
Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE A1

Sections 4A(7) and 4H(7)

PROCEDURE FOR ORDERS UNDER SECTION 4A

Textual Amendments

- F1** Sch. A1, Sch. A2 inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 13**; S.I. 2017/399, reg. 2, Sch. para. 38

Modifications etc. (not altering text)

- C1** Sch. A1 excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 20(c)**

^{F1}Proposal for order under section 4A

- 1 (1) A proposal for an order under section 4A (a “section 4A proposal”) must contain an assessment of why—
- it is in the interests of economy, efficiency and effectiveness for the order to be made, or
 - it is in the interests of public safety for the order to be made.
- (2) If the proposal suggests that an order under section 4A should be combined with an order under section 4H (delegation to chief constable for police area), the proposal must set out the reasons for that suggestion.

^{F1}Duty of relevant fire and rescue authority to cooperate in preparation of proposal

- 2 (1) A relevant fire and rescue authority must cooperate with a relevant police and crime commissioner in the preparation of a section 4A proposal.
- (2) A relevant fire and rescue authority must, in particular, provide a relevant police and crime commissioner with such information held by the authority as the commissioner reasonably requires for the purposes of the preparation of the proposal.
- (3) Sub-paragraph (2) does not require the authority to provide information if to do so would breach—
- any obligation of confidence owed by the authority, or
 - any other restriction on the disclosure of information (however imposed).
- (4) Sub-paragraphs (1) and (2) do not apply if the proposal is for an order to create a fire and rescue authority for an area which, before the order is made, contains only the areas of two or more fire and rescue authorities created by order under section 4A.

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^{F1}Consultation on proposal

- 3 (1) Before submitting a section 4A proposal to the Secretary of State, a relevant police and crime commissioner must—
- (a) consult each relevant local authority about the proposal,
 - (b) consult people in the commissioner’s police area about the proposal,
 - (c) consult each of the following about the proposal—
 - (i) persons appearing to the commissioner to represent employees who may be affected by the proposal;
 - (ii) persons appearing to the commissioner to represent members of a police force who may be so affected, and
 - (d) publish, in such manner as the commissioner thinks appropriate, the commissioner’s response to the representations made or views expressed in response to those consultations.
- (2) Each consultation under sub-paragraph (1) is to be carried out in such manner as the relevant police and crime commissioner thinks appropriate.

^{F1}Provision of representations to Secretary of State

- 4 (1) Sub-paragraphs (2) to (4) apply if, in response to a consultation by a relevant police and crime commissioner under paragraph 3(1)(a), a relevant local authority indicates that it does not support a section 4A proposal.
- (2) The commissioner must, in submitting the proposal to the Secretary of State, provide the Secretary of State with—
- (a) copies of each document provided by the commissioner for the purposes of paragraph 3,
 - (b) copies of each representation made by a relevant local authority in response,
 - (c) a summary of the views expressed by people in the commissioner’s police area about the proposal,
 - (d) a summary of the views expressed about the proposal by persons consulted under paragraph 3(1)(c), and
 - (e) the commissioner’s response to those representations and views.
- (3) The Secretary of State must—
- (a) obtain an independent assessment of the proposal, and
 - (b) have regard to that assessment and to the material provided to the Secretary of State under sub-paragraph (2) in deciding whether to make an order under section 4A in response to the proposal.
- (4) The Secretary of State must publish the independent assessment—
- (a) as soon as is reasonably practicable after making a determination in response to the proposal, and
 - (b) in such manner as the Secretary of State thinks appropriate.

^{F1}Decision by Secretary of State

- 5 (1) Subject to sub-paragraphs (2) and (3), the Secretary of State may, in making an order under section 4A, give effect to the proposal for the order with such modifications as the Secretary of State thinks appropriate.

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- (2) If paragraph 1(2) applies to the proposal, the Secretary of State may not in response to the proposal make an order under section 4A which is not combined with an order under section 4H.
- (3) Before making an order which gives effect to the proposal for the order with modifications, the Secretary of State must consult the following on the modifications—
 - (a) the relevant police and crime commissioner;
 - (b) each relevant local authority.

^{F1}Interpretation

- 6 (1) In this Schedule “section 4A proposal” has the meaning given by paragraph 1(1).
- (2) In this Schedule “relevant police and crime commissioner”, in relation to a section 4A proposal, means a police and crime commissioner—
 - (a) whose police area is the same as, or contains all of, the area of the fire and rescue authority proposed to be created by the order, or
 - (b) all or part of whose police area falls within the area of that fire and rescue authority.
- (3) Any changes to the police areas contained in the proposal are to be disregarded in determining who is a relevant police and crime commissioner for the purposes of sub-paragraph (2).
- (4) If there is more than one relevant police and crime commissioner in relation to a section 4A proposal, references in this Schedule to the relevant police and crime commissioner are to all of those police and crime commissioners acting jointly.
- (5) In this Schedule “relevant fire and rescue authority”, in relation to a section 4A proposal prepared by a police and crime commissioner, means a fire and rescue authority—
 - (a) whose area is the same as, or contains all of, the police area of the police and crime commissioner, or
 - (b) all or part of whose area falls within the police area of the police and crime commissioner.
- (6) In this Schedule “relevant local authority”, in relation to a section 4A proposal, means a local authority—
 - (a) whose area is the same as, or contains all of, the area of the fire and rescue authority proposed to be created by the order, or
 - (b) all or part of whose area falls within the area of that fire and rescue authority.
- (7) In sub-paragraph (6) “local authority” means—
 - (a) a county council,
 - (b) a district council for an area for which there is no county council,
 - (c) the Council of the Isles of Scilly, or
 - (d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 which exercises the functions of a fire and rescue authority by virtue of section 105 or 105A of that Act.

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F1 *Application of this Schedule to certain orders under section 4H*

- 7 (1) This paragraph makes provision about the application of this Schedule to an order under section 4H which is not combined, or proposed to be combined, with an order under section 4A (a “section 4H order”).
- (2) Subject as follows, this Schedule applies to a section 4H order as it applies to an order under section 4A.
- (3) The following provisions of this Schedule do not apply in relation to a section 4H order—
- (a) paragraph 1(2);
 - (b) paragraph 5(2);
 - (c) paragraph 6.
- (4) In the application of this Schedule to a section 4H order—
- (a) “relevant police and crime commissioner” means the police and crime commissioner for the police area—
 - (i) which corresponds to the area of the fire and rescue authority to which the order relates, or
 - (ii) within which the area of that fire and rescue authority falls;
 - (b) “relevant fire and rescue authority” means that fire and rescue authority, and
 - (c) “relevant local authority” means a local authority (within the meaning of paragraph 6(7))—
 - (i) whose area is the same as, or contains all of, the area of that fire and rescue authority, or
 - (ii) all or part of whose area falls within the area of that fire and rescue authority.

SCHEDULE A2

Section 4M(1)

APPLICATION OF LEGISLATION RELATING TO POLICE AND CRIME COMMISSIONERS

Modifications etc. (not altering text)

- C2** Sch. A2 excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 2 para. 20(c)**

F1 *Introductory*

- 1 (1) This Schedule makes provision about the application of certain enactments relating to police and crime commissioners to a relevant fire and rescue authority.
- (2) In this Schedule—
- “relevant chief constable”, in relation to a relevant fire and rescue authority, means the chief constable of a police force (if any) to whom functions of the authority have been delegated under provision made under section 4H;
- “relevant fire and rescue authority” means a fire and rescue authority created by an order under section 4A;

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“relevant police and crime panel”, in relation to a relevant fire and rescue authority, means the police and crime panel for the police area—

- (a) which corresponds to the area of the fire and rescue authority, or
- (b) within which the area of the fire and rescue authority falls.

- (3) In this Schedule “fire and rescue plan” means a document which—
 - (a) is prepared and published by a relevant fire and rescue authority in accordance with the Fire and Rescue National Framework, and
 - (b) sets out the authority’s priorities and objectives, for the period covered by the document, in connection with the discharge of the authority’s functions.
- (4) In this Schedule “fire and rescue statement” means a document which—
 - (a) is prepared and published by a relevant fire and rescue authority in accordance with the Fire and Rescue National Framework, and
 - (b) contains a statement of the way in which the authority has had regard, in the period covered by the document, to the Framework and to any fire and rescue plan prepared by the authority for that period.

