

Fire (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 84
Long Title

Schedules 1 to 4

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

Section 11

Cathy Jamieson

- 1 In section 11, page 6, line 8, after <kind,> insert <as is>

Section 18

Cathy Jamieson

- 2 In section 18, page 8, line 22, after <enter> insert <into>

After section 20

Cathy Jamieson

- 3 After section 20, insert—
- <Fire hydrants: recovery of costs**
- (1) Schedule 4 to the Water (Scotland) Act 1980 (c.45) (provisions incorporated in orders relating to water undertakings) shall be amended as follows.
- (2) After section 21 insert—
- “21A The Scottish Ministers may by regulations make provision as to—
- (a) the persons (other than Scottish Water) from whom; or
- (b) the circumstances in which,
- fire authorities may recover costs defrayed under section 21 of this Schedule.”.
- (3) In section 22, for the words “the last but one foregoing section” substitute “section 20 of this Schedule”.>

Section 23

Cathy Jamieson

- 4 In section 23, page 10, line 36, leave out from <without> to end of line 37

Cathy Jamieson

5 In section 23, page 10, line 39, leave out <without the consent of its owner>

Section 24

Cathy Jamieson

6 In section 24, page 11, line 16, leave out <without the consent of its owner>

Section 35A

Cathy Jamieson

7 In section 35A, page 17, line 30, after <under> insert <any of>

Cathy Jamieson

8 In section 35A, page 17, line 32, leave out <or> and insert <and>

Section 35B

Cathy Jamieson

9 In section 35B, page 18, line 11, leave out from <or> to <56> in line 12

Cathy Jamieson

10 In section 35B, page 18, line 13, leave out from <relevant> to <enforcing> in line 14

Cathy Jamieson

11 In section 35B, page 18, line 17, leave out <or, as the case may be, an enforcing authority>

Cathy Jamieson

12 In section 35B, page 18, line 18, leave out <or 34>

Cathy Jamieson

13 In section 35B, page 18, line 19, at end insert—

<() A person who assaults, obstructs or hinders another person who is by virtue of section 34 carrying out a function conferred on a relevant authority by virtue of section 7 or 56 commits an offence.>

Section 45

Bill Butler

27 In section 45, page 23, line 18, at end insert—

- <() The reference in subsection (2)(b) to persons representing the interests of some or all employees of relevant authorities includes trade unions (as defined in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) whose membership consists of or includes employees of relevant authorities.>

Section 46

Bill Butler

- 28** In section 46, page 24, line 13, at end insert—

- <() The reference in subsection (2)(b)(i) to persons representing the interests of some or all employees of relevant authorities includes trade unions (as defined in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) whose membership consists of or includes employees of relevant authorities.>

Section 49

Colin Fox

- 29** In section 49, page 25, line 7, leave out <reasonably>

Section 52

Cathy Jamieson

- 14** In section 52, page 26, line 31, leave out <the event of> and insert <respect of harm caused by>

Section 54

Cathy Jamieson

- 15** In section 54, page 27, line 33, at end insert—

- <() where relevant premises form part of a building, enabling arrangements to be entered into with owners or occupiers of other parts of the building for the purpose of enabling persons who are subject to duties imposed by virtue of this Part to comply with them;>

Section 56

Cathy Jamieson

- 16** In section 56, page 29, line 20, at end insert—

- <() A relevant authority may make arrangements with a person prescribed in regulations by the Scottish Ministers for such of the functions conferred on the authority by virtue of this Part as may be specified in the arrangements to be carried out (with or without payment) on its behalf by the person in relation to a workplace so specified.>

Section 60

Cathy Jamieson

17 In section 60, page 34, line 17, at end insert—

- <() An enforcing authority may include in an alterations notice provision requiring the appropriate person—
- (a) to keep records of such information as, by virtue of paragraph (d) of subsection (2) of section 53, is specified in regulations under subsection (1) of that section;
 - (b) to keep records of arrangements made, in accordance with regulations under section 54(1), for the planning, organisation, control, monitoring or review of the fire safety measures;
 - (c) if notifying the authority of a proposed change, to give the authority—
 - (i) a copy of the assessment carried out under section 49 or, as the case may be, 50; and
 - (ii) a summary of the changes the appropriate person proposes to make to the fire safety measures.>

