

Justice 2 Committee
8 th Report, 2004 (Session 2)
Stage 1 Report on the Fire (Scotland) Bill

Powers of Employees and Constables

61. Section 24 sets out the powers of constables in relation to fires. Section 47 prohibits fire authorities from employing a member of a police force. We heard two concerns about these sections. First, section 24 (which continues existing powers) might be seen to encourage police officers to tackle situations for which they are inadequately trained: FOA commented that "police constables who have entered premises have sometimes ended up being rescued themselves".⁴⁵ Second, section 47 was seen as unnecessarily restrictive in some rural areas where it is difficult to recruit retained or volunteer firefighters and where it is common for one individual to carry out a number of roles. CFOA, FOA, COSLA and RFU all wanted to see the restriction on employing police officers lifted. RFU pointed out that rural police officers often take on other emergency service roles such as mountain rescue and lifeboat work.⁴⁶ FOA also pointed out that a police officer who was a trained fire officer would not have the same difficulty in using their powers under section 24.
62. However, the FBU – with support from ACPOS - felt that if serving police constables were carrying out emergency fire service duties, there could be confusion about which role to adopt in an emergency situation. They also felt that the impact on rural recruitment would be negligible.
63. The Minister recognised the concerns expressed on both sides and indicated willingness to explore possible solutions with stakeholders and bring forward an amendment at Stage 2 if a resolution is found.⁴⁷
64. **The Committee also recognises that there are valid arguments on both sides and we are content at this stage to await the results of the Minister's further discussions.**