^{F1}Arrangements for obtaining the views of the community

- 2 (1) Subsections (1), (1B), (2), (5A) and (5B) of section 96 of the Police Act 1996 (arrangements for obtaining the views of the community on policing) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
 - (a) the reference in subsection (1) to each police area were to each area of a relevant fire and rescue authority,
 - (b) in that subsection, for paragraphs (a) and (b) and the words following those paragraphs there were substituted “the views of people in that area about fire and rescue services”,
 - (c) in subsections (1B) and (5A) the references to a police area listed in Schedule 1 to that Act were to the area of a relevant fire and rescue authority,
 - (d) the reference in subsection (2) to the police area were to the area of the relevant fire and rescue authority, and
 - (e) the reference in that subsection to the chief officer of police for that police area were to the relevant chief constable.

^{F1}Scrutiny of fire and rescue plan

- 3 (1) Subsections (6) to (12) of section 5 of the Police Reform and Social Responsibility Act 2011 (scrutiny of police and crime plans) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
 - (a) references to a police and crime plan were to a fire and rescue plan,
 - (b) references to the relevant chief constable (within the meaning of that section) were to the relevant chief constable (within the meaning of this Schedule),

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- (c) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
- (d) in subsection (9), paragraph (b)(ii) and the words following that paragraph were omitted, and
- (e) in subsection (10)(a) the words from “and to each” to “relevant police area” were omitted.

^{F1}Information for public

- 4 (1) Section 11 of the Police Reform and Social Responsibility Act 2011 (information for public etc) applies in relation to a relevant fire and rescue authority as it applies in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that section has effect as if—
- (a) references to the relevant chief officer of police were to the relevant chief constable, and
 - (b) references to the chief officer’s functions were to the relevant chief constable’s fire and rescue functions.

^{F1}Scrutiny of fire and rescue statement

- 5 (1) Subsections (2) to (5) of section 12 of the Police Reform and Social Responsibility Act 2011 (annual reports) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) references to an annual report were to a fire and rescue statement, and
 - (b) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule).

^{F1}Information for police and crime panels

- 6 (1) Section 13 of the Police Reform and Social Responsibility Act 2011 (information for police and crime panels) applies in relation to a relevant fire and rescue authority as it applies in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that section has effect as if—
- (a) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule), and
 - (b) in subsection (2), paragraphs (a) to (c) were omitted.

^{F1}Duties when carrying out functions

- 7 (1) Subsections (1), (2) and (4) to (7) of section 17 of the Police Reform and Social Responsibility Act 2011 (duties when carrying out functions) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—

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- (a) the reference in subsection (1) to policing in an elected local policing body's area were to fire and rescue services in the relevant fire and rescue authority's area,
- (b) the reference in subsection (2) to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
- (c) the reference in that subsection to any report or recommendations made by the panel on the annual report for the previous financial year were to any report or recommendations made by the panel with respect to the discharge of the relevant fire and rescue authority's functions, and
- (d) the reference in subsection (7) to elected local policing bodies were to relevant fire and rescue authorities.

^{F1}Powers of police and crime panels

- 8 (1) Subsections (2) to (9) and (11) of section 28 of the Police Reform and Social Responsibility Act 2011 (police and crime panels outside London) apply in relation to a relevant fire and rescue authority as they apply in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) references to the police and crime panel or a police and crime panel were to the relevant police and crime panel,
 - (b) the references in subsection (3) to the draft police and crime plan were to the draft fire and rescue plan,
 - (c) the references in subsection (4) to an annual report were to a fire and rescue statement,
 - (d) the references in subsections (5) and (6) to Schedules 1 and 5 were to those Schedules as applied by this Schedule,
 - [(e) the references in subsection (6) to the commissioner's functions were to the functions of the relevant fire and rescue authority that are excluded functions for the purposes of section 28(A6) of this Act (see section 28(A7)),]
 - (f) the references in those subsections to Schedule 8 were omitted, and
 - (g) the second reference in subsection (8) to the police area were to the area of the relevant fire and rescue authority.

Textual Amendments

- F2** Sch. A2 para. 8(2)(da) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 11\(6\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(b\)](#)

^{F1}Power to require attendance and information

- 9 (1) Section 29 of the Police Reform and Social Responsibility Act 2011 (power to require attendance and information) applies in relation to a relevant fire and rescue authority as it applies in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that section has effect as if—

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- (a) references to the police and crime panel or a police and crime panel were to the relevant police and crime panel, and
- (b) the reference in subsection (6) to the relevant chief constable (within the meaning of that section) were to the relevant chief constable (within the meaning of this Schedule).

^{F1}Conduct of fire and rescue authority

- 10 Section 31 of the Police Reform and Social Responsibility Act 2011 (conduct of police and crime commissioner etc) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner.

^{F1}Scrutiny of appointment of chief finance officer

- 11 (1) Paragraphs 9(1)(b) and (2) and 10 to 12 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 (scrutiny of appointment of chief finance officer) apply in relation to a relevant fire and rescue authority as they apply in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those paragraphs have effect as if—
- (a) the references in paragraph 9 to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
 - (b) the reference in paragraph 9(1)(b) to the commissioner’s chief finance officer were to the relevant fire and rescue authority’s chief finance officer within the meaning of section 4D of this Act,
 - (c) the references in paragraphs 10, 11 and 12 to the police and crime panel or a police crime panel were to the relevant police and crime panel, and
 - (d) paragraph 10(9) defined “relevant post-election period” as the period that—
 - (i) begins with the day of the poll at an ordinary election under section 50 of the Police Reform and Social Responsibility Act 2011 of the police and crime commissioner for the relevant police area, and
 - (ii) ends with the day on which the person elected as that police and crime commissioner delivers a declaration of acceptance of office under section 70 of that Act.
- (3) In sub-paragraph (2)(d)(i) “the relevant police area” means the police area—
- (a) which corresponds to the area of the relevant fire and rescue authority, or
 - (b) within which the area of the relevant fire and rescue authority falls.

^{F1}Scrutiny of precepts

- 12 (1) Schedule 5 to the Police Reform and Social Responsibility Act 2011 (issuing precepts) applies in relation to a relevant fire and rescue authority as it applies in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that Schedule has effect as if references to the relevant police and crime panel (within the meaning of that Act) or to the police and crime panel were to the relevant police and crime panel (within the meaning of this Schedule).

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^{F1}Regulations about complaints and conduct matters

- 13 (1) Schedule 7 to the Police Reform and Social Responsibility Act 2011 (regulations about complaints and conduct matters) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that Schedule has effect as if references to police and crime panels were to relevant police and crime panels.]

^{F3}SCHEDULE A3

Section 28

ENGLISH INSPECTORS

Textual Amendments

- F3** Sch. A3 inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)](#) (e), [Sch. 3](#)

Interpretation

- 1 (1) This paragraph applies for the purposes of this Schedule.
- (2) References to an English inspector are to an inspector appointed under section 28(A1).
- (3) References to the inspection function are to the function conferred on the English inspectors by section 28(A3).
- (4) References to a person providing services to a fire and rescue authority are to a person providing services, in pursuance of contractual arrangements (but without being employed by a fire and rescue authority), to assist the fire and rescue authority in relation to the exercise of its functions.
- (5) “Public authority” includes any person certain of whose functions are functions of a public nature.

Delegation

- 2 An English inspector may arrange for the inspection function to be exercised (to such extent as the inspector may determine) by another public authority on behalf of the inspector.

Working with Her Majesty’s Inspectors of Constabulary

- 3 An English inspector, when exercising the inspection function, must co-operate with Her Majesty’s Inspectors of Constabulary.
- 4 An English inspector may act jointly with Her Majesty’s Inspectors of Constabulary where it is appropriate to do so for the efficient and effective exercise of the inspection function.

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Assistance for other public authorities

- 5 (1) The chief fire and rescue inspector for England may, if he or she thinks it appropriate to do so, provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.
- (2) The chief fire and rescue inspector for England may do anything he or she thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).
- (3) Anything done under this paragraph may be done on such terms (including terms as to payment) as the chief fire and rescue inspector for England thinks fit.

Powers of English inspectors to obtain information etc

- 6 (1) An English inspector may serve on a relevant person a notice requiring the person—
- (a) to provide the inspector with any information or documents that the inspector reasonably requires for the purpose of the exercise of the inspection function;
 - (b) to produce or deliver up to the inspector any evidence or other things that the inspector reasonably requires for that purpose.

This is subject to sub-paragraphs (6) to (8).

