
STATUTORY INSTRUMENTS

1975 No. 487 (S. 66)

FIRE SERVICES

**The South Eastern Combined Fire Area Administration
Scheme Order 1975**

Made - - - - - 24th March 1975

Coming into Operation 25th March 1975

Whereas the councils of the Borders Region and Lothian Region, being the regions comprised in the South Eastern Combined Fire Area as defined in subsection (3) of section 36 of the Fire Services Act, 1947(a) as amended and substituted by subsection (2) of section 147 of the Local Government (Scotland) Act, 1973(b) have submitted to me an administration scheme for the provision in that Combined Area of the services required by section 1 of the said Act of 1947:

Now therefore in exercise of the powers conferred on me by subsections (3), as amended, and (9) of section 36 of the Act of 1947, and all other powers enabling me in that behalf I hereby make the following order:

1. The South Eastern Combined Fire Area Administration Scheme, which is set out in the Schedule to this Order, is approved.

2. The Joint Committee constituted by the South Eastern Combined Fire Area Administration Scheme shall be a body corporate by the name of the Lothian and Borders Fire Board with a common seal and shall have power to hold land and to borrow money.

3. This Order may be cited as the South Eastern Combined Fire Area Administration Scheme Order, 1975, and shall come into operation on 25th March 1975.

4. The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the Interpretation of an Act of Parliament.

St Andrew's House,
Edinburgh.
24th March 1975.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

(a) 1947 c. 41.

(b) 1973 c. 65.

(c) 1889 c. 63.

SCHEDULE

FIRE SERVICES ACTS 1947 TO 1959

LOCAL GOVERNMENT (SCOTLAND) ACT, 1973

South Eastern Combined Fire Area Administration Scheme

I. Interpretation

1.—(1) In this scheme, which is made under Section 36(3) of the Fire Services Act, 1947 as amended by Section 147(2) of the Local Government (Scotland) Act, 1973 and which may be cited as the South Eastern Combined Fire Area Administration Scheme, the following expressions, except where the context otherwise requires, shall have the meanings hereby respectively assigned to them, that is to say:—

“the 1947 Act” means the Fire Services Act, 1947 as amended by the Fire Services Act, 1959(a) and any subsequent enactment;

“combined area” means the South Eastern combined fire area as set out in Section 36(3) of the 1947 Act as amended;

“combined brigade” means the combined fire brigade established by this scheme;

“fire board” and “board” mean the Joint Committee constituted in terms of this scheme;

“fire authority” means either of the councils of the regions of Lothian and Borders;

(2) The Interpretation Act, 1889 shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

II. Commencement of Scheme

2.—(1) So far as this scheme relates to the constitution of the are board and to the performance by that board of functions, necessary for bringing the scheme into full operation on 16th May, 1975, it shall come into force as soon as it shall have been approved by the Secretary of State.

(2) Subject to the preceding sub-paragraph, this scheme shall come into force on 16th May, 1975 (hereinafter referred to as “the appointed day”).

III. Combined Fire Brigade for the Combined Area

3. There shall be established on the appointed day a combined brigade for the combined area which shall be called the Lothian and Borders Fire Brigade.

4. The Firemaster of the combined brigade shall be directly responsible to the board.

5. Appointments and promotions to posts in the combined brigade shall be made in accordance with regulations made by the Secretary of State under the 1947 Act. Subject thereto the Deputy Firemaster shall be appointed by the Firemaster with the approval of the joint board and all other appointments and promotions shall be made by the Firemaster.

IV. Constitution of the Fire Board

6. The combined brigade shall be administered by a board of members to be appointed by the fire authorities from their own number as follows:—

14 by the regional council of the Lothian region; and

4 by the regional council of the Borders region;

which board shall be known as The Lothian and Borders Fire Board.

7. Each fire authority may appoint from its own number substitute members who in the absence of any one or more of its members of the board and in number not exceeding the number of such absent members and with the like powers, may attend meetings of the board or of any sub-committee thereof.

V. Appointment of Members and Period of Office

8. For the purpose of making the necessary arrangements for the board entering fully upon its duties on the appointed day, including, subject to the foregoing provisions of this scheme, the appointment of a Firemaster, the first appointment of members shall be made by the respective fire authorities as soon as is practicable after this scheme shall have been approved by the Secretary of State and the members then appointed, subject as hereinafter provided, shall hold office from and after the date of appointment by the fire authority until the first meeting of the fire authority appointing them after the next succeeding four yearly election of regional councillors, but except for the purpose of anything necessary to bring this scheme into full operation on the appointed day, the board shall not enter on its duties until that day. Thereafter the members shall be appointed by the respective fire authorities at the first meetings thereof after the election of regional councillors in the year 1978 and in every fourth year thereafter and, subject as hereinafter provided, shall hold office for the period from the date of their appointment until the first meeting of the fire authority appointing them after the next succeeding four yearly election of regional councillors.

9. On any member of the board ceasing to be a member of the fire authority which appointed him he shall automatically cease to be a member of the board.

10. A member of the board may resign his membership at any time by written intimation to that effect to the Chief Executive of the fire authority by which he was appointed and to the Chief Executive of the Board.

11. If any person ceases to be a member of the board the fire authority which appointed him shall as soon as possible appoint a member in his place unless in the opinion of that fire authority the appointment should be deferred until the next appointment of members of the board.

12. The Chief Executive of each fire authority shall forthwith notify in writing to the Chief Executive of the board (a) any vacancy occurring among the representative members of the fire authority and (b) the name and address of the person appointed to fill said vacancy.

