

POLICE AND FIRE SERVICES (FINANCE) (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Section 2

14. [Section 2](#) of this Act amends section 36 of the [Fire Services Act 1947 \(c.41\)](#) (the “1947 Act”) to make provision for the carry-forward of working balances by joint fire boards. The six existing joint fire boards – Central Scotland Fire Board, Grampian Fire Board, Highland and Islands Fire Board, Lothian and Borders Fire Board, Strathclyde Fire Board and Tayside Fire Board – were constituted by Administration Scheme Orders made under section 147 of the Local Government (Scotland) Act 1973 (as substituted by section 36 of the Local Government etc. (Scotland) Act 1994). Further provision in respect of administration schemes is made in subsections (3A) to (9) of section 36 of the 1947 Act. The fire authorities which are the constituent authorities of each joint fire board are specified in the administration scheme under which that board is constituted.
15. Like the joint police boards, the joint fire boards requisition funds from their constituent authorities on the basis of estimated revenue expenditure requirements in the year ahead. That is, however, their principal source of revenue funding: unlike police boards, fire boards do not receive grant direct from the Scottish Ministers.
16. Prior to this Act, paragraphs (d) and (e) of section 36(4) of the 1947 Act required an administration scheme to make provision with regard to the payment out of a fund constituted in accordance with the scheme of the expenses incurred by the joint board, and the payment into that fund of contributions by the constituent fire authorities. Unlike the case of joint police boards, where section 19(2)(d) of the 1967 Act precluded the carry-forward of unspent requisitions because constituent authorities could make payments to joint police boards only in respect of expenses which had been incurred, paragraphs (d) and (e) of section 36(4) of the 1947 Act were drafted in slightly different terms. It was considered that the terms of paragraph (e) of that subsection could allow payment by constituent authorities to joint fire boards to cover estimated expenditure. However, the amendments made to section 36(4) by section 2(a) of this Act ensure that amalgamation orders must make provision for this. To this end, section 2(a) replaces paragraph (e) of section 36(4) with a new version which, when read with the new subsection (4A) (which is inserted by section 2(b) of this Act), makes it clear that the payment by fire authorities into the fund is in respect of estimated expenditure in the administration of the combined fire brigade.
17. Section 2 of this Act further amends section 36 of the 1947 Act so as to require administration schemes to make provision with regard to arrangements for the carry-forward of balances of unspent constituent authority requisitions from one year to the next. Again, such balances would represent the difference between a board’s estimated expenditure and its actual expenditure, where the latter is less than the former. Section 2(a) inserts a new paragraph (f) in section 36(4) of the 1947 Act to achieve this.

*These notes relate to the Police and Fire Services (Finance) (Scotland)
Act 2001 (asp 15) which received Royal Assent on 5 December 2001*

18. Section 2(b) inserts new subsections (4B) to (4F) into section 36 of the 1947 Act, providing for the limitations on the carry-forward of balances. The limitations are similar to those described in paragraph 8 above in relation to joint police boards.
19. [Section 2\(b\)](#) also inserts a new subsection (4G) into section 36 of the 1947 Act. This is equivalent to the provision made in respect of the police by new section 19(3F) of the 1967 Act, inserted by section 1(1)(c) of this Act (see paragraph 9 above).
20. In section 36 of the 1947 Act, subsection (7) enables fire authorities to amend or revoke an administration scheme submitted by them and approved by the Scottish Ministers, subject to the like approval. Subsection (8) enables the Scottish Ministers to vary or revoke an administration scheme or to make a new administration scheme. Paragraphs (c) and (d) of section 2 of this Act amend subsections (7) and (8) of section 36 to provide that, in both cases, the powers to amend, revoke and replace schemes apply to the existing schemes made under section 147 of the Local Government (Scotland) Act 1973 as well as to any schemes made under section 36.