



Fire (Scotland) Act 2005

2005 asp 5

PART 2

FIRE AND RESCUE SERVICES

CHAPTER 6

MUTUAL ASSISTANCE ETC.

Assistance in discharge of functions

33 Reinforcement schemes

- (1) Each relevant authority shall, so far as practicable, enter into a reinforcement scheme with other relevant authorities.
- (2) A reinforcement scheme is a scheme for securing mutual assistance as between the relevant authorities participating in it for the purpose of carrying out the functions conferred by virtue of sections 9 to 11 on any of them.
- (3) A reinforcement scheme may make provision for apportioning between the participating authorities any expenses incurred in taking measures to secure the efficient operation of the scheme.
- (4) The participating authorities shall notify the Scottish Ministers of—
 - (a) the making of the scheme;
 - (b) any variation of the scheme; and
 - (c) the revocation of the scheme.
- (5) The participating authorities shall give effect to the scheme.

34 Directions about reinforcement schemes

- (1) Where subsection (2) applies, the Scottish Ministers may direct two or more relevant authorities to make a reinforcement scheme in the terms specified in the direction.

Status: This is the original version (as it was originally enacted).

- (2) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the making of the scheme;
 - (b) the authorities are unable to agree as to—
 - (i) that matter; or
 - (ii) the terms proposed for the scheme; and
 - (c) one of them asks the Scottish Ministers to make such a direction.
- (3) Where subsection (4) applies, the Scottish Ministers may direct the relevant authorities participating in a reinforcement scheme to vary the scheme in the terms specified in the direction.
- (4) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the variation of the scheme;
 - (b) the authorities are unable to agree as to that matter; and
 - (c) one of them asks the Scottish Ministers to make such a direction.
- (5) Where subsection (6) applies, the Scottish Ministers may direct the relevant authorities participating in a reinforcement scheme to revoke the scheme.
- (6) This subsection applies where—
- (a) one of the authorities has asked the other (or others) to agree to the revocation of the scheme;
 - (b) the authorities are unable to agree as to that matter; and
 - (c) one of them asks the Scottish Ministers to make such a direction.
- (7) Before giving a direction under this section, the Scottish Ministers—
- (a) shall give the authorities concerned an opportunity to make representations; and
 - (b) may cause an inquiry to be held.
- (8) A direction given under this section may be varied or revoked by a further such direction.
- (9) In this section “reinforcement scheme” has the meaning given by section 33(2).

35 Assistance other than from relevant authorities

- (1) A relevant authority may enter into arrangements with a relevant person for securing the provision by that person of assistance for the purpose of the carrying out by the authority of a function conferred on it by virtue of any of sections 8 to 11, 13 and 61.
- (2) In subsection (1) “relevant person” means a person who—
- (a) is not a relevant authority; and
 - (b) in the case of arrangements for the securing of assistance for the purpose of extinguishing fires—
 - (i) employs fire-fighters; or
 - (ii) is approved for that purpose by the Chief Officer of a relevant authority.

- (3) Arrangements under this section may include provision as to the terms (including terms as to payment) on which assistance is to be provided.

Performance of functions by others

36 Arrangements for carrying out of functions by others

- (1) A relevant authority may enter into arrangements with a relevant person for the carrying out by that person of a function conferred on the authority by virtue of any of sections 8 to 11, 13 and 61.
- (2) In subsection (1) “relevant person” means—
- (a) in the case of arrangements in relation to the authority’s function of extinguishing fires—
 - (i) another relevant authority; or
 - (ii) any other person who employs fire-fighters;
 - (b) in any other case—
 - (i) another relevant authority; or
 - (ii) any other person.
- (3) Arrangements under this section may include provision as to the terms (including terms as to payment) on which any function is to be carried out.

37 Section 36: directions

- (1) The Scottish Ministers may—
- (a) direct two relevant authorities to enter into arrangements under section 36; or
 - (b) direct two relevant authorities who have entered into such arrangements—
 - (i) to vary the arrangements in the terms specified in the direction; or
 - (ii) to terminate the arrangements.
- (2) Before giving a direction under this section, the Scottish Ministers—
- (a) shall give the authorities concerned an opportunity to make representations; and
 - (b) may cause an inquiry to be held.
- (3) The Scottish Ministers may give a direction under this section only where, after considering—
- (a) any representations made under subsection (2)(a); and
 - (b) the report of any person by whom any inquiry under subsection (2)(b) is held, they consider it expedient to do so with a view to securing greater economy, efficiency and effectiveness.
- (4) A direction given under this section may be varied or revoked by a further such direction.