

FIRE AND RESCUE SERVICES ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Functions of Fire and Rescue Authorities

Supplementary

Section 18: Training centres

37. This section re-enacts provisions in the Fire Services Act 1947 that allow a fire and rescue authority to set up and run training centres.

Section 19: Charging

38. **Section 19** allows the Secretary of State to set out by order, following consultation, the services for which a fire and rescue authority may charge and the persons who may be subject to the charge. Section 3(1)(e) of the Fire Services Act 1947 already provides fire and rescue authorities with a discretionary power to charge for certain functions. As with the existing legislation, fire and rescue authorities will not be able to charge for extinguishing fires or protecting life and property in the event of fires, except in respect of incidents at sea or under the sea. There is also a prohibition on charging for the provision of emergency medical assistance.
39. Subsection (4) allows any order made under subsection (1) to include a provision for charges to be imposed on, or recovered from, third parties. Subsection (5) maintains the existing arrangement that allows fire and rescue authorities to set their own level of charge, and to vary the charge depending on the type of service provided and the circumstances of a particular incident, or to choose not to charge at all. Subsection (6) limits the amount charged to the cost of providing the service.

Section 20: Exercise of powers at or under sea

40. The Maritime Coastguard Agency (MCA) has a general duty to manage the response of UK authorities to maritime incidents both in territorial waters and beyond. To support such response the MCA will enter into agreements with other service providers. Fire and rescue authorities may indicate to the MCA a willingness to provide a response to fires and other emergencies at sea and to provide fire crews equipped and trained to undertake such work.
41. **Section 20** will enable fire and rescue authorities to continue to provide a response to incidents at sea and under the sea.