



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

#### [<sup>F1</sup>CHAPTER 8B

#### INSPECTION

#### *[<sup>F1</sup>Inspectors of SFRS*

#### Textual Amendments

- F1** Pt. 2 Ch. 8B inserted (1.1.2013 for specified purposes, 1.4.2013 so far as not already in force) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), **ss. 119**, 129(2); S.S.I. 2012/333, art. 2, Sch. (with Sch. 2 paras. 2(11)3); S.I. 2013/51, art. 2

#### 43A Inspectors of SFRS

- (1) Her Majesty may by Order in Council appoint—
  - (a) a Chief Inspector of the Scottish Fire and Rescue Service, and
  - (b) such number of Inspectors of the Scottish Fire and Rescue Service as the Scottish Ministers may determine.
- (2) The Scottish Ministers may appoint Assistant Inspectors of the Scottish Fire and Rescue Service.
- (3) The Scottish Ministers must pay to persons appointed under this section such remuneration as the Scottish Ministers may determine.
- (4) The Scottish Ministers may authorise an Inspector to carry out any of the functions conferred on the Chief Inspector by or under this Act or any other enactment if—
  - (a) there is a temporary vacancy in the office of Chief Inspector, or
  - (b) the Scottish Ministers consider that the Chief Inspector is temporarily unable to carry out the Chief Inspector's functions.

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

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- (5) A person who, immediately before the coming into force of section 119 of the Police and Fire Reform (Scotland) Act 2012 (asp 8), is by virtue of section 43—
- (a) the Chief Inspector of Fire and Rescue Authorities is taken to have been appointed under subsection (1)(a),
  - (b) an Inspector of Fire and Rescue Authorities is taken to have been appointed under subsection (1)(b), and
  - (c) an Assistant Inspector of Fire and Rescue Authorities is taken to have been appointed under subsection (2).
- (6) In this Act—
- “Chief Inspector” means a person appointed under subsection (1)(a), and
  - “Inspector” means a person appointed under subsection (1) or (2).

#### **43B      Inquiries by Inspectors**

- (1) An Inspector may inquire into a matter mentioned in subsection (3).
- (2) If directed to do so by the Scottish Ministers, an Inspector must inquire into a matter mentioned in subsection (3).
- (3) The matters are—
  - (a) the state and efficiency of SFRS,
  - (b) whether in carrying out its functions SFRS is complying with its duty under section 39A to make arrangements which secure best value,
  - (c) the manner in which SFRS is carrying out any of its functions.
- (4) In carrying out an inquiry under this section an Inspector may—
  - (a) require SFRS to provide any information or documents relating to the functions of SFRS that the Inspector may require,
  - (b) enter and inspect any premises which are used by SFRS,
  - (c) inspect any equipment which is used by SFRS.
- (5) If an Inspector exercises a power of entry by virtue of subsection (4)(b), the Inspector may—
  - (a) take onto the premises
    - (i) such other persons, and
    - (ii) such equipment,
 as the Inspector considers necessary,
  - (b) require any person present on the premises to provide the Inspector with any information or documents that the Inspector may reasonably request.
- (6) An Inspector may not under subsection (4)(b)—
  - (a) enter or inspect premises occupied as a private dwelling,
  - (b) enter premises by force.
- (7) SFRS must provide such facilities, assistance and co-operation as an Inspector may reasonably request for the purposes of, or in connection with, an inquiry under this section.

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#### **43C      Inquiries under section 43B(1): reports**

- (1) This section applies where an inquiry under section 43B(1) has been completed.
- (2) The Chief Inspector must give SFRS a report of the inquiry.
- (3) If a report given to SFRS under subsection (2) relates to a matter mentioned in section 43B(3)(a) or (b), the Chief Inspector must—
  - (a) as soon as is reasonably practicable after giving the report to SFRS, give the Scottish Ministers a copy of the report, and
  - (b) give the Scottish Ministers any other information relating to the inquiry that they may request.
- (4) If a report given to SFRS under subsection (2) does not relate to a matter mentioned in section 43B(3)(a) or (b), the Chief Inspector—
  - (a) may give the Scottish Ministers a copy of the report if the Chief Inspector thinks fit,
  - (b) may give the Scottish Ministers any other information in relation to the report that the Chief Inspector thinks fit,
  - (c) must give the Scottish Ministers any information relating to the inquiry that the Scottish Ministers may request.
- (5) The Chief Inspector must lay before the Scottish Parliament a copy of a report given to the Scottish Ministers under subsection (3)(a).

#### **43D      Inquiries under section 43B(2): reports**

- (1) This section applies where an inquiry under section 43B(2) has been completed.
- (2) The Chief Inspector must give the Scottish Ministers—
  - (a) a report of the inquiry, and
  - (b) any other information relating to the inquiry that the Scottish Ministers may request.
- (3) As soon as is reasonably practicable after giving the report to the Scottish Ministers under subsection (2)(a), the Chief Inspector must give a copy of the report to SFRS.
- (4) The Scottish Ministers must lay before the Scottish Parliament a copy of the report given to them under subsection (2)(a).

#### **43E      Inquiry reports: duties of SFRS**

In carrying out its functions, SFRS must have regard to a report given to it under section 43C(2) or 43D(3) and, having done so, must take such measures (if any) as it thinks fit in relation to the report.

#### **43F      Chief Inspector's plan**

- (1) The Chief Inspector must prepare a plan setting out—
  - (a) priorities for inquiries to be carried out by Inspectors, and
  - (b) information on how inquiries will be carried out in a way which is proportionate, accountable and transparent.
- (2) The Chief Inspector—

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- (a) must keep the plan under review, and
  - (b) may from time to time revise the plan.
- (3) The Chief Inspector must, in preparing a plan (and any revised plan), consult such persons as the Chief Inspector considers appropriate.
- (4) The Chief Inspector must publish the plan (and any revised plan) in such manner as the Chief Inspector thinks fit.]

**Changes to legislation:**

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