

Fire (Scotland) Act 2005

2005 asp 5

PART 3

FIRE SAFETY

CHAPTER 2

ENFORCEMENT

67 Determination of disputes

- (1) Where—
 - (a) an enforcing authority considers that a person has failed to comply with any of the Chapter 1 duties; but
 - (b) in relation to the duty in question the person and the enforcing authority cannot agree on the action that requires to be taken to comply with the duty,the person and the authority may, subject to subsection (2), refer the matter to the person appointed under section 43(1)(a) for determination.
- (2) If the enforcing authority is the person appointed under section 43(1)(a), the matter may be referred to the Scottish Ministers for determination.
- (3) The Scottish Ministers may by regulations make provision about references under this section.
- (4) Subject to subsection (5), where a determination is made by virtue of subsection (1) or (2), the enforcing authority may not—
 - (a) serve an enforcement notice; or
 - (b) include in such a notice directions,if the notice or, as the case may be, the directions would conflict with the determination.
- (5) Subsection (4) shall not apply if, after the date of the determination, the risk to relevant persons significantly increases because a change is made to—
 - (a) the relevant premises; or
 - (b) the use to which they are put.