
STATUTORY INSTRUMENTS

2017 No. 469

**The Greater Manchester Combined Authority
(Fire and Rescue Functions) Order 2017**

Transitional arrangements and asset transfers

Transfer of property, rights and liabilities

7.—(1) All property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 8th May 2017 were property, rights and liabilities of the GMFRA are to transfer to, and by virtue of this paragraph vest in, the GMCA on 8th May 2017.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in connection with the GMCA's fire and rescue functions on or after 8th May 2017—

- (a) all functions in relation to such property, rights and liabilities are to be exercised by the Mayor;
- (b) all decisions relating to such property, rights and liabilities are to be made by the Mayor.

(3) Subject to article 6, nothing in paragraph (2) prevents the Mayor from making arrangements under section 107D(3) of the LDEDC Act 2009 in relation to the matters mentioned in paragraph (2).

Secondments

8. In the case of a person who, immediately before 8th May 2017 is seconded to the GMFRA, the secondment is to have effect, after that time, as a secondment to the GMCA.

Continuity

9.—(1) The abolition of the GMFRA, the transfer or abolition of the GMFRA's functions, and the transfer of the GMFRA's property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by this Order from the GMFRA to the GMCA.

(3) There may be continued by or in relation to the GMCA anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred; and
 - (b) is in the process of being done by or in relation to the GMFRA immediately before 8th May 2017.
- (4) Anything which—
- (a) was made or done by or in relation to the GMFRA for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and
 - (b) is in effect immediately before 8th May 2017;

has effect as if made or done by or in relation to the GMCA.

(5) The GMCA is to be substituted for the GMFRA in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and
- (b) are made or commenced before 8th May 2017.

(6) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

Transfers: supplementary provision

10.—(1) All property, rights and liabilities transferred by this Order are to be transferred by that transfer, notwithstanding that they may be or include—

- (a) property, rights and liabilities that would not otherwise be capable of being transferred; or
- (b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Order (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Order.

(4) Paragraphs (1) to (3) above have effect in relation to—

- (a) the grant or creation of an estate or interest in, or right over, any land or other property; or
- (b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by this Order of land or other property.

(5) In this article, “relevant document” means—

- (a) any enactment, other than an enactment contained in the LDEDC Act 2009;
- (b) any subordinate legislation made otherwise than under that Act; or
- (c) any deed or other instrument.

Extension of financial year of Greater Manchester Fire and Rescue Authority

11.—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014⁽¹⁾ for a relevant authority to prepare a statement of accounts for each financial year ending on 31st March is modified in the case of the GMFRA for the financial year which began on 1st April 2016 to require that authority or, after the transfer made by this Order, the GMCA in respect of the GMFRA’s accounts, to prepare a statement of accounts from that date for the period which ends on 7th May 2017.

(2) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015 (commencement of the period for the exercise of public rights)⁽²⁾ (“AA Regulations 2015”) is modified in the case of the GMFRA for the financial year which began on 1st April 2016 to require the responsible financial officer of the GMCA to ensure that the commencement of the period for the exercise of public rights under regulation 9(1)(b) of the AA Regulations 2015 takes place on such a day that ensures that the period referred to in regulation 14(1) of the AA Regulations 2015 includes the 24th July to 4th August 2017.

(1) 2014 c.2. There are no relevant amendments to section 3.

(2) S.I. 2015/234.

(3) In this article “responsible financial officer” has the same meaning as in the AA Regulations 2015 (see regulation 2(2)).

Amendment of the Fire and Rescue Services Act 2004

12. In section 1 of the FRS 2004 Act(3), after subsection (4) insert—

“(5) This section is also subject to an order under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 which transfers the functions of a fire and rescue authority to a combined authority established under section 103 of that Act.”.

Amendment of the Redundancy Payments (Continuity of Employment in Local Government, etc)(Modification) Order 1999

13. In Section 6 (police, fire and civil defence) of Schedule 1 (employment to which this Order applies: employers immediately before the relevant event) to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(4), after paragraph 1A insert—

“**1B.** A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 which is a fire and rescue authority for the purposes of the Fire and Rescue Services Act 2004 in relation to persons deployed wholly or partly in relation to the combined authority’s fire and rescue functions.”.

Schedule

14. The Schedule makes modifications of enactments in their application to the GMCA as a fire and rescue authority.

(3) Section 1 has been amended by the substitution of the words “metropolitan county fire and rescue authority” by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c.36).

(4) S.I. 1999/2277. Paragraph 1A of section 6 was inserted in relation to England by article 50 of S.I. 2004/3168 and paragraph 3 was amended by the substitution of the words “metropolitan county fire and rescue authority” by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c.36).