



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.

Inspection

43 Inspectors of Fire and Rescue Authorities

- (1) Her Majesty may by Order in Council appoint—
 - (a) a Chief Inspector of Fire and Rescue Authorities; and
 - (b) such number of Inspectors of Fire and Rescue Authorities as the Scottish Ministers may determine.
- (2) The Scottish Ministers may appoint Assistant Inspectors of Fire and Rescue Authorities.
- (3) The Scottish Ministers shall pay to the persons appointed under this section such remuneration as the Scottish Ministers may determine.
- (4) A person who, immediately before the coming into force of this section, is by virtue of appointment under section 24 of the Fire Services Act 1947 (c. 41)—
 - (a) the Chief Inspector of Fire Services for Scotland, shall be taken to have been appointed under subsection (1)(a);
 - (b) an Inspector of Fire Services for Scotland, shall be taken to have been appointed under subsection (1)(b);
 - (c) an Assistant Inspector of Fire Services for Scotland, shall be taken to have been appointed under subsection (2).

44 Functions of Inspectors of Fire and Rescue Authorities

- (1) The Scottish Ministers may direct a person appointed under section 43 to—
 - (a) inquire into a matter mentioned in subsection (2); and
 - (b) to submit to them a written report on that matter by a date specified by them.
- (2) Those matters are—
 - (a) the state and efficiency of relevant authorities generally;
 - (b) the manner in which—
 - (i) a relevant authority is carrying out any of its functions under this Act;
or
 - (ii) relevant authorities are carrying out such functions generally;
 - (c) technical matters relating to a function of a relevant authority under this Act.
- (3) The Scottish Ministers shall lay a copy of each report submitted to them under subsection (1)(b) on the matter mentioned in subsection (2)(a) before the Scottish Parliament.

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Equipment, facilities and services

45 Directions for public safety purposes

- (1) Where the Scottish Ministers consider it necessary to do so for public safety purposes, they may make an order (a “property and facilities order”) giving general or specific directions to a relevant authority (or two or more such authorities) about the use or disposal of property or facilities.
- (2) A direction under subsection (1) given to an authority may in particular include provision—
 - (a) about the use or disposal by the authority of property or facilities belonging to it or under its control;
 - (b) about the use by the authority of property or facilities belonging to or under the control of—
 - (i) another relevant authority; or
 - (ii) a person who has made, or is willing to make, the property or facilities available;
 - (c) requiring payments to be made by the authority to—
 - (i) another relevant authority; or
 - (ii) any other person,
 in respect of the use of property or facilities.
- (3) In subsection (2)(b) a reference to property or facilities belonging to a person includes a reference to land occupied by the person.

46 Requirements concerning equipment and services

The Scottish Ministers may make an order requiring a relevant authority (or two or more such authorities)—

- (a) to use and maintain equipment—
 - (i) specified in the order; or
 - (ii) of a description so specified; or
- (b) to use services—
 - (i) so specified; or
 - (ii) of a description so specified.

47 Provision of equipment etc.

- (1) The Scottish Ministers may—
 - (a) provide and maintain any equipment, facilities and services;
 - (b) contribute to the provision and maintenance of any equipment, facilities and services;
 - (c) establish and maintain any organisations; or
 - (d) contribute to the establishment and maintenance of any organisations,
 they consider appropriate for promoting the economy, efficiency and effectiveness of relevant authorities.
- (2) Subject to subsection (3), charges may be imposed for the use of equipment, facilities and services—

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- (a) provided by the Scottish Ministers under subsection (1)(a); or
 - (b) provided by an organisation established or maintained by the Scottish Ministers under subsection (1)(c).
- (3) Any such charge shall not exceed the costs reasonably incurred in providing the equipment, facility or service to which it relates.

Training

48 Central institution and other centres for education and training

- (1) The Scottish Ministers may establish and maintain a central training institution for one or more of the purposes mentioned in subsection (2).
- (2) Those purposes are—
- (a) the provision of education and training to employees of relevant authorities;
 - (b) the provision of advice and assistance to relevant authorities in connection with the provision of such education and training;
 - (c) the supervision and regulation of the provision of such education and training;
 - (d) the provision of education and training to persons who provide (or are to provide) such education and training;
 - (e) the provision of education or training to persons who are not employees of relevant authorities in matters in relation to which relevant authorities have functions;
 - (f) the provision of advice and assistance in connection with the provision of such education and training.
- (3) The Scottish Ministers may make arrangements with a relevant authority for a centre established under section 15 to be used for one or more of the purposes mentioned in subsection (2).