- (2) In sub-paragraph (1), “relevant person” means—
- (a) a fire and rescue authority in England;
 - (b) an employee of a fire and rescue authority in England;
 - (c) a person providing services to a fire and rescue authority in England;
 - (d) an employee of a person providing services to a fire and rescue authority in England;
 - (e) any other person who is, by virtue of any enactment, carrying out any of the activities of a fire and rescue authority in England.
- (3) A notice under this paragraph must—
- (a) specify or describe the information, documents, evidence or other things that are required by the inspector;
 - (b) specify the period within which the information, documents, evidence or other things must be provided, produced or delivered up.
- (4) A notice under this paragraph may specify the form and manner in which any information, documents, evidence or other things are to be provided, produced or delivered up.
- (5) An English inspector may cancel a notice under this paragraph by written notice to the person on whom it was served.
- (6) A notice under this paragraph must not be used to obtain information, or any document or other thing, from a person if—
- (a) the information, or the document or other thing, was obtained by that person (directly or indirectly) from a body or other entity mentioned in sub-paragraph (7), or
 - (b) the information, or the document or other thing, relates to a body or other entity mentioned in that sub-paragraph.
- (7) The bodies and other entities referred to in sub-paragraph (6) are—

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- (a) the Security Service,
 - (b) the Secret Intelligence Service,
 - (c) the Government Communications Headquarters, or
 - (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities.
- (8) A notice under this paragraph must not require a person—
- (a) to provide information that might incriminate the person;
 - (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act).
- (9) In this paragraph—
- “document” means anything in which information of any description is recorded;
- “English inspector” includes—
- (a) a person appointed under section 28(A5) as an assistant inspector or other officer;
 - (b) a person authorised by an English inspector to act on behalf of the inspector for the purposes of this paragraph.

Powers of English inspectors to obtain access to premises

- 7 (1) An English inspector may serve on a person a notice requiring the person to allow the inspector access, which the inspector reasonably requires for the purpose of the exercise of the inspection function, to—
- (a) premises that are occupied (wholly or partly) for the purposes of —
 - (i) a fire and rescue authority in England,
 - (ii) a person providing services to a fire and rescue authority in England, or
 - (iii) any other person who is, by virtue of any enactment, carrying out any of the activities of a fire and rescue authority in England, and
 - (b) documents and other things on those premises.
- (2) A notice under this paragraph must—
- (a) specify or describe the premises to which the inspector requires access;
 - (b) specify the time when access is required (which may be immediately after the service of the notice).
- (3) Where there are reasonable grounds for not allowing the inspector to have access to the premises at the time specified under sub-paragraph (2)(b), the requirement under this paragraph has effect as a requirement to secure that access is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be such grounds.
- (4) An English inspector may cancel a notice under this paragraph by written notice to the person on whom it was served.
- (5) In this paragraph “document” and “English inspector” have the same meanings as in paragraph 6 (and, for that purpose, the reference in paragraph (b) of the definition of “English inspector” in paragraph 6(9) to paragraph 6 is to be read as a reference to this paragraph).

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Failure to comply with notice under paragraph 6 or 7

- 8 (1) If a person who has received a notice under paragraph 6 or 7—
- (a) fails or refuses without reasonable excuse to do what is required by the notice, or
 - (b) (in the case of a notice under paragraph 6) knowingly or recklessly provides information in response to the notice that is false in a material respect,
- the chief fire and rescue inspector for England may certify in writing to the High Court that the person has failed to comply with the notice.
- (2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.

Sensitive information: restriction on further disclosure

- 9 (1) Where an English inspector, in exercise of the inspection function, receives information within sub-paragraph (2), the inspector must not disclose the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.
- (2) The information is—
- (a) intelligence service information;
 - (b) information obtained from a government department which, at the time it is provided to the inspector, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—
 - (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom, or
 - (ii) jeopardise the safety of any person.
- (3) Where an English inspector discloses to another person information within sub-paragraph (2) that the inspector received in exercise of the inspection function, or the fact that the inspector has received such information in exercise of the inspection function, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.
- (4) A prohibition on disclosure in sub-paragraph (1) or (3) does not apply to disclosure by one English inspector to another.
- (5) In this paragraph—
- “English inspector” includes—
- (a) a person appointed under section 28(A5) as an assistant inspector or other officer;
 - (b) a person authorised by an English inspector to act on behalf of the inspector for the purposes of paragraph 6 or 7;
- “government department” means a department of Her Majesty’s Government but does not include—
- (a) the Security Service,
 - (b) the Secret Intelligence Service, or
 - (c) the Government Communications Headquarters (“GCHQ”);

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—

- (a) the Security Service,
- (b) the Secret Intelligence Service,
- (c) GCHQ, or
- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;

“Minister of the Crown” includes the Treasury;

“relevant authority” means—

- (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
- (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
- (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
- (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to Her Majesty’s forces or the Ministry of Defence, the Secretary of State;
- (e) in the case of information within sub-paragraph (2)(b)—
 - (i) the Secretary of State, or
 - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State).

Provision of intelligence service information to English inspectors

- 10 (1) A person who provides information that is intelligence service information to an English inspector exercising the inspection function must—
- (a) make the inspector aware that the information is intelligence service information, and
 - (b) provide the inspector with such additional information as will enable the inspector to identify the relevant authority in relation to the information.
- (2) In this paragraph, “English inspector”, “intelligence service information” and “relevant authority” have the same meaning as in paragraph 9.]

SCHEDULE 1

Section 53

MINOR AND CONSEQUENTIAL AMENDMENTS

Explosives Act 1875 (c. 17)

- 1 In section 67(3A) of the Explosives Act 1875 (definition of local authority), for “fire authority” substitute “ fire and rescue authority ”.

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

- I1** Sch. 1 para. 1 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. 1 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Forged Transfers Act 1891 (c. 43)

- 2 (1) Section 2 of the Forged Transfers Act 1891 (definitions) is amended as follows.
- (2) For paragraph (ab) of the definition of “local authority” substitute—
 - “(ab) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In paragraph (b) of that definition, for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

- I3** Sch. 1 para. 2 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. 2 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Celluloid and Cinematograph Film Act 1922 (c. 35)

- 3 In section 9 of the Celluloid and Cinematograph Film Act 1922 (definitions), in the definition of “local authority”, for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I5** Sch. 1 para. 3 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. 3 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Petroleum (Consolidation) Act 1928 (c. 32)

- 4 In section 2(1)(a) of the Petroleum (Consolidation) Act 1928 (local authorities empowered to grant petroleum-spirit licences), for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I7** Sch. 1 para. 4 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. 4 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

London Building Act 1930 (c. clviii)

- 5 In section 143(3) of the London Building Act 1930 (regulations for building near a dangerous business), for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I9** Sch. 1 para. 5 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. 5 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Public Health Act 1936 (c. 49)

- 6 In section 343(1) of the Public Health Act 1936 (interpretation), omit the definition of “fire authority”.

Commencement Information

- I11** Sch. 1 para. 6 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. 6 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

London Building Acts (Amendment) Act 1939 (c. xcvi)

- 7 The London Building Acts (Amendment) Act 1939 is amended as follows.

Commencement Information

- I13** Sch. 1 para. 7 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. 7 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 8 In section 20(2A) (fire precaution conditions)—
- (a) for “fire authority” substitute “ fire and rescue authority ”;
 - (b) for “fire brigade personnel” in paragraph (e), substitute “ fire-fighters ”.

Commencement Information

- I15** Sch. 1 para. 8 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](#))
- I16** Sch. 1 para. 8 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 9 (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) section 20(2C) (fire precautions in certain buildings);
- (b) section 34(1) (fire protection in certain new buildings);
- (c) section 35(1) (fire protection in certain old buildings);
- (d) in section 36 (projecting shops), subsections (1), (2) and (3);

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) section 37(1) (access to roofs);
- (f) section 38(1) (buildings storing inflammable liquid);
- (g) section 39 (consent to building alterations);
- (h) section 142(2)(b) (powers of entry).

Commencement Information

- I17** Sch. 1 para. 9 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](#))
- I18** Sch. 1 para. 9 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Statutory Orders (Special Procedure) Act 1945 (c. 18)

- 10 (1) Section 11(1) of the Statutory Orders (Special Procedure) Act 1945 (interpretation) is amended as follows.
- (2) For paragraph (aa) of the definition of “local authority” substitute—
- “(aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In paragraph (c) of that definition, for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

- I19** Sch. 1 para. 10 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](#))
- I20** Sch. 1 para. 10 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Civil Defence Act 1948 (c. 5)

- 11 (1) The Civil Defence Act 1948 is amended as follows.
- (2) In section 1(1)(b) (civil defence functions of Ministers), for “fire brigades” substitute “ employees of fire and rescue authorities ”.
- (3) In section 5 (civil defence obligations)—
- (a) for “fire brigades” substitute “ employees of fire and rescue authorities ”;
 - (b) omit the words “and brigades”;
 - (c) after “respectively” insert “ and by employees of fire and rescue authorities ”.
- (4) In section 9(1) (interpretation), omit the definition of “fire brigade”.

