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STATUTORY INSTRUMENTS

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**1989 No. 67 (S.8)**

**FIRE SERVICES**

**The South Eastern Combined Fire Area  
Administration (Amendment) Scheme Order 1989**

*Made - - - - 13th January 1989*

WHEREAS in pursuance of section 36(3) of the Fire Services Act 1947((1)) the councils of the Borders Region and Lothian Region comprised in the South Eastern Combined Fire Area; submitted to the Secretary of State an administration scheme for the provision in the combined area of the services required by section 1 of that Act;

AND WHEREAS that scheme (“the principal scheme”) was approved by and set out in the Schedule to, the South Eastern Combined Fire Area Administration Scheme Order 1975((2));

AND WHEREAS the said councils have submitted to the Secretary of State a scheme for the amendment of the principal scheme under sub-section (3) as read with sub-section (7) of said section 36;

NOW THEREFORE the Secretary of State, in exercise of the powers conferred on him by sub-section (3) as read with sub-section (7) of said section 36 and of all other powers enabling him in that behalf, hereby makes the following Order:

**1.** This Order may be cited as the South Eastern Combined Fire Area Administration (Amendment) Scheme Order 1989.

**2.** The South Eastern Combined Fire Area Administration Amendment Scheme 1988 set out in the Schedule to this Order, is hereby approved.

St Andrew’s House,  
Edinburgh  
13th January 1989

*James Douglas-Hamilton*  
Parliamentary Under Secretary of State, Scottish  
Office

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(1) 1947 c. 41; section 36(3) was substituted by the Local Government (Scotland) Act 1973 (c. 65), section 147(2).  
(2) S.I.1975/487

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE

Article 2

### THE SOUTH EASTERN COMBINED FIRE AREA ADMINISTRATION AMENDMENT SCHEME 1988

WHEREAS we, Lothian Regional Council and Borders Regional Council, being the councils of the regions comprised in the South Eastern Combined Fire Area as defined in subsection (3) of section 36 of the Fire Services Act 1947((3)) as submitted to the Secretary of State for Scotland the South Eastern Combined Fire Area Administration Scheme (hereinafter referred to as “said principal Scheme”) being an administration Scheme for the provision in that Combined Fire Area of the services required by section 1 of the said Act of 1947, which said principal Scheme was set out in the Schedule to, and approved by, the South Eastern Combined Fire Area Administration Scheme Order 1975: AND WHEREAS we, the said Lothian Regional Council and Borders Regional Council, wish to amend said principal Scheme in the manner hereinafter provided: NOW THEREFORE, in exercise of the powers conferred on us by subsections (3), (4) and (5) as read with subsection (7) of section 36 of the said Act of 1947, we hereby make the following Scheme:

1. This Scheme may be cited as the South Eastern Combined Fire Area Administration Amendment Scheme 1988 and, notwithstanding the terms of article 2, articles 1, 2 and 7 of this Scheme shall come into operation as soon as said Scheme shall have been approved by order made by the Secretary of State for Scotland and all other articles of said Scheme shall come into operation on 1st April 1989.

2. Except where otherwise indicated any reference in this Scheme to a numbered article is a reference to the article so numbered in said principal Scheme.

3. In article 7 between the word “number” (where it first occurs) and the word “substitute” there shall be inserted the words “including, where appropriate, its board members” and at the end of said article there shall be added the following sentence- “No member of the board entitled as such to attend any meeting of the board or of any sub-committee thereof may attend such meeting as a substitute member also.” .

4. For article 14 there shall be substituted the following:—

“The board shall appoint from its own number a chairman and vice-chairman who shall hold office, if they continue to be members of the board, from the date of their 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 vice-chairman shall preside and in the absence of both the chairman and the vice-chairman 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 (b) the vice-chairman of the board and (c) the chairman for any meeting in the absence of both the chairman and vice-chairman of the board.” .

5. Article 19 shall be deleted.

6. In article 25 between the word “rate” and the word “and” there shall be inserted the words “or a community charge” .

7. In article 27 the words “revenue account” shall be substituted for the words “capital and revenue accounts”, the word “December” shall be substituted for the word “February”, the words “the preceding financial year” shall be substituted for the words “each year” and there shall be added to the end of the article the following:—

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(3) 1947 c. 41; section 36(3) was substituted by the Local Government (Scotland) Act 1973 (c. 65), section 147(2).

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“In each year the board shall at the same time make a requisition upon each of the fire authorities for the sums payable by it 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.” .

8. In article 28 the words from and including “their products of a rate” to the end of the article shall be deleted and the following substituted therefor:—

“the adult populations of their respective areas as estimated for the relevant financial year by the Secretary of State for Scotland for the purpose of sub-paragraph (3) of paragraph 2 of Schedule 4 to the Abolition of Domestic Rates Etc (Scotland) Act 1987((4)).” .

9. After article 28 there shall be inserted the following—

“28A. For the purposes of the Local Government Superannuation (Scotland) Regulations 1987((5)) the appropriate superannuation fund in relation to the pensionable employees (as defined in said Regulations) of the board shall be the superannuation fund administered by the Lothian Regional Council.” .

10. There shall be added to the end of article 30 the following:—

“The board shall provide each fire authority annually with copies of the audited accounts of the board.” .

11. There shall be added to the end of article 31 the following:—

“On any heritable property so transferred becoming surplus to the requirements of the board the property shall revert to the fire authority from which it was transferred under this scheme, if that fire authority should so desire, at a price to be determined by the District Valuer of the Inland Revenue.” .

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order confirms the approval of the Secretary of State to the South Eastern Combined Fire Area Administration Amendment Scheme 1988.

The scheme approved by the order amends the provisions of the South Eastern Combined Fire Area Administration Scheme 1975 by providing for the apportionment of the costs of the fire service between the two Regional Councils as from 1st April 1989 in proportion to their adult populations rather than in proportion, as at present, to their penny rate products. There are also a number of other minor amendments.

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(4) 1987 c. 47

(5) S.I. 1987/1850, amended by S.I. 1988/625