

**Changes to legislation:** There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Cross Heading: Fire Precautions Act 1971 (c. 40). (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Fire Precautions Act 1971 (c. 40)*

27 The Fire Precautions Act 1971 is amended as follows.

#### Commencement Information

- I1** Sch. 1 para. 27 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I2** Sch. 1 para. 27 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

28 (1) In the provisions mentioned in sub-paragraph (2), for “fire authority” (in each place) substitute “ fire and rescue authority ”.

(2) The provisions are—

- (a) in section 1 (use of premises requiring fire certificate), subsections (1) and (3A);
- (b) in section 3 (power of fire authority to make fire certificates compulsory), subsections (3), (4), (5) and (7);
- (c) in section 4 (rights of appeal against and coming into force of section 3 notices), subsection (4);
- (d) in section 5 (application for and issue of fire certificates), subsections (1), (2), (3) and (4);
- (e) in section 5A (powers of fire authorities to grant exemptions), subsections (1), (2), (3), (4), (5), (7), (8) and (9);
- (f) in section 5B (withdrawal of exemptions), subsections (1), (2), (3) and (5);
- (g) in section 6 (contents of fire certificate), subsections (2), (5), (6) and (7);
- (h) in section 8 (change of conditions affecting adequacy of certain matters specified in fire certificates, etc), subsections (1), (2), (3), (4), (5), (6), (7), (9), (11) and (12);
- (i) in section 8A (change of conditions affecting premises for which exemption has been granted), subsection (1);
- (j) in section 8B (charges in relation to fire certificates), subsections (1) and (3);
- (k) in section 9 (rights of appeal in respect of sections 5 to 8), subsections (1), (2) and (3);
- (l) in section 9A (duty as to means of escape and for fighting fire), subsection (2);
- (m) in section 9D (improvement notices), subsections (1), (2), (3) and (4);
- (n) in section 10 (prohibition notices), subsections (2), (3), (4) and (7);

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- (o) in section 12 (power of Secretary of State to make regulations about fire precautions), subsections (7), (8) and (10);
- (p) in section 13 (exercise of certain powers of fire authority in England and Wales), subsections (1) and (3);
- (q) in section 16 (duty of local authority to consult fire authority in certain cases), subsections (1) and (2);
- (r) in section 17 (duty of fire authorities to consult other authorities before requiring building alterations), subsections (1) and (2);
- (s) in section 18 (enforcement of Act), subsections (1) and (2);
- (t) in section 27 (appeal from order made on complaint), subsection (1);
- (u) in section 27A (civil and other liability), paragraph (a);
- (v) in Schedule 2 (special provision for certain premises), paragraph 3(5).

#### Commencement Information

- I3** Sch. 1 para. 28 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I4** Sch. 1 para. 28 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 29 In section 20 (exercise of inspectors' powers)—
- (a) in subsection (1), for “officer of the fire brigade maintained by the fire authority” substitute “employee of the fire and rescue authority”;
  - (b) in subsection (2), for “officer of a fire brigade” substitute “employee of a fire and rescue authority” and for “the fire authority who maintain that brigade” substitute “the fire and rescue authority”.

#### Commencement Information

- I5** Sch. 1 para. 29 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I6** Sch. 1 para. 29 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 30 Section 29 (extension of provisions of the Fire Services Act 1947 relating to inspectors and inquiries) shall cease to have effect.

#### Commencement Information

- I7** Sch. 1 para. 30 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I8** Sch. 1 para. 30 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 31 (1) Section 40 (application to Crown) is amended as follows.
- (2) In subsection (3), for “fire authority” substitute “fire and rescue authority”.
- (3) In subsection (4)—
- (a) for “officer of the fire brigade maintained by the fire authority” substitute “employee of the fire and rescue authority”;
  - (b) for “officer of a fire brigade” substitute “employee of a fire and rescue authority”;

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(c) for “of the fire authority who maintain that brigade” substitute “ of the fire and rescue authority ”.

(4) In subsection (6), for “officer of the fire brigade maintained by the fire authority” substitute “ employee of the fire and rescue authority ”.

#### Commencement Information

- I9** Sch. 1 para. 31 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I10** Sch. 1 para. 31 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 32 In section 41 (application to UK Atomic Energy Authority premises)—
- (a) in paragraph (a), for “fire authority” substitute “ fire and rescue authority ”;
- (b) in paragraph (b), for “officer of the fire brigade maintained by the fire authority” substitute “ employee of the fire and rescue authority ”.

#### Commencement Information

- I11** Sch. 1 para. 32 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I12** Sch. 1 para. 32 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 33 (1) Section 43 (interpretation) is amended as follows.
- (2) For the definition of “fire authority” substitute—
- ““fire and rescue authority”, in relation to any premises or proposed premises, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the premises are or are to be situated;”.
- (3) In the definition of “fire inspector”, for “section 24 of the Fire Services Act 1947” substitute “ section 28 of the Fire and Rescue Services Act 2004 ”.

#### Commencement Information

- I13** Sch. 1 para. 33 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I14** Sch. 1 para. 33 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

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