



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 3

ADMINISTRATION

Fire and Rescue National Framework

21 Fire and Rescue National Framework

- (1) The Secretary of State must prepare a Fire and Rescue National Framework.
- (2) The Framework—
 - (a) must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
 - (b) may contain guidance to fire and rescue authorities in connection with the discharge of any of their functions;
 - (c) may contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.

[^{F1}(2A) The Framework may contain different provision for different descriptions of fire and rescue authority.]

- (3) The Secretary of State must keep the terms of the Framework under review and may from time to time make revisions to it.
- (4) The Secretary of State must discharge his functions under subsections (1) and (3) in the manner and to the extent that appear to him to be best calculated to promote—
 - (a) public safety,
 - (b) the economy, efficiency and effectiveness of fire and rescue authorities, and
 - (c) economy, efficiency and effectiveness in connection with the matters in relation to which fire and rescue authorities have functions.
- (5) In preparing the Framework, or any revisions to the Framework which appear to him to be significant, the Secretary of State—

Status: Point in time view as at 22/02/2018.

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Part 3. (See end of Document for details)

- (a) must consult fire and rescue authorities or persons considered by him to represent them;
 - (b) must consult persons considered by him to represent employees of fire and rescue authorities;
 - (c) may consult any other persons he considers appropriate.
- (6) The Framework as first prepared, and any revisions to the Framework which appear to the Secretary of State to be significant, have effect only when brought into effect by the Secretary of State by order.
- (7) Fire and rescue authorities must have regard to the Framework in carrying out their functions.

Textual Amendments

- F1** S. 21(2A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 9**; S.I. 2017/399, reg. 2, Sch. para. 38

Commencement Information

- I1** S. 21 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by S.I. 2004/2304, **art. 2** (with **art. 3**)
- I2** S. 21 in force at 10.11.2004 for W. by S.I. 2004/2917, **art. 2**

22 Intervention by Secretary of State

- (1) This section applies if the Secretary of State considers that a fire and rescue authority is failing, or is likely to fail, to act in accordance with the Framework prepared under section 21.
- (2) For the purpose of securing that the authority acts in accordance with the Framework the Secretary of State may by order require the authority—
- (a) to do something;
 - (b) to stop doing something;
 - (c) not to do something.
- (3) The Secretary of State may make an order under subsection (2) only if he considers that making the order would promote—
- (a) public safety,
 - (b) the economy, efficiency and effectiveness of the fire and rescue authority in respect of which the order is made, or
 - (c) economy, efficiency and effectiveness in connection with the matters in relation to which fire and rescue authorities have functions.
- (4) Before making an order under subsection (2) the Secretary of State must give the authority an opportunity to make representations about the order proposed.

Commencement Information

- I3** S. 22 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by S.I. 2004/2304, **art. 2** (with **art. 3**)
- I4** S. 22 in force at 10.11.2004 for W. by S.I. 2004/2917, **art. 2**

Status: Point in time view as at 22/02/2018.

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Part 3. (See end of Document for details)

23 Intervention protocol

- (1) The Secretary of State must prepare, and may revise, a protocol about the exercise of his power to make an order under section 22(2).
- (2) The protocol must in particular make provision about persons or descriptions of persons that the Secretary of State will consult before exercising that power.
- (3) The Secretary of State must have regard to the protocol in exercising that power.
- (4) In preparing the protocol, or any revisions to it which appear to him to be significant, the Secretary of State—
 - (a) must consult fire and rescue authorities or persons considered by him to represent them;
 - (b) must consult persons considered by him to represent employees of fire and rescue authorities;
 - (c) may consult any other persons he considers appropriate.
- (5) The Secretary of State must publish the protocol for the time being in force in the manner he considers appropriate.

