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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1852 (W.195)**

**FIRE AND RESCUE SERVICES, WALES**

**The Fire and Rescue Services (Charging) (Wales) Order 2006**

*Made* - - - - *11 July 2006*

*Coming into force* - - *13 July 2006*

The National Assembly for Wales, in exercise of the powers conferred by sections 19, 60 and 62 of the Fire and Rescue Services Act 2004<sup>(1)</sup>, and having consulted such persons as it considers appropriate in accordance with section 19(7) of that Act, hereby makes the following Order:

**Title, commencement, application and interpretation**

1.—(1) The title of this Order is the Fire and Rescue Services (Charging) (Wales) Order 2006 and it comes into force on 13 July 2006.

(2) This Order applies in relation to fire and rescue authorities in Wales.

(3) In this Order—

“the Act” (“*y Ddeddf*”) means the Fire and Rescue Services Act 2004;

“operator” (“*gweithredydd*”) means the person who, as occupier or otherwise, has control of the premises, structure, lift or vehicle, as the case may be, in connection with the carrying on by that person of a trade, business or other undertaking (whether or not for profit) and includes the keeper of a vehicle as defined in section 62(2) of the Vehicle Excise and Registration Act 1994<sup>(2)</sup>; and

“premises” (“*mangre*”) includes any place.

**Power to charge for services**

2. A fire and rescue authority is authorised to charge the person specified in column 2 of the table in the Schedule for the action taken by the authority specified in the corresponding entry in column 1 of the table, but not—

- (a) except in relation to entry 13 in the table, for extinguishing fires or protecting life and property in the event of fires, or
- (b) for emergency medical assistance.

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(1) 2004 c. 21.

(2) 1994 c. 22.

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**Status:** This is the original version (as it was originally made).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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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

11 July 2006

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

SCHEDULE

Article 2

AUTHORISED CHARGES

<i>Action taken by fire and rescue authority</i>	<i>Person who may be charged</i>
<p><b>1.</b> Hiring out or provision of equipment, vehicles, premises or employees of a fire and rescue authority, except where done pursuant to any of the following provisions of the Act—</p> <p>(a) section 6;</p> <p>(b) section 8; or</p> <p>(c) sections 13 to 17.</p>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>2.</b> Inspection, testing, maintenance and repair of equipment and vehicles, including the re-charging of compressed air cylinders and breathing apparatus.</p>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>3.</b> Containment and clearance of debris, spillages, discharges or leaks from a vehicle, storage tank or pipe.</p>	<p>The owner, occupier or operator of any premises or vehicle which, prior to the incident giving rise to the charge, contained or conveyed the material to be contained or cleared, or the person who requests the service or to whom the service is provided.</p>
<p><b>4.</b> Provision or removal of water.</p>	<p>The owner, occupier or operator of any premises in relation to which the service is provided or the person who requests the service or to whom the service is provided.</p>
<p><b>5.</b> Effecting entry to, or egress from, premises.</p>	<p>The owner, occupier or operator of the premises, or the person who requests the service or to whom the service is provided.</p>
<p><b>6.</b> Rescuing persons from lift cabins.</p>	<p>The owner or operator of the lift.</p>
<p><b>7.</b> Rescuing animals.</p>	<p>The owner or keeper of the animal.</p>
<p><b>8.</b> Provision of documents, photographs, tape, video or other similar recordings, where charging is not already authorised or prohibited by another enactment.</p>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>9.</b> Provision of training, other than training provided to employees of other fire and rescue authorities under a reinforcement scheme.</p>	<p>The person who requests the service or to whom the service is provided.</p>
<p><b>10.</b> Removal of dangerous structures.</p>	<p>The owner, occupier or operator of the structure or premises where the structure is located or the person who requests the service or to whom the service is provided.</p>
<p><b>11.</b> The giving of advice to persons in relation to premises where a trade, business or other undertaking is carried on, other than the giving of advice for which arrangements are</p>	<p>The person who requests the service or to whom the service is provided.</p>

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<i>Action taken by fire and rescue authority</i>	<i>Person who may be charged</i>
required to be made under section 6(2)(b) of the Act.	
<b>12.</b> Lifting of incapacitated persons.	The person who requests the service.
<b>13.</b> Extinguishing fires at sea or under the sea, or protecting life and property in the event of such fires.	The person who requests the service or to whom the service is provided.

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### EXPLANATORY NOTE

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

This Order applies in relation to fire and rescue authorities in Wales (*article 1*).

Section 19 of the Fire and Rescue Services Act 2004 provides that the National Assembly for Wales may, by order, authorise a fire and rescue authority to charge a person of a specified description for any action of a specified description taken by the authority. This Order specifies the actions for which a fire and rescue authority may make a charge and specifies the persons who may be subject to the charge (*article 2 and the Schedule*).

A full regulatory appraisal of the effect that this Order will have on business is available from Robert Tyler, the Fire and Rescue Services Branch, Fourth Floor, CP2, The National Assembly for Wales, Cathays Park, Cardiff, CF10 3NQ; phone 029 2082 1283; e-mail [robert.tyler@wales.gsi.gov.uk](mailto:robert.tyler@wales.gsi.gov.uk).