

FIRE (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 4 – Miscellaneous

Sections 80 and 81 – Inquiries and inquiries: supplementary

121. These sections re-enact with amendments section 33 of the 1947 Act. The Scottish Ministers will be able to hold a public inquiry into the performance of a relevant authority or its handling of a particular incident. Section 81 provides that the Scottish Ministers may make regulations about inquiries under the Act (other than inquiries under section 44).

Section 82 – Pre-commencement consultation

122. **Section 82** sets out that where consultation is required under a provision in the Act and before that provision comes into force consultation takes place, any such consultation will count as consultation required by and to the extent set out under that provision. In effect this will allow consultation prior to Royal Assent to be treated as consultation under the relevant provision. An example where this may be the case is preparation of the Framework Document.

Section 83 – Payments in respect of advisory bodies

123. **Section 83** gives the Scottish Ministers powers to pay the expenses of any body established for the purpose of offering them advice on matters in relation to which provision is made under the Act.

Section 84 – Abolition of Scottish Central Fire Brigades Advisory Council

124. **Section 84** abolishes the Scottish Central Fire Brigades Advisory Council which was established for Scotland under section 36(18) of the 1947 Act to provide general advice to the Scottish Ministers on matters relating to the operation of that Act. The Council also served as statutory consultee prior to the exercise by the Scottish Ministers of certain of their regulation making powers under the 1947 Act. Where such regulation making powers are re-enacted elsewhere in the Act the Scottish Ministers will consult any such persons as they consider appropriate.

Section 85 – False alarms

125. **Section 85** supersedes section 31 of the 1947 Act. It provides that a person who knowingly gives or causes someone else to give a false alarm of fire, road traffic accident or emergency of another kind to a person acting on behalf of a relevant authority is liable to a maximum of a level 5 fine, a prison sentence not exceeding 3 months or both.

*These notes relate to the Fire (Scotland) Act 2005
(asp 5) which received Royal Assent on 1 April 2005*

Section 86 – Disposal of land

126. This section provides relevant authorities with powers to sell or dispose of land which they no longer require. It makes provision similar to section 36(20) of the 1947 Act.