



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) construction sites, ships and hovercraft, mines and offshore installations;
 - (c) premises which, on 1 July 1999, were of a description specified in Part I of Schedule 1 to the Fire Certificates (Special Premises) Regulations 1976 ([S.I. 1976/2003](#));
 - (d) borehole sites to which the Borehole Sites and Operations Regulations 1995 ([S.I. 1995/2038](#)) apply;
 - (e) premises occupied solely for the purposes of the armed forces of the Crown;
 - (f) 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 \(c. 5\)](#);
 - (g) 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;
 - (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;
 - (c) any tent or movable structure; and

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- (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) a house as respects which the giving of permission to occupy it is an activity for which a licence under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000 ([S.S.I. 2000/177](#)) is required;
 - (b) premises used for the provision of a care home service (as defined in subsection (3) of section 2 of the Regulation of Care (Scotland) Act 2001 ([asp 8](#)));
 - (c) premises used for the provision of a school care accommodation service (as defined in subsection (4) of that section);
 - (d) premises used for the provision of an independent health care service (as defined in subsection (5) of that section);
 - (e) premises used for the provision of a secure accommodation service (as defined in subsection (9) of that section);
 - (f) premises which would fall within paragraph (a) but for there being in force in respect of them a control order under section 178 of the Housing (Scotland) Act 1987 ([c. 26](#)); and
 - (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](#)).
- (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).
- (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.