Commencement Information

- I21** Sch. 1 para. 11 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](#))
- I22** Sch. 1 para. 11 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

- 12 (1) The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 is amended as follows.
- (2) In section 46(3)(iii) (payments to make up civil remuneration), for “Fire Services Act 1947” substitute “ Fire and Rescue Services Act 2004 ”.
- (3) In section 61(1) (presumption of death of persons serving in forces), for paragraph (d) substitute—
- “(d) a scheme made under section 34 of the Fire and Rescue Services Act 2004;”.
- (4) In Schedule 2 (capacities in respect of which payments may be made to make up civil remuneration, and the paying authorities), for the entry numbered “5” substitute—

“5 Employee of a fire and rescue authority The fire and rescue authority.”

Commencement Information

- I23** Sch. 1 para. 12 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](#))
- I24** Sch. 1 para. 12 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Town and Country Planning Act 1959 (c. 53)

- 13 In Schedule 4 to the Town and Country Planning Act 1959 (authorities with the power to acquire, appropriate and dispose of land), for paragraph 9 substitute—
- “9 A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

Commencement Information

- I25** Sch. 1 para. 13 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](#))
- I26** Sch. 1 para. 13 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Caravan Sites and Control of Development Act 1960 (c. 62)

- 14 (1) The Caravan Sites and Control of Development Act 1960 is amended as follows.
- (2) In the provisions mentioned in sub-paragraph (3), for “fire authority” (in each place) substitute “ fire and rescue authority ”.
- (3) The provisions are—
- (a) in section 5 (powers of local authority to attach conditions to site licences), subsections (3A), (3B) and (7);
- (b) section 8(5) (power of local authority to alter conditions attached to site licences);
- (c) section 24(2A) (power of local authority to provide caravan sites).

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) In section 29(1) (interpretation), for the definition of “fire authority” substitute—
- ““fire and rescue authority”, in relation to any land, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the land is situated;”.

Commencement Information

- I27** Sch. 1 para. 14 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](#))
- I28** Sch. 1 para. 14 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Land Compensation Act 1961 (c. 33)

F⁴15

Textual Amendments

- F4** Sch. 1 para. 15 repealed (22.9.2017) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), [ss. 33\(4\)\(e\)](#), 46(1) (with [s. 33\(5\)](#)); [S.I. 2017/936](#), [reg. 3\(c\)](#)

Commencement Information

- I29** Sch. 1 para. 15 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](#))
- I30** Sch. 1 para. 15 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Public Health Act 1961 (c. 64)

- 16 In section 75(8) of the Public Health Act 1961 (power of local authorities to make byelaws as to pleasure fairs and roller skating rinks), for “fire authority within the meaning of the Fire Services Act 1947” substitute “ fire and rescue authority under the Fire and Rescue Services Act 2004 ”.

Commencement Information

- I31** Sch. 1 para. 16 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](#))
- I32** Sch. 1 para. 16 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Pipe-lines Act 1962 (c. 58)

- 17 (1) Section 37 of the Pipe-lines Act 1962 (persons to be notified of certain pipe-line accidents) is amended as follows.
- (2) In subsections (1)(a) and (2)(a), after “fire” insert “ and rescue authority ”.
- (3) In subsection (4), for paragraph (a) substitute—
- “(a) “fire and rescue authority” means, in relation to any area, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area;”.

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I33** Sch. 1 para. 17 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](#))
- I34** Sch. 1 para. 17 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Stock Transfer Act 1963 (c. 18)

- 18 (1) Section 4(1) of the Stock Transfer Act 1963 (interpretation) is amended as follows.
- (2) For paragraph (aa) of the definition of “local authority” substitute—
- “(aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In paragraph (b) of that definition, for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

- I35** Sch. 1 para. 18 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](#))
- I36** Sch. 1 para. 18 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Industrial and Provident Societies Act 1965 (c. 12)

^{F5}19

Textual Amendments

- F5** Sch. 1 para. 19 repealed (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 7](#) (with [Sch. 5](#))

Gas Act 1965 (c. 36)

- 20 (1) The Gas Act 1965 is amended as follows.
- (2) In section 17 (provisions in relation to gas-related accidents), in subsection (5)(a) for “fire authority” substitute “ fire and rescue authority ”.
- (3) In section 28(1) (interpretation), for the definition of “fire authority” substitute—
- ““fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;”.

Commencement Information

- I37** Sch. 1 para. 20 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](#))
- I38** Sch. 1 para. 20 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Public Works Loans Act 1965 (c. 63)

- 21 (1) Section 2(1) of the Public Works Loans Act 1965 (loans to relevant authorities) is amended as follows.
- (2) For paragraph (a)(ia) substitute—
- “(ia) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In paragraph (a)(ii), for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

I39 Sch. 1 para. 21 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](#))

I40 Sch. 1 para. 21 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

National Loans Act 1968 (c. 13)

- 22 (1) Paragraph 1 of Schedule 4 to the National Loans Act 1968 (local loans) is amended as follows.
- (2) For paragraph (a)(ia) of the definition of “local authority” substitute—
- “(ia) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In paragraph (a)(ii) of that definition, for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

I41 Sch. 1 para. 22 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](#))

I42 Sch. 1 para. 22 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Greater London Council (General Powers) Act 1968 (c. xxxix)

- 23 (1) The Greater London Council (General Powers) Act 1968 is amended as follows.
- (2) In the provisions mentioned in sub-paragraph (3), for “fire authority” (in each place) substitute “ fire and rescue authority ”.
- (3) The provisions are—
- (a) in section 16 (consent to storage of flammable material), subsections (1), (2), (3), (4), (5) and (6);
 - (b) in section 17 (appeals), subsections (1), (2), (3) and (4);
 - (c) section 19(1) (powers of entry for inspection);
 - (d) section 20(1) (offences);
 - (e) section 24(1) (Crown application).

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) In section 21 (circumstances where consent not required)—
- (a) for “fire authority” (in each place) substitute “ fire and rescue authority ”;
 - (b) in subsection (1)(b)(iv), for “fire brigade” substitute “ fire and rescue authority ”.

Commencement Information

- I43** Sch. 1 para. 23 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](#))
- I44** Sch. 1 para. 23 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Gaming Act 1968 (c. 65)

- 24 (1) The Gaming Act 1968 is amended as follows.
- (2) In section 43(9) (rights of entry to licensed premises), for the words from “fire authority” to “1947)” substitute “ fire and rescue authority under the Fire and Rescue Services Act 2004 ”.
- (3) In Schedule 2 (grant, renewal, cancellation and transfer of licences)—
- (a) in paragraph 2(2), for the words from “appropriate fire authority” to “1947)” substitute “ “appropriate fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004” ”;
 - (b) in paragraphs 5(3)(d), 13(1)(d), 14(2) and 20(1)(d), for “fire authority” substitute “ fire and rescue authority ”.
- (4) In Schedule 3 (registration of members' clubs in England and Wales), in paragraphs 3(c), 4 and 6, for “fire authority” substitute “ fire and rescue authority ”.
- (5) In Schedule 4 (registration of members' clubs in Scotland), in paragraph 8(b) for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I45** Sch. 1 para. 24 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](#))
- I46** Sch. 1 para. 24 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Transport Act 1968 (c. 73)

- 25 In section 102(4) of the Transport Act 1968 (application to the Crown and exemptions), for “fire brigade” substitute “ fire and rescue authority ”.

Commencement Information

- I47** Sch. 1 para. 25 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](#))
- I48** Sch. 1 para. 25 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Greater London Council (General Powers) Act 1969 (c. lii)

26 In section 30 of the Greater London Council (General Powers) Act 1969 (savings), for paragraph (ii) substitute—

“(ii) any rights or functions exercisable by the London Fire and Emergency Planning Authority as the fire and rescue authority, or by any fire-fighters in their employment, in relation to any building, premises, way or place.”

Commencement Information

- I49** Sch. 1 para. 26 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](#))
- I50** Sch. 1 para. 26 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Fire Precautions Act 1971 (c. 40)

27 The Fire Precautions Act 1971 is amended as follows.

Commencement Information

- I51** 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](#))
- I52** 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);

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (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);
- (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

- I53** 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](#))
- I54** 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

- I55** 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](#))
- I56** 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

- I57** 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](#))
- I58** 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)—

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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”;
- (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

- I59** 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](#))
- I60** 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

- I61** 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](#))
- I62** 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

- I63** 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](#))
- I64** Sch. 1 para. 33 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Pensions (Increase) Act 1971 (c. 56)

- 34 The Pensions (Increase) Act 1971 is amended as follows.