Commencement Information

- 15** S. 23 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by S.I. 2004/2304, **art. 2** (with **art. 3**)
- 16** S. 23 in force at 10.11.2004 for W. by S.I. 2004/2917, **art. 2**

24 Best value

- (1) Sections 10 to [F²13A] of the Local Government Act 1999 (c. 27) (best value inspections) apply in relation to a fire and rescue authority's compliance with section 21(7) as they apply in relation to a best value authority's compliance with the requirements of Part 1 of that Act.
 - (2) As applied by subsection (1), those sections have effect as if, in [F³sections 13(2)(b) and (4) and 13A(2)(b) and (4)], for “give a direction under section 15” there were substituted “make an order under section 22 of the Fire and Rescue Services Act 2004”.
- [F⁴(2A) When carrying out an inspection under section 10 of the Local Government Act 1999 as applied by subsection (1) of a fire and rescue authority created by an order under section 4A, an inspector must not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.
- (2B) In subsection (2A) “excluded function”, in relation to a fire and rescue authority, means a function which is an excluded function in relation to that authority for the purposes of subsection (A6) of section 28 (inspections by English inspectors) (see subsections (A7) and (A8) of that section).]
- [F⁵(3) Subsection (1) does not apply to a fire and rescue authority in Wales.
- (4) Sections 21, 22, 26 and 27 of the Local Government (Wales) Measure 2009 apply in relation to a fire and rescue authority in Wales' compliance with section 21(7) as they

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apply in relation to a Welsh improvement authority's compliance with the requirements of Part 1 of that Measure.

- (5) As applied by subsection (4), those sections have effect as if—
- (a) in section 21(1), paragraphs (a) and (b) and the word “if” preceding paragraph (a) were omitted;
 - (b) sections 21(2)(b), (3), (5), (8) and (10) and 22(4) were omitted;
 - (c) in section 22(1), for the words “a special inspection” there were substituted “an inspection under section 21”;
 - (d) in section 22(2)(b), for the words “do either or both of the following” to the end there were substituted “make an order under section 22 of the Fire and Rescue Services Act 2004”;
 - (e) in section 26(11), the words “or an inspection under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end;
 - (f) in section 27(1), the words “or inspections under section 21 as applied by section 24(4) of the Fire and Rescue Services Act 2004” were inserted at the end.]

Textual Amendments

- F2** Word in s. 24(1) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 26\(2\)](#); S.I. 2008/917, art. 2(1)(e)
- F3** Words in s. 24(2) substituted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), s. 245\(5\), Sch. 8 para. 26\(3\)](#); S.I. 2008/917, art. 2(1)(e)
- F4** [S. 24\(2A\)\(2B\) inserted \(22.2.2018\) by The Policing and Crime Act 2017 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/226\), regs. 1, 10\(2\)](#)
- F5** [S. 24\(3\)-\(5\) inserted \(1.4.2010\) by Local Government \(Wales\) Measure 2009 \(nawm 2\), s. 53\(2\), Sch. 1 para. 33; S.I. 2009/3272, art. 3\(1\), Sch. 2](#)

Commencement Information

- I7** S. 24 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304, art. 2 \(with art. 3\)](#)
- I8** S. 24 in force at 10.11.2004 for W. by [S.I. 2004/2917, art. 2](#)

25 Report

- (1) The Secretary of State must report to Parliament on—
- (a) the extent to which fire and rescue authorities are acting in accordance with the Framework prepared under section 21;
 - (b) any steps taken by him for the purpose of securing that fire and rescue authorities act in accordance with the Framework.
- (2) The first report under subsection (1) must be made before the end of the period of two years starting on the date when the Framework as first prepared is brought into effect.
- (3) Every subsequent such report must be made before the end of the period of two years starting on the date on which the last such report was made.

Status: Point in time view as at 22/02/2018.

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Part 3. (See end of Document for details)

Commencement Information

- I9** S. 25 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I10** S. 25 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

F6 **Police and crime plan**

Textual Amendments

- F6** [S. 25A and crossheading](#) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 1 para. 10](#); [S.I. 2017/399](#), reg. 2, [Sch. para. 38](#)

25A Police and crime plan

A fire and rescue authority created by an order under section 4A must, in carrying out its functions, have regard to the police and crime plan issued by the police and crime commissioner for the police area—

- (a) which corresponds to the area of the fire and rescue authority, or
- (b) within which the area of the fire and rescue authority falls.]

Supervision

26 Information

A fire and rescue authority must—

- (a) submit to the Secretary of State any reports and returns required by him;
- (b) give the Secretary of State any information with respect to its functions required by him.

Commencement Information

- I11** S. 26 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I12** S. 26 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

F7 27 Inquiries

Textual Amendments

- F7** S. 27 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), [Sch. 2 para. 24, 3](#) (with [ss. 44, 50](#)); [S.I. 2005/1432](#), [art. 2](#)

Status: Point in time view as at 22/02/2018.

