

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

# **FIRE AND RESCUE SERVICES ACT 2004**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 5: Water Supply**

##### ***Section 38: Duty to secure water supply etc.***

65. Subsection (1) re-enacts section 13 of the Fire Services Act 1947, requiring fire and rescue authorities to take all reasonable measures to ensure the adequate supply of water for use in the event of fire.
66. Subsection (2) allows an authority to use any suitable supply of water, whether provided by a water undertaker or any other person. Whilst it provides for payment of reasonable compensation for the water, this is limited by reference to section 147 of the Water Industry Act 1991, which expressly forbids charging by a water undertaker in respect of: water taken for the purpose of extinguishing fires or for any other emergency purposes; water taken for testing apparatus used for extinguishing fires; or for fire-fighting training. This subsection re-enacts section 15(1) of the 1947 Act.