



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 4

#### EMPLOYMENT

##### *Negotiating bodies*

#### **32 Negotiating bodies**

- (1) The Secretary of State may by regulations make provision for the establishment of one or more bodies of persons (negotiating bodies) for the purpose of negotiating the conditions of service of employees of fire and rescue authorities.
- (2) Regulations under this section must provide for a negotiating body established by the regulations to be composed of—
  - (a) persons representing the interests of some or all fire and rescue authorities;
  - (b) persons representing the interests of some or all employees of fire and rescue authorities;
  - (c) an independent chairman.
- (3) A chairman is independent for the purposes of subsection (2) if he is not—
  - (a) a member or employee of a fire and rescue authority;
  - (b) a Minister of the Crown;
  - (c) a person employed in the civil service of the State;
  - (d) a member or employee of a body representing the interests of some or all employees of fire and rescue authorities.
- (4) Subsection (5) applies if—
  - (a) a negotiating body is established under this section, and
  - (b) the body includes persons representing the interests of employees of a particular description.

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*Status: This is the original version (as it was originally enacted).*

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- (5) An agreement as to the conditions of service of employees of that description which is made—
- (a) by or on behalf of a fire and rescue authority, and
  - (b) by or on behalf of employees of the description concerned,
- is a legally enforceable contract only if its terms were negotiated by means of the negotiating body or in accordance with local negotiation arrangements made by the negotiating body in respect of employees of that description.
- (6) “Local negotiation arrangements” means arrangements made by a negotiating body established under this section for the purpose of enabling conditions of service of employees of fire and rescue authorities to be negotiated at local level.
- (7) Local negotiation arrangements may (in particular) include provision with regard to—
- (a) the persons or descriptions of persons by whom, or by means of whom, negotiations are authorised to be carried out at local level;
  - (b) the conditions of service and descriptions of conditions of service authorised to be negotiated at local level.
- (8) Local negotiation arrangements may be made by a negotiating body in respect of employees of a particular description only if the negotiating body includes persons representing the interests of employees of that description.
- (9) Before making regulations under this section the Secretary of State must consult any persons he considers appropriate.

### **33 Guidance**

- (1) The Secretary of State may issue guidance to negotiating bodies in connection with the negotiation of the conditions of service of employees of fire and rescue authorities.
- (2) Negotiating bodies must have regard to any guidance issued under this section in negotiating the conditions of service of employees of fire and rescue authorities.
- (3) In this section “negotiating body” means a negotiating body established under section 32 or any other body of persons which—
- (a) includes both persons representing the interests of some or all fire and rescue authorities and persons representing the interests of some or all employees of fire and rescue authorities, and
  - (b) is constituted in accordance with what appear to the Secretary of State to be appropriate arrangements for the negotiation of the conditions of service of employees of fire and rescue authorities.