



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 8

CENTRAL SUPERVISION AND SUPPORT

Fire and Rescue Framework for Scotland

40 Framework document

- (1) The Scottish Ministers shall prepare a document—
 - (a) setting out priorities and objectives for relevant authorities in connection with the carrying out of their functions; and
 - (b) containing—
 - (i) such guidance in connection with the carrying out of any of those functions; and
 - (ii) such other matters relating to those authorities or those functions, as the Scottish Ministers consider appropriate.
- (2) The Scottish Ministers—
 - (a) shall keep the document prepared under subsection (1) under review; and
 - (b) may from time to time revise it.
- (3) The Scottish Ministers shall carry out the functions conferred on them by subsection (1) and (2) in the manner and to the extent that appears to them to be best calculated to promote—
 - (a) public safety;
 - (b) the efficiency and effectiveness of fire and rescue authorities; and
 - (c) efficiency and effectiveness in connection with the matters in relation to which relevant authorities have functions.

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- (4) The document prepared under subsection (1), and any revision of it which appears to the Scottish Ministers to be significant, shall have effect only when brought into effect by the Scottish Ministers by order.
- (5) In preparing—
 - (a) the document mentioned in subsection (1); and
 - (b) any revision of it which appears to them to be significant,
 the Scottish Ministers shall consult the persons mentioned in subsection (6).
- (6) Those persons are—
 - (a) each relevant authority or such persons as the Scottish Ministers consider represent those authorities; and
 - (b) such persons as the Scottish Ministers consider represent employees of those authorities.

41 Adherence

- (1) In carrying out their functions, relevant authorities shall have regard to the document prepared under section 40(1).
- (2) Subsections (3) and (4) apply where the Scottish Ministers consider that a relevant authority is failing, or is likely to fail, to act in accordance with the document prepared under section 40(1).
- (3) The Scottish Ministers may cause an inquiry to be held into the matter.
- (4) Subject to subsection (5), the Scottish Ministers may, for the purpose of securing that the authority acts in accordance with the document, by order require the authority—
 - (a) to take; or
 - (b) to refrain from taking,
 such action as is specified in the order.
- (5) The Scottish Ministers may make an order under subsection (4) only where they consider that it would promote—
 - (a) public safety;
 - (b) the efficiency and effectiveness of the authority; or
 - (c) efficiency and effectiveness in connection with the matters in relation to which relevant authorities have functions.
- (6) Before making an order under subsection (4), the Scottish Ministers shall consult the authority in respect of which it is proposed to be made.
- (7) Where the document prepared under subsection (1) of section 40 has been revised under subsection (2)(b) of that section, the references in this section and section 42 to that document shall be taken to refer to that document as revised.

42 Reporting

- (1) The Scottish Ministers shall report to the Scottish Parliament on—
 - (a) the extent to which relevant authorities are acting in accordance with the document prepared under section 40(1); and

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- (b) any steps taken by them for the purpose of securing that relevant authorities so act.
- (2) The first report under subsection (1) shall be made before the expiry of the period of two years starting on the date when the document prepared under section 40(1) is brought into effect.
- (3) Every subsequent such report shall be made before the expiry of the period of two years starting on the date on which the last such report was made.