
WELSH STATUTORY INSTRUMENTS

2005 No. 2929 (W.214)

FIRE AND RESCUE SERVICES, WALES

The Fire and Rescue Services Act 2004
(Consequential Amendments) (Wales) Order 2005

Made - - - - 19 October 2005
Coming into force - - 25 October 2005

The National Assembly for Wales, in exercise of the powers conferred by sections 53(2), 60 and 62 of the Fire and Rescue Services Act 2004(1), hereby makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005 and comes into force on 25 October 2005.

(2) This Order applies in relation to Wales.

Local Government Act 2003

2. In section 83(2) of the Local Government Act 2003(2), for the words “fire authorities” substitute “fire and rescue authorities”.

Cinematograph (Safety) Regulations 1955

3. In regulation 5(3) of the Cinematograph (Safety) Regulations 1955(3) (fire precautions), after the words “the fire brigade” insert “or, in England or Wales, employees of the fire and rescue authority”.

Various Trunk Roads (Prohibition of Waiting) (Clearways) Order 1963

4. In article 5(b) of the Various Trunk Roads (Prohibition of Waiting) (Clearways) Order 1963(4) (exceptions), after the words “fire brigade” insert “or, in England or Wales, fire and rescue authority”.

(1) 2004 c. 21. The powers of the Secretary of State under sections 53(2) and 60 are, in relation to Wales, vested in the National Assembly for Wales by virtue of section 62 of that Act.
(2) 2003 c. 26.
(3) S.I. 1955/1129 to which there are amendments not relevant to this instrument.
(4) S.I. 1963/1172 to which there are amendments not relevant to this instrument.

Gaming Clubs (Licensing) Regulations 1969

5. In Schedule 2 to the Gaming Clubs (Licensing) Regulations 1969(5) (application for grant of a licence under the Gaming Act 1968), after the words “fire authority” insert “or, in England or Wales, fire and rescue authority” in both places where the words occur.

Local Authorities etc. (Miscellaneous Provision) (No 3) Order 1974

6. Article 6(6) of the Local Authorities etc. (Miscellaneous Provision) (No 3) Order 1974(6) (compulsory purchase orders) is amended as follows—

- (a) after the words “Fire Services Act 1947” insert “or Fire and Rescue Services Act 2004”; and
- (b) after the words “fire authority” insert “or fire and rescue authority”.

Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975

7.—(1) The Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975(7) are amended as follows.

(2) In paragraph 2 of Part 1 of Schedule 1 (employments to be treated as employed earners' employments for industrial injuries purposes), after the words “Great Britain” insert “as an employee of a fire and rescue authority employed for the purposes of that authority under the Fire and Rescue Services Act 2004 or”.

(3) In paragraph 4 of column (1) of Schedule 3 (employments in respect of which persons are treated as employers for industrial injuries purposes), before the words “fire brigade” insert “fire and rescue authorities,”.

Tribunals and Inquiries (Discretionary Inquiries) Order 1975

8. After paragraph 19 of the Schedule to the Tribunals and Inquiries (Discretionary Inquiries) Order 1975(8) (inquiries designated for the purposes of the Tribunals and Inquiries Act 1992), insert—

“19A. Any inquiry held under section 14(3), 17(3) or 27 of the Fire and Rescue Services Act 2004.”.

Motorways Traffic (England and Wales) Regulations 1982

9. In regulation 16(1)(d) of the Motorways Traffic (England and Wales) Regulations 1982(9) (exceptions and relaxations), for the words “a fire brigade or of an ambulance service” substitute “an ambulance service or as an employee of a fire and rescue authority employed for the purposes of that authority”.

Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985

10. In article 3(h) of the Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985(10) (exemption under section 1 subject to conditions), after the words “fire brigade” insert “or, in England or Wales, fire and rescue authority”.

(5) S.I. 1969/1110 amended by S.I. 2003/1513.

(6) S.I. 1974/968 to which there are amendments not relevant to this instrument.

(7) S.I. 1975/467 to which there are amendments not relevant to this instrument.

(8) S.I. 1975/1379 to which there are amendments not relevant to this instrument.

(9) S.I. 1982/1163 to which there are amendments not relevant to this instrument.

(10) S.I. 1985/1047.

Road Vehicles (Construction and Use) Regulations 1986

11.—(1) The Road Vehicles (Construction and Use) Regulations 1986(**11**) are amended as follows.

(2) In regulation 10B(3)(f) (vehicles to which regulation 10A applies), after “1947” insert “or, in England or Wales, a motor vehicle used by employees of a fire and rescue authority for the purposes of that authority under the Fire and Rescue Services Act 2004”.

(3) In regulation 10C(7)(d) (meaning of “trailer”), after “1947” insert “or, in England or Wales, a trailer used by employees of a fire and rescue authority for the purposes of that authority under the Fire and Rescue Services Act 2004”.

