



Fire (Scotland) Act 2005

2005 asp 5

PART 1

FIRE AND RESCUE AUTHORITIES

Fire and rescue authorities

1 Fire and rescue authorities

- (1) The council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39) for a local government area shall be the fire and rescue authority for that area.
- (2) In subsection (1), “local government area” has, subject to subsection (3), the same meaning as in that Act.
- (3) If a local government area extends into the sea, its seaward boundary shall, for the purpose of subsection (1), be the low water mark.

Joint fire and rescue boards

2 Schemes to constitute joint fire and rescue boards

- (1) Where it appears to the Scottish Ministers that, for the purposes of this Act, it would be in the interests of greater economy, efficiency and effectiveness that the areas of two or more fire and rescue authorities be combined, they may by order make an amalgamation scheme for that combined area.
- (2) An amalgamation scheme is a scheme constituting, for the combined area of the fire and rescue authorities specified in it (the “constituent authorities”), a joint fire and rescue board consisting of such number of members, being members of the constituent authorities, as are specified in the scheme.
- (3) An amalgamation scheme may include such supplementary, incidental or consequential provision as the Scottish Ministers consider appropriate.

Status: This is the original version (as it was originally enacted).

- (4) Provision that may be made under subsection (3) may include in particular provision with respect to—
- (a) the proceedings of the board;
 - (b) its funding and financial arrangements, including in particular—
 - (i) provision for the payment of its expenses out of a combined fire and rescue service fund maintained by the constituent authorities;
 - (ii) provision about the carrying-forward from one financial year to the next of any money received by the board in respect of the first year from the constituent authorities under provision made under paragraph (b)(i) and remaining unspent at the end of the first year;
 - (c) the transfer to the board of any property, rights and liabilities of the constituent authorities;
 - (d) the transfer to the board of any staff of the constituent authorities;
 - (e) officers of the board;
 - (f) the supply of services or facilities by the constituent authorities to the board;
 - (g) the payment of compensation in respect of loss suffered by any person in consequence of the constitution of the board.
- (5) Before making an amalgamation scheme, the Scottish Ministers shall consult—
- (a) the fire and rescue authorities in respect of which the scheme is proposed;
 - (b) such other fire and rescue authorities as appear to them likely to be affected; and
 - (c) such other persons as they consider appropriate.

3 Schemes under section 2: amendment and revocation

- (1) An order amending or revoking an amalgamation scheme made under section 2(1) may include provision for the transfer of staff, property, rights and liabilities from the joint fire and rescue board constituted by the scheme to—
- (a) any fire and rescue authority; or
 - (b) any other such board.
- (2) Before making an order such as is mentioned in subsection (1), the Scottish Ministers shall consult—
- (a) the joint board constituted by the scheme;
 - (b) the fire and rescue authorities specified in the scheme; and
 - (c) such other—
 - (i) fire and rescue authorities; and
 - (ii) joint fire and rescue boards,
 as appear to them likely to be affected.

4 Joint fire and rescue boards: supplementary provision

Schedule 1, which makes provision about joint fire and rescue boards constituted by schemes made under section 2(1), shall have effect.

5 Existing joint fire boards

- (1) An administration scheme under section 36 of the Fire Services Act 1947 (c. 41) or section 147 of the Local Government (Scotland) Act 1973 (c. 65) which is in force immediately before the repeal of those sections by this Act shall continue to have effect notwithstanding that repeal.
- (2) A scheme such as is mentioned in subsection (1) shall be taken to be a scheme made under section 2(1); and a joint fire board constituted by such a scheme in respect of an area shall be taken to be a joint fire and rescue board constituted by the scheme for that area.
- (3) The Scottish Ministers may by order make provision for and in relation to the transfer to a joint fire and rescue board constituted by a scheme made under section 2(1) of—
 - (a) any property, rights or liabilities of a joint fire board (“an existing board”) constituted by a scheme such as is mentioned in subsection (1); and
 - (b) any staff of an existing board.

Meaning of “relevant authority”

6 Meaning of “relevant authority”

In this Act “relevant authority” means—

- (a) a fire and rescue authority which is not specified in a scheme made under section 2(1); or
- (b) a joint fire and rescue board constituted by such a scheme.