



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) An authorised officer of the fire 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) The fire 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.

Status: This is the original version (as it was originally enacted).

- (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 £200.
- (6) Section 105 of this Act shall apply to a notice served by a fire authority under subsection (4) above, as it applies to notices served by local authorities.
- (7) The fire 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, " fire authority " means the authority discharging in the area in which the common property is situated the functions of fire authority under the Fire Services Acts 1947 to 1959.