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I65** Sch. 1 para. 34 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](#))
- I66** Sch. 1 para. 34 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

35 (1) Schedule 2 (official pensions) is amended as follows.

(2) For paragraphs 16 and 16A substitute—

“16 A pension payable by a Secretary of State in accordance with a scheme brought into operation under section 34 of the Fire and Rescue Services Act 2004.

16A A pension which is payable—

- (a) by a Secretary of State under regulations made under section 24 of the Superannuation Act 1972; and
- (b) to or in respect of a person in respect of whose service a payment may be made under a scheme brought into operation under section 34 of the Fire and Rescue Services Act 2004.”

(3) For paragraph 44 substitute—

“44 A pension payable by a fire and rescue authority or a Scottish fire authority in accordance with a scheme brought into operation under section 34 of the Fire and Rescue Services Act 2004.”.

(4) Omit paragraph 45.

Commencement Information

- I67** Sch. 1 para. 35 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](#))
- I68** Sch. 1 para. 35 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

36 (1) Paragraph 6(1) of Schedule 3 (meaning of “local authority”) is amended as follows.

(2) For paragraph (a)(ia) substitute—

“(ia) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

(3) In paragraph (a)(ii), for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

- I69** Sch. 1 para. 36 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](#))
- I70** Sch. 1 para. 36 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Superannuation Act 1972 (c. 11)

- 37 In section 24(1)(a) of the Superannuation Act 1972 (compensation for loss of office), for “in relation to whom a Scheme may be made in accordance with section 26 of the Fire Services Act 1947 (Firemen’s Pension Scheme)” substitute “ in respect of whose service payments may be made under a scheme brought into operation under section 34 of the Fire and Rescue Services Act 2004 ”.

Commencement Information

- I71** Sch. 1 para. 37 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](#))
- I72** Sch. 1 para. 37 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government Act 1972 (c. 70)

- 38 The Local Government Act 1972 is amended as follows.

Commencement Information

- I73** Sch. 1 para. 38 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](#))
- I74** Sch. 1 para. 38 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 39 (1) Section 100J (authorities to which Part 5A applies) is amended as follows.
- (2) In subsection (1), for paragraph (f) substitute—
- “(f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”
- (3) In subsection (4)(c), for “combined fire authority” substitute “ fire and rescue authority falling within subsection (1)(f) above ”.
- (4) Omit subsection (5).

Commencement Information

- I75** Sch. 1 para. 39 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](#))
- I76** Sch. 1 para. 39 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 40 Omit section 112(4)(c) (officers to whom subsection (3) does not apply).

Commencement Information

- I77** Sch. 1 para. 40 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](#))
- I78** Sch. 1 para. 40 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 41 (1) Section 168(5) (local financial returns: meaning of “local authority”) is amended as follows.

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) For paragraph (aa) substitute—

“(aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

(3) In paragraph (b), for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

179 Sch. 1 para. 41 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](#))

180 Sch. 1 para. 41 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government Act 1974 (c. 7)

42 In section 25(1) of the Local Government Act 1974 (authorities subject to investigation), for paragraph (bg) substitute—

“(bg) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

Commencement Information

181 Sch. 1 para. 42 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](#))

182 Sch. 1 para. 42 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Greater London Council (General Powers) Act 1974 (c. xxiv)

43 In section 15(7) of the Greater London Council (General Powers) Act 1974 (exemptions to offence of parking on footways, etc.), in paragraph (a)(i), for “fire brigade purposes” substitute “ fire and rescue authority purposes ”.

Commencement Information

183 Sch. 1 para. 43 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](#))

184 Sch. 1 para. 43 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Health and Safety at Work etc Act 1974 (c. 37)

44 In section 23(4) of the Health and Safety at Work etc Act 1974 (provisions in relation to notices), for “fire authority” (in both places) substitute “ fire and rescue authority ”.

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I85** Sch. 1 para. 44 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](#))
- I86** Sch. 1 para. 44 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Control of Pollution Act 1974 (c. 40)

- 45 In section 62(2)(a) of the Control of Pollution Act 1974 (restrictions on use of loudspeakers in streets), for “fire brigade” substitute “ fire and rescue authority ”.

Commencement Information

- I87** Sch. 1 para. 45 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](#))
- I88** Sch. 1 para. 45 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Greater London Council (General Powers) Act 1975 (c. xxx)

- 46 (1) Section 3 of the Greater London Council (General Powers) Act 1975 (protection for fire brigade in respect of certain substances) is amended as follows.
- (2) In subsections (1), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (14), for “fire authority” (in each place) substitute “ fire and rescue authority ”.
- (3) In subsection (15), for the definition of “fire-fighting purposes” substitute—
- ““fire-fighting purposes” means any purpose in relation to which a fire and rescue authority has functions under the Fire and Rescue Services Act 2004;”.

Commencement Information

- I89** Sch. 1 para. 46 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](#))
- I90** Sch. 1 para. 46 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Safety of Sports Grounds Act 1975 (c. 52)

- 47 (1) The Safety of Sports Grounds Act 1975 is amended as follows.
- (2) In sections 3(3) (applications for certificates) and 4(7) (transfer of certificates), for the words from “the chief officer of police” to “for the area in which it” substitute “—
- (a) the chief officer of police, and
- (b) if the local authority are not the fire and rescue authority, the fire and rescue authority, and
- (c) if the local authority are not the building authority, the building authority,
- for the area in which the sports ground ”.

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) In section 4(8) (amendment, replacement or transfer of certificates), for the words from “the chief officer of police” to “about” substitute “—
- (a) the chief officer of police, and
 - (b) if the local authority are not the fire and rescue authority, the fire and rescue authority, and
 - (c) if the local authority are not the building authority, the building authority,
- about”.
- (4) In section 5(5) (appeals: meaning of “interested party”) for paragraph (d) substitute—
- “(d) if the local authority are not the fire and rescue authority, the fire and rescue authority; and
 - (e) if the local authority are not the building authority, the building authority.”
- (5) In section 10(8) (procedures in respect of prohibition notices), for paragraph (b) substitute—
- “(b) if the local authority are not the fire and rescue authority, the fire and rescue authority; and
 - (c) if the local authority are not the building authority, the building authority.”
- (6) In section 10A(7) (appeals against prohibition notices), for paragraph (d) substitute—
- “(d) if the local authority are not the fire and rescue authority, the fire and rescue authority; and
 - (e) if the local authority are not the building authority, the building authority.”
- (7) In section 11 (powers of entry and inspection), for paragraph (c) substitute—
- “(c) if the local authority are not the fire and rescue authority, the fire and rescue authority;
 - (ca) if the local authority are not the building authority, the building authority; or”.

Commencement Information

- I91** Sch. 1 para. 47 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](#))
- I92** Sch. 1 para. 47 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Race Relations Act 1976 (c. 74)

F⁶48

Textual Amendments

- F6** Sch. 1 para. 48 repealed (4.4.2011) by 2010 c. 15, Sch. 27 Pt. 1A (as inserted by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), [arts. 1\(2\), 3\(3\)\(a\)](#), [Sch. 3](#))

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I93** Sch. 1 para. 48 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](#))
- I94** Sch. 1 para. 48 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government, Planning and Land Act 1980 (c. 65)

- 49 (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 2(1) (authorities on whom duty to publish information applies), for paragraph (h) substitute—
- “(h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In section 152(1)(a) (functions and powers of urban development corporations), for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I95** Sch. 1 para. 49 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](#))
- I96** Sch. 1 para. 49 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Highways Act 1980 (c. 66)

- 50 (1) Paragraph 3 of Schedule 6 to the Highways Act 1980 (procedure for making and confirming certain orders) is amended as follows.
- (2) For sub-paragraph (3)(a)(ia) substitute—
- “(ia) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In sub-paragraph (3)(a)(ii), for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

- I97** Sch. 1 para. 50 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](#))
- I98** Sch. 1 para. 50 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Zoo Licensing Act 1981 (c. 37)

- 51 In section 3(2) of the Zoo Licensing Act 1981 (consideration of applications for licences), for paragraph (c) substitute—
- “(c) the fire and rescue authority under the Fire and Rescue Services Act 2004 for any area in which the whole or any part of the zoo is situated;”.