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Part 3. (See end of Document for details)

Commencement Information

- I13** S. 27 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by S.I. 2004/2304, **art. 2** (with **art. 3**)
- I14** S. 27 in force at 10.11.2004 for W. by S.I. 2004/2917, **art. 2**

28 Inspectors

- [^{F8}(A1) Her Majesty may appoint such number of inspectors of fire and rescue authorities in England (the “English inspectors”) as the Secretary of State may determine.
- (A2) Of the persons appointed under subsection (A1) one is to be appointed as the chief fire and rescue inspector for England.
- (A3) The English inspectors must inspect, and report on the efficiency and effectiveness of, fire and rescue authorities in England.
- (A4) The English inspectors must carry out such other duties for the purpose of furthering the efficiency and effectiveness of fire and rescue authorities in England as the Secretary of State may from time to time direct.
- (A5) The chief fire and rescue inspector for England may appoint assistant inspectors and other officers for the purpose of assisting the English inspectors.
- (A6) When carrying out an inspection under subsection (A3) of a fire and rescue authority created by an order under section 4A, an English inspector must not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.
- (A7) For the purposes of subsection (A6), the following are excluded functions in relation to a fire and rescue authority—
- (a) the function of preparing a fire and rescue plan and a fire and rescue statement (within the meaning of Schedule A2);
 - (b) the functions that the authority has in its capacity as a major precepting authority for the purposes of Part 1 of the Local Government Finance Act 1992;
 - (c) the function of appointing a chief finance officer under section 4D(4);
 - (d) where functions of the authority have been delegated to a chief constable under an order under section 4H, the functions conferred on the authority by section 4J(4) and (5);
 - (e) functions specified, or of a description specified, in relation to that authority in an order made by the Secretary of State.
- (A8) The power under subsection (A7)(e) may be exercised in relation to—
- (a) all fire and rescue authorities created by an order under section 4A,
 - (b) a particular fire and rescue authority created by an order under section 4A, or
 - (c) a particular description of fire and rescue authorities created by an order under section 4A.
- (A9) Schedule A3 makes further provision in relation to the English inspectors.]
- (1) Her Majesty may by Order in Council appoint inspectors, and the Secretary of State may appoint assistant inspectors and other officers, for the purpose of obtaining information as to—

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- (a) the manner in which fire and rescue authorities [^{F9}in Wales] are discharging their functions;
 - (b) technical matters relating to those functions.
- (2) The Secretary of State may pay to persons appointed under this section remuneration determined by him.
- (3) A person appointed under section 24 of the Fire Services Act 1947 (c. 41) is to be taken to have been appointed under this section.

Textual Amendments

- F8** S. 28(A1)-(A9) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 11\(2\)](#), [183\(1\)](#), [\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(b\)](#)
- F9** Words in s. 28(1)(a) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 11\(3\)](#), [183\(1\)](#), [\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(b\)](#) (with [reg. 4](#))

Commencement Information

- I15** S. 28 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I16** S. 28 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

[^{F10}28A Inspection programme and inspection framework etc: England

- (1) The chief fire and rescue inspector for England must from time to time prepare—
- (a) a document setting out what inspections of fire and rescue authorities in England the English inspectors propose to carry out under section 28(A3) (an “inspection programme”);
 - (b) a document setting out the manner in which the English inspectors propose to carry out the function conferred on them by section 28(A3) (an “inspection framework”).
- (2) The chief fire and rescue inspector for England must obtain the approval of the Secretary of State to an inspection programme or inspection framework before the English inspectors act in accordance with it.
- (3) The Secretary of State may at any time require the chief fire and rescue inspector for England to carry out, or arrange for another English inspector to carry out, an inspection under section 28(A3) of—
- (a) a fire and rescue authority in England;
 - (b) all fire and rescue authorities in England;
 - (c) all fire and rescue authorities in England of a particular type.
- (4) A requirement imposed under subsection (3) may limit the inspection to a particular matter.
- (5) The chief fire and rescue inspector for England or, at the request of that inspector, any other English inspector may carry out an inspection under section 28(A3) of a fire and rescue authority in England that has not been set out in an inspection programme (and has not been required under subsection (3)).

