



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2 **S**

#### FIRE AND RESCUE SERVICES

### [<sup>F1</sup>CHAPTER 8A **S**

#### PLANNING, REPORTS AND INFORMATION

#### *[<sup>F1</sup>Strategic plan*

#### Textual Amendments

- F1** Pt. 2 Ch. 8A heading and ss. 41A-41C inserted (1.10.2012 for the purpose of inserting s. 41A, 1.4.2013 so far as not already in force) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 114, 129(2)**; [S.S.I. 2012/253](#), **art. 2**, *Sch.* (with [art. 8\(1\)\(2\)](#)); [S.I. 2013/51](#), **art. 2**

#### 41A SFRS's first strategic plan **S**

- (1) SFRS must prepare a strategic plan.
- (2) A strategic plan is a plan—
  - (a) setting out how SFRS proposes to carry out its functions during the period of 3 years beginning with the day appointed by order under subsection (7),
  - (b) setting out outcomes by reference to which the carrying out of its functions may be measured, and
  - (c) including such other material relating to its functions or to a period other than the period mentioned in paragraph (a) as SFRS thinks fit.
- (3) Before preparing the strategic plan, SFRS must make arrangements for obtaining views on what the plan should contain from persons whom it considers likely to have an interest in how SFRS carries out its functions.
- (4) When preparing the strategic plan, SFRS must—
  - (a) have regard to the framework document,

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

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- (b) send a copy of a draft plan to the persons mentioned in subsection (5),
  - (c) invite the recipients to comment on the draft plan within such reasonable period as SFRS may specify, and
  - (d) have regard to any comments received within that period.
- (5) Those persons are—
- (a) each local authority,
  - (b) such persons as SFRS considers represent local authorities,
  - (c) such persons as SFRS considers represent employees of SFRS,
  - (d) such other persons as SFRS considers appropriate.
- (6) SFRS must submit the strategic plan prepared under subsection (1) to the Scottish Ministers for approval.
- (7) SFRS must use its best endeavours to secure the approval of the Scottish Ministers to the strategic plan (with or without modifications) before such day as the Scottish Ministers may by order appoint.
- (8) If the Scottish Ministers approve the strategic plan, SFRS must—
- (a) publish the plan, and
  - (b) lay before the Scottish Parliament a copy of the plan.

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

**C1** S. 41A(7): appointed day (29.4.2013) by [The Scottish Fire and Rescue Service \(Framework and Appointed Day for Strategic Plan\) Order 2013 \(S.S.I. 2013/97\)](#), arts. 1, 3

## **41B      Review of plan S**

- (1) This section applies where—
- (a) a strategic plan is approved under section 41A, or
  - (b) a new strategic plan is approved under subsection (4) or (6).
- (2) SFRS may at any time review the plan.
- (3) SFRS must review the plan—
- (a) if the Scottish Ministers make an order under section 40(4), and
  - (b) before the end of the period of 3 years to which the plan relates.
- (4) Following a review under subsection (2) or (3)(a), SFRS may prepare and submit to the Scottish Ministers for approval a new strategic plan.
- (5) If, following a review under subsection (3)(a), SFRS decides not to prepare a new strategic plan, it must notify the Scottish Ministers of that fact.
- (6) Following a review under subsection (3)(b), SFRS must, before the end of the period of 3 years mentioned in that subsection, prepare and submit to the Scottish Ministers for approval a new strategic plan.
- (7) A new strategic plan is a plan—
- (a) setting out how SFRS proposes to carry out its functions during the period of 3 years beginning with the plan commencement day,

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- (b) setting out outcomes by reference to which the carrying out of its functions may be measured, and
  - (c) including such other material relating to its functions or to a period other than the period mentioned in paragraph (a) as SFRS thinks fit.
- (8) Before preparing a new strategic plan, SFRS must make arrangements for obtaining views on what the plan should contain from persons whom it considers likely to have an interest in how SFRS carries out its functions.
- (9) When preparing a new strategic plan, SFRS must—
  - (a) have regard to the framework document,
  - (b) send a copy of a draft plan to the persons mentioned in section 41A(5),
  - (c) invite the recipients to comment on the draft plan within such reasonable period as SFRS may specify, and
  - (d) have regard to any comments received within that period.
- (10) SFRS must use its best endeavours to secure the approval of the Scottish Ministers to a new strategic plan (with or without modifications) before the plan commencement day for that plan.
- (11) If the Scottish Ministers approve a new strategic plan, SFRS must—
  - (a) publish the plan, and
  - (b) lay before the Scottish Parliament a copy of the plan.
- (12) In this section, “plan commencement day” means—
  - (a) in the case of a strategic plan prepared under subsection (4), the day 8 weeks after the day on which SFRS submits a new strategic plan to the Scottish Ministers (or such earlier day as SFRS and the Scottish Ministers may agree),
  - (b) in the case of a strategic plan prepared under subsection (6), the day after the end of the period of 3 years to which the previous strategic plan relates.

#### **41C SFRS's duty to have regard to approved plan S**

- (1) This section applies where a strategic plan or a new strategic plan has been approved by the Scottish Ministers under section 41A or, as the case may be, section 41B.
- (2) In carrying out its functions, SFRS must have regard to the strategic plan in so far as that plan is not inconsistent with the framework document.]

**Changes to legislation:**

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Heading: Strategic plan.