

Fire (Scotland) Bill

1st Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 4	Schedule 1
Sections 5 to 49	Schedule 2
Sections 50 to 82	Schedules 2 and 4
Sections 83 and 84	Long title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Cathy Jamieson

- 1 In section 1, page 1, line 12, leave out <(within the meaning of that Act)>

Cathy Jamieson

- 2 In section 1, page 1, line 13, at end insert—
- <(2) In subsection (1), “local government area” has, subject to subsection (3), the same meaning as in that Act.
 - (3) If a local government area extends into the sea, its seaward boundary shall, for the purpose of subsection (1), be the low water mark.>

Schedule 1

Cathy Jamieson

- 3 In schedule 1, page 42, line 13, at end insert—
- <() The power to acquire land in sub-paragraph (1)(a) includes power to purchase land compulsorily, and section 71 of the Local Government (Scotland) Act 1973 (c. 65) (acquisition of land compulsorily) shall apply to a joint fire and rescue board as it applies to a local authority.

Pensions

For the purposes of the Local Government Superannuation (Scotland) Regulations 1987 (S.I. 1987/1850), the appropriate superannuation fund shall be—

- (a) in relation to the pensionable employees of a joint fire board constituted by an administration scheme under section 36 of the Fire Services Act 1947 (c.41) or section 147 of the Local Government (Scotland) Act 1973 (c.65), the superannuation fund of such one of the councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c.39) whose area is comprised in the area of the joint fire board as may be determined by or under the administration scheme; and
- (b) in relation to the pensionable employees of a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1), the superannuation fund of such one of the councils constituted as mentioned in paragraph (a) whose area is comprised in the area of the joint fire and rescue board as may be determined by or under the amalgamation scheme.>

Section 5

Cathy Jamieson

4 In section 5, page 3, line 9, at end insert—

- <(3) The Scottish Ministers may by order make provision for and in relation to the transfer to a joint fire and rescue board constituted by a scheme made under section 2(1) of—
 - (a) any property, rights or liabilities of a joint fire board (“an existing board”) constituted by a scheme such as is mentioned in subsection (1); and
 - (b) any staff of an existing board.>

Before section 7

Maureen Macmillan

5 Before section 7, insert—

<CHAPTER

APPOINTMENT OF CHIEF OFFICER

Appointment of Chief Officer

- (1) Each relevant authority shall appoint a person to be known as a Chief Officer.
- (2) A Chief Officer shall be responsible to the relevant authority for the discharge of the functions conferred on the authority by virtue of this Act by any person employed by the authority for the purpose of discharging those functions.>

After section 9

Colin Fox

23 After section 9, insert—

<Specified emergencies

- (1) Each relevant authority shall make provision for the purpose of—
 - (a) rescuing persons in the event of—

- (i) chemical, biological or nuclear incidents;
 - (ii) search and rescue incidents;
 - (iii) major flooding incidents;
 - (iv) major transport incidents other than road traffic accidents,
in its area; and
 - (b) to the extent that it considers it reasonable to do so, protecting persons from serious harm in the event of such incidents in its area.
- (2) In making provision under subsection (1) a relevant authority shall in particular—
- (a) secure the provision of the personnel, services and equipment necessary to meet efficiently all normal requirements;
 - (b) secure the provision of training for personnel;
 - (c) make arrangements for—
 - (i) dealing with calls for help; and
 - (ii) summoning personnel,
 in the event of the incidents mentioned in subsection (1)(a);
 - (d) make arrangements for obtaining information required or likely to be required for the purpose mentioned in that subsection;
 - (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose mentioned in that subsection.>

Section 10

Colin Fox

- *24 In section 10, page 5, line 1, at end insert <; or
() any incident mentioned in section (*Specified emergencies*)(1)(a)>

Section 15

Cathy Jamieson

- 6 In section 15, page 6, line 19, leave out <not>

Cathy Jamieson

- 7 In section 15, page 6, line 22, at end insert—
<only in respect of action taken by the authority at sea (or, if the authority's area extends to the low water mark, action taken at sea outwith its area)>

Section 20

Mike Pringle

- 25 In section 20, page 8, line 23, at end insert <but as if the reference in section 21 to the fire authority was to Scottish Water>

Mike Pringle

- 26 In section 20, page 8, line 30, leave out subsection (4)

Section 23

Cathy Jamieson

- 8 In section 23, page 10, line 24, leave out subsections (3) and (4)

Section 27

Cathy Jamieson

- 9 In section 27, page 13, line 32, at end insert—

<() This section shall apply in relation to vehicles as it applies in relation to premises; but subject to the following modifications—

- (a) the power conferred by subsection (1) includes power to enter premises in which a vehicle in which there has been a fire is being kept;
- (b) the power conferred by paragraph (a) of subsection (2) includes power to take persons and equipment to the place where a vehicle is; and
- (c) references to premises in subsections (2)(g) and (3) to (5) include references to premises in which vehicles are kept.