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- (6) Before deciding to carry out, or to request another English inspector to carry out, an inspection of a fire and rescue authority in England that has not been set out in an inspection programme, the chief fire and rescue inspector for England must consult the Secretary of State.
- (7) Nothing in an inspection programme or inspection framework is to be read as preventing an English inspector from making a visit without notice.
- (8) In this section “English inspector” means an inspector appointed under section 28(A1).]

Textual Amendments

F10 S. 28A inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 11(4)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(b)

[^{F11}28B Publication of inspection reports etc: England

- (1) The chief fire and rescue inspector for England must arrange for a report prepared under section 28(A3) to be published in such manner as appears to him or her to be appropriate.
- (2) But the chief fire and rescue inspector for England must exclude from publication under subsection (1) anything that he or she considers—
 - (a) would be against the interests of national security, or
 - (b) might jeopardise the safety of any person.
- (3) The chief fire and rescue inspector for England must—
 - (a) send a copy of the published report to the Secretary of State, and
 - (b) disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).
- (4) The chief fire and rescue inspector for England must in each year submit to the Secretary of State a report on the carrying out of inspections under section 28(A3) (during the period since the last report).
- (5) A report under subsection (4) must include the chief fire and rescue inspector for England’s assessment of the efficiency and effectiveness of fire and rescue authorities in England for the period in respect of which the report is prepared.
- (6) The chief fire and rescue inspector for England must lay before Parliament a copy of a report submitted under subsection (4).
- (7) In this section “English inspector” means an inspector appointed under section 28(A1).]

Textual Amendments

F11 S. 28B inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 11(5)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(b)

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Equipment etc

29 Equipment, facilities, services and organisations

- (1) The Secretary of State may provide and maintain, or contribute to the provision and maintenance of, any equipment, facilities and services he considers appropriate for promoting the economy, efficiency and effectiveness of fire and rescue authorities.
- (2) The Secretary of State may establish and maintain, or contribute to the establishment and maintenance of, any organisations he considers appropriate for promoting the economy, efficiency and effectiveness of fire and rescue authorities.
- (3) Charges may be imposed for the use of equipment, facilities and services provided by—
 - (a) the Secretary of State under subsection (1), or
 - (b) an organisation established or maintained by him.
- (4) The Secretary of State may by order make provision requiring one or more fire and rescue authorities—
 - (a) to use and maintain equipment and facilities specified in the order or of a description specified in the order;
 - (b) to use services specified in the order or of a description specified in the order.
- (5) Before making an order under this section the Secretary of State must consult any persons he considers appropriate.

Commencement Information

- I17** S. 29 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I18** S. 29 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

30 Directions for public safety purposes

- (1) The Secretary of State may, if he considers it necessary for the purposes of public safety, by order give general or specific directions to one or more fire and rescue authorities about the use or disposal of property or facilities.
- (2) The provision that may be contained in a direction under subsection (1) given to an authority includes—
 - (a) provision about the use or disposal by the authority of property or facilities belonging to or under the control of the authority;
 - (b) provision about the use by the authority of property or facilities belonging to or under the control of another fire and rescue authority or a person who has made the property or facilities available (or is willing to do so);
 - (c) provision requiring payments to be made by the authority to another fire and rescue authority or to any other person, in respect of the use of property or facilities.
- (3) The references in subsection (2) to property or facilities belonging to a person include land occupied by the person.

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- (4) Before making an order under this section the Secretary of State must consult any persons he considers appropriate.

Commencement Information

- I19** S. 30 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I20** S. 30 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Training etc

31 Training institution and centres

- (1) The Secretary of State may establish and maintain—
- (a) a central training institution, and
 - (b) one or more local training centres,
- for one or more of the purposes mentioned in subsection (2).
- (2) The purposes are—
- (a) the provision of education and training to employees of fire and rescue authorities;
 - (b) the provision of advice and assistance to fire and rescue authorities in connection with the provision of such education and training;
 - (c) the supervision and regulation of the provision of such education and training;
 - (d) the provision of education and training to persons who provide (or are to provide) such education and training;
 - (e) the provision of education and training (in the United Kingdom or elsewhere) to persons who are not employees of fire and rescue authorities in matters in relation to which fire and rescue authorities have functions;
 - (f) the provision of advice and assistance (in the United Kingdom or elsewhere) in connection with the provision of such education and training.

Commencement Information

- I21** S. 31 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I22** S. 31 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

Status:

Point in time view as at 22/02/2018.

Changes to legislation:

There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Part 3.