



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 1

FIRE AND RESCUE AUTHORITIES

[^{F1}Fire and rescue authority involving police and crime commissioner

[^{F1}4H Delegation to chief constable for police area

- (1) The Secretary of State may by order make provision about—
 - (a) the delegation of functions of a fire and rescue authority created, or to be created, by an order under section 4A to the chief constable of the police force for the police area—
 - (i) which corresponds to the area of the fire and rescue authority, or
 - (ii) within which the area of the fire and rescue authority falls;
 - (b) the delegation by such a chief constable of the chief constable's fire and rescue functions.
- (2) Provision made under subsection (1) may—
 - (a) enable the delegation of any of the functions mentioned in that subsection;
 - (b) enable the delegation of any of the functions mentioned in that subsection other than those specified or described in the order;
 - (c) enable the delegation of such of the functions mentioned in that subsection as are specified or described in the order.
- (3) Provision made under subsection (1)(b) may enable delegation to—
 - (a) members of the chief constable's police force;
 - (b) the civilian staff of that police force, as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011;
 - (c) members of staff transferred to the chief constable under a scheme under section 4I(1);
 - (d) members of staff appointed by the chief constable under section 4I(4).

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 4H. (See end of Document for details)

- (4) An order under this section may be made only if the relevant police and crime commissioner has submitted a proposal for the order to the Secretary of State.
- (5) An order under this section may be made only if it appears to the Secretary of State that—
- (a) it is in the interests of economy, efficiency and effectiveness for the order to be made, or
 - (b) it is in the interests of public safety for the order to be made.
- (6) The Secretary of State may not make an order under this section in a case within subsection (5)(a) if the Secretary of State thinks that the order would have an adverse effect on public safety.
- (7) In this section “relevant police and crime commissioner” has the same meaning as in Schedule A1; and that Schedule makes provision about the procedure for an order under this section which is not combined, or not proposed to be combined, with an order under section 4A (see in particular paragraph 7 of that Schedule).
- (8) In this section “fire and rescue functions”, in relation to a chief constable, means—
- (a) functions which are delegated to the chief constable under provision made under subsection (1)(a), and
 - (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.
- (9) This section is subject to section 37 (prohibition on employment of police in fire-fighting).]

Textual Amendments

- F1** S. 4A-4M and crossheading 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. 5](#); S.I. 2017/399, reg. 2, [Sch. para. 38](#)

Changes to legislation:

There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 4H.