() In this section “premises” includes land.>

Section 28

Cathy Jamieson

- 10 In section 28, page 13, line 38, at beginning insert <and who is authorised to do so by virtue of those sections>

Section 29

Cathy Jamieson

- 11 In section 29, page 14, leave out line 3

Section 33

Cathy Jamieson

- 12 In section 33, page 15, line 37, leave out <8 to 10> and insert <7 to 10, 12 and 56>

Maureen Macmillan

- 13 In section 33, page 16, line 4, at end insert <; or
(ii) is approved for that purpose by the Chief Officer of a relevant authority>

After section 35

Cathy Jamieson

- 14 After section 35, insert—

<CHAPTER

ASSAULTING OR IMPEDING EMPLOYEES AND OTHERS

Amendment of Emergency Workers (Scotland) Act 2005

- (1) The Emergency Workers (Scotland) Act 2005 (asp 00) shall be amended as follows.
- (2) For paragraph (b) of section 1(3) substitute—
 - “(ba) that of a person employed by a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 00)) while discharging any of the authority’s functions under sections 8 to 12 (fire-fighting, road traffic accidents, other emergencies, emergency directions and other eventualities), 23, 25 or 27 (powers of authorised employees in relation to emergencies, obtaining information and investigating fires) of that Act;
 - (b) that of a person providing assistance under arrangements made by virtue of section 33 (assistance other than from relevant authorities) or 34 (arrangements for carrying out of functions by others) of the Fire (Scotland) Act 2005 other than assistance given to a relevant authority (as defined in section 6 of that Act) for the purpose of carrying out any of the authority’s functions conferred on the authority by section 7 or 56 of that Act;”.>

Cathy Jamieson

- 15 After section 35, insert—

<Assaulting or impeding employees discharging certain functions

- (1) A person who assaults, obstructs or hinders another person who is—
 - (a) an employee of—
 - (i) a relevant authority; or
 - (ii) an enforcing authority as defined in section 56; and

- (b) discharging any of the functions conferred on the relevant authority or, as the case may be, the enforcing authority under section 7, 16 or 56, commits an offence.
- (2) A person who assaults, obstructs or hinders another person who is providing assistance to a relevant authority or, as the case may be, an enforcing authority under arrangements made by virtue of section 33 or 34 for the purpose of the carrying out by that authority of any of the functions conferred on it by virtue of section 7 or 56 commits an offence.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a period not exceeding 9 months or to a fine not exceeding level 4 on the standard scale.>

Section 44

Cathy Jamieson

- 16 In section 44, page 21, line 4, leave out from <; and> to end of line 5

Cathy Jamieson

- 17 In section 44, page 21, line 18, at end insert—
- <() The Scottish Ministers may make arrangements with a relevant authority for a centre established under section 14 to be used for one or more of the purposes mentioned in subsection (2).>

Section 45

Colin Fox

- 27 In section 45, page 21, line 29, after <persons> insert <appointed by any recognised trade union of employees of the relevant authorities;
- () other persons>

Colin Fox

- 28 In section 45, page 21, line 33, at end insert—
- <() a member or official of any recognised trade union of employees of the relevant authorities;>

Colin Fox

- 29 In section 45, page 21, line 34, leave out second <a> and insert <any other>

Colin Fox

- 30 In section 45, page 22, line 13, after <includes> insert <persons appointed by, or officials of, any recognised trade union of employees of that description, or any other>

Colin Fox

- 31 In section 45, page 22, line 15, after <includes> insert <persons appointed by, or officials of, any recognised trade union of employees of a particular description or any other>

Colin Fox

- 32 In section 45, page 22, line 16, leave out <a particular> and insert <that>

Section 46

Colin Fox

- 33 In section 46, page 22, line 31, after <persons> insert <(whether appointed by any recognised trade union of employees of the relevant authorities or otherwise)>

Section 47

Cathy Jamieson

- 22 In section 47, page 23, line 3, leave out from beginning to <authority> and insert <A relevant authority may not employ a constable>

Section 48

Cathy Jamieson

- 18 In section 48, page 23, line 15, at end insert—
<“extinguishing”, in relation to a fire, includes containing and controlling;>

Section 49

Colin Fox

- 34 In section 49, page 23, line 24, leave out <reasonably>

Section 67

Colin Fox

- *35 In section 67, page 34, line 5, leave out subsection (2)

Colin Fox

- 36 In section 67, page 34, line 40, leave out subsection (6)

Colin Fox

- 37 In section 67, page 35, line 14, leave out <reasonably>

After section 79

Cathy Jamieson

- 19 After section 79, insert—

<Disposal of land

Disposal of land

A relevant authority may sell or dispose of any land vested in it which is no longer required by it.>

Section 81

Cathy Jamieson

- 20 In section 81, page 41, line 13, at end insert—

<() an order under section 2(1) or section 5(3);>

Schedule 3

Cathy Jamieson

- 21 In schedule 3, page 43, line 25, at end insert—

<The Emergency Workers (Scotland) Act 2005 (asp 00)

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.>

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