

---

STATUTORY INSTRUMENTS

---

**2004 No. 2304**

**The Fire and Rescue Services Act 2004  
(Commencement) (England and Scotland) Order 2004**

**Savings**

**3.**—(1) Where, before 1st October 2004, a fire authority provides a service to another person or contracts to provide such a service in exercise of its powers under sections 3(1)(e) or 3(4A) of the 1947 Act<sup>(1)</sup>, any charges which relate to the provision of that service shall be treated as payable under the 1947 Act, notwithstanding the repeal of the 1947 Act by the 2004 Act.

(2) Paragraph (3) applies where—

- (a) before 1st October 2004, an order is made under section 95 of the Local Government Act 2003<sup>(2)</sup> authorising specified fire and rescue authorities to provide for a commercial purpose any specified service; and
- (b) a specified fire and rescue authority provides, or contracts to provide, a specified service on or before 31st March 2005.

(3) Where this paragraph applies, any charge which relates to the provision of a specified service shall be treated as payable under the 1947 Act, notwithstanding the repeal of the 1947 Act by the 2004 Act.

---

(1) Section 3(1)(e) was amended, and section 3(4A), was inserted by the Marine Safety Act 2003 (c. 16), section 2.  
(2) 2003 c. 26.