



# Fire (Scotland) Act 2005

## 2005 asp 5

### PART 3

#### FIRE SAFETY

### CHAPTER 2

#### ENFORCEMENT

#### 65 Alterations notices

- (1) Where subsection (2) or (3) applies in relation to relevant premises, the enforcing authority may serve an alterations notice on the appropriate person.
- (2) This subsection applies where there would be a serious risk to relevant persons in respect of harm caused by fire in the relevant premises.
- (3) This subsection applies where—
  - (a) subsection (2) does not apply; but
  - (b) if any of the changes mentioned in subsection (5) were made, it is likely that subsection (2) would apply.
- (4) An alterations notice is a notice requiring the appropriate person where—
  - (a) it is proposed that a change mentioned in subsection (5) be made to the relevant premises; and
  - (b) if made, the change would constitute a serious risk to relevant persons in respect of harm caused by fire in the relevant premises,to notify the enforcing authority of the change before it is made.
- (5) Those changes are—
  - (a) a change to the relevant premises;
  - (b) a change to the services, fittings or equipment on the relevant premises;
  - (c) an increase in the quantities of dangerous substances which are present on the relevant premises; and

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*Status: This is the original version (as it was originally enacted).*

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- (d) a change in the use to which the relevant premises are put (or, where they are put to more than one use, a use to which they are put).
- (6) An enforcing authority may include in an alterations notice provision requiring the appropriate person—
- (a) to keep records of such information as, by virtue of paragraph (d) of subsection (2) of section 57, is specified in regulations under subsection (1) of that section;
  - (b) to keep records of arrangements made, in accordance with regulations under section 58(1), for the planning, organisation, control, monitoring or review of the fire safety measures;
  - (c) if notifying the authority of a proposed change, to give the authority—
    - (i) a copy of the assessment carried out under section 53 or, as the case may be, 54; and
    - (ii) a summary of the changes the appropriate person proposes to make to the fire safety measures.
- (7) Where an enforcing authority serves an alterations notice on an appropriate person, the authority may, by notice in writing to the appropriate person, withdraw the alterations notice.
- (8) In this section, “appropriate person”, in relation to relevant premises, means a person subject to a requirement under section 53 or 54 in relation to the relevant premises.