Greater London Authority Act 1999

1999 CHAPTER 29

PART VII

THE LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

328 Reconstitution of the Fire etc Authority.

(1) Section 27 of the [M1]Local Government Act 1985 (which established the London Fire and Civil Defence Authority) shall cease to have effect.

(2) Notwithstanding the repeal of that section, the body corporate established by it (in this Act referred to as "the Fire etc Authority") shall continue in being and shall, instead of being known as the London Fire and Civil Defence Authority, be known as the London Fire and Emergency Planning Authority.

(3) Any appointment to the Fire etc Authority in pursuance of section 27 of the [M2]Local Government Act 1985 shall cease to have effect on the reconstitution day.

(4) As from the reconstitution day, the Fire etc Authority shall be reconstituted in accordance with the provisions of Schedule 28 to this Act.

(5) In construing in any enactment (whenever passed or made) any reference to, or any reference which includes a reference to, an authority established by Part IV of the [M3]Local Government Act 1985 (however framed), the Fire etc Authority shall be taken on and after the reconstitution day to be an authority established otherwise than under that Part.

(6) Without prejudice to anything in section 15, 16 or 17 of the [M4]Interpretation Act 1978, nothing in subsection (5) above—

(a) revives anything not in force or existing on the reconstitution day;

(b) affects the previous operation of any enactment or anything duly done or suffered before the reconstitution day;

(c) affects any right, privilege, obligation or liability acquired, accrued or incurred before the reconstitution day;

Status: *Point in time view as at 21/01/2008.*
Changes to legislation: *Greater London Authority Act 1999, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(d) affects any penalty, forfeiture or punishment incurred in respect of any offence committed before the reconstitution day;

(e) affects any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if subsection (5) above had not been enacted.

(7) Subject to the other provisions of this Act, any reference to, and any reference which includes a reference to, the Fire etc Authority in any Act or other document shall be construed in accordance with the preceding provisions of this section.

(8) Schedule 29 to this Act (which amends certain enactments relating to the Fire etc Authority and repeals spent provisions applying such enactments to authorities in Greater London which have been abolished) shall have effect.

(9) In this section and Schedule 28 to this Act—

"enactment" includes an enactment comprised in subordinate legislation;

"the reconstitution day" means such day as the Secretary of State may by order appoint for the purpose.

Commencement Information

I1 S. 328 wholly in force at 3.7.2000: s. 328 in force at Royal Assent (11.11.1999) for certain purposes see s. 425(2); s. 328 in force for certain further purposes (1.5.2000) by S.I. 2000/1094, **art. 3(a)**; s. 328 in force (3.7.2000) in so far as not already in force by S.I. 2000/1094, **art. 4(a)**

Marginal Citations

M1 1985 c. 51.
M2 1985 c. 51.
M3 1985 c. 51.
M4 1978 c. 30.

[F1 328A Directions etc by the Mayor

(1) The Mayor may issue to the Fire etc Authority any of the following—

(a) guidance as to the manner in which it is to exercise its functions,

(b) general directions as to the manner in which it is to exercise its functions,

(c) specific directions as to the exercise of its functions.

(2) Directions issued by the Mayor under subsection (1)(c) above may include a direction not to exercise a power specified in the direction.

(3) The guidance or directions which may be issued by the Mayor under subsection (1) above include guidance or directions as to the manner in which the Fire etc Authority—

(a) is to perform any of its duties, or

(b) is to conduct any legal proceedings.

(4) The Mayor must send to the chief officer of the Fire etc Authority a copy of any guidance or directions issued under subsection (1) above.

Status: *Point in time view as at 21/01/2008.*
Changes to legislation: *Greater London Authority Act 1999, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In exercising any power conferred by this section, the Mayor must have regard to each of the following—

(a) the Fire and Rescue National Framework (see subsection (6)),

(b) fire safety enforcement guidance (see subsection (6)).

See also section 328B below (directions to the Mayor by the Secretary of State).

(6) In this section—

"the Fire and Rescue National Framework" means the Fire and Rescue National Framework, prepared under section 21 of the Fire and Rescue Services Act 2004;

"fire safety enforcement guidance" means guidance under article 26 (enforcement) of the Regulatory Reform (Fire Safety) Order 2005 given by the Secretary of State to the Fire etc Authority in its capacity as an enforcing authority for the purposes of that Order.

Textual Amendments

F1 Ss. 328A, 328B inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 27**, 59(7); S.I. 2008/113, art. 2(e)

328B Directions to the Mayor by the Secretary of State

(1) This section applies if the Secretary of State considers that any guidance or directions ("the inconsistent guidance or directions") issued under section 328A above by the Mayor are inconsistent with—

(a) the Fire and Rescue National Framework, or

(b) fire safety enforcement guidance.

