Status: *Point in time view as at 02/08/2005.*
Changes to legislation: *Fire (Scotland) Act 2005, SCHEDULE 3 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 08/08/2012

SCHEDULE 3

(introduced by section 89(1))

MINOR AND CONSEQUENTIAL AMENDMENTS

The Civil Defence Act 1948 (c. 5)

1 (1) The Civil Defence Act 1948 shall be amended as follows.

(2) In subsection (1)(b) of section 1 (civil defence functions of Ministers), for "fire brigades" substitute " employees of relevant authorities (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) ".

(3) In section 5(civil defence obligations)—

(a) for "and fire brigades" substitute " , employees of relevant authorities (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ";

(b) the words "and brigades" are repealed; and

(c) for "respectively" substitute " and by employees of relevant authorities (as so defined) ".

(4) In section 9(1)(interpretation) the definition of "fire brigade" is repealed.

The Pipe-lines Act 1962 (c. 58)

2 In section 37 of the Pipe-lines Act 1962 (persons to be notified of certain pipe-line accidents)—

(a) in each of subsections (1)(a) and (2)(a), after "fire" insert " and rescue authority "; and

(b) in subsection (4), for paragraph (a) substitute—

"(a) "fire and rescue authority", in relation to any area, means a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) for the area;".

The Gas Act 1965 (c. 36)

3 (1) The Gas Act 1965 shall be amended as follows.

(2) In section 17 (provisions in relation to gas-related accidents), in subsection (5)(a) for "fire authority" substitute " fire and rescue authority ".

(3) In section 28(1) (interpretation), for the definition of "fire authority" substitute—

""fire and rescue authority" means a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5);".

The Transport Act 1968 (c. 73)

4 In section 102(4) of the Transport Act 1968 (application to the Crown and exemptions)—

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(a) the words "or fire brigade" are repealed; and

(b) after "purposes" insert " or for or in connection with the exercise of any function of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ".

The Local Government (Scotland) Act 1973 (c. 65)

5 In section 63A of the Local Government (Scotland) Act 1973 (disapplication of sections 62A to 62C in relation to fire authorities), after "fire" insert " and rescue ".

The Control of Pollution Act 1974 (c. 40)

6 In subsection (2)(a) of section 62 of the Control of Pollution Act 1974 (restrictions on use of loudspeakers in streets)—

(a) the words ", fire brigade" are repealed; and

(b) after "purposes," insert " for or in connection with the exercise of any function of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)), ".

The Local Government (Scotland) Act 1975 (c. 30)

7 (1) The Local Government (Scotland) Act 1975 shall be amended as follows.

(2) For paragraph (a) of section 23(2) (authorities subject to investigation) substitute—

"(a) any joint fire and rescue board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005 (asp 5);".

(3) In subsection (3)(b) of section 29A (consideration of adverse reports), for "fire" substitute " joint fire and rescue boards ".

The Licensing (Scotland) Act 1976 (c. 66)

8 (1) The Licensing (Scotland) Act 1976 shall be amended as follows.

(2) In each of—

(a) subsection (1)(e) of section 16 (objections in relation to licence applications);

(b) subsections (5) and (6) of section 23 (special provisions relating to applications for a new licence);

(c) subsection (1) of section 24 (special provisions relating to applications for renewal of a licence);

(d) subsection (3) of section 35 (consent of licensing board required for works to certain licensed premises); and

(e) subsection (2)(c) of section 105 (procedure on application for grant or renewal of registration),

after "fire" insert " and rescue ".

(3) In subsection (1) of section 139 (interpretation), for the definition of "fire authority" substitute—

""fire and rescue authority" means a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5));".

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The Water (Scotland) Act 1980 (c. 45)

9 (1) The Water (Scotland) Act 1980 shall be amended as follows.

(2) In section 109(1) (interpretation), in the definition of "fire authority" for the words from "has" to the end substitute " means a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) ".

(3) In section 1(1) of Schedule 4 (provisions incorporated in orders relating to water undertakings), in the definition of "fire authority" for the words from "has" to the end substitute " means a relevant authority as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5) ".

The Local Government, Planning and Land Act 1980 (c. 65)

10 In subsection (1) of section 2 of the Local Government, Planning and Land Act 1980 (local authorities to whom a duty to publish information applies), for paragraph (h) substitute—

"(h) a joint fire and rescue board constituted by an amalgamation scheme under section 2 of the Fire (Scotland) Act 2005 (asp 5);".

The Civic Government (Scotland) Act 1982 (c. 45)

11 In section 54 of the Civic Government (Scotland) Act 1982 (playing instruments, singing, playing radios etc.)—

(a) in paragraph (a) of subsection (3), for "fire brigade" substitute " fire-fighting "; and

(b) after that subsection insert—

"(4) In subsection (3)(a), the reference to fire-fighting purposes is a reference to—

(a) the purposes of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)); or

(b) fire-fighting functions of any other employer of fire-fighters.".