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I99** Sch. 1 para. 51 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](#))
- I100** Sch. 1 para. 51 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

New Towns Act 1981 (c. 64)

- 52 (1) Section 80(1) of the New Towns Act 1981 (interpretation) is amended as follows.
- (2) For paragraph (aa) of the definition of “local authority” substitute—
- “(aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In paragraph (b) of that definition, for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

- I101** Sch. 1 para. 52 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](#))
- I102** Sch. 1 para. 52 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Acquisition of Land Act 1981 (c. 67)

- 53 (1) Section 7(1) of the Acquisition of Land Act 1981 (interpretation) is amended as follows.
- (2) For paragraph (aa) of the definition of “local authority” substitute—
- “(aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In paragraph (b) of that definition, for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

- I103** Sch. 1 para. 53 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](#))
- I104** Sch. 1 para. 53 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 54 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.
- (2) In the provisions mentioned in sub-paragraph (3), for “fire authority” (in each place) substitute “ fire and rescue authority ”.
- (3) The provisions are—

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) in section 9 (application of section 10), subsections (1) and (2);
 - (b) in section 10 (firemen’s switches for luminous tube signs), subsections (3), (4), (5), (6), (7), (8), (9) and (10).
- (4) In section 9(4) (meaning of “fire authority”), for the words from “ “fire authority”” to “1947” substitute “ “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004 ”.
- (5) In section 10, in subsections (3) and (8)(a) for “firemen” substitute “ fire-fighters ”.

Commencement Information

- I105** Sch. 1 para. 54 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](#))
- I106** Sch. 1 para. 54 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Road Traffic Regulation Act 1984 (c. 27)

- 55 In section 87 of the Road Traffic Regulation Act 1984 (exemptions from speed limits), for “fire brigade” substitute “ fire and rescue authority ”.

Commencement Information

- I107** Sch. 1 para. 55 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](#))
- I108** Sch. 1 para. 55 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Food Act 1984 (c. 30)

- 56 (1) The Food Act 1984 is amended as follows.
- (2) In section 60(d) (market byelaws), for “fire authority” substitute “ fire and rescue authority ”.
- (3) In section 61 (interpretation), for the definition of “fire authority” substitute—
- ““fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;”.

Commencement Information

- I109** Sch. 1 para. 56 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](#))
- I110** Sch. 1 para. 56 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Building Act 1984 (c. 55)

- 57 (1) The Building Act 1984 is amended as follows.
- (2) In the provisions mentioned in sub-paragraph (3), for “fire authority” (in each place) substitute “ fire and rescue authority ”.

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) The provisions are—
- (a) section 15(1) (consultation with fire authority);
 - (b) section 24(1) (provision of exits etc);
 - (c) section 48(4) (effect of initial notice);
 - (d) section 51B(2) (effect of an amendment notice);
 - (e) in section 71 (requirements for entrances, exits etc in certain places), subsections (1) and (4);
 - (f) section 72(1) (means of escape from fire);
 - (g) section 81(6) (duty of local authority to provide copy of notice);
 - (h) in section 82(1), paragraph (i) (provisions in respect of notices under section 81);
 - (i) section 126 (interpretation).

Commencement Information

- I111** Sch. 1 para. 57 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](#))
- I112** Sch. 1 para. 57 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government Act 1985 (c. 51)

58 The Local Government Act 1985 is amended as follows.

Commencement Information

- I113** Sch. 1 para. 58 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](#))
- I114** Sch. 1 para. 58 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 59 (1) Section 42 (reorganisation of functions) is amended as follows.
- (2) Omit subsections (1)(b) and (2).
- (3) In subsection (3), omit “fire or”.

Commencement Information

- I115** Sch. 1 para. 59 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](#))
- I116** Sch. 1 para. 59 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

60 In section 60(3) (pensions liabilities of police and fire authorities), for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I117** Sch. 1 para. 60 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](#))
- I118** Sch. 1 para. 60 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 61 In paragraph 5(a) of Schedule 11 (police and fire services: derelict petroleum tanks), for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I119** Sch. 1 para. 61 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](#))
- I120** Sch. 1 para. 61 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Housing Act 1985 (c. 68)

- 62 (1) The Housing Act 1985 is amended as follows.
- (2) In section 365(3) (local authorities' powers in relation to means of escape from fires), for “fire authority” substitute “ fire and rescue authority ”.
- (3) In Schedule 1 (tenancies that are not secure tenancies), in paragraph 2(3) for the words from “fire authority” to “1959)” substitute “ fire and rescue authority ”.

Commencement Information

- I121** Sch. 1 para. 62 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](#))
- I122** Sch. 1 para. 62 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Fire Safety and Safety of Places of Sport Act 1987 (c. 27)

- 63 (1) The Fire Safety and Safety of Places of Sport Act 1987 is amended as follows.
- (2) In sections 28(10) (issue of certificates) and 29(7) (transfer of certificates), for the words from “the chief officer of police” to “for the area in which it” substitute “—
- (a) the chief officer of police, and
 - (b) if the local authority are not the fire and rescue authority, the fire and rescue authority, and
 - (c) if the local authority are not the building authority, the building authority,
- for the area in which the sports ground ”.
- (3) In section 29(8) (amendment, cancellation etc. of certificates), for the words from “the chief officer of police” to “about” substitute “—
- (a) the chief officer of police, and
 - (b) if the local authority are not the fire and rescue authority, the fire and rescue authority, and
 - (c) if the local authority are not the building authority, the building authority,
- about ”.
- (4) In section 30(8) (appeals), for paragraph (d) substitute—
- “(d) if the local authority are not the fire and rescue authority, the fire and rescue authority; and

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (e) if the local authority are not the building authority, the building authority.”
- (5) In section 35 (powers of entry and inspection), for paragraph (c) substitute—
 - “(c) if the local authority are not the fire and rescue authority, the fire and rescue authority, or
 - (d) if the local authority are not the building authority, the building authority.”.

Commencement Information

- I123** Sch. 1 para. 63 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**)
- I124** Sch. 1 para. 63 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

Income and Corporation Taxes Act 1988 (c. 1)

^{F7}64

Textual Amendments

- F7** Sch. 1 para. 64 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 1** (with **Sch. 2**)

Commencement Information

- I125** Sch. 1 para. 64 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**)
- I126** Sch. 1 para. 64 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

Local Government Act 1988 (c. 9)

65 In Schedule 2 to the Local Government Act 1988 (public authorities required to exclude non-commercial considerations), for “fire authority constituted by a combination scheme” substitute “ fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies ”.

Commencement Information

- I127** Sch. 1 para. 65 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**)
- I128** Sch. 1 para. 65 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

Dartford-Thurrock Crossing Act 1988 (c. 20)

66 In section 19(a) of the Dartford-Thurrock Crossing Act 1988 (exemption from tolls), for sub-paragraph (ii) substitute—
“(ii) a fire and rescue authority under the Fire and Rescue Services Act 2004; or”.

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I129** Sch. 1 para. 66 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](#))
- I130** Sch. 1 para. 66 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Environment and Safety of Information Act 1988 (c. 30)

- 67 In the Schedule to the Environment and Safety of Information Act 1988 (authorities with duties in relation to public registers), for “fire authority” in the third column substitute “ fire and rescue authority ”.

Commencement Information

- I131** Sch. 1 para. 67 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](#))
- I132** Sch. 1 para. 67 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government Finance Act 1988 (c. 41)

- 68 (1) The Local Government Finance Act 1988 is amended as follows.
- (2) In section 74(1) (levying bodies), in paragraph (c) for “combined fire authority,” substitute “ combined fire and rescue authority in Wales ”.
- (3) In section 111(2)(m) (relevant authorities) and 112(2)(b) (financial administration of certain authorities), for “combined fire authority” substitute “ combined fire and rescue authority ”.
- (4) In section 117(5) (levying bodies), in paragraph (c) for “combined fire authority,” substitute “ combined fire and rescue authority in Wales ”.
- (5) For section 144(5) (combined fire authorities), substitute—
- “(5) A combined fire and rescue authority is a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

Commencement Information

- I133** Sch. 1 para. 68 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](#))
- I134** Sch. 1 para. 68 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Road Traffic Act 1988 (c. 52)

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F8** Sch. 1 para. 69 omitted (29.4.2009) by virtue of [Road Vehicles \(Approval\) \(Consequential Amendments\) Regulations 2009 \(S.I. 2009/818\)](#), regs. 1, **4(c)**

Commencement Information

- I135** Sch. 1 para. 69 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**)
- I136** Sch. 1 para. 69 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

Football Spectators Act 1989 (c. 37)

- 70 (1) Section 13 of the Football Spectators Act 1989 (licensing authority's powers in relation to safety at football grounds) is amended as follows.
- (2) In subsection (3), for the words from “the local authority” to “case)” substitute “—
- (a) the local authority;
 - (b) the chief officer of police;
 - (c) if the local authority are not the fire and rescue authority, the fire and rescue authority; and
 - (d) if the local authority are not the building authority, the building authority.”
- (3) In subsection (4), for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I137** Sch. 1 para. 70 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**)
- I138** Sch. 1 para. 70 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

Local Government and Housing Act 1989 (c. 42)

- 71 (1) The Local Government and Housing Act 1989 is amended as follows.
- (2) In section 21(1) (meaning of local authority in Part 1), for paragraph (f) substitute—
- “(f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (3) In section 67(3) (meaning of local authority in Part 5), for paragraph (h) substitute—
- “(h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.
- (4) In section 152(2) (meaning of relevant authority for sections 150 and 151), for paragraph (f) substitute—
- “(f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5) In section 155(4) (authorities that are local authorities for section 155), for paragraph (h) substitute—

“(h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

Commencement Information

I139 Sch. 1 para. 71 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](#))

I140 Sch. 1 para. 71 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Town and Country Planning Act 1990 (c. 8)

72 (1) Section 336(1) of the Town and Country Planning Act 1990 (interpretation) is amended as follows.

