



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 4

#### MISCELLANEOUS

#### 80 Inquiries

The Scottish Ministers may cause an inquiry to be held into—

- (a) the manner in which [<sup>F1</sup>SFRS] is carrying out any of its functions under this Act;
- (b) the circumstances of, or the steps taken to deal with—
  - (i) a fire;
  - (ii) a road traffic accident; or
  - (iii) an emergency of another kind in relation to which [<sup>F2</sup>SFRS] has functions under this Act.

#### Textual Amendments

- F1** Word in s. 80(a) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(23\)](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)
- F2** Word in s. 80(b)(iii) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(23\)](#); S.S.I. 2013/51, [art. 2](#) (with transitional provisions and savings in S.S.I. 2013/121)

#### 81 Inquiries: supplementary

- (1) The Scottish Ministers may by regulations make provision in connection with inquiries under this Act.
- (2) The reference in subsection (1) to inquiries does not include inquiries mentioned in section [<sup>F3</sup>43B].
- (3) Regulations under subsection (1) may in particular make provision for or in connection with—
  - (a) the persons who may conduct an inquiry and their appointment to do so;

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*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Part 4. (See end of Document for details)*

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- (b) the giving of notice of an inquiry;
- (c) requiring persons to attend an inquiry—
  - (i) to give evidence; or
  - (ii) to produce documents;
- (d) the taking of evidence on oath;
- (e) the payment of expenses—
  - (i) of witnesses; and
  - (ii) of or concerning the production of documents;
- (f) the making of awards of expenses in respect of—
  - (i) an inquiry; or
  - (ii) arrangements made for an inquiry which does not take place;
- (g) what expenses may be included in such awards;
- (h) how expenses are to be calculated; and
- (i) recovery of expenses.

#### **Textual Amendments**

- F3** Word in s. 81(2) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(24\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

### *Consultation requirements*

#### **82 Pre-commencement consultation**

Where—

- (a) consultation is required to take place under a provision of this Act; and
- (b) before the provision comes into force, consultation takes place which would have satisfied the requirements of the provision to any extent if it had been in force,

those requirements shall be taken to have been satisfied to that extent.

### *Advisory bodies*

#### **83 Payments in respect of advisory bodies**

- (1) The Scottish Ministers may make any payments they consider appropriate in respect of the expenses of a body established for the purpose of advising them on any matter in relation to which provision is made by this Act.
- (2) The Scottish Ministers may make a payment under this section—
  - (a) to any person; and
  - (b) subject to any conditions,
 they consider appropriate.

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## 84 Abolition of Scottish Central Fire Brigades Advisory Council

The Scottish Central Fire Brigades Advisory Council is hereby abolished.

### *False alarms*

## 85 False alarms

- (1) A person who knowingly gives or causes to be given to a person acting on behalf of [F4SFRS] a false alarm of—
- (a) fire;
  - (b) a road traffic accident; or
  - (c) an emergency of another kind,
- shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction—
- (a) to a fine not exceeding level 5 on the standard scale;
  - (b) to imprisonment for a term not exceeding 3 months; or
  - (c) to both.

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### Textual Amendments

- F4** Word in s. 85(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(25\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

### *Disposal of land*

## 86 Disposal of land

[F5SFRS] may sell or dispose of any land vested in it which is no longer required by it.

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### Textual Amendments

- F5** Word in s. 86 substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 68\(26\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Part 4.