



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 1

#### FIRE AND RESCUE AUTHORITIES

##### *[<sup>F1</sup>Powers of certain fire and rescue authorities]*

##### **[<sup>F1</sup>5J Affirmative resolution procedure for draft laid under section 5F(2)]**

- (1) For the purposes of this Part, “ the affirmative resolution procedure ” in relation to the making of an order pursuant to a draft order laid under section 5F(2) is as follows.
- (2) If after the expiry of the 40-day period the draft order is approved by a resolution of the National Assembly for Wales, the Welsh Ministers may make an order in the terms of the draft.
- (3) However, a committee of the National Assembly for Wales charged with reporting on the draft order may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend under this subsection that no further proceedings be taken in relation to the draft order.
- (4) Where a committee of the National Assembly for Wales makes a recommendation under subsection (3) in relation to a draft order, no proceedings may be taken in relation to the draft order in the Assembly under subsection (2) unless the recommendation is, in the same Assembly, rejected by resolution of the Assembly.
- (5) For the purposes of subsection (2) an order is made in the terms of a draft order if the order contains no material changes to the provisions of the draft order.
- (6) In this section—
  - “ the 30-day period ” has the meaning given by section 5G(7), and
  - “ the 40-day period ” has the meaning given by section 5H(7).
- (7) For the purpose of calculating the 40-day period in a case where a recommendation is made under subsection (3) by a committee of the National Assembly for Wales but

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*Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 5J. (See end of Document for details)*

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the recommendation is rejected by the Assembly under subsection (4), no account is to be taken of any day between the day on which the recommendation was made and the day on which the recommendation was rejected.]

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**Textual Amendments**

- F1** Ss. 5A-5L inserted (18.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss.**9(1)**, 240(4)(a); S.I. 2012/411, art. 2(c); S.I. 2012/887, art. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 5J.