(4) In the following provisions, after the words “fire brigade” insert “or, in England or Wales, fire and rescue authority” in each place where the words occur—

- (a) regulation 36B(14)(e) (speed limits);
- (b) regulation 37(5)(a) (audible warning instruments);
- (c) regulation 82(10)(a) (wide loads);
- (d) regulation 101(2)(a) (parking in darkness); and
- (e) regulation 107(2)(a) (leaving motor vehicles unattended).

Local Government Reorganisation (Preservation of Right to Buy) Order 1986

12. In paragraph 42 of Part 1 of Schedule 1 to the Local Government Reorganisation (Preservation of Right to Buy) Order 1986(**12**) (modifications to Part V of the Housing Act 1985), for the words “a fire authority for the purposes of the Fire Services Acts 1947 to 1959” substitute “a fire and rescue authority under the Fire and Rescue Services Act 2004”.

Dangerous Substances in Harbour Areas Regulations 1987

13. In regulation 30 of the Dangerous Substances in Harbour Areas Regulations 1987(**13**) (storage tanks), after the words “fire authority” insert “or, in England or Wales, fire and rescue authority” in both places where the words occur.

Safety of Sports Grounds Regulations 1987

14.—(1) The Safety of Sports Grounds Regulations 1987(**14**) are amended as follows.

(2) In regulation 5(6) (notices by local authorities)—

- (a) at the end of sub-paragraph (c) delete “and”;
- (b) after sub-paragraph (c) insert—
 - “(ca) in relation to England and Wales—
 - (i) the fire and rescue authority, where the local authority is not the fire and rescue authority; and
 - (ii) the building authority, where the local authority is not the building authority; and”;
- (c) in sub-paragraph (d) delete the words “Wales and”.

(11) [S.I. 1986/1078](#); relevant amendments were made by [S.I. 1993/3048](#) and [1997/530](#).

(12) [S.I. 1986/2092](#).

(13) [S.I. 1987/37](#) to which there are amendments not relevant to this instrument.

(14) [S.I. 1987/1941](#).

(3) In paragraph 4(a) of the form contained in the Schedule (application for a safety certificate), after the words “fire authority” insert “or fire and rescue authority”.

Income Support (General) Regulations 1987

15. After paragraph 7(1)(a) of Schedule 8 to the Income Support (General) Regulations 1987(**15**) (sums to be disregarded in the calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

Housing Benefit (General) Regulations 1987

16.—(1) The Housing Benefit (General) Regulations 1987(**16**) are amended as follows.

(2) After paragraph 6(1)(a) of Schedule 3 (sums to be disregarded in the calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

(3) After paragraph 3(2)(a) of Schedule 3A (sums disregarded from claimant’s earnings), insert—

“(aa) as a part-time fire-fighter employed by a fire and rescue authority;”.

Safety of Places of Sport Regulations 1988

17.—(1) The Safety of Places of Sport Regulations 1988(**17**) are amended as follows.

(2) In regulation 4(8) (notices by local authorities)—

(a) at the end of sub-paragraph (c) delete “and”;

(b) after sub-paragraph (c) insert—

“(ca) in relation to England and Wales—

(i) the fire and rescue authority, where the local authority is not the fire and rescue authority; and

(ii) the building authority, where the local authority is not the building authority; and”;

(c) in sub-paragraph (d) delete the words “Wales and”.

(3) In paragraph 4(a) of the form contained in the Schedule (application for a safety certificate), after the words “fire authority” insert “or fire and rescue authority”.

Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989

18. In article 5(2)(c) of the Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989(**18**) (premises exempt from requirement for fire certificate) and article 6(1) (premises qualifying for exemption from requirement for fire certificate), after the words “fire authority” insert “or, in England or Wales, fire and rescue authority”.

(15) [S.I. 1987/1967](#) to which there are amendments not relevant to this instrument.

(16) [S.I. 1987/1971](#); relevant amendments were made by [S.I. 1993/317](#) and [2000/2545](#). [S.I. 1987/1971](#) was modified, in its application to persons described in regulation 2 of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 ([S.I. 2003/325](#)) applies, by the insertion of Schedule 3A by regulation 21 of, and Schedule 2 to, those Regulations.

(17) [S.I. 1988/1807](#).

(18) [S.I. 1989/76](#).

Fire Precautions (Sub-surface Railway Stations) Regulations 1989

19.—(1) The Fire Precautions (Sub-surface Railway Stations) Regulations 1989(**19**) are amended as follows.

(2) In the definition of “fire brigade” in regulation 2 (interpretation), after the words “fire authority” insert “or, in England or Wales, employees of a fire and rescue authority; and “members of a fire brigade” shall be interpreted accordingly”.

