



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 2

#### FIRE AND RESCUE SERVICES

### CHAPTER 3

#### ANCILLARY FUNCTIONS

## 16 Charging

- (1) The Scottish Ministers may by order (a “charging order”) authorise a relevant authority to charge a person of a description specified in the order for any action so specified taken by the authority.
- (2) A charging order may authorise a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by the authority.
- (3) A charging order may authorise charging for—
  - (a) extinguishing fires;
  - (b) protecting life; or
  - (c) protecting property in the event of fires,only in respect of action taken by the authority at sea (or, if the authority's area extends to the low water mark, action taken at sea outwith its area).
- (4) Where a relevant authority authorised by a charging order to charge for taking action of a particular description decides to do so—
  - (a) the amount of the charge shall be set by the authority;
  - (b) different amounts may be charged in different circumstances (and the authority may charge nothing).
- (5) In setting the amount of a charge, a relevant authority shall secure that, taking one financial year with another, the authority's income from charges does not exceed the cost to the authority of taking the action for which the charges are imposed.
- (6) In subsection (5) “financial year” means the period of 12 months ending on 31 March.

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*Status: Point in time view as at 02/08/2005. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 16. (See end of Document for details)*

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[<sup>F1</sup>(7) The references in subsection (3) to “sea” include—

- (a) that part of the territorial sea of the United Kingdom which is not adjacent to Scotland; and
- (b) sea beyond the territorial sea of the United Kingdom.<sup>F1</sup>]

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**Textual Amendments**

- F1** S. 16(7) inserted (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005](#) (S.I. 2005/2060), arts. 1(2)(b), **2(2)**; S.S.I. 2005/392, **art. 2(c)(d)**

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**Commencement Information**

- I1** S. 16 wholly in force at 2.8.2005; s. 16 not in force at Royal Assent see s. 90; s. 16 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), **art. 3**; s. 16 in force at 2.8.2005 in so far as not already in force by [S.S.I. 2005/392](#), **art. 2(b)**

**Status:**

Point in time view as at 02/08/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 16.