Fire and Rescue Services Act 2004

CHAPTER 21

FIRE AND RESCUE SERVICES ACT 2004

PART 1

FIRE AND RESCUE AUTHORITIES

Fire and rescue authorities

1 Fire and rescue authorities

Combined fire and rescue authorities

2 Power to create combined fire and rescue authorities
3 Creation of combined fire and rescue authorities: supplementary
4 Combined authorities under the Fire Services Act 1947

Fire and rescue authority involving police and crime commissioner

4A Power to provide for police and crime commissioner to be fire and rescue authority
4B Changes to existing fire and rescue authorities
4C Transfer of property, rights and liabilities
4D Further provision about authority created by section 4A order
4E Requirement for authority created by section 4A order to have fire fund
4F Exercise of functions pursuant to section 4A order
4G Section 4A order: transitional provision
4H Delegation to chief constable for police area
4I Further provision about chief constable covered by section 4H order
4J Exercise of functions pursuant to section 4H order
4K Complaints and conduct matters etc
4L Application of fire and rescue provisions
4M Application of local policing provisions
5 Powers of combined fire and rescue authorities

Powers of certain fire and rescue authorities

5A Powers of certain fire and rescue authorities
5B Boundaries of power under section 5A
5C Power to make provision supplemental to section 5A
5D Limits on power under section 5C(1)
5E Procedure for Secretary of State's orders under section 5C(1) and (2)
5F Procedure for Welsh Ministers' orders under section 5C(1) and (2)
5G Determining Assembly procedures for drafts laid under section 5F(2)
5H Negative resolution procedure for draft laid under section 5F(2)
5J Affirmative resolution procedure for draft laid under section 5F(2)
5K Super-affirmative resolution procedure for draft laid under section 5F(2)
5L Calculation of time periods

Interpretation of Part 1

5M Interpretation of Part 1

PART 2

FUNCTIONS OF FIRE AND RESCUE AUTHORITIES

Core functions

6 Fire safety
7 Fire-fighting
8 Road traffic accidents
9 Emergencies

Other functions

10 Directions relating to particular fires and emergencies
11 Power to respond to other eventualities
12 Other services

Assistance in discharge of functions

13 Reinforcement schemes
14 Directions as to reinforcement schemes
15 Arrangements with other employers of fire-fighters

Discharge of functions by others

16 Arrangements for discharge of functions by others
17 Directions as to arrangements under section 16

Supplementary

18 Training centres
18A Charging by authorities
18B Limits on charging under section 18A(1)
18C Cases where a charge may be made for responding to report of fire etc
19 Charging
20 Exercise of powers at or under sea
PART 3
ADMINISTRATION

Fire and Rescue National Framework
21 Fire and Rescue National Framework
22 Intervention by Secretary of State
23 Intervention protocol
24 Best value
25 Report

Police and crime plan
25A Police and crime plan

Supervision
26 Information
27 Inquiries
28 Inspectors
28A Inspection programme and inspection framework etc: England
28B Publication of inspection reports etc: England

Equipment etc
29 Equipment, facilities, services and organisations
30 Directions for public safety purposes

Training etc
31 Training institution and centres

PART 4
EMPLOYMENT

Negotiating bodies
32 Negotiating bodies
33 Guidance

Pensions etc
34 Pensions etc
35 Information in connection with pensions etc
36 Preservation of existing pension scheme

Police
37 Prohibition on employment of police in fire-fighting

PART 5
WATER SUPPLY

38 Duty to secure water supply etc
39 Supply of water by water undertakers
40 Emergency supply by water undertaker
41 Supply by other persons
42 Fire hydrants
43 Notice of works affecting water supply and fire hydrants

PART 6

SUPPLEMENTARY

Powers in the event of emergency etc
44 Powers of fire-fighters etc in an emergency etc

Powers of entry
45 Obtaining information and investigating fires
46 Supplementary powers
47 Notices: general
48 Notices given electronically

False alarms
49 False alarms of fire

Advisory bodies
50 Payments in respect of advisory bodies

Consequential provision
51 Abolition of Central Fire Brigades Advisory Council
52 Repeal of Fire Services Act 1947
53 Amendments
54 Repeals

PART 7

GENERAL

55 Pre-commencement consultation
56 Inquiries: supplementary
57 Meaning of “local authority”
58 Meaning of “emergency”
59 Financial provision
60 Orders and regulations
61 Commencement
62 Wales
63 Extent
64 Short title

SCHEDULES
Schedule A1 — Procedure for orders under section 4A
1 Proposal for order under section 4A
2 Duty of relevant fire and rescue authority to cooperate in preparation of proposal
3 Consultation on proposal
4 Provision of representations to Secretary of State
5 Decision by Secretary of State
6 Interpretation
7 Application of this Schedule to certain orders under section 4H

