

## SCHEDULE 15

Regulation 2

### Suppliers to the emergency services

#### Interpretation

1. In this Schedule—

“ambulance services provider” means—

- (a) in England—
  - (i) an NHS trust or NHS foundation trust established pursuant to Part 2 of the National Health Service Act 2006<sup>(1)</sup> (or their subsidiaries), which has a function of providing ambulance services;
  - (ii) any private, public or voluntary sector entity which has been commissioned under any arrangement by or on behalf of the NHS Commissioning Board or a Clinical Commissioning Group pursuant to Parts 1 and 4 of the National Health Service Act 2006 to provide ambulance services;
  - (iii) any private, public or voluntary sector entity which has been commissioned under any arrangement by or on behalf of the Secretary of State pursuant to Part 1 of the National Health Service Act 2006 to provide ambulance services;
- (b) in Wales, an NHS Trust established by the Welsh Ambulance Services National Health Service Trust (Establishment) Order 1998<sup>(2)</sup>;
- (c) in Northern Ireland, the Northern Ireland Ambulance Service Trust as defined in the Northern Ireland Ambulance Service Health and Social Services Trust (Establishment) Order (Northern Ireland) 1995<sup>(3)</sup>;
- (d) in Scotland, the Special Health Board constituted by the Scottish Ambulance Service Board Order 1999<sup>(4)</sup> or any other private, public or voluntary sector entity providing ambulances and other means of transport under section 45 of the National Health Service (Scotland) Act 1978 (ambulances)<sup>(5)</sup>;

“associated facility” has the meaning given in section 32(3) of the Communications Act 2003<sup>(6)</sup>;

“the British Transport Police Force” means the police force established by Part 3 of the Railways and Transport Safety Act 2003<sup>(7)</sup>;

“the Civil Nuclear Constabulary” means the constabulary established under section 52(1) of the Energy Act 2004 (the Civil Nuclear Constabulary)<sup>(8)</sup>;

“emergency service” means—

- (a) Border Force;
- (b) the British Transport Police Force;
- (c) the Civil Nuclear Constabulary;
- (d) a fire and rescue authority;
- (e) the Ministry of Defence Police;

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(1) 2006 c. 41.

(2) S.I. 1998/678; amended by S.I. 2009/201, 2013/2729, 2016/483, and 2019/777.

(3) S.R. 1995 No. 143.

(4) S.I. 1999/686, to which there are amendments not relevant to these Regulations.

(5) 1978 c. 29.

(6) 2003 c. 21. Section 32(3) was substituted by S.I. 2011/1210.

(7) 2003 c. 20.

(8) 2004 c. 20.

- (f) the National Crime Agency;
  - (g) a police body;
- “a fire and rescue authority” is—
- (a) in England—
    - (i) an authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (a combined fire and rescue authority)(**9**);
    - (ii) an authority constituted by a scheme to which section 4 of the Fire and Rescue Services Act 2004 applies (a combined fire and rescue authority constituted under the Fire Services Act 1947)(**10**);
    - (iii) an authority created by an order under section 4A of the Fire and Rescue Services Act 2004 (a police and crime commissioner as fire and rescue authority)(**11**);
    - (iv) a metropolitan county fire and rescue authority;
    - (v) the London Fire Commissioner;
    - (vi) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 (combined authorities and their areas)(**12**);
  - (b) in Wales—
    - (i) for a county, a county council;
    - (ii) for a county borough, a county borough council;
  - (c) in Northern Ireland, the Northern Ireland Fire and Rescue Service Board, as defined in article 3 of the Fire and Rescue Services (Northern Ireland) Order 2006 (the Northern Ireland Fire and Rescue Service Board)(**13**);
  - (d) in Scotland, the Scottish Fire and Rescue Service, as defined in section 1A the Fire (Scotland) Act 2005 (the Scottish Fire and Rescue Service)(**14**);

“electronic communications network” has the meaning given in section 32(1) of the Communications Act 2003(**15**);

“electronic communications service” has the meaning given in section 32 of the Communications Act 2003;

“fuel card” means a card, the production of which enables the person to whom it is issued to discharge his obligation to a supplier of fuel in respect of payment for that fuel, the supplier being reimbursed by a person other than the person producing the card;

“Ministry of Defence Police” means the police force established under the Ministry of Defence Police Act 1987(**16**);

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(9) 2004 c. 21. Section 2 was amended by the Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 1 paragraph 22(2), the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 146(3) and Schedule 7, Part 4, and the Deregulation Act 2015 (c. 20), Schedule 22, paragraph 16(2).

