



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART VIII **S**

#### BUILDINGS, ETC.

#### 89 Safety of platforms etc. **S**

- (1) No person shall use or permit the use of a raised structure for the purpose of providing for himself or others raised seated or standing accommodation, unless such use has been approved by the local authority in whose area the raised structure is situated.
- (2) In this section a “raised structure” means a platform, stand, staging or other similar structure.
- (3) The local authority shall grant their approval of the use of a raised structure under subsection (1) above if they are satisfied that it—
  - (a) has been safely constructed and secured; and
  - (b) has sufficient means of entrance and exit including means of escape in case of fire or other emergencyin relation to the circumstances in which it is to be used; but not otherwise.

[<sup>F1</sup>(4) Where—

- (a) Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) (“the 2005 Act”) applies in relation to the premises where the raised structure is situated; and
- (b) the local authority are not the enforcing authority (as defined in section 61(9) of the 2005 Act),

the local authority shall consult the enforcing authority before making their decision under subsection (3)(b) above.

(4A) Where—

- (a) Part 3 of the 2005 Act does not apply in relation to the premises where the raised structure is situated; <sup>F2</sup>...

<sup>F2</sup>(b) .....

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the local authority shall consult the [<sup>F3</sup>Scottish Fire and Rescue Service] before reaching their decision under subsection (3)(b) above.

<sup>F4</sup>(4B) . . . . .]

(5) The local authority may, when granting their approval of the use of a raised structure under this section or at any other time thereafter, impose by notice served on the person to whom approval is being or, as the case may be, has been granted such conditions as they think necessary relating to such use, and the conditions may include a condition as to the maximum number of persons permitted to use the raised structure and a prohibition on its use for so long as the conditions contained in the notice have not been complied with.

(6) Any person who—  
(a) uses or permits the use of a raised structure for the purpose of providing for himself or others raised seated or standing accommodation without the approval of the local authority under subsections (1) and (3) above; or  
(b) contravenes a condition contained in a notice served on him under subsection (5) above

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F5</sup>level 4 on the standard scale].

(7) This section shall not apply to—  
(a) any structure in respect of which a building warrant has been granted;  
(b) any structure in respect of which such a warrant, by reason only of the date when it was built, was not required; or  
(c) scaffolding or similar equipment used in connection with work on a building or other structure.

In this subsection, “building warrant” means a warrant for [<sup>F6</sup>work for construction or for conversion of a building granted under section 9 of the Building (Scotland) Act 2003 (asp 8)] .

(8) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by or by virtue of any other enactment.

(9) The local authority shall charge such fees in respect of the discharge of their functions under this section as may be resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in that respect.

<sup>F7</sup>(10) . . . . .

**Textual Amendments**

- F1** S. 89(4)-(4B) substituted for s. 89(4) (1.10.2006) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 11(2)**
- F2** S. 89(4A)(b) and word repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 2**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F3** Words in s. 89(4A) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 7 para. 53(3)**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F4** S. 89(4B) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 2**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

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- F5** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F6** Words in s. 89(7) substituted (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), s. 59(1), **sch. 6 para. 14(3)** (with s. 53); [S.S.I. 2004/404](#), art. 2(1)
- F7** S. 89(10) repealed (1.4.1996) by [1994 c. 39](#), 180(1)(2), Sch. 13 para. 129(8), Sch. 14; [S.I. 1996/323](#), art. 4(1)(c)(d), **Sch. 2**

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**Modifications etc. (not altering text)**

- C1** S. 89 restricted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 45A\)](#), **ss. 26(1), 33(1)** (c)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)