(3) In regulation 12 (exemption from requirements)—

- (a) in paragraph (1) after the words “fire authority” insert “or, in England or Wales, a fire and rescue authority”; and
- (b) in paragraphs (1A) and (2) after the words “fire authority” insert “or fire and rescue authority” in both places where they occur.

Road Vehicles Lighting Regulations 1989

20. In the table in regulation 3(2) of the Road Vehicles Lighting Regulations 1989(**20**) (interpretation), in paragraph (a) of the definition of “emergency vehicle”, after the words “fire brigade” insert “or, in England or Wales, fire and rescue authority”.

Dangerous Substances (Notification and Marking of Sites) Regulations 1990

21. In regulation 2(1) of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990(**21**) (interpretation), in the definition of “fire authority”, after the words “Fire Services Act 1947” insert “or, in England or Wales, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the site is situated”.

Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990

22.—(1) The Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990(**22**) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “fire authority” substitute—

“fire and rescue authority” in relation to any road or other place, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the road or other place is situated;”.

(3) In regulation 14(1)(a)(ii) (notice of the making of the order), for the words “fire authority” substitute “fire and rescue authority”.

Housing (Prescribed Forms) (No 2) Regulations 1990

23. In Form 35 in the Schedule to the Housing (Prescribed Forms) (No 2) Regulations 1990(**23**) (closing order for part of a house in multiple occupation), for the words “Fire Authority” substitute “Fire and Rescue Authority”.

(19) [S.I. 1989/1401](#).

(20) [S.I. 1989/1796](#) to which there are amendments not relevant to this instrument.

(21) [S.I. 1990/304](#) to which there are amendments not relevant to this instrument.

(22) [S.I. 1990/1656](#).

(23) [S.I. 1990/1730](#) to which there are amendments not relevant to this instrument.

Channel Tunnel (Fire Services, Immigration and Prevention of Terrorism) Order 1990

24. Article 2 of the Channel Tunnel (Fire Services, Immigration and Prevention of Terrorism) Order 1990(24) (fire services) is amended as follows—

- (a) in paragraph (1), for the words from “For the purpose of” to “shall have effect” substitute “For the purpose of enabling functions to be exercised under the Fire and Rescue Services Act 2004 (“the 2004 Act”), including the making of such schemes and arrangements as may be made under sections 13(1), 15(1) and 16(1) of the 2004 Act, that Act shall have effect”;
- (b) in paragraph (1)(b)(i), for the words “fire authority within the meaning of the 1947 Act” substitute “fire and rescue authority under the 2004 Act”;
- (c) in paragraph (1)(b)(ii), for the words “members of a brigade maintained by that authority were members of a brigade maintained in pursuance of that Act” substitute “employees of that authority were employees of a fire and rescue authority”;
- (d) for paragraph (2) substitute—

“(2) Where, in connection with the exercise of any functions under the 2004 Act in relation to the tunnel system, an employee of a fire and rescue authority is in transit to or from the tunnel system and is outside the United Kingdom he or she shall be treated as if he or she were an employee of a fire and rescue authority outside its area under section 11(4) of the 2004 Act.”;
- (e) in paragraph (3), for the words “fire authority” substitute “fire and rescue authority”; and
- (f) in paragraph (4), for the words “Section 2(3), (5) and (9) and section 12(2) to (5) of the 1947 Act” substitute “Section 14(2) and (3) and section 17 of the 2004 Act”.

Public Works Contracts Regulations 1991

25. In regulation 3(1) of the Public Works Contracts Regulations 1991(25) (contracting authorities), after sub-paragraph (i) insert—

- “(ia) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”.

Road Traffic (Temporary Restrictions) Procedure Regulations 1992

26. In regulation 2(1) of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992(26) (interpretation), in the definition of “fire authority”, after the words “Fire Services Act 1947” insert “or, in England or Wales, the fire and rescue authority for that area under the Fire and Rescue Services Act 2004”.

Housing (Right to Buy) (Prescribed Persons) Order 1992

27. In the Schedule to the Housing (Right to Buy) (Prescribed Persons) Order 1992(27) (which prescribes certain persons for the purposes of section 130(2)(a) of, and paragraph 8 of Schedule 4 to, the Housing Act 1985), for the words “a fire authority for the purposes of the Fire Services Acts 1947 to 1959” substitute “a fire and rescue authority under the Fire and Rescue Services Act 2004”.

(24) [S.I. 1990/2227](#).

(25) [S.I. 1991/2680](#); regulation 3 was substituted by [S.I. 2000/2009](#); there are other amendments not relevant to this instrument.

(26) [S.I. 1992/1215](#).

(27) [S.I. 1992/1703](#) to which there are amendments not relevant to this instrument. The purposes for which the persons are prescribed are, in connection with the right to buy, reductions of the discount and determining when the landlord condition is satisfied.