Schedule A2 — Application of legislation relating to police and crime commissioners
1 Introductory
2 Arrangements for obtaining the views of the community
3 Scrutiny of fire and rescue plan
4 Information for public
5 Scrutiny of fire and rescue statement
6 Information for police and crime panels
7 Duties when carrying out functions
8 Powers of police and crime panels
9 Power to require attendance and information
10 Conduct of fire and rescue authority
11 Scrutiny of appointment of chief finance officer
12 Scrutiny of precepts
13 Regulations about complaints and conduct matters

Schedule A3 — English Inspectors
1 Interpretation
2 Delegation
3 Working with Her Majesty’s Inspectors of Constabulary
4 An English inspector may act jointly with Her Majesty’s Inspectors...
5 Assistance for other public authorities
6 Powers of English inspectors to obtain information etc
7 Powers of English inspectors to obtain access to premises
8 Failure to comply with notice under paragraph 6 or 7
9 Sensitive information: restriction on further disclosure
10 Provision of intelligence service information to English inspectors

SCHEDULE 1 — Minor and consequential amendments

Explosives Act 1875 (c. 17)
1 In section 67(3A) of the Explosives Act 1875 (definition of...
| 6  | In section 343(1) of the Public Health Act 1936 (interpretation),... |
| 7  | The London Building Acts (Amendment) Act 1939 is amended as... |
| 8  | In section 20(2A) (fire precaution conditions)— (a) for “fire authority”... |
| 9  | (1) In the provisions mentioned in sub-paragraph (2), for “fire... |
| 10 | (1) Section 11(1) of the Statutory Orders (Special Procedure) Act... |
| 11 | (1) The Civil Defence Act 1948 is amended as follows.... |
| 12 | (1) The Reserve and Auxiliary Forces (Protection of Civil Interests)... |
| 13 | In Schedule 4 to the Town and Country Planning Act... |
| 14 | (1) The Caravan Sites and Control of Development Act 1960... |
| 15 | (1) Section 29(1) of the Land Compensation Act 1961 (interpretation)... |
| 16 | In section 75(8) of the Public Health Act 1961 (power... |
| 17 | (1) Section 37 of the Pipe-lines Act 1962 (persons to... |
| 18 | (1) Section 4(1) of the Stock Transfer Act 1963 (interpretation)... |
| 19 | Minor and consequential amendments |
| 20 | (1) The Gas Act 1965 is amended as follows. |
| 21 | (1) Section 2(1) of the Public Works Loans Act 1965... |
22 (1) Paragraph 1 of Schedule 4 to the National Loans...

23 (1) The Greater London Council (General Powers) Act 1968 is...

24 (1) The Gaming Act 1968 is amended as follows.

25 In section 102(4) of the Transport Act 1968 (application to...

26 In section 30 of the Greater London Council (General Powers)...

27 The Fire Precautions Act 1971 is amended as follows.

28 (1) In the provisions mentioned in sub-paragraph (2), for “fire...

29 In section 20 (exercise of inspectors’ powers)—

30 Section 29 (extension of provisions of the Fire Services Act...

31 (1) Section 40 (application to Crown) is amended as follows....

32 In section 41 (application to UK Atomic Energy Authority premises)

33 (1) Section 43 (interpretation) is amended as follows.

34 The Pensions (Increase) Act 1971 is amended as follows.

35 (1) Schedule 2 (official pensions) is amended as follows.

36 (1) Paragraph 6(1) of Schedule 3 (meaning of “local authority”)... 

37 In section 24(1)(a) of the Superannuation Act 1972 (compensation for...

38 The Local Government Act 1972 is amended as follows.

39 (1) Section 100J (authorities to which Part 5A applies) is...

40 Omit section 112(4)(c) (officers to whom subsection (3) does not...

41 (1) Section 168(5) (local financial returns: meaning of “local
authority”)...

42 In section 25(1) of the Local Government Act 1974 (authorities...
Changes to legislation: Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 20 April 2018. 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)

Health and Safety at Work etc Act 1974 (c. 37)
44 In section 23(4) of the Health and Safety at Work...

Control of Pollution Act 1974 (c. 40)
45 In section 62(2)(a) of the Control of Pollution Act 1974...

Greater London Council (General Powers) Act 1975 (c. xxx)
46 (1) Section 3 of the Greater London Council (General Powers)...

Safety of Sports Grounds Act 1975 (c. 52)
47 (1) The Safety of Sports Grounds Act 1975 is amended...

