



Fire (Scotland) Act 2005

2005 asp 5

PART 3

FIRE SAFETY

CHAPTER 5

GENERAL

78 Meaning of “relevant premises”

- (1) In this Part, “relevant premises” means any premises other than those mentioned in subsection (2).
- (2) Those premises are—
- (a) domestic premises;
 - (b) ^{F1} ... ^{F2} ... mines and offshore installations;
 - [^{F3}(ba) ships in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master;]
 - ^{F4}(c)
 - (d) borehole sites to which the Borehole Sites and Operations Regulations 1995 (S.I. 1995/2038) apply;
 - ^{F5}(e)
 - ^{F5}(f)
 - ^{F5}(g)
 - (h) if the undertaking carried on in premises is agriculture or forestry, any land other than buildings which is situated away from the undertaking's buildings.
- (3) For the purposes of subsection (1), “premises” includes in particular—
- (a) any place;
 - (b) any installation on land;
 - [^{F6}(ba) ships (other than as mentioned in subsection (2)(ba));
 - (bb) premises occupied solely for the purposes of the armed forces of the Crown;

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- (bc) premises occupied solely by any visiting force or an international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 (c. 5);
 - (bd) premises which are situated within premises occupied solely for the purposes of the armed forces of the Crown but which are not themselves so occupied;]
 - (c) any tent or movable structure; and
 - (d) vehicles other than those mentioned in subsection (6).
- (4) In paragraph (a) of subsection (2), “domestic premises” means premises occupied as a private dwelling (including a stair, passage, garden, yard, garage, outhouse or other appurtenance of such premises which is used in common by the occupants of more than one such dwelling); but does not include premises such as are mentioned in subsection (5).
- (5) Those premises are—
- (a) [^{F7}a house or other premises which require][^{F8}to be licensed under Part 5 of the Housing (Scotland) Act 2006 (asp 1)];
 - (b) premises used for the provision of a care home service (as defined in [^{F9}paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010](asp 8));
 - (c) premises used for the provision of a school care accommodation service (as defined in [^{F10}paragraph 3 of schedule 12 to the Public Services Reform (Scotland) Act 2010 except where the service is provided as mentioned in subparagraph (1)(c)(ii) of that paragraph;]
 - (d) premises used for the provision of an independent health care service (as defined in [^{F11}section 10F(1) (a) - (d) of the National Health Service (Scotland) Act 1978]);
 - (e) premises used for the provision of a secure accommodation service (as defined in [^{F12}paragraph 6 of schedule 12 to the Public Services Reform (Scotland) Act 2010]);
 - ^{F13}(f)
 - (g) premises which would fall within paragraph (a) but for there being in force in respect of them a management control order granted by virtue of section 74 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8);
 - [^{F14}(h) premises used for the provision of a child minding service (as defined in paragraph 12 of schedule 12 to the Public Services Reform (Scotland) Act 2010).]
- [^{F15}(5A) In subsection (2)(ba) “normal ship-board activities” includes the repair of a ship (other than repair carried out in dry dock).]
- (6) The vehicles referred to in subsection (3)(d) are—
- (a) any aircraft, locomotive, rolling stock, trailer or semi-trailer used as a means of transport;
 - (b) any vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 (c. 22);
 - (c) any vehicle which is exempt from duty under that Act.
- (7) References in this Part to relevant premises include references to a part of relevant premises.
- (8) The Scottish Ministers may by regulations modify subsections (1) to (6).

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- (9) Where the Scottish Ministers exercise the power in subsection (8), they may by regulations make any modifications of this Part in its application, in consequence of the exercise of that power, to relevant premises specified in the regulations under that subsection that they consider necessary or expedient.

Textual Amendments

- F1** Words in s. 78(2)(b) omitted (15.6.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Relevant Premises\) Regulations 2005 \(S.S.I. 2005/352\)](#), **reg. 2(a)**
- F2** Words in s. 78(2)(b) omitted (22.7.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(a)(i)**
- F3** S. 78(2)(ba) inserted (22.7.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(a)(ii)**
- F4** S. 78(2)(c) omitted (15.6.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Relevant Premises\) Regulations 2005 \(S.S.I. 2005/352\)](#), **reg. 2(b)**
- F5** S. 78(2)(e)-(g) omitted (22.7.2005) by virtue of [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(a)(iii)**
- F6** S. 78(3)(ba)-(bd) inserted (22.7.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(b)**
- F7** Words in s. 78(5)(a) substituted (29.11.2012) by [The Fire \(Scotland\) Act 2005 \(Relevant Premises\) Regulations 2012 \(S.S.I. 2012/332\)](#), regs. 1, **2(a)**
- F8** Words in s. 78(5)(a) substituted (31.8.2011) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), ss. 192(1), 195, **Sch. 6 para. 23** (with s. 193); S.S.I. 2010/159, **art. 3** (with art. 6)
- F9** Words in s. 78(5)(b) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 2, **Sch. 1 para. 15**
- F10** Words in s. 78(5)(c) substituted (26.10.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) \(No. 2\) Order 2011 \(S.S.I. 2011/369\)](#), arts. 1, **2(a)**
- F11** Words in s. 78(5)(d) substituted (26.10.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) \(No. 2\) Order 2011 \(S.S.I. 2011/369\)](#), arts. 1, **2(b)**
- F12** Words in s. 78(5)(e) substituted (26.10.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) \(No. 2\) Order 2011 \(S.S.I. 2011/369\)](#), arts. 1, **2(c)**
- F13** S. 78(5)(f) repealed (31.8.2011) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), ss. 192(2), 195, **Sch. 7** (with s. 193); S.S.I. 2010/159, **art. 3**
- F14** S. 78(5)(h) inserted (29.11.2012) by [The Fire \(Scotland\) Act 2005 \(Relevant Premises\) Regulations 2012 \(S.S.I. 2012/332\)](#), regs. 1, **2(b)**
- F15** S. 78(5A) inserted (22.7.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2005 \(S.I. 2005/2060\)](#), arts. 1(2)(d)(e), **2(8)(c)**

Commencement Information

- I1** S. 78 wholly in force at 1.10.2006; s. 78 not in force at Royal Assent see s. 90; s. 78 in force for certain purposes at 6.4.2005 by [S.S.I. 2005/207](#), **art. 3**; s. 78 in force at 1.10.2006 in so far as not already in force by [S.S.I. 2006/458](#), **art. 2(e)**

Changes to legislation:

There are currently no known outstanding effects for the Fire (Scotland) Act 2005, Section 78.