



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 3

#### FIRE SAFETY

### CHAPTER 2

#### ENFORCEMENT

#### **61 Enforcing authorities**

- (1) Each enforcing authority shall enforce the Chapter 1 duties.
- (2) In carrying out the duty imposed by subsection (1), an enforcing authority shall have regard to any guidance given by the Scottish Ministers.
- (3) For the purpose of carrying out the duty imposed by subsection (1), an enforcing authority may appoint enforcement officers.
- (4) If the enforcing authority is the person appointed under section 43(1)(a), the authority may, subject to subsection (5), appoint under subsection (3) a person who has been appointed under subsection (3) as an enforcement officer by a relevant authority.
- (5) A person may be appointed by virtue of subsection (4) only if—
  - (a) the appointment is made with the consent of the relevant authority concerned; and
  - (b) the appointment is made in writing.
- (6) Subsection (1) does not authorise an enforcing authority to institute proceedings for an offence.
- (7) A relevant authority may make arrangements with the Health and Safety Commission for such of the functions conferred on the authority by virtue of this Part as may be specified in the arrangements to be carried out (with or without payment) on its behalf by the Health and Safety Executive in relation to a workplace so specified.
- (8) A relevant authority may make arrangements with a person prescribed in regulations by the Scottish Ministers for such of the functions conferred on the authority by virtue

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*Status: This is the original version (as it was originally enacted).*

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of this Part as may be specified in the arrangements to be carried out (with or without payment) on its behalf by the person in relation to a workplace so specified.

- (9) In this section, “enforcing authority” means—
- (a) in relation to relevant premises which are—
    - (i) a sports ground designated in an order under section 1 of the Safety of Sports Grounds Act 1975 (c. 52) (safety certificates for large sports stadia);
    - (ii) a sports ground to which Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27) applies; or
    - (iii) a regulated stand within the meaning of section 26(5) of that Act of 1987 (safety certificates for stands at certain sports grounds),the local authority in whose area the relevant premises are situated;
  - (b) in relation to relevant premises in respect of which—
    - (i) the Crown; or
    - (ii) the United Kingdom Atomic Energy Authority,is subject to any of the Chapter 1 duties, the person appointed under section 43(1)(a);
  - (c) in relation to any other relevant premises, the relevant authority in whose area the relevant premises are, or are to be, situated.
- (10) The Scottish Ministers may by regulations modify subsection (9).