Council Tax Benefit (General) Regulations 1992

28.—(1) The Council Tax Benefit (General) Regulations 1992(**28**) are amended as follows.

(2) After paragraph 6(1)(a) of Schedule 3 (sums to be disregarded in the calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

(3) After paragraph 3(2)(a) of Schedule 3A (sums disregarded from claimant’s earnings), insert—

“(aa) as a part-time fire-fighter employed by a fire and rescue authority;”.

Child Support (Maintenance Assessments and Special Cases) Regulations 1992

29. After paragraph 1(1)(i)(ii) of Part 1 of Schedule 1 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(**29**) (earnings of an employed earner), insert—

“(ia) a part-time fire-fighter employed by a fire and rescue authority;”.

Motor Vehicles (Wearing of Seat Belts) Regulations 1993

30. In regulation 6(1)(f) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993(**30**) (exemptions), after the words “fire brigade” insert “or, in England or Wales, fire and rescue authority”.

Public Services Contracts Regulations 1993

31. In regulation 3(1) of the Public Services Contracts Regulations 1993(**31**) (contracting authorities), after sub-paragraph (i) insert—

“(ia) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”.

Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994

32. In paragraph 5 of Schedule 2 to the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(**32**) (further requirements to be complied with while approval is in force)—

(a) for the words “fire authority” substitute “fire and rescue authority” in both places where they occur; and

(b) in sub-paragraph (1) for the words “section 1(1)(f) of the Fire Services Act 1947” substitute “section 6(2)(b) of the Fire and Rescue Services Act 2004”.

Public Supply Contracts Regulations 1995

33. In regulation 3(1) of the Public Supply Contracts Regulations 1995(**33**) (contracting authorities), after sub-paragraph (i) insert—

(28) *S.I. 1992/1814* modified, in its application to persons to whom regulation 12 of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (*S.I. 2003/325*) applies by the insertion of Schedule 3A by regulation 21 of, and Schedule 2 to, those Regulations. There are other amendments not relevant to this instrument.

(29) *S.I. 1992/1815*. Revoked by *S.I. 2001/155* with certain savings (see regulation 15(2)-(6) and *S.I. 2000/3186*). There are other amendments not relevant to this instrument.

(30) *S.I. 1993/176*.

(31) *S.I. 1993/3228*; regulation 3 was substituted by *S.I. 2000/2009*; there are other amendments not relevant to this instrument.

(32) *S.I. 1994/651*; relevant amendments were made by *S.I. 1998/417*.

(33) *S.I. 1995/201*; relevant amendments were made by *S.I. 2000/2009*.

“(ia) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”.

Marriages (Approved Premises) Regulations 1995

34. In paragraph 3 of Schedule 1 to the Marriages (Approved Premises) Regulations 1995(**34**) (requirements for the grant of approval), after the words “fire authority” insert “or, in England or Wales, fire and rescue authority”.

Goods Vehicles (Licensing of Operators) Regulations 1995

35. In paragraph 6 of Part 1 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995(**35**) (exempt vehicles), after the words “fire brigade” insert “or, in England or Wales, fire and rescue authority”.

Jobseeker’s Allowance Regulations 1996

36.—(1) The Jobseeker’s Allowance Regulations 1996(**36**) are amended as follows.

(2) In regulation 4 (interpretation of Parts II, IV and V), in the definition of “part-time member of a fire brigade” after the words “Fire Services Acts 1947 — 1959” insert “or, in England or Wales, a part-time fire-fighter employed by a fire and rescue authority”.

(3) After regulation 53(d)(i) (persons treated as not engaged in remunerative work), insert—
“(ia) a part-time fire-fighter employed by a fire and rescue authority;”.

(4) After paragraph 9(1)(a) of Schedule 6 (sums to be disregarded in the calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

Construction (Health, Safety and Welfare) Regulations 1996

37. In regulation 33(1) of the Construction (Health, Safety and Welfare) Regulations 1996(**37**) (enforcement in respect of fire), after the words “Fire Precautions Act 1971” insert “or, in England or Wales, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the premises are situated”.

Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

38. In regulation 6 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996(**38**) (consultation)—

(a) in paragraph (1) for the words “In case (b) the chief officer of the fire brigade of the fire authority” substitute “In case (b) the fire and rescue authority”;

(b) in paragraph (2) for the definition of “fire authority” substitute—

““fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the road or place is situated;”.

(34) S.I. 1995/510.

(35) S.I. 1995/2869.

(36) S.I. 1996/207 to which there are amendments not relevant to this instrument.

(37) S.I. 1996/1592 to which there are amendments not relevant to this instrument.

(38) S.I. 1996/2489 to which there are amendments not relevant to this instrument.