13. The proceedings of the board shall not be invalidated by any vacancy or vacancies amongst its members or by any defects in the method of appointment of any of its members.

VI. Chairman

14. The board shall appoint from its own number a chairman, who shall hold office, if he continues to be a member of the board, from the date of his appointment until the next four yearly appointment of members of the board.

The chairman shall preside at all meetings of the board. In the event of the chairman being absent from any meeting the members present shall appoint a chairman for that meeting.

An appointment shall be made by lot in the event of an equality of votes in the appointment of (a) the Chairman of the board or (b) the Chairman for any meeting in the absence of the Chairman of the board.

15. In the event of an equality of votes at any meeting the chairman of the meeting shall have a casting vote as well as a deliberative vote.

VII. Officers of Fire Board

16. The board shall appoint a Chief Executive who shall be either the Chief Executive of the Lothian Region or the Chief Executive of the Borders Region.

17. The Chief Executive may, subject to the approval of the board, appoint a person or persons to be Clerk and/or Treasurer to the board and such other staff as may be required for the discharge of the functions of the board.

18. Where under an agreement with the board, either of the fire authorities places its own staff at the disposal of the board, the board shall make annually such payments as may from time to time be agreed with the respective fire authorities for such services.

19. For the purposes of the Local Government Superannuation (Scotland) Regulations 1974 the appropriate superannuation fund in relation to the contributory employees of the board shall be the superannuation fund of the Lothian Regional Council.

VIII. Meetings

20. The first meeting of the board shall be held twenty-one days immediately following the date of approval of this scheme by the Secretary of State. The first meeting shall be convened by the Chief Executive of the Lothian Regional Council and shall be held at such time and place as he may appoint.

21. The board shall hold such meetings as it shall consider necessary for the disposal of its business at such place or places as it may from time to time fix. Copies of the minutes of meetings of the board shall be sent to the fire authorities for their information.

22. The board shall have power to make or adopt standing orders regulating its proceedings and business.

IX. Quorum

23. 6 members of the board shall form a quorum.

X. Sub-Committees

24. The board may appoint such sub-committees from its own number as it may from time to time consider necessary or desirable and may refer to such sub-committees such matters as the board may from time to time specify by minute or in its standing orders.

XI. Powers and Duties of Fire Board

25. The functions of the fire authorities are, as from the appointed day, hereby transferred to the board except functions relating to (a) the power to levy a rate and (b) the amendment or revocation of this scheme.

26. Subject to the necessary order being made by the Secretary of State under Section 36(9) of the 1947 Act the board (a) shall be a body corporate with a common seal, (b) shall have power to hold land, and (c) shall have power to borrow money.

XII. Financial Arrangements

27. The Board shall before the start of each financial year, prepare an estimate of its income and expenditure on capital and revenue accounts for such financial year and shall submit the estimate to the fire authorities for their information by 15th February in each year.

28. The expenditure of the board in each financial year upon and incidental to the administration and maintenance of the combined brigade and any other expenditure which the board requires to defray as part of its expenditure under and for the purposes of the 1947 Act or any subsequent legislation after deducting therefrom all other receipts which require to be applied towards meeting such expenditure of the board, shall be apportioned between the fire authorities in proportion to their products of a rate of one penny in the pound or their standard penny rate products, whichever is the higher, estimated for the area of each of the fire authorities in accordance with the provisions of Section 12 of the Local Government (Scotland) Act, 1966. In each year the board shall at the same time requisition each of the fire authorities for the sums payable by its as aforesaid and the fire authorities shall during each financial year pay to the board on or before the sixteenth day of each month an equal monthly instalment of the total sum so requisitioned for that period.

XIII. Accounts and Audit

29. An account of the board's income and expenditure in each financial year, shall be prepared and shall, along with the vouchers and such financial statements and information as may be required, be submitted annually for audit to an auditor appointed in terms of Section 96(4) of the Local Government (Scotland) Act, 1973 and the provi-

sions of Sections 93 to 106 of that Act, subject to the necessary modifications, shall apply to such audit in like manner as they apply to the accounts of a local authority.

XIV. Property, Rights and Liabilities

30. Subject as hereinafter in this article provided all property, rights and liabilities of the fire authorities owned, held or incurred for fire purposes are hereby transferred to the board with effect from the appointed day, and all heritable property so transferred shall belong to and vest in the board under and by virtue of this scheme, without the necessity of any conveyance or other process of law to that effect, provided that in relation to heritable property owned by any of the fire authorities at the appointed day and used partly for fire purposes and partly for other purposes, such property shall not be transferred to the board in terms of this article, unless otherwise agreed, but shall remain vested in that fire authority with right to the board to occupy the part of the premises used for fire service purposes on a basis similar to that which pertained before the appointed day.

31. All funds, moveable property, equipment and stores owned, held or acquired for fire authorities shall belong to and vest in the board under and by virtue of this scheme.

XV. Settlement of Differences

32. Any difference between the board and the fire authorities or between any of them as to the true intent and meaning of any of the provisions of this scheme shall be referred to the Secretary of State whose decision shall be final and binding upon the parties.

XVI. Variation of Scheme

33. Either fire authority desiring to amend or revoke the scheme shall give to the other fire authority and to the Chief Executive of the board three months' notice of the amendment or revocation proposed. Any such amendment or revocation shall be embodied in a subsequent scheme and shall be submitted to the Secretary of State for Scotland in accordance with Section 36 of the 1947 Act.