

*These notes relate to the Emergency Workers (Scotland) Act 2005 (asp 2) which received Royal Assent on 1 February 2005*

# **EMERGENCY WORKERS (SCOTLAND) ACT 2005**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 8 – Power to modify***

36. If there are categories of worker which are not included in sections 1(3), 2(3) or 5(3), they can be brought within the protection of the Act by the operation of this power.
37. This power may also be used to remove a category of worker from sections 1(3), 2(3) or 5(3) of the Act.
38. Similarly, this power can be used to move a category of worker from one section of the Act to another. For example, a category of worker currently listed in section 2(3) of the Act, and so protected when responding to emergency circumstances, might be moved to section 1(3), so that the Act's protection was extended to them whenever they were on duty.
39. The exercise of the power under section 8 is subject to the test set out in subsection (2).