C. if measured between any two conductors or 600 volts A.C. or 900 volts D.C. if measured between any conductor and earth; and

(b) any transformer required to raise the voltage of the sign or equipment;

“fireman’s emergency switch” means a switch capable of cutting off the supply of electricity to apparatus; and references to such a switch are, in a case where a transformer is provided to raise the voltage to operate apparatus, references to a switch on the low-voltage side of the transformer.

Fireman’s emergency switches

3. Apparatus shall be provided with a fireman’s emergency switch which—

(a) either

(i) complies with regulation 4; or

(ii) although not complying with regulation 4, is so installed as to satisfy the fire authority that it would be readily recognised by, and accessible to, firefighters; and

(b) is provided with a lock or catch to prevent the switch being inadvertently returned to the “on” position.

(a) 1982 c.45; section 98 was amended by section 48 of the Fire Safety and Safety of Places of Sport Act 1987 (c.27) and is to be read with section 289G of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by the Criminal Justice Act 1982 (c.48), section 54 and amended by the Criminal Justice (Scotland) Act 1987 (c.41), section 66, and with S.I. 1984/526.

Requirements for fireman's emergency switches

- 4.—(1)(a) In the case of apparatus which is installed inside a building, the fireman's emergency switch shall be situated in the main entrance hall to that building and there shall be displayed adjacent to the apparatus a notice indicating by means of a directional arrow the position of and distance to the switch and there shall be displayed adjacent to the switch a notice clearly identifying it as a fireman's emergency switch;
- (b) in the case of apparatus to which sub-paragraph (a) above does not apply, either
- (i) the fireman's emergency switch shall be installed adjacent to the apparatus or
 - (ii) there shall be displayed adjacent to the apparatus a notice indicating by means of a directional arrow the position of and distance to the switch and there shall be displayed adjacent to the switch a notice clearly identifying it as a fireman's emergency switch;
- (c) for the purposes of this paragraph, apparatus within a covered market or arcade, or a mall in an enclosed shopping centre shall be regarded as an exterior installation and the provisions of sub-paragraph (b) shall apply to such apparatus.

(2) The fireman's emergency switch shall be placed in a conspicuous position which is not more than 2.75 metres above ground level or, where the premises on which the apparatus is installed are not situated at ground level, not more than 2.75 metres above the level of the floor immediately below the apparatus; the switch must in all cases be readily accessible to firefighters.

- (3)(a) The fireman's emergency switch shall be coloured red and shall have fixed on or adjacent to it a notice measuring not less than 150 millimetres by 100 millimetres and bearing on it in letters not less than 13 millimetres high the words "FIREMAN'S SWITCH";
- (b) the "on" and "off" positions of the switch shall be clearly indicated by lettering not less than 13 millimetres high and the "off" position shall be at the top;
- (c) where more than one switch is installed either within or on the exterior of any building, each switch shall be clearly marked so as to indicate the apparatus to which it relates.

Notice of installation of apparatus

5.—(1) Not less than 42 days before work is begun to install apparatus, the person proposing to install the apparatus shall give notice in writing of the proposed installation to the fire authority showing by means of scale drawings, both plan and elevation, where the fireman's emergency switch is to be placed and how it is to be coloured and marked also confirming that the proposed installation is designed in accordance with the Regulations of the Institution of Electrical Engineers.

(2) Where notice has been given to the fire authority as required by paragraph (1) of this regulation and the fire authority considers that the fireman's emergency switch with which the proposed apparatus would be provided would not comply with regulation 4, nor with the provisions of regulation 3, the fire authority may, within 21 days of the date of receipt of the notice, serve on the person proposing to install the apparatus a counter-notice.

(3) A counter-notice served under paragraph (2) of this regulation may prohibit the use of apparatus referred to in the counter-notice if the fire authority are not satisfied that such apparatus is safe in the event of its being affected by fire or steps taken to put fire out.

(4) Any person aggrieved by a counter-notice served under paragraph (2) of this regulation may, within 21 days of the date of the counter-notice, appeal by way of summary application to the sheriff.

Exemptions

6. These Regulations shall not apply to apparatus installed or proposed to be installed on or in premises in respect of which a licence under the Cinemas Act 1985(a) is for the time being in force.

(a) 1985 c.13.

Service of notices

7.—(1) Any notice required by these Regulations to be served on any person shall be given in writing and shall be duly served on that person if it is delivered to him, or left at or sent by post in a letter addressed to his proper address.

(2) In the case of an incorporated company or body, any such notice shall be duly served if it is served on the secretary or clerk of that company or body.

(3) For the purposes of these Regulations and of section 7 of the Interpretation Act 1978(a) (service by post), the proper address of a person is—

(a) in the case of a secretary or clerk to a company or body, that of the registered or principal office of the company or body;

(b) in any other case, the person's last known address.

Offences and penalties

8.—(1) Any owner or any occupier of premises where it is proposed to install apparatus who fails without reasonable excuse to ensure that it complies with regulation 3 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In proceedings for an offence under paragraph (1) of this regulation, it shall be a defence for the person prosecuted to show that the offence resulted from the act or omission of another person.

(3) A person charged shall not be entitled to rely on the defence set out in paragraph (2) of this regulation unless within a period ending 7 clear days before the hearing he has served on the procurator fiscal notice in writing of his intention to do so, identifying the person concerned, or giving such information as he has as will assist in the identification.

(4) Where the commission of an offence by one person is due to the act or omission of another person then proceedings in respect of the offence may be taken against that other person whether or not proceedings are also taken against the first mentioned person; and the other person shall be liable on conviction to the same punishment as might have been inflicted on the first mentioned person if he had been convicted of the contravention.

(5) Any person who fails without reasonable excuse to give a notice required by regulation 5(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale unless he establishes that some other person duly gave the notice in question.

(6) Any person who fails without reasonable excuse to comply with a notice served on him under regulation 5(2) prohibiting the use of apparatus referred to in the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

St. Andrew's House, Edinburgh
16th March 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

(a) 1978 c.30.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only to Scotland, require electrical luminous tube signs, and any other similarly designed equipment or transformers required to raise the voltage of such signs and equipment, to be provided with cut-off switches for use by firefighters in the event of a fire.

Regulations 3 and 4 require such cut-off switches to be suitably located and identified.

Regulation 5 requires that a person proposing to install such apparatus shall give prior notice to the fire authority, showing where the emergency switch is to be located and how it is to be identified. The fire authority may serve a counter-notice prohibiting the use of apparatus where they consider it will be unsafe in the event of fire, and a person aggrieved by such a counter-notice may appeal to the sheriff.

Regulation 6 exempts from the requirement signs installed on premises licensed under the Cinemas Act 1985.

Regulation 8 creates offences for failure to comply with the requirements of the Regulations and prescribes a penalty not exceeding level 3 of the standard scale (currently £400) on summary conviction in respect of each offence.

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