

FIRE AND RESCUE SERVICES ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Functions of Fire and Rescue Authorities

Other functions

Section 10: Directions relating to particular fires and emergencies

28. This section enables the Secretary of State to direct a fire and rescue authority to respond to a particular fire or emergency incident in the event of an extreme or unusual event such as a terrorist attack or natural disaster, where there is no time to revise or make an order under section 9, or where a level of central co-ordination is required. Such a direction can require a fire and rescue authority to act outside as well as inside its own area. The Secretary of State can also direct an authority not to take any action in the event of such an emergency if, for example, another fire and rescue authority is better equipped to do so.

Sections 11 and 12: Power to respond to other eventualities; and other services

29. **Section 11** replaces section 3(1)(e) of the Fire Services Act 1947, and provides fire and rescue authorities with discretion to equip and respond to events beyond its core functions provided for elsewhere in the Act. A fire and rescue authority will be free to act where it believes there is a risk to life or the environment. This would allow, for example, a fire and rescue authority to engage in specialist activities such as rope rescue. A fire and rescue authority will be able to exercise the power in support of another fire and rescue authority - for example, under a reinforcement scheme (see sections 13 and 14).
30. **Section 12** provides a fire and rescue authority with the power to agree to the use of its equipment or personnel for any purpose it believes appropriate and wherever it so chooses. For example, a fire and rescue authority may agree to help pump out a pond as a service to its community.