



Fire (Scotland) Act 2005

2005 asp 5

PART 3 **S**

FIRE SAFETY

CHAPTER 1 **S**

FIRE SAFETY DUTIES

Duties

53 Duties of employers to employees **S**

- (1) Each employer shall ensure, so far as is reasonably practicable, the safety of the employer's employees in respect of harm caused by fire in the workplace.
- (2) Each employer shall—
 - (a) carry out an assessment of the workplace for the purpose of identifying any risks to the safety of the employer's employees in respect of harm caused by fire in the workplace;
 - (b) take in relation to the workplace such of the fire safety measures as are necessary to enable the employer to comply with the duty imposed by subsection (1).
- (3) Where under subsection (2)(a) an employer carries out an assessment, the employer shall—
 - (a) in accordance with regulations under section 57, review the assessment; and
 - (b) take in relation to the workplace such of the fire safety measures as are necessary to enable the employer to comply with the duty imposed by subsection (1).
- (4) Schedule 2 makes provision as to the fire safety measures.

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

54 Duties in relation to relevant premises **S**

- (1) Where a person has control to any extent of relevant premises the person shall, to that extent, comply with subsection (2).
- (2) The person shall—
 - (a) carry out an assessment of the relevant premises for the purpose of identifying any risks to the safety of relevant persons in respect of harm caused by fire in the relevant premises; and
 - (b) take in relation to the relevant premises such of the fire safety measures as in all the circumstances it is reasonable for a person in his position to take to ensure the safety of relevant persons in respect of harm caused by fire in the relevant premises.
- (3) If a person falls within subsection (1) other than by virtue of—
 - (a) having control to any extent of relevant premises in connection with the carrying on by the person (whether for profit or not) of an undertaking; or
 - (b) owning relevant premises,the person who owns the relevant premises shall also comply with subsection (2).
- (4) A person who has, by virtue of a contract or tenancy, an obligation of any extent in relation to—
 - (a) the maintenance or repair of—
 - (i) relevant premises; or
 - (ii) anything in relevant premises; or
 - (b) safety in respect of harm caused by fire in relevant premises,shall also comply, to the extent of the obligation, with subsection (2).
- (5) Where under subsection (2)(a) a person carries out an assessment, the person shall—
 - (a) in accordance with regulations under section 57, review the assessment; and
 - (b) take in relation to the relevant premises such of the fire safety measures as in all the circumstances it is reasonable for a person in his position to take to ensure the safety of relevant persons in respect of harm caused by fire in the relevant premises.

55 Taking of measures under section 53 or 54: considerations **S**

- (1) Subsection (2) applies where under section 53(2)(b) or (3)(b) or 54(2)(b) or (5)(b) a person is required to take any fire safety measures.
- (2) The person shall implement the fire safety measures on the basis of the considerations mentioned in subsection (3).
- (3) Those considerations are—
 - (a) avoiding risks;
 - (b) evaluating risks which cannot be avoided;
 - (c) combating risks at source;
 - (d) adapting to technical progress;
 - (e) replacing the dangerous with the non-dangerous or the less dangerous;
 - (f) developing a coherent overall fire prevention policy which covers technology, organisation of work and the influence of factors relating to the working environment;

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- (g) giving collective fire safety protective measures priority over individual measures; and
- (h) giving appropriate instructions to employees.

56 Duties of employees **S**

Each employee shall while at work—

- (a) take reasonable care for the safety in respect of harm caused by fire of—
 - (i) the employee; and
 - (ii) any other relevant person who may be affected by acts or omissions of the employee; and
- (b) in relation to any requirement imposed by virtue of this Part on the employee's employer, co-operate with the employer in so far as is necessary for the purpose of enabling the employer to comply with the requirement.

Changes to legislation:

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