SCOTTISH STATUTORY INSTRUMENTS

2004 No. 527

FIRE SERVICES

The Fire Services (Appointments and Promotion) (Scotland) Regulations 2004

Made - - - -	*1st December 2004*
Laid before Parliament	*2nd December 2004*
Coming into force - -	*29th December 2004*

The Scottish Ministers, in exercise of the powers conferred upon them by section 18(1) of the Fire Services Act 1947(**1**), after consultation with the Scottish Central Fire Brigades Advisory Council in accordance with that section, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fire Services (Appointments and Promotion) (Scotland) Regulations 2004 and shall come into force on 29th December 2004.

Interpretation

2. In these Regulations–

"appointment" includes appointment on promotion;

"brigade" means a fire brigade maintained by a fire authority in Scotland under the provisions of the Fire Services Act 1947;

"fire authority" means–

(a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**2**), or

(b) a joint board constituted under an administration scheme made by virtue of the Local Government (Scotland) Act 1973(**3**) or section 36 of the Fire Services Act 1947;

"IPDS" means the Integrated Personal Development System as described in Scottish Fire Service Circular 2/2002 published on 6th August 2002;

(**1**) 1947 c. 41; section 18 was amended by section 6 of the Fire Services Act 1959 (c. 44). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1988 (c. 46).
(**2**) 1994 c. 39 ("the 1994 Act").
(**3**) 1973 c. 65; section 147 of that Act was substituted by section 36 of the 1994 Act.

"National Occupational Standards" means the standards published by the Emergency Fire Services Vocational Council in August 2001 and April 2003;

"permanent appointment" means an appointment for more than twelve months; and

"role" means a role listed in Schedule 1.

Appointment to roles

3. These regulations provide for the qualifications for appointment to any of the roles listed in Schedule 1.

Qualification for appointment

4. Subject to regulation 7, a person is not eligible for permanent appointment to any role in a brigade unless, at the time of appointment, that person has satisfied the general requirements set out in regulation 5 and the specific requirements for that role set out in regulation 6.

5. The general requirements referred to in regulation 4 are that–

(a) the person is of good character;

(b) the person has attained the age of 18 years;

(c) either–

(i) the person has attained such qualifications in educational or vocational subjects as the fire authority maintaining the brigade may require, being such qualifications as necessitate a reasonable standard of proficiency in communication and numeracy and such other subjects, if any, as the fire authority may require; or

(ii) the fire authority is satisfied that the person is of such educational standard that it is unnecessary for that person to attain any such qualification; and

(d) a medical practitioner selected by the fire authority is satisfied that the person's general state of health and fitness is satisfactory to carry out the duties of the role.

6. The specific requirements referred to in regulation 4 are that the person has demonstrated to the satisfaction of the fire authority by whom the brigade is maintained that that person meets the National Occupational Standards specified for the role in question or, in the case of a person on first appointment to a role in a brigade, is likely to meet those standards following initial training and development within IPDS.

7. Regulation 4 shall not apply to the appointment of a person to a role who is, at the time when it is decided to appoint that person, serving in that role as a member of another brigade.

8. For the purposes of regulation 7, a reference to another brigade includes in relation to England and Wales, an employee of a fire and rescue authority under Part 1 of the Fire and Rescue Services Act 2004(**4**) and, in relation to Northern Ireland, a member of a brigade under The Fire Services (Northern Ireland) Order 1984(**5**).

Revocation

9. The Regulations listed in Schedule 2 are hereby revoked.

(**4**) 2004 c. 21. Reference to a fire and rescue authority includes an authority under section 1 or a combined fire and rescue authority under sections 2 or 4 of that Act.

(**5**) S.I.1984/1821 (N.I.11), to which there are amendments not relevant to these Regulations.