(2) For paragraph (aa) of the definition of “local authority” substitute—

“(aa) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

(3) In paragraph (b) of that definition, for “that Act” substitute “ the Local Government Finance Act 1988 ”.

Commencement Information

I141 Sch. 1 para. 72 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](#))

I142 Sch. 1 para. 72 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

National Health Service and Community Care Act 1990 (c. 19)

73 In paragraph 15(1) of Schedule 8 to the National Health Service and Community Care Act 1990 (transitional provisions), for “fire authority” (in both places) substitute “ fire and rescue authority ”.

Commencement Information

I143 Sch. 1 para. 73 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](#))

I144 Sch. 1 para. 73 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Smoke Detectors Act 1991 (c. 37)

74 In section 2(2) of the Smoke Detectors Act 1991 (power of local authorities to dispense with or relax requirements in relation to smoke detectors), for “fire authority” substitute “ fire and rescue authority ”.

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

- I145** Sch. 1 para. 74 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](#))
- I146** Sch. 1 para. 74 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Water Industry Act 1991 (c. 56)

75 The Water Industry Act 1991 is amended as follows.

Commencement Information

- I147** Sch. 1 para. 75 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](#))
- I148** Sch. 1 para. 75 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 76 (1) Section 57 (duty to supply water for fire-fighting) is amended as follows.
- (2) In subsections (2) and (4), for “fire authority” substitute “ fire and rescue authority ”.
- (3) In subsection (5)—
- (a) after “Subject to” insert “ subsection (5A) and ”;
- (b) for “fire authority” substitute “ fire and rescue authority ”.
- (4) After subsection (5) insert—

“(5A) Where a fire-hydrant is damaged as the result of any use made of it with the authority of a water undertaker, other than use for the purposes of fire-fighting or for any other purposes of a fire and rescue authority, the fire and rescue authority is not liable for the cost of repairing or replacing the hydrant.”

Commencement Information

- I149** Sch. 1 para. 76 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](#))
- I150** Sch. 1 para. 76 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 77 In section 147(1) (charging for emergency use of water)—
- (a) after “Notwithstanding anything” insert “ in section 38(2) of the Fire and Rescue Services Act 2004, or anything ”;
- (b) for “fire authority” substitute “ fire and rescue authority ”.

Commencement Information

- I151** Sch. 1 para. 77 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](#))
- I152** Sch. 1 para. 77 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 78 In paragraph 15 of Schedule 4A (premises not to be disconnected for non-payment of charges), for “fire brigade maintained in pursuance of the Fire Services Act 1947” substitute “ fire and rescue authority ”.

Commencement Information

- I153** Sch. 1 para. 78 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](#))
I154 Sch. 1 para. 78 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Water Resources Act 1991 (c. 57)

- 79 In section 32(2) of the Water Resources Act 1991 (rights to abstract)—
- (a) in paragraph (a), for the words from “fire-fighting” to “1947” substitute “ extinguishing fires or protecting life and property in the event of fire ”;
 - (b) in paragraph (b), after “used for” insert “ either of ”.

Commencement Information

- I155** Sch. 1 para. 79 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](#))
I156 Sch. 1 para. 79 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Severn Bridges Act 1992 (c. 3)

- 80 In section 8 of the Severn Bridges Act 1992 (vehicles subject to tolls), in subsection (5)(a) for “fire authority under the Fire Services Acts 1947 to 1959” substitute “ fire and rescue authority ”.

Commencement Information

- I157** Sch. 1 para. 80 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](#))
I158 Sch. 1 para. 80 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government Finance Act 1992 (c. 14)

- 81 In section 39(1) of the Local Government Finance Act 1992 (major precepting authorities), for paragraph (da) substitute—
- “(da) a fire and rescue authority in England constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

Commencement Information

- I159** Sch. 1 para. 81 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](#))
I160 Sch. 1 para. 81 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Local Government Act 1992 (c. 19)

- 82 (1) Section 18 of the Local Government Act 1992 (consequences of structural changes) is amended as follows.
- (2) Omit subsection (3).
- (3) In subsection (4), for paragraph (b) substitute—
- “(b) his power to make a scheme under section 2 of the Fire and Rescue Services Act 2004 (combined fire and rescue authorities).”

Commencement Information

I161 Sch. 1 para. 82 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](#))

I162 Sch. 1 para. 82 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government (Overseas Assistance) Act 1993 (c. 25)

- 83 In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (bodies to which power to provide advice and assistance applies), for paragraph (a) substitute—
- “(a) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”

Commencement Information

I163 Sch. 1 para. 83 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](#))

I164 Sch. 1 para. 83 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Welsh Language Act 1993 (c. 38)

- 84 In section 6(1) of the Welsh Language Act 1993 (meaning of public body), for paragraph (e) substitute—
- “(e) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”

Commencement Information

I165 Sch. 1 para. 84 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](#))

I166 Sch. 1 para. 84 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Vehicle Excise and Registration Act 1994 (c. 22)

- 85 (1) Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt vehicles) is amended as follows.

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- (2) In paragraph 4(2) (fire engines), for paragraph (b) substitute—
 “(b) is used solely for purposes in relation to which a fire and rescue authority under the Fire and Rescue Services Act 2004 has functions (whoever uses it for those purposes).”
- (3) In paragraph 5 (other vehicles kept by fire authorities)—
 (a) for “fire authority” substitute “ fire and rescue authority ”;
 (b) for “fire brigade service” substitute “ functions ”.

Commencement Information

- I167** Sch. 1 para. 85 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](#))
- I168** Sch. 1 para. 85 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

London Local Authorities Act 1995 (c. x)

- 86 (1) The London Local Authorities Act 1995 is amended as follows.
- (2) In the provisions mentioned in sub-paragraph (3), for “fire authority” (in each place) substitute “ fire and rescue authority ”.
- (3) The provisions are—
 (a) section 2 (interpretation);
 (b) in section 17 (applications), subsections (1), (2) and (3);
 (c) section 22(3) (variation of near beer licences);
 (d) section 25(3) (powers of entry).
- (4) In section 5(5) (right to stop in prohibited zones), in paragraph (c) for “fire brigade” substitute “ fire and rescue authority ”.

Commencement Information

- I169** Sch. 1 para. 86 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](#))
- I170** Sch. 1 para. 86 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Merchant Shipping Act 1995 (c. 21)

- 87 In section 135(1) of the Merchant Shipping Act 1995 (restrictions on transfer of oil at night), for “fire brigade” substitute “ fire and rescue authority or other employer of fire-fighters ”.

Commencement Information

- I171** Sch. 1 para. 87 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](#))
- I172** Sch. 1 para. 87 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

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Audit Commission Act 1998 (c. 18)

F988

Textual Amendments

F9 Sch. 1 para. 88 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5-8Sch.)

Crime and Disorder Act 1998 (c. 37)

- 89 (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 5 (authorities responsible for strategies)—
- (a) in subsection (1)(d), for “fire authority” substitute “ fire and rescue authority ”;
 - (b) in subsection (5), for the definition of “fire authority” substitute—
““fire and rescue authority” means—
 - (a) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a metropolitan county fire and civil defence authority; or
 - (c) the London Fire and Emergency Planning Authority;”.
- (3) In section 17(2) (duty of authorities to consider crime and disorder implications), for “a fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41)” substitute “ a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies ”.

Commencement Information

- I173** Sch. 1 para. 89 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](#))
- I174** Sch. 1 para. 89 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government Act 1999 (c. 27)

90 The Local Government Act 1999 is amended as follows.

Commencement Information

- I175** Sch. 1 para. 90 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](#))
- I176** Sch. 1 para. 90 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 91 In section 1(1) (best value authorities), for paragraph (e) substitute—
“(e) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which

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section 4 of that Act applies, and a metropolitan county fire and civil defence authority;”.

