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—

(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**

[F2 21A Fire and rescue authorities in Wales: performance and governance

(1) The Welsh Ministers may by regulations—

(a) require a fire and rescue authority for an area in Wales to make a plan in relation to the exercise of the authority's functions;

(b) impose requirements relating to such a plan.

(2) The requirements which may be imposed under subsection (1)(b) include requirements about—

(a) a plan's content;

(b) its preparation and revision;

(c) when it is to be made;

(d) the period to which it is to relate;

(e) its publication.

(3) Requirements about a plan's content include requirements to—

(a) set out an authority's priorities and objectives;

(b) describe and explain the extent to which the plan reflects the Framework prepared by the Welsh Ministers under section 21;

(c) set out actions the authority intends to take in relation to its priorities and objectives;

(d) set out how the authority intends to assess its performance.

(4) The Welsh Ministers may by regulations make provision (including imposing requirements on an authority) for the purposes of assessing or reporting on the performance of an authority.

(5) Before making regulations under subsection (1) or (4) the Welsh Ministers—

(a) must consult fire and rescue authorities for areas in Wales or persons who the Welsh Ministers consider represent those authorities;

(b) must consult persons who the Welsh Ministers consider represent employees of fire and rescue authorities for areas in Wales;

(c) may consult any other persons the Welsh Ministers consider appropriate.**]**

Textual Amendments

F2 S. 21A inserted (E.W.) (20.3.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 167(2)**, 175(3)(s)

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**

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

I5 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)

I6 S. 23 in force at 10.11.2004 for W. by S.I. 2004/2917, **art. 2**

24 Best value

(1) Sections 10 to **[**[F3]13A**]** 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 **[**[F4]sections 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 ".

[[F5](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).**]**

[[F6](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 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

F3 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)

F4 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)

F5 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)**

F6 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 beforethe end of the period of two years starting on the date on which the last such report was made.

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**

Changes to legislation:
There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Cross Heading: Fire and Rescue National Framework.