(10) Section 4 was amended by the Local Government and Public Involvement in Health Act 2007, Schedule 1 paragraph 22(2), the Local Democracy, Economic Development and Construction Act 2009, section 146(3) and Schedule 7, Part 4, and the Deregulation Act 2015, Schedule 22, paragraph 16(3).

(11) Section 4A was inserted by the Policing and Crime Act 2017 (c. 3), Schedule 1, paragraph 5.

(12) 2009 c. 20 Section 103 was amended by the Cities and Local Government Devolution Act 2016 (c. 1), sections 12(2) and 14(2).

(13) S.I. 2006/1254 (N.I.9).

(14) 2005 asp 5. Section 1A and Schedule 1A were inserted by the Police and Fire Reform (Scotland) Act 2012 (asp 8), section 101A.

(15) Section 32 was amended by S.I. 2011/1210, reg. 1(2), Schedule 1 paragraph 4, 9(a)(i) and (ii) and 9(b) and S.I. 2020/1419, regulation 1(2), Schedule 1, paragraph 6.

(16) 1987 c. 4.

“National Crime Agency” means the agency established under the Crime and Courts Act 2013(17);

“personal data” has the meaning given in section 3(2) of the Data Protection Act 2018(18);

“police body” means—

- (a) in England and Wales—
  - (i) a local policing body as defined in section 101 of the Police Act 1996(19) (interpretation); or
  - (ii) the chief officer of police as defined in section 101 of the Police Act 1996;
- (b) in Northern Ireland, the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve;
- (c) in Scotland—
  - (i) the Scottish Police Authority, as defined in section 1 of the Police and Fire Reform (Scotland) Act 2012 (the Scottish Police Authority)(20);
  - (ii) the Chief Constable of the Police Service of Scotland, as appointed under section 7 of the Police and Fire Reform (Scotland) Act 2012 (senior officers);

“public electronic communications network” has the meaning given in section 151(1) of the Communications Act 2003(21);

“public electronic communications service” has the meaning given in section 151(1) of the Communications Act 2003;

“unmanned aircraft” means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board.

### **Activity – suppliers to emergency services**

- 2. A qualifying entity which supplies directly to—
  - (a) an emergency service of one or more of the goods and services set out in paragraph 3;
  - (b) an ambulance services provider of one or more of the goods and services set out in paragraph 4.

### **Good and services – emergency services**

- 3. The goods and services referred to in paragraph 2(a) are the following—
  - (a) unmanned aircraft, any component, part or product of an unmanned aircraft, and any equipment, including an electronic device, relating to an unmanned aircraft;
  - (b) equipment designed to disrupt the operational system of an unmanned aircraft;
  - (c) equipment designed to detect, track or identify unmanned aircraft;
  - (d) firearms as defined in section 57(1) of the Firearms Act 1968 (interpretation: firearm)(22);
  - (e) ammunition as defined in section 57(2) of the Firearms Act 1968 (interpretation: ammunition);

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(17) 2013 c. 22.

(18) 2018 c. 12.

(19) 1996 c. 16. The definition of local policing body was inserted by the Police Reform and Social Responsibility Act 2011 (c. 13), section 96(2).

(20) 2012 asp 8.

(21) There are amendments to section 151(1) not affecting the definition of “public electronic communications network”.

(22) 1968 c. 27. Section 57(1) was substituted by the Policing and Crime Act 2017 (c. 3), section 125(2).

- (f) certification, maintenance, support or repairs to vessels operated by Border Force for frontline operational purposes;
- (g) maintenance or repairs of unmanned aircraft, any component, part or product of an unmanned aircraft, and any equipment, including an electronic device, relating to an unmanned aircraft;
- (h) an electronic communications network, electronic communications service or associated facility, that—
  - (i) is not a public electronic communications network or public electronic communications service; and
  - (ii) is used by the emergency service for the purposes of—
    - (aa) the prevention or detection of crime; or
    - (bb) fulfilling the functions of a fire and rescue authority;
- (i) hardware, systems or platforms to facilitate the storage of electronic data, used exclusively or primarily by the emergency service for the purposes of—
  - (i) the prevention or detection of crime;
  - (ii) fulfilling the functions of a fire and rescue authority; or
  - (iii) the storage of personal data, including personnel data;
- (j) the maintenance and repair of the goods and services referred to in sub-paragraphs (g) and (h);
- (k) fuel cards;
- (l) services to control systems relating to access and security of buildings;
- (m) front line operational delivery of firefighting services in the event of strike action.

**Goods and services – ambulance services provider**

4. The goods and services referred to in paragraph 2(b) are an electronic communications network or electronic communications service that—
- (a) is not a public electronic communications network or a public electronic communications service; and
  - (b) is used by the ambulance services provider for the purposes of fulfilling its functions.