Social Security Benefit (Computation of Earnings) Regulations 1996

39. After paragraph 9(a) of Schedule 1 to the Social Security Benefit (Computation of Earnings) Regulations 1996⁽³⁹⁾ (sums to be disregarded in the calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

Housing Renewal Grants Regulations 1996

40. In paragraph 8(1)(a) of Schedule 2 to the Housing Renewal Grants Regulations 1996⁽⁴⁰⁾ (sums to be disregarded in the determination of earnings), for the words “a part-time fireman in a fire-brigade maintained in pursuance of the Fire Services Acts 1947 to 1959” substitute “a part-time fire-fighter employed by a fire and rescue authority”.

Fire Precautions (Workplace) Regulations 1997

41.—(1) The Fire Precautions (Workplace) Regulations 1997⁽⁴¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “fire authority”, after the words “Fire Services Act 1947” insert “or, in England or Wales, a fire and rescue authority under the Fire and Rescue Services Act 2004”.

(3) In regulation 18—

(a) in paragraph (5)—

(i) after the words “fire brigade” insert “or, in England or Wales, employee of a fire authority”; and

(ii) after the words “maintain that brigade” insert “or who employ that person”.

(b) in paragraph (6), after the words “the Fire Services Act 1947” insert “or section 28 of the Fire and Rescue Services Act 2004”.

(4) In regulation 20(b) after the words “fire authority” insert “or, in England or Wales, employee of a fire and rescue authority”.

Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997

42. In the following provisions of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997⁽⁴²⁾, after the words “fire brigade” insert “or, in England or Wales, fire and rescue authority” in each place where the words occur—

(a) regulation 12(1)(e) (significance of vehicular light signals at Pelican crossings);

(b) regulation 13(1)(f) (significance of vehicular light signals at Puffin crossings); and

(c) regulations 21(c) (exceptions to regulation 20).

Combined Fire Authorities (Protection from Personal Liability) (Wales) Order 1997

43.—(1) The Combined Fire Authorities (Protection from Personal Liability) (Wales) Order 1997⁽⁴³⁾ is amended as follows.

(2) For regulation 2 (interpretation), substitute—

⁽³⁹⁾ S.I. 1996/2745 to which there are amendments not relevant to this instrument.

⁽⁴⁰⁾ S.I. 1996/2890 to which there are amendments not relevant to this instrument.

⁽⁴¹⁾ S.I. 1997/1840 amended by S.I. 1999/1877 and S.I. 1999/3242.

⁽⁴²⁾ S.I. 1997/2400 to which there are amendments not relevant to this instrument.

⁽⁴³⁾ S.I. 1997/2818.

“Interpretation

2. In this Order “combination scheme” means a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”.

(3) In article 3 (protection from personal liability)—

(a) for article 3(1), substitute—

“(1) This article applies to a fire and rescue authority constituted by a combination scheme”; and

(b) in article 3(2), for the words “fire authority” substitute “fire and rescue authority”.

Police Information Technology Organisation (Additional Bodies) Order 1998

44. In paragraph 1(j) of article 2 of the Police Information Technology Organisation (Additional Bodies) Order 1998(44) (bodies for which PITO may carry out activities), after the words “fire authority” insert “or fire and rescue authority”.

Health and Safety (Enforcing Authority) Regulations 1998

45. In regulation 4(3)(e) of the Health and Safety (Enforcing Authority) Regulations 1998(45) (exceptions), after the words “the Fire Precautions Act 1971” insert “or, in England or Wales, a fire and rescue authority under the Fire and Rescue Services Act 2004”.

Combined Fire Authorities (Secure Tenancies) (Wales) Regulations 1998

46.—(1) The Combined Fire Authorities (Secure Tenancies) (Wales) Regulations 1998(46) are amended as follows.

(2) For regulation 2 (interpretation), substitute—

“Interpretation

2. In these Regulations “combination scheme” means a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”.

(3) In regulation 3 (secure tenancies)—

(a) for regulation 3(1), substitute—

“(1) This regulation applies in relation to a fire and rescue authority constituted by a combination scheme.”; and

(b) in regulation 3(2), for the words “combined fire authority” substitute “fire and rescue authority”.

Crime and Disorder Strategies (Prescribed Descriptions) Order 1998

47. In article 3(2) of the Crime and Disorder Strategies (Prescribed Descriptions) Order 1998(47), for sub-paragraph (v) substitute—

“the fire and rescue authority under the Fire and Rescue Services Act 2004 for that area;”.

(44) S.I. 1998/411 to which there are amendments not relevant to this instrument.

(45) S.I. 1998/494 to which there are amendments not relevant to this instrument.

(46) S.I. 1998/2214.

(47) S.I. 1998/2452.

