

FIRE AND RESCUE SERVICES ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Fire and Rescue Authorities

Section 1: Fire and rescue authorities

13. This section defines what is meant in the Act by “fire and rescue authority” which can differ in constitution from area to area. The establishment and membership of metropolitan county fire and civil defence authorities is dealt with in section 26 of, and Schedule 11(2) to, the [Local Government Act 1985 \(c. 51\)](#). The London Fire and Civil Defence Authority became the [London Fire and Emergency Planning Authority under the Greater London Authority Act 1999 \(c. 29\)](#) - see section 328.

Sections 2, 3 and 4: Creation of combined fire and rescue authorities; supplementary; and combined authorities under the Fire Services Act 1947

14. The existing power in the Fire Services Act 1947 to create combined fire authorities is re-enacted in a modified form to facilitate the establishment of combined fire and rescue authorities either for reasons of economy, efficiency and effectiveness or in the interests of public safety.
15. Combination could also occur where fire and rescue authorities themselves submit a proposal to that effect. Combination schemes that have already been made under the Fire Services Act 1947 will continue in force. Such schemes will be subject to the Secretary of State’s power to vary or revoke them by order.
16. The Secretary of State will be able to appoint a minority (up to one half minus one) of the members of the combined fire and rescue authorities created under this legislation.
17. In all cases the Secretary of State will be required to consult the fire and rescue authorities affected, the local authorities in the combined area proposed and other persons considered appropriate beforehand. The term “local authority”, for the purposes of this Act, is defined in section 57. The Secretary of State will also be required to hold an inquiry before making a combination order, unless the combination is uncontentious or is urgently required in the interests of public safety.

Section 5: Powers of combined fire and rescue authorities

18. [Section 5](#) gives combined fire and rescue authorities the powers which are already available to county fire authorities, the London Fire and Emergency Planning Authority and metropolitan county fire and civil defence authorities under section 111 of the Local Government Act 1972.