

# **FIRE AND RESCUE SERVICES ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2: Functions of Fire and Rescue Authorities**

##### **Core functions**

19. Sections 6, 7, 8 and 9 establish the core duties of fire and rescue authorities.

##### ***Section 6: Fire safety***

20. The Fire and Rescue Service already carries out a wide range of activities to promote community fire safety, with the aim of preventing deaths and injuries in the home and reducing the impact of fire on the community as a whole. This includes fire safety education (especially for vulnerable groups), smoke alarm installation, chip pan safety demonstrations and fire safety checks for householders and others. Many fire and rescue authorities also provide training programmes for young people and work with local businesses, agencies and partnerships (such as crime and disorder partnerships and local strategic partnerships). This work is currently carried out on a discretionary basis and the effect of section 6 is to impose a statutory duty.

##### ***Sections 7 and 8: Fires and road traffic accidents***

21. Section 7 re-enacts the existing statutory duty for a fire and rescue authority to plan and provide arrangements for fighting fires and protecting life and property from fires within its area. A fire and rescue authority is required to secure the provision of sufficient personnel, services and equipment to deal with all normal circumstances, as well as adequate training. A fire and rescue authority must also put in place effective arrangements for receiving and responding to calls for help and for obtaining information which it needs to carry out its functions; the latter might include, for example, information about the nature and characteristics of buildings within the authority's area or availability of and access to water supplies.
22. Section 8 places a duty on fire and rescue authorities to make provision for rescuing persons from road traffic accidents and for dealing with the aftermath of such accidents. Historically, the risk of fire was the trigger for attendance at such an incident. While advances in vehicle design have seen the incidence of fire following an accident decrease, calls to assist with the rescue of people from wreckage and protect them from harm from spillage of hazardous substances have increased dramatically. A fire and rescue authority is required, therefore, to secure sufficient resources and training to deal with all normal circumstances. A fire and rescue authority must also put in place effective arrangements for receiving and responding to calls for help and for obtaining information to exercise its functions (for example, knowledge of local road and trunk road network).
23. Under sections 7 and 8 fire and rescue authorities must seek to mitigate the damage, or potential damage, to property in exercising their statutory functions. As a consequence,

*These notes refer to the Fire and Rescue Services Act 2004  
(c.21) which received Royal Assent on Thursday 22 July 2004*

the actions a fire and rescue authority must take in responding to an incident which could damage property should be proportionate to the incident and the risk to life.

### ***Section 9: Emergencies***

24. This section empowers the Secretary of State, by order following consultation, to place a duty on fire and rescue authorities to respond to particular types of emergency, as defined by order, such as flooding and terrorist incidents.
25. The Secretary of State can also, by order following consultation, direct fire and rescue authorities as to how they should plan, equip for and respond to such emergencies. This may include, for example, directions as to the deployments of mass decontamination equipment for civil resilience purposes. The intention is to ensure consistency of approach towards emergencies, particularly in response to terrorist incidents.
26. [Section 9](#) also allows the order to require an authority to respond to an emergency that has arisen outside its own area if, for example, it has more appropriate equipment and training than the authority in whose area the emergency has occurred.
27. The term “emergency” is defined in section 58.