



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART VIII

#### BUILDINGS, ETC.

#### 93 Fire precautions in common stairs etc.

(1) In this section—

“common property” and “occupier” have respectively the same meanings as in section 92 of this Act;

“combustible substance” means anything which is dangerously combustible in normal conditions and includes any container holding the combustible substance including any such container forming part of a motor vehicle but does not include anything forming part of any common property.

(2) It shall be the duty of the occupier to keep the common property free of—

- (a) any combustible substances;
- (b) anything which might obstruct egress from and access to the property in the event of fire.

(3) [<sup>F1</sup>Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the common property, an enforcement officer appointed under section 61(3) of that Act or, in any other case,] an authorised officer of the [<sup>F2</sup>appropriate relevant authority] shall be entitled—

- (a) to enter common property for the purpose of determining whether subsection (2) above is being complied with; and
- (b) if it is not, and there is thereby an immediate risk of fire likely to endanger life, to enter the property and to do there anything he may consider necessary to remove that risk including seizing and arranging as he sees fit for the retention of any substance or other thing until claimed by a person having a right of possession to it.

(4) [<sup>F3</sup>Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the common property, the enforcing authority or, in any other case,] the [<sup>F2</sup>appropriate

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*Changes to legislation: Civic Government (Scotland) Act 1982, Section 93 is up to date with all changes known to be in force on or before 04 June 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)*

relevant authority] may by notice in writing require the occupier to comply with subsection (2) above within such reasonable time as may be specified in the notice by removing or rendering safe the substance or other thing (if any) there specified.

- (5) Any person who fails without reasonable excuse to comply with a notice served under subsection (4) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F4</sup>level 3 on the standard scale].
- (6) Section 105 of this Act shall apply to a notice served by [<sup>F5</sup>an enforcing authority or]<sup>F6</sup>[an appropriate relevant authority] under subsection (4) above, as it applies to notices served by local authorities.
- (7) [<sup>F7</sup>The enforcing authority or, as the case may be,] the [<sup>F8</sup>appropriate relevant authority] shall be entitled to recover the expense of doing anything under subsection (3)(b) above from the occupier or person having a right of possession to such substances or articles as are referred to in the said subsection (3)(b) but may remit any sum or any part of any sum due to them under this subsection as they think fit.
- (8) This section is without prejudice to any other enactment relating to fire precautions.
- (9) In this section, [<sup>F9</sup>“appropriate relevant authority” means the authority discharging in the area in which the common property is situated the functions of a relevant authority as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)] .

#### Textual Amendments

- F1** Words in s. 93(3) inserted (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(3)(a)**
- F2** Words in s. 93(3)(4) substituted (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, sch. 1 para. 7(2)**(3)(b)**
- F3** Words in s. 93(4) inserted (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(3)(b)**
- F4** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F5** Words in s. 93(6) inserted (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(3)(c)**
- F6** Words in s. 93(6) substituted (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 1 para. 7(9)(a)**
- F7** Words in s. 93(7) inserted (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(3)(d)**
- F8** Words in s. 93(7) substituted (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, sch. 1 para. 7(2)**(3)(b)**
- F9** Words in s. 93(9) substituted (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) Order 2005 \(S.S.I. 2005/383\)](#), art. 1, **sch. 1 para. 7(9)(b)**

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