Race Relations Act 1976 (c. 74)
48 Minor and consequential amendments

Local Government, Planning and Land Act 1980 (c. 65)
49 (1) The Local Government, Planning and Land Act 1980 is...

Highways Act 1980 (c. 66)
50 (1) Paragraph 3 of Schedule 6 to the Highways Act...

Zoo Licensing Act 1981 (c. 37)
51 In section 3(2) of the Zoo Licensing Act 1981 (consideration...

New Towns Act 1981 (c. 64)
52 (1) Section 80(1) of the New Towns Act 1981 (interpretation)... 

Acquisition of Land Act 1981 (c. 67)
53 (1) Section 7(1) of the Acquisition of Land Act 1981...

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)
54 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended...

Road Traffic Regulation Act 1984 (c. 27)
55 In section 87 of the Road Traffic Regulation Act 1984...

Food Act 1984 (c. 30)
56 (1) The Food Act 1984 is amended as follows.

Building Act 1984 (c. 55)
57 (1) The Building Act 1984 is amended as follows.

Local Government Act 1985 (c. 51)
58 The Local Government Act 1985 is amended as follows.
(1) Section 42 (reorganisation of functions) is amended as follows.

In section 60(3) (pensions liabilities of police and fire authorities),...

In paragraph 5(a) of Schedule 11 (police and fire services:...
(1) Section 57 (duty to supply water for fire-fighting) is...
In section 147(1) (charging for emergency use of water)—
In paragraph 15 of Schedule 4A (premises not to be...

Water Resources Act 1991 (c. 57)

In section 32(2) of the Water Resources Act 1991 (rights...

Severn Bridges Act 1992 (c. 3)

In section 8 of the Severn Bridges Act 1992 (vehicles...

Local Government Finance Act 1992 (c. 14)

In section 39(1) of the Local Government Finance Act 1992...

Local Government Act 1992 (c. 19)

(1) Section 18 of the Local Government Act 1992 (consequences...

Local Government (Overseas Assistance) Act 1993 (c. 25)

In section 1(10) of the Local Government (Overseas Assistance) Act...

Welsh Language Act 1993 (c. 38)

In section 6(1) of the Welsh Language Act 1993 (meaning...

Vehicle Excise and Registration Act 1994 (c. 22)

(1) Schedule 2 to the Vehicle Excise and Registration Act...

London Local Authorities Act 1995 (c. x)

(1) The London Local Authorities Act 1995 is amended as...

Merchant Shipping Act 1995 (c. 21)

In section 135(1) of the Merchant Shipping Act 1995 (restrictions...

Audit Commission Act 1998 (c. 18)

Minor and consequential amendments

Crime and Disorder Act 1998 (c. 37)

(1) The Crime and Disorder Act 1998 is amended as...

Local Government Act 1999 (c. 27)

The Local Government Act 1999 is amended as follows.

In section 1(1) (best value authorities), for paragraph (e) substitute—...

In section 29(2)(a) (modifications of Part 1 for Wales: authorities...

London Local Authorities Act 2000 (c. vii)

In section 6 of the London Local Authorities Act 2000...
**Local Government Act 2000 (c. 22)**
94 In section 49(6) of the Local Government Act 2000 (authorities...  

**Freedom of Information Act 2000 (c. 36)**
95 In Schedule 1 to the Freedom of Information Act 2000...  

**Capital Allowances Act 2001 (c. 2)**
96 Minor and consequential amendments  

**Criminal Justice and Police Act 2001 (c. 16)**
97 (1) The Table in section 1(1) of the Criminal Justice...  

**Licensing Act 2003 (c. 17)**
98 (1) The Licensing Act 2003 is amended as follows.  

**Local Government Act 2003 (c. 26)**
99 The Local Government Act 2003 is amended as follows.  
100 In section 23(1) (local authorities) for paragraph (m) substitute—  
101 In section 33(1) (interpretation of Chapter 1) for paragraph (l)...  
102 Minor and consequential amendments  
103 In section 101(7) (staff transfer matters: general), omit paragraph (b)...  

**Fire Services Act 2003 (c. 36)**
104 The Fire Services Act 2003 is amended as follows.  
105 (1) Section 1 (Secretary of State’s powers) is amended as...  
106 (1) Section 3 (supplemental provisions) is amended as follows.  

**SCHEDULE 2 — Repeals**
Changes to legislation:
Fire and Rescue Services Act 2004 is up to date with all changes known to be in force on or before 20 April 2018. 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.

Changes and effects yet to be applied to:
- Sch. 1 para. 55 repealed by 2006 c. 49 Sch. 7(7)