Commencement Information

- I177** Sch. 1 para. 91 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](#))
I178 Sch. 1 para. 91 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 92 In section 29(2)(a) (modifications of Part 1 for Wales: authorities which are not best value authorities) omit “or (e)”.

Commencement Information

- I179** Sch. 1 para. 92 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](#))
I180 Sch. 1 para. 92 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

London Local Authorities Act 2000 (c. vii)

- 93 In section 6 of the London Local Authorities Act 2000 (parking outside designated parking places), in the amended section 5(4) of the London Local Authorities Act 1995 at paragraph (c), for “fire brigade” substitute “ fire and rescue authority ”.

Commencement Information

- I181** Sch. 1 para. 93 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](#))
I182 Sch. 1 para. 93 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Local Government Act 2000 (c. 22)

- 94 In section 49(6) of the Local Government Act 2000 (authorities that must be consulted regarding principles governing conduct of members), for paragraph (l) substitute—
 “(l) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

Commencement Information

- I183** Sch. 1 para. 94 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](#))
I184 Sch. 1 para. 94 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Freedom of Information Act 2000 (c. 36)

- 95 In Schedule 1 to the Freedom of Information Act 2000 (public authorities), for paragraph 14 substitute—

Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“14 A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

Commencement Information

- I185** Sch. 1 para. 95 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](#))
- I186** Sch. 1 para. 95 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Capital Allowances Act 2001 (c. 2)

F1096

Textual Amendments

- F10** Sch. 1 para. 96 omitted (with effect in accordance with s. 72(4) of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), [s. 72\(3\)\(a\)](#)

Commencement Information

- I187** Sch. 1 para. 96 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](#))
- I188** Sch. 1 para. 96 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Criminal Justice and Police Act 2001 (c. 16)

- 97 (1) The Table in section 1(1) of the Criminal Justice and Police Act 2001 (offences leading to on the spot penalties) is amended as follows.
- (2) Omit the entry for section 31 of the Fire Services Act 1947.
- (3) At the end add—

“Section 49 of the Fire and Rescue Services Act 2004 (c. 21) Knowingly giving a false alarm of fire”

Commencement Information

- I189** Sch. 1 para. 97 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](#))
- I190** Sch. 1 para. 97 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Licensing Act 2003 (c. 17)

- 98 (1) The Licensing Act 2003 is amended as follows.
- (2) In the provisions mentioned in sub-paragraph (3), for “fire authority” (in each place) substitute “ fire and rescue authority ”.

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- (3) The provisions are—
- (a) in section 5 (statement of licensing policy), subsection (3)(b);
 - (b) in section 13 (meaning of “responsible authority”), subsection (4)(b);
 - (c) in section 69 (meaning of “responsible authority”), subsection (4)(b);
 - (d) in section 177(8) (dancing and music in small premises), paragraph (b) of the definition of “permitted capacity”.

Commencement Information

I191 Sch. 1 para. 98 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](#))

I192 Sch. 1 para. 98 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

Local Government Act 2003 (c. 26)

99 The Local Government Act 2003 is amended as follows.

Commencement Information

I193 Sch. 1 para. 99 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](#))

I194 Sch. 1 para. 99 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

- 100 In section 23(1) (local authorities) for paragraph (m) substitute—
- “(m) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

Commencement Information

I195 Sch. 1 para. 100 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](#))

I196 Sch. 1 para. 100 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

- 101 In section 33(1) (interpretation of Chapter 1) for paragraph (l) substitute—
- “(l) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

Commencement Information

I197 Sch. 1 para. 101 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](#))

I198 Sch. 1 para. 101 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

^{F11}102

Changes to legislation: *Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F11 Sch. 1 para. 102 repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 123\(b\)](#); [S.I. 2015/841](#), art. 3(x)

103 In section 101(7) (staff transfer matters: general), omit paragraph (b) and the word “or” immediately preceding it.

Commencement Information

I199 Sch. 1 para. 103 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](#))

I200 Sch. 1 para. 103 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Fire Services Act 2003 (c. 36)

104 The Fire Services Act 2003 is amended as follows.

Commencement Information

I201 Sch. 1 para. 104 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](#))

I202 Sch. 1 para. 104 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 105 (1) Section 1 (Secretary of State’s powers) is amended as follows.
- (2) In subsections (1)(a), (3) and (5)(a) for “fire brigade members” substitute “employees of a fire and rescue authority”.
- (3) Omit subsections (1)(b), (2) and (4) and, in subsection (5)(b), the words from “(including” to “authorities”.
- (4) In subsection (9) for “fire authority” substitute “fire and rescue authority”.

Commencement Information

I203 Sch. 1 para. 105 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](#))

I204 Sch. 1 para. 105 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

- 106 (1) Section 3 (supplemental provisions) is amended as follows.
- (2) In subsection (2)—
- (a) for the definition of “fire authority” substitute—
- ““fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;”;
- (b) omit the definitions of “fire brigade” and “fire brigade member”;
- (c) in the definition of “negotiating body”—
- (i) for “fire authorities” substitute “fire and rescue authorities”;

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(ii) for “fire brigade members” (in both places) substitute “ employees of fire and rescue authorities ”.

(3) Omit subsection (3).

(4) In subsection (4)—

- (a) in paragraph (b), for “fire authority or fire authorities” substitute “ fire and rescue authority or fire and rescue authorities ”;
- (b) in paragraph (c), for “a fire brigade member there were substituted references to” substitute “ employees of a fire and rescue authority there were substituted references to members of ”;
- (c) omit paragraph (e).

Commencement Information

I205 Sch. 1 para. 106 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](#))

I206 Sch. 1 para. 106 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

SCHEDULE 2

Section 54

REPEALS

Commencement Information

I207 Sch. 2 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](#))

I208 Sch. 2 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
London County Council (General Powers) Act 1894 (c. ccxii)	Section 4.
Public Health Act 1936 (c. 49)	In section 343(1), the definition of “fire authority”.
Fire Services Act 1947 (c. 41)	The whole Act.
Civil Defence Act 1948 (c. 5)	In section 5, the words “and brigades”. In section 9(1), the definition of “fire brigade”.
London County Council (General Powers) Act 1949 (c. lv)	Section 51.
Fire Services Act 1951 (c. 27)	The whole Act.
Fire Services Act 1959 (c. 44)	The whole Act.
Fire Precautions Act 1971 (c. 40)	Section 29.
Pensions (Increase) Act 1971 (c. 56)	Section 15.

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	In Schedule 2, paragraph 45.
Superannuation Act 1972 (c. 11)	Section 16.
Local Government Act 1972 (c. 70)	Section 100J(5). Section 112(4)(c).
Local Government Act 1985 (c. 51)	In section 42, subsections (1)(b) and (2) and, in subsection (3), the words “fire or”. In Schedule 11, paragraph 2(1) and (2).
Water Act 1989 (c. 15)	In Schedule 25, paragraph 9.
Local Government and Housing Act 1989 (c. 42)	Section 2(6)(b). Section 7(2)(b).
Water Industry Act 1991 (c. 56)	Section 57(10). Section 147(4).
Local Government Act 1992 (c. 19)	Section 18(3).
Police and Firemen’s Pensions Act 1997 (c. 52)	Sections 1(3) and 3.
Merchant Shipping and Maritime Security Act 1997 (c. 28)	Section 4.
Local Government Act 1999 (c. 27)	In section 29(2)(a), the words “or (e)”.
Local Government Act 2000 (c. 22)	In Schedule 5, paragraph 14.
Criminal Justice and Police Act 2001 (c. 16)	In the Table in section 1(1), the entry for section 31 of the Fire Services Act 1947.
Regional Assemblies (Preparations) Act 2003 (c. 10)	In the Schedule, paragraph 1.
Marine Safety Act 2003 (c. 16)	Section 2.
Local Government Act 2003 (c. 26)	In section 99(7), the word “or” at the end of paragraph (d). In section 101(7), paragraph (b) and the word “or” immediately preceding it. Section 121. In Schedule 7, paragraph 1.
Fire Services Act 2003 (c. 36)	In section 1, subsections (1)(b), (2), (4) and, in subsection (5)(b), the words from “(including” to “authorities”. In section 3— (a) in subsection (2), the definitions of “fire brigade” and “fire brigade member”; (b) subsections (3) and (4)(e).

Changes to legislation:

Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 27 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 24(3) substituted for s. 24(3)-(5) by [2021 asc 1 s. 168\(3\)](#)
- Sch. 1 para. 55 repealed by [2006 c. 49 Sch. 7\(7\)](#)