(2) In order to remove the inconsistency, the Secretary of State may direct the Mayor—

(a) to make such revisions of the inconsistent guidance or directions as may be specified by the Secretary of State in the direction, or

(b) if the inconsistency arises from a specific direction under section 328A(1)(c) above, to revoke the direction.

(3) Any direction given by the Secretary of State under subsection (2) above must specify or otherwise identify the inconsistency in question.

(4) The Mayor must comply with any direction under subsection (2) above.

(5) In this section—

"the Fire and Rescue National Framework" has the same meaning as in section 328A above;

"fire safety enforcement guidance" has the same meaning as in section 328A above.**]**

Textual Amendments

F1 Ss. 328A, 328B inserted (E.W.) (21.1.2008) by Greater London Authority Act 2007 (c. 24), **ss. 27**, 59(7); S.I. 2008/113, art. 2(e)

Status: *Point in time view as at 21/01/2008.*
Changes to legislation: *Greater London Authority Act 1999, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

329 Role as the fire authority for Greater London.

(1) Schedule 11 to the [M5]Local Government Act 1985 (police and fire services) shall be amended as follows.

(2) In paragraph 2(1) (London Fire and Civil Defence Authority to be the fire authority for Greater London) for "London Fire and Civil Defence Authority" there shall be substituted " London Fire and Emergency Planning Authority ".

(3) In paragraph 2(4) (which provides that references in the [M6]Metropolitan Fire Brigade Act 1865 to the Metropolitan Board of Works are to be construed as references to the London Fire and Civil Defence Authority) for "London Fire and Civil Defence Authority" there shall be substituted " London Fire and Emergency Planning Authority ".

Marginal Citations

M5 1985 c. 51.
M6 1865 c. 90.

[F2]330 Civil defence.

. . . . . .

Textual Amendments

F2 S. 330 repealed (14.11.2005) by Civil Contingencies Act 2004 (c. 36), s. 34(1), **Sch. 3**; S.I. 2005/2040, art. 3(r)

331 Openness.

(1) Section 100J of the [M7]Local Government Act 1972 (access to meetings and documents: application of Part VA to joint authorities etc as to principal councils) shall be amended as follows.

(2) In subsection (1) (which lists the bodies to which the Part is applied) after paragraph (b) there shall be inserted—

"(bb) the London Fire and Emergency Planning Authority;".

(3) In subsection (2) (joint boards and joint committees of certain bodies) in the words following paragraph (b), after "(b)" there shall be inserted " , (bb) ".

(4) In subsection (3) (modifications of section 100A(6)(a) relating to council premises in the case of certain bodies specified in paragraphs of subsection (1)) after "(b)," there shall be inserted " (bb), ".

(5) After subsection (4) (application of section 100G(1)(a) relating to registers of members in the case of certain bodies specified in subsection (1)) there shall be inserted—

"(4A) In its application by virtue of subsection (1)(bb) above in relation to the London Fire and Emergency Planning Authority, section 100G(1)(a) shall have effect with the substitution for the words "the ward or division which

Status: *Point in time view as at 21/01/2008.*
Changes to legislation: *Greater London Authority Act 1999, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

he represents" of the words "whether he is an Assembly representative or a borough representative, and—

(i) if he is an Assembly representative, whether he is a London member or a constituency member and, if a constituency member, the Assembly constituency for which he is a member; or

(ii) if he is a borough representative, the council of which he is a member (whether a London borough council or the Common Council). ""

Marginal Citations

M7 1972 c. 70.

332 Discharge of functions.

(1) In section 101 of the [M8]Local Government Act 1972 (arrangements for discharge of functions by local authorities) in subsection (13) (meaning of "local authority" in Part VI) after "Under Treasurer of the Middle Temple," there shall be inserted " the London Fire and Emergency Planning Authority, ".

(2) In section 104 of that Act (disqualification for membership of committees and joint committees) after subsection (4) there shall be inserted—

"(5) In the application of this section to the London Fire and Emergency Planning Authority, the reference to a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be treated as if it included a reference to a person who is disqualified under section 21 of the Greater London Authority Act 1999 from being elected or being the Mayor of London or a member of the London Assembly."

Marginal Citations

M8 1972 c. 70.

333 Miscellaneous powers and duties.

In section 146A of the [M9]Local Government Act 1972 (which for the purposes of certain provisions of Part VII treats a joint authority or the Inner London Education Authority as a local authority or a principal council) in subsection (1), after "a joint authority" there shall be inserted " , the London Fire and Emergency Planning Authority ".

Marginal Citations

M9 1972 c. 70.

Status:
Point in time view as at 21/01/2008.

Changes to legislation:
Greater London Authority Act 1999, Part VII is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.