Section 65

Cathy Jamieson

18 In section 65, page 36, line 17, after <regulations> insert <and orders>

Cathy Jamieson

19 In section 65, page 36, line 20, after <regulations> insert <or orders>

Cathy Jamieson

30 In section 65, page 36, line 21, leave out <those regulations> and insert <the regulations or order>

Section 67

Cathy Jamieson

20 In section 67, page 37, line 33, at end insert—

- <(ca) intentionally to obstruct a person taken by virtue of section 57(2)(b) onto relevant premises;>

Cathy Jamieson

21 In section 67, page 38, line 16, after <(c)> insert <, (ca)>

Cathy Jamieson

31 In section 67, page 38, line 21, leave out from <(other)> to <subsection> in line 22

Cathy Jamieson

- 32 In section 67, page 38, line 25, leave out subsection (9A) and insert—
- <(9A) Subsection (9) shall not apply in relation to—
- (a) an offence under subsection (1) in respect of a failure to comply with the duty mentioned in paragraph (a)(i) of that subsection;
 - (b) an offence under subsection (3) in respect of a failure to comply so far as is reasonably practicable with a requirement or, as the case may be, a prohibition.>

Colin Fox

- 33 In section 67, page 38, line 29, leave out <reasonably>

Cathy Jamieson

- 34 In section 67, page 38, line 30, leave out subsections (11) and (12) and insert—
- <() In any proceedings for an offence under subsection (3) in respect of a failure to comply so far as is practicable with a requirement or, as the case may be, a prohibition, the onus of showing that it was not practicable to do more than was done shall be on the accused.
- () In any proceedings for an offence under subsection (3) in respect of a failure to comply so far as is reasonably practicable with a requirement or, as the case may be, a prohibition, the onus of showing that it was not reasonably practicable to do more than was done shall be on the accused.>

Section 78

Colin Fox

- 35 In section 78, page 44, line 33, at end insert—
- <() The Scottish Ministers, following consultation, shall by regulations provide for the setting up of a replacement body to directly advise the Scottish Ministers.>

Section 81

Cathy Jamieson

- 22 In section 81, page 46, line 3, after <section> insert <55(2)(c)>

Dr Sylvia Jackson (on behalf of the Subordinate Legislation Committee)

- 36 In section 81, page 46, line 3, leave out <56(7), 72(6)> and insert <55(2)(c), 56(7), 67(9A), (11) or (12), 72(6) or (7)>

Cathy Jamieson

- 23 In section 81, page 46, line 3, after <72(6)> insert <or (7)>

Schedule 3

Cathy Jamieson

24 In schedule 3, page 50, line 28, at end insert—

<*The Civic Government (Scotland) Act 1982 (c.45)*

In section 54 of the Civic Government (Scotland) Act 1982 (playing instruments, singing, playing radios etc.)—

(a) in paragraph (a) of subsection (3), for “fire brigade” substitute “fire-fighting”; and

(b) after that subsection insert—

“(4) In subsection (3)(a), the reference to fire-fighting purposes is a reference to—

(a) the purposes of a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 00)); or

(b) fire-fighting functions of any other employer of fire-fighters.”.>

Cathy Jamieson

25 In schedule 3, page 50, line 34, at end insert—

<*The Housing (Scotland) Act 1987 (c.26)*

In section 82 of the Housing (Scotland) Act 1987 (interpretation of Part III of Act), in the definition of “fire authority”, for the words from “fire”, where it secondly occurs, to the end, substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 00));”.>

Cathy Jamieson

26 In schedule 3, page 52, line 26, at end insert—

<*The Fire and Rescue Services Act 2004 (c.21)*

In subsection (10) of section 34 of the Fire and Rescue Services Act 2004 (pensions etc.), for the words from “fire”, where it secondly occurs, to the end substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 00)).”.>

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