Late Payment of Commercial Debts (Interest) Act 1998 (Commencement No 1) Order 1998

48. In Schedule 1 to the Late Payment of Commercial Debts (Interest) Act 1998 (Commencement No 1) Order 1998(48) (meaning of “United Kingdom Public Authority”), after paragraph 1(g) insert—

“(ga) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

Highways (Road Humps) Regulations 1999

49. In regulation 3(b) of the Highways (Road Humps) Regulations 1999(49) (consultation), for the words “the chief officer of the fire brigade” substitute “the fire and rescue authority”.

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

50. In Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999(50) (employment to which the Order applies), after paragraph 1 of section 6 insert—

“**1A.** A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”.

Motor Vehicles (Driving Licences) Regulations 1999

51.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(51) are amended as follows.

(2) In regulation 23(1) (persons by whom theory tests may be conducted)—

(a) in paragraph (d), omit the words “In Wales, a person appointed by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947 or;” and

(b) after paragraph (d), insert—

“(da) in England or Wales, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;”.

(3) In regulation 24(1) (persons by whom practical and unitary tests may be conducted)—

(a) in paragraph (c), omit the words “In Wales, a person appointed by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947 or;” and

(b) after paragraph (c), insert—

“(ca) in England or Wales, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;”.

Local Government (Best Value) Performance Plans and Reviews Order 1999

52. In article 2(b) of the Local Government (Best Value) Performance Plans and Reviews Order 1999(52) delete the words “or (e)” and “and fire”.

(48) [S.I. 1998/2479](#) to which there are amendments not relevant to this instrument.

(49) [S.I. 1999/1025](#).

(50) [S.I. 1999/2277](#) to which there are amendments not relevant to this instrument.

(51) [S.I. 1999/2864](#). Relevant amendments were made by [S.I. 2003/2003](#).

(52) [S.I. 1999/3251](#); relevant amendments were made by [S.I. 2002/305](#).

Building (Approved Inspectors etc.) Regulations 2000

53.—(1) The Building (Approved Inspectors etc.) Regulations 2000(**53**) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “fire authority” substitute—

““fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the premises are or are to be situated;”.

(3) In the following provisions, for the words “fire authority” substitute “fire and rescue authority” in each place where the words occur—

- (a) regulation 13 (approved inspector’s consultation with the fire authority);
- (b) Schedule 2 (forms);
- (c) Schedule 3 (grounds for rejecting an initial notice etc.);
- (d) Schedule 4 (grounds for rejecting a plans certificate etc.);
- (e) Schedule 6 (grounds for rejecting a public body’s notice etc.);
- (f) Schedule 7 (grounds for rejecting a public body’s plans certificate etc.); and
- (g) Schedule 8 (grounds for rejecting a public body’s public certificate).

Child Support (Maintenance Calculations and Special Cases) Regulations 2000

54. After paragraph 4(2)(g)(ii) of the Schedule to the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(**54**) (calculation of earnings), insert—

“(ia) a part-time fire-fighter employed by a fire and rescue authority;”.

Conduct of Members (Principles) (Wales) Order 2001

55. In article 2 of the Conduct of Members (Principles) (Wales) Order 2001(**55**), in the definition of “relevant authority” for paragraph (d) substitute—

“(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and”.

Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001

56. In regulation 2 of the Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001(**56**) (interpretation)—

(a) for the definition of “fire-fighter”, substitute —

““firefighter” (“*diffoddwr tân*”) means a firefighter employed by a fire and rescue authority”;

(b) for the definition of “fire authority” substitute—

““fire and rescue authority” (“*awdurdod tân ac achub*”) means a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

(53) S.I. 2000/2532, to which there are amendments not relevant to this instrument.

(54) S.I. 2001/155.

(55) S.I. 2001/2276 (W. 166).

(56) S.I. 2001/2278 (W. 168).

Standards Committees (Grants of Dispensations) (Wales) Regulations 2001

57. In regulation 1 of the Standards Committees (Grants of Dispensations) (Wales) Regulations 2001(**57**) (interpretation) in the definition of “relevant authority”, for the words “fire authority” substitute “fire and rescue authority”.

Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001

58. In article 2 of the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001(**58**) (interpretation), in the definition of “relevant authority” for paragraph (d) substitute—

- “(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001

59. In regulation 2 of the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001(**59**) (interpretation), in the definition of “relevant authority” for the words “a fire authority constituted by a combination scheme under the Fire Services Act 1947” substitute “a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies”.

Standards Committees (Wales) Regulations 2001

60. In regulation 2 of the Standards Committees (Wales) Regulations 2001(**60**) (interpretation), for the definition of “fire authority” substitute “a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies”.

Local Authorities (Alternative Arrangements) (Wales) Regulations 2001

61. In Schedule 1 to the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001(**61**) (functions not to be the responsibility of an authority’s board), for H2 substitute—

- (a) in the first column, the words “2 Functions under the Fire-fighters' Pension (Wales) Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004”; and
- (b) in the second column, the words “Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c. 21)”.

