

Chief Fire Officers (Scotland)



21 December 2011

Dear Chief Officer

**DEAR CHIEF OFFICER (SCOTLAND) LETTER 15/2011 - MINOR AMENDMENT TO PART 3 OF THE FIRE (SCOTLAND) ACT 2005**

**Background**

1. [Dear Chief Officer \(Scotland\) Letter 5/2011 - Fire Safety in Premises where a Care Service is Provided](#), advised of changes to the system of regulation of care services introduced by the Public Services Reform (Scotland) Act 2010. The change to the care legislation has required consequential amendment to Section 78 of the Fire (Scotland) Act 2005.

**Definition Revisions**

2. Section 78 of the 2005 Act contains definitions of relevant premises to which the fire safety regime applies. Subsection 78(5) has been amended to reflect the new definitions of care home service, school care accommodation service, independent health care service and secure accommodation service. While the definitions have changed, there is no change to the scope of the fire safety legislation.
3. These amendments are separate and unrelated to the public consultation exercise that is currently underway on the scope of relevant premises <http://www.scotland.gov.uk/Publications/2011/11/28104043>.
4. The text of the revised definitions in s78(5) is listed below:

*(b) premises used for the provision of a care home service (as defined in paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010;*

*(c) premises used for the provision of a school care accommodation service (as defined in paragraph 3 of Schedule 12 to the Public Services Reform (Scotland) Act 2010 except where the service is provided as mentioned in sub-paragraph (1)(c)(ii) of that paragraph;*

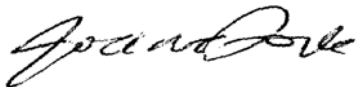
*(d) premises used for the provision of an independent health care service (as defined in section 10F(1) (a) - (d) of the National Health Service (Scotland) Act 1978);*

*(e) premises used for the provision of a secure accommodation service (as defined in paragraph 6 of schedule 12 of the Public Services Reform (Scotland) Act 2010);*

## **Review of Fire and Rescue Services Policies and Procedures**

Please pass this information to relevant personnel with in your organisation for review and any appropriate action.

Yours sincerely



**JOANNE BOYLE**

Legislative Fire Safety Branch