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STATUTORY INSTRUMENTS

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**2004 No. 2304(C.100)**

**FIRE AND RESCUE SERVICES,  
ENGLAND AND SCOTLAND**

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

*Made - - - - 6th September 2004*

The First Secretary of State, in exercise of the powers conferred by sections 60 and 61 of the Fire and Rescue Services Act 2004<sup>(1)</sup>, hereby makes the following Order:

**Citation, application and interpretation**

1.—(1) This Order may be cited as the Fire and Rescue Services Act 2004 (Commencement) (England and Scotland) Order 2004.

(2) This Order does not apply in relation to Wales.

(3) In this Order—

“the 1947 Act” means the Fire Services Act 1947<sup>(2)</sup>; and

“the 2004 Act” means the Fire and Rescue Services Act 2004.

**Commencement of the Fire and Rescue Services Act 2004**

2.—(1) So far as it enables an order to be made under section 19 (charging), section 21 (Fire and Rescue National Framework) and section 36 (preservation of existing pension scheme), the 2004 Act shall come into force on 7th September 2004.

(2) Subject to article 3 the 2004 Act shall, insofar as it is not already in force, come into force on 1st October 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

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(1) 2004 c. 21. The powers of the Secretary of State under sections 60 and 61 are, in relation to Wales, vested in the National Assembly for Wales by virtue of section 62 of that Act.

(2) 1947 c. 41.

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*Status: This is the original version (as it was originally made).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

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1947 Act<sup>(3)</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>(4)</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.

Signed by authority of the First Secretary of State

6th September 2004

*Phil Hope*  
Parliamentary Under Secretary of State,  
Office of the Deputy Prime Minister

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

<sup>(4)</sup> 2003 c. 26.

## EXPLANATORY NOTE

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

This Order brings into force the Fire and Rescue Services Act 2004 in relation to England and Scotland. The Act is brought into force on 7th September 2004 for the purpose of enabling orders to be made under sections 19, 21 and 36 of the Act. The rest of the Act is brought into force on 1st October 2004.

The Order also makes savings for the Fire Services Act 1947, which is repealed by the Fire and Rescue Services Act 2004, in relation to charges for services provided before, or contracted to be provided before, 1st October 2004, or in relation to trading activities carried out on or before, or contracted to be provided on or before, 31st March 2005.