Race Relations Act 1976 (Statutory Duties) Order 2001

62. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) Order 2001(**62**) (bodies and other persons required to publish race equality schemes), after the entry for a fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947 insert—

“A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

(57) S.I. 2001/2279 (W.169).

(58) S.I. 2001/2280 (W.170).

(59) S.I. 2001/2281 (W.171).

(60) S.I. 2001/2283 (W.172).

(61) 2001/2284 (W.173) to which there are amendments not relevant to this instrument.

(62) S.I. 2001/3458 to which there are amendments not relevant to this instrument.

Conduct of Members (Model Code of Conduct) (Wales) Order 2001

63.—(1) The Conduct of Members (Model Code of Conduct) (Wales) Order 2001(**63**) is amended as follows.

(2) In article 2 (interpretation) in the definition of “relevant authority” for paragraph (d) substitute—

“(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

(3) In article 4(1) (provisions to be disapplied), for the words “fire authority” substitute “fire and rescue authority”.

(4) In the title of the Schedule (model code of conduct), for the words “FIRE AUTHORITIES” substitute “FIRE AND RESCUE AUTHORITIES”.

Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001

64. In Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001(**64**) (functions not to be the responsibility of an authority’s executive), for H2 substitute—

(a) in the first column, the words “2 Functions under the Fire-fighters' Pension (Wales) Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004”; and

(b) in the second column, the words “Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c. 21)”.

Care Homes (Wales) Regulations 2002

65.—(1) The Care Homes (Wales) Regulations 2002(**65**) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “fire authority” substitute—

““fire and rescue authority” (“*awdurdod tân ac achub*”) means, in relation to a care home, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the care home is situated;”.

(3) In regulation 24(4)(f) (fitness of premises), for the words “fire authority” substitute “fire and rescue authority”.

Local Government (Best Value) Performance Plans and Reviews Amendment and Specified Dates Order 2002

66. In article 2(b) of the Local Government (Best Value) Performance Plans and Reviews Amendment and Specified Dates Order 2002(**66**) delete the words “or (e)” and “and fire”.

Private and Voluntary Health Care (Wales) Regulations 2002

67. Regulation 24 of the Private and Voluntary Health Care (Wales) Regulations 2002(**67**) (fitness of premises) is amended as follows—

(a) in paragraph (4)(f) for the words “fire authority” substitute “fire and rescue authority”; and

(63) S.I. 2001/2289 (W.177); relevant amendments were made by S.I. 2004/1510 (W.159).

(64) S.I. 2001/2291 (W. 179) to which there are amendments not relevant to this instrument.

(65) S.I. 2002/324 (W.37) to which there are amendments not relevant to this instrument.

(66) S.I. 2002/305.

(67) S.I. 2002/325 (W.38) to which there are amendments not relevant to this instrument.

(b) for paragraph (5) substitute—

“(5) In this regulation “fire and rescue authority” in relation to an establishment or agency, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the establishment or agency is situated.”.

Children’s Homes (Wales) Regulations 2002

68. Regulation 31 of the Children’s Homes (Wales) Regulations 2002(**68**) (fire precautions) is amended as follows—

(a) in paragraph (1) for the words “fire authority” substitute “fire and rescue authority”; and

(b) for paragraph (2) substitute—

“(2) In this regulation, “fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which a children’s home is situated.”.

The Local Government Best Value (Exclusion of Non-commercial Considerations) (Wales) Order 2002

69. For article 1(2) of the Local Government Best Value (Exclusion of Non-commercial Considerations) (Wales) Order 2002(**69**), substitute—

“(2) This Order applies to all best value authorities in Wales, except police authorities.”.

Child Minding and Day Care (Wales) Regulations 2002

70. Regulation 21 of the Child Minding and Day Care (Wales) Regulations 2002(**70**) is amended as follows—

(a) in paragraph (1)(f) for the words “fire authority” substitute “fire and rescue authority”; and

(b) for paragraph (2) substitute—

“(2) In this regulation “fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the relevant premises are situated.”.

Radioactive Material (Road Transport) Regulations 2002

71. In regulation 69(2)(a) of the Radioactive Material (Road Transport) Regulations 2002(**71**) (duties of drivers etc. in the event of a radiological emergency), after the words “fire brigade” insert “or, in England or Wales, the fire and rescue authority”.

State Pension Credit Regulations 2002

72. After paragraph 2(2)(a) of Schedule VI to the State Pension Credit Regulations 2002(**72**) (sums disregarded from claimant’s earnings), insert—

“(aa) as a part-time fire-fighter employed by a fire and rescue authority;”.

(68) [S.I. 2002/327 \(W.40\)](#) to which there are amendments not relevant to this instrument.

