

FIRE AND RESCUE SERVICES ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Administration

Fire and Rescue National Framework

Section 21: Fire and Rescue National Framework

42. This section requires the Secretary of State to consult on and prepare a Fire and Rescue National Framework (“the Framework”), to which fire and rescue authorities must have regard in carrying out their functions. The Secretary of State must keep the Framework under review and must consult on any significant revisions made to it. Parliament will have the opportunity to scrutinise the Framework before it takes effect.
43. A draft Framework was published for consultation on 11 December 2003 and the 2004/05 Fire and Rescue National Framework was published on 16 July 2004. The purpose of the Framework is to provide strategic direction from central government while ensuring that authorities continue to make local decisions. The Framework sets out the Government’s objectives for the Fire and Rescue Service and what fire and rescue authorities should do to achieve these objectives. The Framework also sets out the support the Government will provide to fire and rescue authorities.

Section 22 and 23: Intervention by Secretary of State and intervention protocol

44. This section gives the Secretary of State the power to intervene if fire and rescue authorities fail to act in accordance with the Framework. The best value powers in Part 1 of the Local Government Act 1999 already make provision for the Secretary of State to intervene where an authority is failing to comply with the requirements of Part 1 of that Act. However, some wider Fire and Rescue Service performance issues covered by the Framework, such as measures to make provision for resilience in the face of a terrorist attack, may not be covered by the 1999 Act.
45. **Section 22** provides the Secretary of State with the power to require, by order, a fire and rescue authority to act in accordance with the Framework where he considers that the authority is failing to do so, or is likely to fail to do so. Before making such an order the Secretary of State must give the authority an opportunity to make representations to him.
46. Any use of the Secretary of State’s powers under section 22 will be governed by an “intervention protocol”. Section 23 requires the Secretary of State to consult on and publish this protocol.

Section 25: Report

47. The Secretary of State will report to Parliament, at least once in every two years, on the extent to which fire and rescue authorities are acting in accordance with the Framework

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

and any action he has taken to ensure they do so. He will not report on individual fire and rescue authorities.