



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 9

### MISCELLANEOUS

#### *Fire and rescue authorities*

#### **166 Combined fire and rescue authorities: inquiries**

- (1) The Fire and Rescue Services Act 2004 (c. 21) is amended as follows.
- (2) In section 2 (power to create combined fire and rescue authorities)—
  - (a) in subsection (8)—
    - (i) omit “must cause an inquiry to be held”;
    - (ii) in paragraph (a), at the beginning insert “ must cause an inquiry to be held ”;
    - (iii) at the end of paragraph (a), omit “or”;
    - (iv) for paragraph (b) substitute—
      - “(b) where a scheme constituted a fire and rescue authority for an area in England, must cause an inquiry to be held before varying or revoking the scheme under this section, or”;
  - (v) after that paragraph insert—
    - “(c) where a scheme constituted a fire and rescue authority for an area in Wales, must cause an inquiry to be held before—
      - (i) varying the scheme in a way which changes the combined area (and may cause an inquiry to be held before varying the scheme in any other way), or

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- (ii) revoking the scheme.”;
- (b) in subsection (9)—
- (i) in paragraph (b), after “(8)(b)” insert “ or (c) ”;
  - (ii) in paragraph (c), for “either” substitute “ any ”;
  - (iii) in that paragraph, after ”2007” insert “ or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or to regulations under Part 7 of the Local Government and Elections (Wales) Act 2021 ”;
  - (iv) in paragraph (d), for “either” substitute “ any ”;
- (c) in subsection (10), after “2007” insert “ or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or regulations are made under Part 7 of the Local Government and Elections (Wales) Act 2021, ”.
- (3) In section 4 (combined authorities under the Fire Services Act 1947 (c. 41))—
- (a) in subsection (6), for “must cause an inquiry to be held” substitute “—
    - (a) where the scheme constituted a fire and rescue authority for an area in England, must cause an inquiry to be held, and
    - (b) where the scheme constituted a fire and rescue authority for an area in Wales, must cause an inquiry to be held if under the order—
      - (i) the scheme would be varied in a way which changes the combined area (and may cause an inquiry to be held if the scheme would be varied in any other way),  
or
      - (ii) the scheme would be revoked.”;
  - (b) in paragraph (b) of subsection (7), after ”2007” insert “ or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or to regulations under Part 7 of the Local Government and Elections (Wales) Act 2021 ”.
- (4) In section 34(3) of the 2013 Act (pre-review procedure: mandatory consultees), after paragraph (b) insert—
- “(ba) any fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies) for an area in Wales which may be affected by the review,”.

#### Commencement Information

- I1** S. 166(3)(a) in force at 20.3.2021, see s. 175(3)(r)
- I2** S. 166(3)(b) in force at 21.1.2021, see s. 175(1)(i)
- I3** S. 166(4) in force at 20.3.2021, see s. 175(3)(r)
- I4** S. 166(1)(2)(a)(b)(i)(ii) in force at 20.3.2021, see s. 175(3)(r)
- I5** S. 166(2)(b)(iii)(c) in force at 21.1.2021, see s. 175(1)(i)
- I6** S. 166(2)(b)(iv) in force at 20.3.2021, see s. 175(3)(r)

## 167 Performance and governance of fire and rescue authorities

- (1) The Fire and Rescue Services Act 2004 (c. 21) is amended as follows.
- (2) After section 21 (fire and rescue national framework) insert—

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### **“21A Fire and rescue authorities in Wales: performance and governance**

- (1) The Welsh Ministers may by regulations—
    - (a) require a fire and rescue authority for an area in Wales to make a plan in relation to the exercise of the authority's functions;
    - (b) impose requirements relating to such a plan.
  - (2) The requirements which may be imposed under subsection (1)(b) include requirements about—
    - (a) a plan's content;
    - (b) its preparation and revision;
    - (c) when it is to be made;
    - (d) the period to which it is to relate;
    - (e) its publication.
  - (3) Requirements about a plan's content include requirements to—
    - (a) set out an authority's priorities and objectives;
    - (b) describe and explain the extent to which the plan reflects the Framework prepared by the Welsh Ministers under section 21;
    - (c) set out actions the authority intends to take in relation to its priorities and objectives;
    - (d) set out how the authority intends to assess its performance.
  - (4) The Welsh Ministers may by regulations make provision (including imposing requirements on an authority) for the purposes of assessing or reporting on the performance of an authority.
  - (5) Before making regulations under subsection (1) or (4) the Welsh Ministers—
    - (a) must consult fire and rescue authorities for areas in Wales or persons who the Welsh Ministers consider represent those authorities;
    - (b) must consult persons who the Welsh Ministers consider represent employees of fire and rescue authorities for areas in Wales;
    - (c) may consult any other persons the Welsh Ministers consider appropriate.”
- (3) In section 60(6) (procedure for orders and regulations), after paragraph (c) and before the “or” which follows it insert—
- “(ca) regulations made by the Welsh Ministers under section 21A(1) or (4),”.

### **168 Fire and rescue authorities: disapplication of the 2009 Measure**

- (1) In the 2009 Measure omit—
  - (a) section 1(c) (meaning of “Welsh improvement authority”);
  - (b) section 4(3)(c) and (4)(b) (aspects of improvement);
  - (c) section 10 (powers of delegation);
  - (d) section 11(1)(d) (meaning of “powers of collaboration”);
  - (e) section 16(2)(c) (meaning of “relevant regulators” and “relevant functions”);
  - (f) in section 35 (interpretation of Part 1), the definition of “Welsh fire and rescue authority”;

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- (g) in Schedule 1 (minor and consequential amendments: Part 1)—
  - (i) paragraph 27;
  - (ii) paragraphs 32 and 33, and the heading which precedes them.
- (2) In section 93 of the Local Government Act 2003 (c. 26) (power to charge for discretionary services), in subsection (9)—
  - (a) for paragraph (aa) substitute—
    - “(aa) a county council or county borough council in Wales;”;
  - (b) after paragraph (ab) insert—
    - “(ac) a National Park authority for a National Park in Wales;”.
- (3) In section 24 of the Fire and Rescue Services Act 2004 (c. 21) (best value), for subsections (3) to (5) substitute—
  - “(3) This section does not apply to a fire and rescue authority in Wales.”.

**Commencement Information**

- I7** S. 168(1)(g)(i) in force at 20.3.2021, see s. 175(3)(t)
- I8** S. 168(2) in force at 20.3.2021, see s. 175(3)(t)

**Changes to legislation:**

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