

FIRE (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 1 – Fire and Rescue Authorities

Section 1 – Fire and rescue authorities

9. This section defines what is meant by “fire and rescue authority”: the council for the local government area as constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and, if its area extends into the sea, the low water mark shall constitute its seaward boundary.

Sections 2, 3, 4 and 5 – Joint fire and rescue boards

10. These provisions allow for the combining of fire and rescue authorities in an amalgamation scheme made by order by the Scottish Ministers on the grounds of improving efficiency, effectiveness and economy. Schemes may be varied or revoked by order. Any such scheme will constitute a joint fire and rescue board that will carry out the functions of each authority for the combined area. Schedule 1 makes supplementary provision in relation to the powers of joint boards.
11. In all cases, the Scottish Ministers will be required to consult the existing fire authorities which will, or may, be affected and such other persons as Ministers consider appropriate. Similar schemes already exist under section 36 of the 1947 Act or section 147 of the Local Government (Scotland) Act 1973. Section 5 provides that these schemes will continue to have effect despite the repeal of the 1947 Act and section 147 of the Local Government (Scotland) Act 1973; they will be deemed to be schemes under section 2(1) of this Act. This section also makes provision for the transfer of property, rights, liabilities and staff from an existing board to a joint fire and rescue board constituted by a section 2(1) scheme. The orders under section 2(1) and 5(3) are subject to draft affirmative resolution procedure in the Scottish Parliament (section 88(4)(a)).

Section 6 – Meaning of “relevant authority”

12. The term “relevant authority” is used throughout the Act and is defined at section 6 as a fire and rescue authority as constituted under section 1 or a joint fire and rescue board constituted under an amalgamation scheme under section 2(1). “Relevant authority” is used throughout these Notes in the same way.