

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Schedule A2. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE A2

Section 4M(1)

APPLICATION OF LEGISLATION RELATING TO POLICE AND CRIME COMMISSIONERS

Textual Amendments

F1 Sch. A1, Sch. A2 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. 13**; S.I. 2017/399, reg. 2, Sch. para. 38

Introductory

- 1 (1) This Schedule makes provision about the application of certain enactments relating to police and crime commissioners to a relevant fire and rescue authority.
- (2) In this Schedule—
 - “relevant chief constable”, in relation to a relevant fire and rescue authority, means the chief constable of a police force (if any) to whom functions of the authority have been delegated under provision made under section 4H;
 - “relevant fire and rescue authority” means a fire and rescue authority created by an order under section 4A;
 - “relevant police and crime panel”, in relation to a relevant fire and rescue authority, means the police and crime panel 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.
- (3) In this Schedule “fire and rescue plan” means a document which—
 - (a) is prepared and published by a relevant fire and rescue authority in accordance with the Fire and Rescue National Framework, and
 - (b) sets out the authority’s priorities and objectives, for the period covered by the document, in connection with the discharge of the authority’s functions.
- (4) In this Schedule “fire and rescue statement” means a document which—
 - (a) is prepared and published by a relevant fire and rescue authority in accordance with the Fire and Rescue National Framework, and
 - (b) contains a statement of the way in which the authority has had regard, in the period covered by the document, to the Framework and to any fire and rescue plan prepared by the authority for that period.

Arrangements for obtaining the views of the community

- 2 (1) Subsections (1), (1B), (2), (5A) and (5B) of section 96 of the Police Act 1996 (arrangements for obtaining the views of the community on policing) apply in

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relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).

- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) the reference in subsection (1) to each police area were to each area of a relevant fire and rescue authority,
 - (b) in that subsection, for paragraphs (a) and (b) and the words following those paragraphs there were substituted “the views of people in that area about fire and rescue services”,
 - (c) in subsections (1B) and (5A) the references to a police area listed in Schedule 1 to that Act were to the area of a relevant fire and rescue authority,
 - (d) the reference in subsection (2) to the police area were to the area of the relevant fire and rescue authority, and
 - (e) the reference in that subsection to the chief officer of police for that police area were to the relevant chief constable.

Scrutiny of fire and rescue plan

- 3 (1) Subsections (6) to (12) of section 5 of the Police Reform and Social Responsibility Act 2011 (scrutiny of police and crime plans) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) references to a police and crime plan were to a fire and rescue plan,
 - (b) references to the relevant chief constable (within the meaning of that section) were to the relevant chief constable (within the meaning of this Schedule),
 - (c) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
 - (d) in subsection (9), paragraph (b)(ii) and the words following that paragraph were omitted, and
 - (e) in subsection (10)(a) the words from “and to each” to “relevant police area” were omitted.

Information for public

- 4 (1) Section 11 of the Police Reform and Social Responsibility Act 2011 (information for public etc) applies in relation to a relevant fire and rescue authority as it applies in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that section has effect as if—
- (a) references to the relevant chief officer of police were to the relevant chief constable, and
 - (b) references to the chief officer’s functions were to the relevant chief constable’s fire and rescue functions.

Scrutiny of fire and rescue statement

- 5 (1) Subsections (2) to (5) of section 12 of the Police Reform and Social Responsibility Act 2011 (annual reports) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).

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- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) references to an annual report were to a fire and rescue statement, and
 - (b) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule).

Information for police and crime panels

- 6 (1) Section 13 of the Police Reform and Social Responsibility Act 2011 (information for police and crime panels) applies in relation to a relevant fire and rescue authority as it applies in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that section has effect as if—
- (a) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule), and
 - (b) in subsection (2), paragraphs (a) to (c) were omitted.

