



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2 **S**

#### FIRE AND RESCUE SERVICES

### CHAPTER 5 **S**

#### POWERS OF EMPLOYEES AND CONSTABLES

##### *Powers in emergencies*

## 25 Powers of authorised employees in relation to emergencies **S**

- (1) An employee of [<sup>F1</sup>SFRS] who is authorised in writing by [<sup>F2</sup>SFRS] for the purposes of this section (an “authorised employee”) and on duty may—
- (a) if the employee reasonably believes that a fire has broken out, do anything the employee reasonably believes to be necessary for the purpose of—
    - (i) extinguishing the fire; or
    - (ii) protecting life or property;
  - (b) if the employee reasonably believes that a road traffic accident has occurred, do anything the employee reasonably believes to be necessary for the purpose of—
    - (i) rescuing people; or
    - (ii) protecting them from serious harm;
  - (c) if the employee reasonably believes that an emergency other than a fire or road traffic accident has occurred, do anything the employee reasonably believes to be necessary for the purpose of carrying out any function conferred on [<sup>F2</sup>SFRS] in relation to the emergency; and
  - (d) do anything the employee reasonably believes to be necessary for the purpose of preventing or limiting damage to property resulting from action taken as mentioned in paragraph (a), (b) or (c).
- (2) An authorised employee may in particular under subsection (1)—
- (a) enter premises or a place (by force if necessary);

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

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- (b) move a vehicle without the consent of its owner;
- (c) force open and enter a lockfast vehicle;
- (d) close a road;
- (e) stop and regulate traffic;
- (f) restrict the access of persons to premises or a place.

#### **Textual Amendments**

- F1** Word in s. 25(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(10\)\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Word in s. 25(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(10\)\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

#### **Modifications etc. (not altering text)**

- C1** S. 25 applied (with modifications) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), [21\(2\)](#)
- C2** S. 25 applied (with modifications) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), arts. 1(2), [22\(2\)](#)

## **26 Powers of constables in relation to fires** S

- (1) A constable may—
- (a) if the constable reasonably believes that a fire has broken out, do anything the constable reasonably believes to be necessary for the purpose of—
    - (i) extinguishing the fire; or
    - (ii) protecting life or property; and
  - (b) do anything the constable reasonably believes to be necessary for the purpose of preventing or limiting damage to property resulting from anything done as mentioned in paragraph (a).
- (2) A constable may in particular under subsection (1)—
- (a) enter (by force if necessary) premises or a place;
  - (b) move a vehicle without the consent of its owner;
  - (c) force open and enter a lockfast vehicle;
  - (d) restrict the access of persons to premises or a place.

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Cross  
Heading: Powers in emergencies.