Fire (Scotland) Bill

Passage of the Bill

The Fire (Scotland) Bill [SP Bill 24] was introduced in the Scottish Parliament on 28 June 2004 by Cathy Jamieson, the Minister for Justice. The lead committee for the Bill was the Justice 2 Committee which held a preliminary discussion on the provisions contained within the Bill on 29 June 2004. The Stage 1 Report produced by the Committee was published on 11 November 2004 and the stage 1 debate took place in the Parliament on 18 November 2004.

At its meetings on 8 February 2005 and 22 February 2005, the Subordinate Legislation Committee considered changes to the delegated powers provisions in the Fire (Scotland) Bill as amended at stage 2. The Committee is required to report to the Parliament on these provisions under Rule 9.7.9 of Standing Orders. As a result of recommendations by the Subordinate Legislation Committee the order-making powers of Scottish Ministers in relation to creating further categories of persons who may cause temporary suspension of fire safety duties (S55) and to make regulations to modify the application of Part 3 (Fire Safety) to premises that become ‘relevant premises’ (S72) were changed from negative to affirmative resolution procedure. In addition, the power of Scottish Ministers to make regulations specifying cases where the due diligence defence would not apply (S67) was removed and added instead to the face of the Bill. A Report was published by the Subordinate Legislation Committee on 23 February 2005. The Stage 3 debate took place in the Parliament on the same day. The Bill was passed on 23 February 2005.

Purpose and objectives of the Bill

The main policy objectives of the Bill are as follows:

- to define the role of a modern fire and rescue service
- to ensure that fire and rescue authorities have clear national and local priorities and objectives
• to improve the protection offered to communities

• to revise fire safety legislation

Provisions of the Bill

The Bill covers various aspects of the fire and rescue services and is in 5 parts:

Part 1 – Fire and Rescue Authorities:
Part 2 – Fire and Rescue Services:
Part 3 – Fire Safety
Part 4 – Miscellaneous
Part 5 - General

The Bill repeals and re-enacts many of the provisions of the Fire Services Act 1947 (c.41) as they currently apply in Scotland.

Parliamentary consideration

Consultation on the modernisation of Fire and Rescue Services in Scotland commenced in April 2002 with the launch of the first comprehensive policy proposals for the Service in many years. In October 2003, the Scottish Ministers launched a consultation paper on their legislative proposals for the Scottish Fire and Rescue Service – The Scottish Fire and Rescue Services: Proposals for Legislation. Following the launch of the consultation paper on 1 October 2003, the proposals were debated in the Scottish Parliament on 8 October 2003. In general, the responses received to the policy paper welcomed the proposals.

The Justice 2 Committee did raise certain concerns in their scrutiny of the Bill at Stage 1 and the main concerns and the Executive’s response are noted below.

The Justice 1 Committee sought clarification on the line of reporting responsibility from the Firemaster to the Fire Authority. Having considered this matter, the Executive lodged an amendment at Stage 2 to clarify the role of the Chief Officer and accountability arrangements. With regard to amalgamation schemes in Part 1 of the Bill, the Executive was happy to provide assurances that any requirement for consultation would be comprehensive and transparent and would include all interested parties.

After careful consideration, the Executive also brought forward other amendments at stage 2 which covered issues such as Firefighting at Sea; changing from negative to affirmative the procedure for making Amalgamation Orders; and making the Chief Fire Officer responsible to his Fire and Rescue Authority for the discharge of his functions.