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## EXPLANATORY NOTE

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

This Order makes provision and modifications in consequence of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) (“the 2005 Act”).

Article 2 of the Order inserts provisions into and makes modifications of the 2005 Act that enable relevant authorities (as defined in section 6 of the 2005 Act) to exercise their powers at sea, in the territorial sea not adjacent to Scotland and beyond the territorial sea of the United Kingdom, and to charge for those activities.

Article 2 applies Part 3 of the 2005 Act (fire safety) to premises occupied by armed forces of the Crown, visiting forces or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 (c. 5), and those which are situated within premises occupied solely for the purposes of the armed forces of the Crown but which are not themselves so occupied. In addition, article 2 applies Part 3 to ships and hovercraft except in respect of normal ship-board activities of a ship’s crew which are carried out solely by the crew under the direction of the master. It also provides that the definition of “relevant premises” in section 78 of the 2005 Act includes these premises.

Article 2 also confers the functions of an enforcing authority under the 2005 Act upon the Health and Safety Executive and the fire service maintained by the Secretary of State for Defence.

Article 3 provides for the modification of the enactments specified in the Schedule to the Order. Part 1 of the Schedule sets out modifications of public general Acts. Part 2 sets out modifications of subordinate legislation.