



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

### CHAPTER 8

#### CENTRAL SUPERVISION AND SUPPORT

#### *[<sup>F1</sup>Best value*

#### Textual Amendments

- F1** Ss. 39A-39C and cross-heading inserted (8.8.2012) by [Police and Fire Reform \(Scotland\) Act 2012](#) (asp 8), **ss. 113**, 129(1)(b)

#### **39A Best value**

- (1) It is the duty of SFRS to make arrangements which secure best value.
- (2) Best value is continuous improvement in the carrying out of SFRS's functions.
- (3) In securing best value, SFRS must maintain an appropriate balance among—
  - (a) the quality of its carrying out of its functions,
  - (b) the cost to SFRS of that carrying out of its functions,
  - (c) the cost to persons of any service provided by SFRS for them on a wholly or partly rechargeable basis.
- (4) In maintaining that balance, SFRS must have regard to—
  - (a) efficiency,
  - (b) effectiveness,
  - (c) economy, and
  - (d) the need to meet the equal opportunity requirements.

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*Status: Point in time view as at 08/08/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross Heading: Best value. (See end of Document for details)*

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- (5) SFRS must carry out its duties under this section in a way which contributes to the achievement of sustainable development.
- (6) In measuring the improvement of the carrying out of SFRS's functions for the purposes of this section, regard is to be had to the extent to which the outcomes of the carrying out of the functions have improved.
- (7) In this section, “equal opportunity requirements” has the same meaning as in Section L2 of Part 2 of Schedule 5 to the Scotland Act 1998 (c.46).

### **39B Best value: further provision**

- (1) In carrying out its duties under section 39A, SFRS must have regard to the matters mentioned in subsection (2).
- (2) The matters are—
  - (a) any relevant guidance issued by the Scottish Ministers,
  - (b) what are, whether by reference to any generally recognised published code or otherwise, regarded as proper arrangements for the purposes of section 39A(1) (or purposes which include those purposes).
- (3) Before issuing relevant guidance, the Scottish Ministers must consult—
  - (a) SFRS, and
  - (b) such other persons as they think appropriate.
- (4) In the event of a conflict in any respect between the matter to which SFRS is to have regard under paragraph (a) of subsection (2) and the matter to which it is to have regard under paragraph (b) of that subsection, SFRS must in that respect have regard only to matters within paragraph (a).
- (5) In this section “relevant guidance”—
  - (a) means guidance on the carrying out of the duties imposed by section 39A,
  - (b) includes in particular guidance on
    - (i) how to make and what is to be included in the arrangements mentioned in section 39A(1),
    - (ii) how to implement the duty imposed by that section.

### **39C Examinations of SFRS by Auditor General**

The reference in section 23 of the Public Finance and Accountability (Scotland) Act 2000 (asp 1) to examinations into the economy, efficiency and effectiveness with which resources have been used is, in relation to SFRS, to include a reference to examinations into the arrangements made by SFRS under section 39A.]

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