

Draft Regulations laid before Parliament under section 234F(4) of the Trade Union and Labour Relations (Consolidation) Act 1992, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No.

TRADE UNIONS

**The Strikes (Minimum Service Levels: Fire and
Rescue Services) (England) Regulations 2024**

Made - - - -

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 234B(1) and (3) and 234F(2)(b) of the Trade Union and Labour Relations (Consolidation) Act 1992(1) (“the 1992 Act”).

In accordance with section 234F(1) of the 1992 Act, the Secretary of State has consulted such persons as the Secretary of State considers appropriate.

In accordance with section 234F(4) of the 1992 Act, a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Strikes (Minimum Service Levels: Fire and Rescue Services) (England) Regulations 2024.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“the 1992 Act” means the Trade Union and Labour Relations (Consolidation) Act 1992;

“the FRS 2004” means the Fire and Rescue Services Act 2004(2);

“the FRA (England) services” means the services specified in regulation 3(2);

“emergency incident response” means any one or more of the following services—

(1) 1992 c. 52. Sections 234B to 234G were inserted by paragraph 2 of the Schedule to the Strikes (Minimum Service Levels) Act 2023 (c. 39).

(2) 2004 c. 21.

- (a) extinguishing fires;
- (b) protecting life or property in the event of fires;
- (c) rescuing people, or protecting people from serious harm, in the event of a road traffic accident;
- (d) discharging functions conferred by an order under section 9 of the FRS 2004 (emergencies)(**3**);
- (e) taking action in response to, or for the purpose of enabling action to be taken in response to, an event or situation of a kind mentioned in section 11(2) of the FRS 2004;
- (f) the management, direction or control of any of the services mentioned in paragraphs (a) to (e);

“English FRA” means a fire and rescue authority, within the meaning of Part 1 of the Fire and Rescue Services Act 2004(**4**), for an area in England;

“English FRA contractor” means a person who provides fire and rescue services on behalf of an English FRA pursuant to a contract under which those services are to be provided other than during a strike.

Relevant services for the purposes of section 234B of the 1992 Act: fire and rescue services

3.—(1) The services specified in paragraph (2) are “relevant services” for the purposes of section 234B(3) of the 1992 Act (power of the Secretary of State to define “relevant services” for the purposes of Part 5 of that Act).

(2) The services mentioned in paragraph (1) are the fire and rescue services provided by—

- (a) English FRAs, and
- (b) English FRA contractors,

other than excluded services.

(3) Services are excluded services if and to the extent that they are provided by a volunteer firefighter or otherwise on a voluntary basis.

(4) In paragraph (3), “volunteer firefighter” has the meaning given in paragraph 2(1) of Schedule 1 to the Firefighters’ Compensation Scheme (England) Order 2006(**5**).

Minimum level of service: control room services

4.—(1) The level of service, for the purpose of enabling work notices(**6**) under section 234C of the 1992 Act to be given, in relation to strikes as respects the FRA (England) services which are control room services is as follows.

(2) On each day of the strike—

- (a) calls for help are answered and assessed as they would be if the strike were not taking place on that day,
- (b) personnel are summoned to provide an emergency incident response to each call for help which is assessed as, or escalated after initial assessment to being, a call which requires such a response as they would be summoned if the strike were not taking place on that day, and

(3) See the Fire and Rescue Services (Emergencies) (England) Order 2007 ([S.I. 2007/735](#)).

(4) See, in particular, section 1, which was amended by [S.I. 2017/469](#) and paragraph 3 of Schedule 1, and paragraph 111 of Schedule 2, to the Policing and Crime Act 2017 ([c. 3](#)).

(5) [S.I. 2006/1811](#), as amended by [S.I. 2014/447](#).

(6) For the meaning of “work notice”, see section 234C(2) of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (c) management, control and direction of the services mentioned in sub-paragraphs (a) and (b) is provided as it would be if the strike were not taking place on that day.
- (3) In paragraph (2), “call for help” means a call to request fire and rescue services which is—
 - (a) made by a person—
 - (i) attending premises used for the provision of FRA (England) services, or
 - (ii) by telephone or other device, and
 - (b) received by an English FRA or an English FRA contractor.

Minimum level of service: emergency incident response

5.—(1) The level of service, for the purpose of enabling work notices under section 234C of the 1992 Act to be given, in relation to strikes as respects the FRA (England) services which are emergency incident responses is as follows.

- (2) On each day of the strike—
 - (a) the relevant percentage of FRA appliances and vehicles, together with the personnel needed to crew those appliances and vehicles, is capable of being deployed,
 - (b) national resilience assets, together with the personnel needed to crew those assets, are capable of being deployed as they would be were the strike not taking place on that day,
 - (c) FRA appliances and vehicles and national resilience assets are deployed to provide emergency incident responses to the incidents mentioned in regulation 4(2)(b) as they would be were the strike not taking place on that day, and
 - (d) management, control and direction of the services mentioned in sub-paragraphs (a) to (c) are provided as they would be were the strike not taking place on that day.

- (3) In paragraph (2)—

“FRA appliances and vehicles” means appliances and vehicles secured by an English FRA for the purpose of discharging its functions under the FRS 2004;

“national resilience assets” means assets provided to an English FRA for the purpose of discharging national resilience functions;

“the relevant percentage of FRA appliances and vehicles”, in relation to an English FRA, means 73% of the FRA appliances and vehicles that would be capable of being deployed by the English FRA at a particular time of day if a strike were not taking place at that time on that day.

Minimum level of service: fire safety services

6.—(1) The level of service, for the purpose of enabling work notices under section 234C of the 1992 Act to be given, in relation to strikes as respects the FRA (England) services which are fire safety services is as follows.

- (2) On each day of the strike—
 - (a) fire safety services which are provided other than pursuant to a request and to which there is no reasonable alternative to providing those services on the day of the strike are provided as they would be if the strike were not taking place on that day,
 - (b) requests for fire safety services are answered and assessed as they would be if the strike were not taking place on that day, and
 - (c) fire safety services are organised and provided in response to each request which is assessed as, or escalated after initial assessment to being, a request to which there is no reasonable alternative to providing those services on the day on which the request is made, as they would be if the strike were not taking place on that day.

(3) In this regulation, “fire safety services” means services provided in relation to the safety of buildings, other premises and persons for the purpose of reducing the risk of an event or situation requiring an emergency incident response arising, including in particular—

- (a) giving advice about fire safety, including in particular—
 - (i) how to prevent fires and restrict their spread in buildings and other property, and
 - (ii) the means of escape from buildings and other property in case of a fire;
- (b) services provided—
 - (i) as a consultee under section 10 of the Housing Act 2004⁽⁷⁾;
 - (ii) as an enforcing authority under the Regulatory Reform (Fire Safety) Order 2005⁽⁸⁾;
 - (iii) for the purpose of assisting the Health and Safety Executive under section 13 of the Building Safety Act 2022⁽⁹⁾.

Minister of State
Home Office

⁽⁷⁾ 2004 c. 34.

⁽⁸⁾ S.I. 2005/1541.

⁽⁹⁾ 2022 c. 30. The Health and Safety Executive is referred to as “the regulator” in section 13.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 234B of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52). For the purposes of enabling work notices to be given under section 234C of that Act, these Regulations specify:

- (a) fire and rescue services provided by fire and rescue authorities in England, and certain persons acting on behalf of those authorities, as “relevant services”, and
- (b) the levels of service in relation to strikes as respects those relevant services.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Home Office at 2 Marsham Street, London SW1P 4DF and is annexed to the Explanatory Memorandum which is available alongside this instrument on www.legislation.gov.uk.