The Road Traffic Regulation Act 1984 (c. 27)

12 In section 87 of the Road Traffic Regulation Act 1984 (exemptions from speed limits)—

(a) the words "fire brigade," shall be repealed; and

(b) after "purposes" insert " or for or in connection with the exercise of any function of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ".

The Housing (Scotland) Act 1987 (c. 26)

13 In section 82 of the Housing (Scotland) Act 1987 (interpretation of Part III of Act), in the definition of "fire authority", for the words from "fire", where it secondly occurs, to the end, substitute " relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)); ".

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The Housing (Scotland) Act 1988 (c. 43)

14 In the Housing (Scotland) Act 1988—

(a) for sub-paragraph (vii) of subsection (3)(a) of section 43 (conditions necessary to make a tenancy a housing association tenancy or secure tenancy) substitute—

"(vii) a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5);"; and

(b) for paragraph (g) of subsection (4) of section 45 (certain tenancies not to be capable of being protected or secure tenancies) substitute—

"(g) a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5);".

The Tay Road Bridge Order Confirmation Act 1991 (c.iv)

15 In the Schedule (Provisional Order confirmed by Act) to the Tay Road Bridge Order Confirmation Act 1991, in paragraph (b) of subsection (2) of section 54, for the words from "a" where it first occurs to the end of that paragraph substitute " an employee of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ".

The Strathclyde Regional Council Order Confirmation Act 1991 (c.xx)

16 In the Schedule to the Strathclyde Regional Council Order Confirmation Act 1991, in paragraph (a) of subsection (8) of section 3—

(a) the word ", fire" shall be repealed; and

(b) after "services" insert " , or by a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ".

The Local Government etc. (Scotland) Act 1994 (c. 39)

17 In subsection (4) of section 43 (guidance as to exercise of traffic powers) of the Local Government etc. (Scotland) Act 1994, for paragraph (b) substitute—

"(b) the relevant authorities (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5));".

The Merchant Shipping Act 1995 (c. 21)

18 In section 135(1) of the Merchant Shipping Act 1995 (restrictions on transfer of oil at night), for "fire brigade" substitute " relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) or any other employer of fire-fighters ".

The Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996 (c.xii)

19 In the Schedule to the Scottish Borders Council (Jim Clark Memorial Rally) Order Confirmation Act 1996, in subsection (9) of section 6 for "the fire service" substitute " a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) ".

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The Housing (Scotland) Act 2001 (asp 10)

20 In paragraph 2 of schedule 1 to the Housing (Scotland) Act 2001 (tenancies which are not Scottish secure tenancies)—

(a) in sub-paragraph (b), for the words from "a" where it first occurs to "(c.41)" substitute " an employee of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)) "; and

(b) in sub-paragraph (c), for "fire brigade" substitute " authority ".

The Scottish Public Services Ombudsman Act 2002 (asp 11)

21 For paragraph 13 of schedule 2 to the Scottish Public Services Ombudsman Act 2002 (listed authorities) substitute—

"13 A joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of the Fire (Scotland) Act 2005 (asp 5).".

The Freedom of Information (Scotland) Act 2002 (asp 13)

22 In schedule 1 to the Freedom of Information (Scotland) Act 2002 (Scottish public authorities), for paragraph 9, substitute " Her Majesty's Chief Inspector of Fire and Rescue Authorities ".

The Local Government in Scotland Act 2003 (asp 1)

23 (1) The Local Government in Scotland Act 2003 shall be amended as follows.

(2) In subsection (1)(d) of section 16 (community planning: further provision), for the words from "board" to the end of that paragraph substitute " fire board ".

(3) In subsection (9) of section 22 (limits on power to advance well-being), at the beginning insert " Subject to section 16(3) of the Fire (Scotland) Act 2005 (asp 5), ".

(4) In section 25 (scrutiny of local authorities' police and fire functions)—

(a) in subsection (2)—

(i) for "Services for Scotland" substitute " and Rescue Authorities ";

(ii) for "24 of the Fire Services Act 1947 (c. 41)" substitute " 43 of the Fire (Scotland) Act 2005 (asp 5) ";

(iii) in paragraph (a), after "fire" insert " and rescue "; and

(b) in subsection (3)(a), after "fire" insert " and rescue ".

(5) In section 61 (definitions), in the definition of "joint fire board" for the words from "board", where it secondly occurs, to the end substitute " and rescue board constituted by an amalgamation scheme made under section 2(1) of the Fire (Scotland) Act 2005 (asp 5) ".

The Fire and Rescue Services Act 2004 (c. 21)

24 In subsection (10) of section 34 of the Fire and Rescue Services Act 2004 (pensions etc.), for the words from "fire", where it secondly occurs, to the end substitute " relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)). ".

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The Emergency Workers (Scotland) Act 2005 (asp 2)

25 In section 7 of the Emergency Workers (Scotland) Act 2005 (savings for certain offences), the words from “or section 30” to the end are repealed.

Status:
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