

FIRE AND RESCUE SERVICES ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Functions of Fire and Rescue Authorities

Discharge of functions by others

Sections 16 and 17: Arrangements for discharge of functions by others

34. **Section 16** extends existing powers in the Fire Services Act 1947 to provide fire and rescue authorities with the ability to enter into contractual arrangements with others (including other fire and rescue authorities) to provide services in the execution of their functions (covered by sections 6 to 9 and 11). An example would be an agreement where a fire and rescue authority contracts with a local education authority to promote fire safety within its schools. Another example would be where a fire and rescue authority specialises in rope rescue and a neighbouring authority contracts with it to provide some or all of its response to incidents requiring rope rescue.
35. However, a fire and rescue authority can only delegate its fire-fighting functions to another fire and rescue authority or others that employ fire-fighters. An example of such an agreement could be delegating to the licence-holder of a nuclear site, which employs its own fire service, the responsibility for preparing for, and dealing with, fires within the area of the site.
36. **Section 17** re-enacts provisions in the Fire Services Act 1947 that provide the Secretary of State with the ability to require fire and rescue authorities to enter into contractual arrangements under section 16 (or to vary or cancel any such arrangements). The Secretary of State can exercise the power on his own initiative or where one of the authorities has asked him to intervene, but the power must be exercised in the interests of economy, efficiency and effectiveness. Before issuing a direction the Secretary of State must give the fire and rescue authorities affected the opportunity to make representations to him and he may hold an inquiry.