

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the meaning of “domestic premises” in section 78(4) and (5) of the Fire (Scotland) Act 2005 (“the 2005 Act”) for the purpose of defining the “relevant premises” to which the fire safety requirements in Part 3 of that Act apply.

Regulation 2(a) modifies section 78(5)(a) of the 2005 Act to provide that a house or any other premises which require to be licensed under Part 5 of the Housing (Scotland) Act 2006 do not fall within the definition of domestic premises. The effect of that modification is that any premises which require to be so licensed will be relevant premises within the meaning of section 78(1) of the 2005 Act and therefore subject to the fire safety requirements in Part 3 of that Act.

Regulation 2(b) adds to the list of premises in section 78(5) of the 2005 Act which are not to be considered domestic premises (and are therefore relevant premises within the meaning of section 78(1)), premises used for the provision of a child minding service (within the meaning given by paragraph 12 of schedule 12 to the Public Services Reform (Scotland) Act 2010). Again, this means that such premises will be subject to the fire safety requirements in Part 3 of the 2005 Act.

Regulation 3 makes minor modifications to the Fire Safety (Scotland) Regulations 2006 as they apply to premises used for the provision of a child minding service.