(69) [S.I. 2002/678 \(W.75\)](#).

(70) [S.I. 2002/812 \(W.92\)](#) to which there are amendments not relevant to this instrument.

(71) [S.I. 2002/1093](#) to which there are amendments not relevant to this instrument.

(72) [2002/1792](#) to which there are amendments not relevant to this instrument.

Control of Asbestos at Work Regulations 2002

73. In regulation 3(3)(a) of the Control of Asbestos at Work Regulations 2002(**73**) (duties under the Regulations)—

- (a) after the words “fire authority” insert “or, in England or Wales, a fire and rescue authority”; and
- (b) for the words “a fire brigade maintained by that authority” substitute “by employees of that authority”.

Traffic Signs Regulations and General Directions 2002

74.—(1) The Traffic Signs Regulations and General Directions 2002(**74**) are amended as follows.

(2) In the following provisions, after the words “fire brigade” insert “or, in England or Wales, fire and rescue authority” in each place where the words occur—

- (a) regulation 15(2) (significance of a certain sign);
- (b) regulation 26(5)(b) (road markings shown in a certain diagrams);
- (c) regulation 27(3)(c) (road markings shown in certain diagram);
- (d) regulation 36(1)(b) (significance of light signals prescribed by certain regulations); and
- (e) paragraph 4(1)(a) of Schedule 19 (bus stop and bus stand clearways and box junctions).

The Local Government (Best Value) Performance Indicators and Performance Standards Order 2003

75. The Local Government (Best Value) Performance Indicators and Performance Standards Order 2003(**75**) is revoked.

Residential Family Centres (Wales) Regulations 2003

76. Regulation 22 of the Residential Family Centres (Wales) Regulations 2003(**76**) (fire precautions) is amended as follows—

- (a) in paragraph (1), for the words “fire authority” substitute “fire and rescue authority”; and
- (b) for paragraph (2) substitute—

“(2) In this regulation, “fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which a residential family centre is situated.”.

Regulation of Investigatory Powers (Communications Data) Order 2003

77.—(1) The Regulation of Investigatory Powers (Communications Data) Order 2003(**77**) is amended as follows.

(2) In Part 1 of Schedule 2 (individuals in additional public authorities that may acquire all types of communication), after the words “Any fire authority within the meaning of the Fire Services Act 1947 (read with paragraph 2 of Schedule 11 to the Local Government Act 1985)” insert “or any fire and rescue authority under the Fire and Rescue Services Act 2004”.

(73) [S.I. 2002/2675](#) to which there are amendments not relevant to this instrument.

(74) [S.I. 2002/3113](#) to which there are amendments not relevant to this instrument.

(75) [S.I. 2003/530](#).

(76) [S.I. 2003/781 \(W.92\)](#).

(77) [S.I. 2003/3172](#).

(3) In Part 2 of Schedule 2 (individuals in the public authorities specified in Part 1 that may only acquire certain types of communication), after the words “Any fire authority within the meaning of the Fire Services Act 1947 (read with paragraph 2 of Schedule 11 to the Local Government Act 1985)” insert “or any fire and rescue authority under the Fire and Rescue Services Act 2004”.

Independent School Standards (Wales) Regulations 2003

78.—(1) The Independent School Standards (Wales) Regulations 2003(**78**) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “fire authority” substitute—

““fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;”.

(3) In paragraph 3(5)(b) of the Schedule (independent schools standards), for “Fire Authority” substitute “fire and rescue authority”.

Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004

79.—(1) The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(**79**) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “fire authority” insert—

““fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004;”;

(3) In regulation 6 (application to armed forces)—

(a) in paragraph (2)(a)(ii)(bb)—

(i) omit the words “the chief fire officer (as respects England and Wales) or”;

(ii) for the word “or” at the end, substitute “and”; and

(b) after paragraph (2)(a)(ii)(bb) insert—

“(cc) the fire and rescue authority (as respects England or Wales) for each area in which the place selected for training is situated; or”.

Local Authorities (Allowance for Members of Fire Authorities) (Wales) Regulations 2004

80. In regulation 2 of the Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004(**80**) (interpretation), for the definition of “fire authority” substitute—

““fire authority” (“*awdurdod tân*”) means a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

(78) S.I. 2003/3234 (W.314).

(79) S.I. 2004/568.

(80) S.I. 2004/2555 (W.227).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998**(81)**

19 October 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

The Fire and Rescue Services Act 2004 received Royal Assent on 22 July 2004 and most of its provisions were commenced in Wales on 10th November 2004. This Order makes consequential amendments predominantly to secondary legislation in relation to Wales — in particular by updating existing references to “fire authorities”, “fire brigades” and “the Fire Services Act 1947”.

A regulatory appraisal has been produced for this instrument and may be obtained from the Social Justice and Regeneration Department, National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ.