

## SCHEDULES

### 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”.

##### *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”.

##### *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”.

##### *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”.

##### *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”.

##### *Public Health Act 1936 (c. 49)*

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

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

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

---

*Status: This is the original version (as it was originally enacted).*

---

- 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”.
- 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);
  - (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).

*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”.

*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”.

*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—

---

*Status: This is the original version (as it was originally enacted).*

---

“(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.”

---

#### *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.”

#### *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).

(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;”.

#### *Land Compensation Act 1961 (c. 33)*

15      (1) Section 29(1) of the Land Compensation Act 1961 (interpretation) is amended as follows.

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

- “(a) a charging authority or precepting authority (as defined in section 144 of the Local Government Finance Act 1988), or a combined police authority;
- (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”.

---

*Status: This is the original version (as it was originally enacted).*

---

*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”.

*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;”.

*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”.

*Industrial and Provident Societies Act 1965 (c. 12)*

- 19 (1) Section 31 of the Industrial and Provident Societies Act 1965 (investments) 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”.

*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;”.

*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”.

*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”.

*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).
- (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”.

*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)—

---

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

---

- (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”.

*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”.

*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.”

*Fire Precautions Act 1971 (c. 40)*

- 27 The Fire Precautions Act 1971 is amended as follows.
- 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);

---

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

---

- (k) in section 9 (rights of appeal in respect of sections 5 to 8), subsections (1), (2) and (3);
  - (l) in section 9A (duty as to means of escape and for fighting fire), subsection (2);
  - (m) in section 9D (improvement notices), subsections (1), (2), (3) and (4);
  - (n) in section 10 (prohibition notices), subsections (2), (3), (4) and (7);
  - (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).
- 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”.
- 30 Section 29 (extension of provisions of the Fire Services Act 1947 relating to inspectors and inquiries) shall cease to have effect.
- 31 (1) Section 40 (application to Crown) is amended as follows.
- (2) In subsection (3), for “fire authority” substitute “fire and rescue authority”.
- (3) In subsection (4)—
- (a) for “officer of the fire brigade maintained by the fire authority” substitute “employee of the fire and rescue authority”;
  - (b) for “officer of a fire brigade” substitute “employee of a fire and rescue authority”;
  - (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”.
- 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”.
- 33 (1) Section 43 (interpretation) is amended as follows.
- (2) For the definition of “fire authority” substitute—

---

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

---

““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”.

*Pensions (Increase) Act 1971 (c. 56)*

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

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.

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”.

*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”.

*Local Government Act 1972 (c. 70)*

38 The Local Government Act 1972 is amended as follows.

---

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

---

- 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).
- 40 Omit section 112(4)(c) (officers to whom subsection (3) does not apply).
- 41 (1) Section 168(5) (local financial returns: meaning of “local authority”) is amended as follows.
- (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”.

#### *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;”.

#### *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”.

#### *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”.

#### *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”.

#### *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”.

---

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

---

(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;”.

*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”.

(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”.

*Race Relations Act 1976 (c. 74)*

48 For paragraph 21 of Schedule 1A to the Race Relations Act 1976 (bodies subject to general statutory duty) substitute—

“21 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.”

*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”.

*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”.

*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;”.

*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;”.

---

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

---

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

*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”.

*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—  
(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”.

*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”.

*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;”.

*Building Act 1984 (c. 55)*

- 57 (1) The Building Act 1984 is amended as follows.

---

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

---

- (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 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).

#### *Local Government Act 1985 (c. 51)*

- 58 The Local Government Act 1985 is amended as follows.
- 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”.
- 60 In section 60(3) (pensions liabilities of police and fire authorities), for “fire authority” substitute “fire and rescue authority”.
- 61 In paragraph 5(a) of Schedule 11 (police and fire services: derelict petroleum tanks), for “fire authority” substitute “fire and rescue authority”.

#### *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”.

#### *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,

---

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

---

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
- (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.”.

*Income and Corporation Taxes Act 1988 (c. 1)*

64 In section 842A of the Income and Corporation Taxes Act 1988 (local authorities), for subsection (2)(f) substitute—

- “(f) 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;”.

*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”.

*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”.

*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”.

*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.”

*Road Traffic Act 1988 (c. 52)*

- 69 In section 85 of the Road Traffic Act 1988 (interpretation of Part 2 of that Act), in the definition of “light passenger vehicle”, for the words from “a fire brigade” to “1947)” substitute “any matter in relation to which a fire and rescue authority has functions (whoever uses it for those purposes)”.

*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”.

*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—

---

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

---

- “(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;”.
- (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.”

*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”.

*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”.

*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”.

*Water Industry Act 1991 (c. 56)*

- 75 The Water Industry Act 1991 is amended as follows.
- 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)—

---

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

---

- (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.”

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”.

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”.

*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”.

*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”.

*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;”.

*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)”.

---

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

---

*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;”.

*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;”.

*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.
- (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”.

*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”.

*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”.

*Audit Commission Act 1998 (c. 18)*

- 88 In paragraph 1 of Schedule 2 to the Audit Commission Act 1998 (accounts subject to audit), 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;”.

*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”.

*Local Government Act 1999 (c. 27)*

- 90 The Local Government Act 1999 is amended as follows.
- 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 section 4 of that Act applies, and a metropolitan county fire and civil defence authority;”.
- 92 In section 29(2)(a) (modifications of Part 1 for Wales: authorities which are not best value authorities) omit “or (e)”.

*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”.

*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—

---

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

---

- “(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.”.

*Freedom of Information Act 2000 (c. 36)*

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

- “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.”

*Capital Allowances Act 2001 (c. 2)*

96 In section 29(3)(a) of the Capital Allowances Act 2001 (expenditure incurred for fire safety), for “fire authority” (in both places) substitute “fire and rescue authority”.

*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”

---

*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”.

(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”.

*Local Government Act 2003 (c. 26)*

99 The Local Government Act 2003 is amended as follows.

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;”.

---

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

---

- 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;”.
- 102 In section 99(7) (performance categories of English local authorities), in the definition of “English local authority” omit the “or” at the end of paragraph (d) and after paragraph (e) insert—  
“(f) a metropolitan fire and civil defence authority,  
(g) the London Fire and Emergency Planning Authority, or  
(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.”
- 103 In section 101(7) (staff transfer matters: general), omit paragraph (b) and the word “or” immediately preceding it.

*Fire Services Act 2003 (c. 36)*

- 104 The Fire Services Act 2003 is amended as follows.
- 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”.
- 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”;
- (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).

---

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

---

## SCHEDULE 2

Section 54

## REPEALS

<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. 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.

---

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

---

---

<i>Short title and chapter</i>	<i>Extent of repeal</i>
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).

---