Duties when carrying out functions

- 7 (1) Subsections (1), (2) and (4) to (7) of section 17 of the Police Reform and Social Responsibility Act 2011 (duties when carrying out functions) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) the reference in subsection (1) to policing in an elected local policing body's area were to fire and rescue services in the relevant fire and rescue authority's area,
 - (b) the reference in subsection (2) to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
 - (c) the reference in that subsection to any report or recommendations made by the panel on the annual report for the previous financial year were to any report or recommendations made by the panel with respect to the discharge of the relevant fire and rescue authority's functions, and
 - (d) the reference in subsection (7) to elected local policing bodies were to relevant fire and rescue authorities.

Powers of police and crime panels

- 8 (1) Subsections (2) to (9) and (11) of section 28 of the Police Reform and Social Responsibility Act 2011 (police and crime panels outside London) apply in relation to a relevant fire and rescue authority as they apply in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) references to the police and crime panel or a police and crime panel were to the relevant police and crime panel,
 - (b) the references in subsection (3) to the draft police and crime plan were to the draft fire and rescue plan,

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- (c) the references in subsection (4) to an annual report were to a fire and rescue statement,
- (d) the references in subsections (5) and (6) to Schedules 1 and 5 were to those Schedules as applied by this Schedule,
- [the references in subsection (6) to the commissioner's functions were to the functions of the relevant fire and rescue authority that are excluded functions for the purposes of section 28(A6) of this Act (see section 28(A7)),]
- ^{F2}(da) the references in those subsections to Schedule 8 were omitted, and
- (e) the references in those subsections to Schedule 8 were omitted, and
- (f) the second reference in subsection (8) to the police area were to the area of the relevant fire and rescue authority.

Textual Amendments

- F2** Sch. A2 para. 8(2)(da) 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(6)**, [183\(1\)\(5\)\(e\)](#); S.I. 2017/726, reg. 2(b)

Power to require attendance and information

- 9 (1) Section 29 of the Police Reform and Social Responsibility Act 2011 (power to require attendance and information) applies in relation to a relevant fire and rescue authority as it applies in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that section has effect as if—
- (a) references to the police and crime panel or a police and crime panel were to the relevant police and crime panel, and
 - (b) the reference in subsection (6) to the relevant chief constable (within the meaning of that section) were to the relevant chief constable (within the meaning of this Schedule).

Conduct of fire and rescue authority

- 10 Section 31 of the Police Reform and Social Responsibility Act 2011 (conduct of police and crime commissioner etc) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner.

Scrutiny of appointment of chief finance officer

- 11 (1) Paragraphs 9(1)(b) and (2) and 10 to 12 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 (scrutiny of appointment of chief finance officer) apply in relation to a relevant fire and rescue authority as they apply in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those paragraphs have effect as if—
- (a) the references in paragraph 9 to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
 - (b) the reference in paragraph 9(1)(b) to the commissioner's chief finance officer were to the relevant fire and rescue authority's chief finance officer within the meaning of section 4D of this Act,

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- (c) the references in paragraphs 10, 11 and 12 to the police and crime panel or a police crime panel were to the relevant police and crime panel, and
 - (d) paragraph 10(9) defined “relevant post-election period” as the period that—
 - (i) begins with the day of the poll at an ordinary election under section 50 of the Police Reform and Social Responsibility Act 2011 of the police and crime commissioner for the relevant police area, and
 - (ii) ends with the day on which the person elected as that police and crime commissioner delivers a declaration of acceptance of office under section 70 of that Act.
- (3) In sub-paragraph (2)(d)(i) “the relevant police area” means the police area—
- (a) which corresponds to the area of the relevant fire and rescue authority, or
 - (b) within which the area of the relevant fire and rescue authority falls.

Scrutiny of precepts

- 12 (1) Schedule 5 to the Police Reform and Social Responsibility Act 2011 (issuing precepts) applies in relation to a relevant fire and rescue authority as it applies in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that Schedule has effect as if references to the relevant police and crime panel (within the meaning of that Act) or to the police and crime panel were to the relevant police and crime panel (within the meaning of this Schedule).

Regulations about complaints and conduct matters

- 13 (1) Schedule 7 to the Police Reform and Social Responsibility Act 2011 (regulations about complaints and conduct matters) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that Schedule has effect as if references to police and crime panels were to relevant police and crime panels.]

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