
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Policing and Crime Act 2017
(Consequential Amendments) Regulations 2018**

Amendments to the Fire and Rescue Services Act 2004

10.—(1) The Fire and Rescue Services Act 2004(1) is amended as follows.

(2) In section 24 (best value)(2) after subsection (2) insert—

“(2A) When carrying out an inspection under section 10 of the Local Government Act 1999 as applied by subsection (1) of a fire and rescue authority created by an order under section 4A, an inspector must not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.

(2B) In subsection (2A) “excluded function”, in relation to a fire and rescue authority, means a function which is an excluded function in relation to that authority for the purposes of subsection (A6) of section 28 (inspections by English inspectors) (see subsections (A7) and (A8) of that section).”.

(3) After section 34(2)(b)(pensions etc)(3) insert—

“(ba) provide for treating, for any purpose of the scheme, to the extent specified in the scheme and subject to any conditions specified in the scheme, holding office as the London Fire Commissioner as if it were employment by a fire and rescue authority in England where the terms and conditions of appointment to that office include—

(i) resolving operational incidents, or

(ii) leading and supporting others in the resolution of operational incidents;”.

(1) 2004 c. 21.

(2) Section 24 was amended by paragraph 26 of Schedule 8 to the Local Government and Public Involvement in Health Act 2007 (c. 28).

(3) The powers conferred by section 34 of the Fire and Rescue Services Act 2004 are now vested in Welsh Ministers so far as they are exercisable in Wales. There were previously vested in the National Assembly for Wales by virtue of section 62 of that Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to Welsh Ministers. Powers under section 34 of the Fire and Rescue Services Act 2004 are now vested in Scottish Ministers so far as they are exercisable in Scotland (S.I. 2005/849). Section 34 was amended by paragraph 27 of Schedule 8 to the Public Service Pension Act 2013 (c. 25) and section 8(8) of, and paragraphs 1 and 11 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3).