
Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Schedule A3. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE A3

Section 28

ENGLISH INSPECTORS

Textual Amendments

- F1** Sch. A3 inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)](#) (e), [Sch. 3](#)

Interpretation

- 1 (1) This paragraph applies for the purposes of this Schedule.
- (2) References to an English inspector are to an inspector appointed under section 28(A1).
- (3) References to the inspection function are to the function conferred on the English inspectors by section 28(A3).
- (4) References to a person providing services to a fire and rescue authority are to a person providing services, in pursuance of contractual arrangements (but without being employed by a fire and rescue authority), to assist the fire and rescue authority in relation to the exercise of its functions.
- (5) “Public authority” includes any person certain of whose functions are functions of a public nature.

Delegation

- 2 An English inspector may arrange for the inspection function to be exercised (to such extent as the inspector may determine) by another public authority on behalf of the inspector.

Working with Her Majesty’s Inspectors of Constabulary

- 3 An English inspector, when exercising the inspection function, must co-operate with Her Majesty’s Inspectors of Constabulary.
- 4 An English inspector may act jointly with Her Majesty’s Inspectors of Constabulary where it is appropriate to do so for the efficient and effective exercise of the inspection function.

Assistance for other public authorities

- 5 (1) The chief fire and rescue inspector for England may, if he or she thinks it appropriate to do so, provide assistance to any other public authority for the purpose of the exercise by that authority of its functions.

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Schedule A3. (See end of Document for details)

- (2) The chief fire and rescue inspector for England may do anything he or she thinks appropriate to facilitate the carrying out of an inspection under section 10 of the Local Government Act 1999 (inspection of best value authorities).
- (3) Anything done under this paragraph may be done on such terms (including terms as to payment) as the chief fire and rescue inspector for England thinks fit.

Powers of English inspectors to obtain information etc

- 6 (1) An English inspector may serve on a relevant person a notice requiring the person—
- (a) to provide the inspector with any information or documents that the inspector reasonably requires for the purpose of the exercise of the inspection function;
 - (b) to produce or deliver up to the inspector any evidence or other things that the inspector reasonably requires for that purpose.

This is subject to sub-paragraphs (6) to (8).

- (2) In sub-paragraph (1), “relevant person” means—
 - (a) a fire and rescue authority in England;
 - (b) an employee of a fire and rescue authority in England;
 - (c) a person providing services to a fire and rescue authority in England;
 - (d) an employee of a person providing services to a fire and rescue authority in England;
 - (e) any other person who is, by virtue of any enactment, carrying out any of the activities of a fire and rescue authority in England.
- (3) A notice under this paragraph must—
 - (a) specify or describe the information, documents, evidence or other things that are required by the inspector;
 - (b) specify the period within which the information, documents, evidence or other things must be provided, produced or delivered up.
- (4) A notice under this paragraph may specify the form and manner in which any information, documents, evidence or other things are to be provided, produced or delivered up.
- (5) An English inspector may cancel a notice under this paragraph by written notice to the person on whom it was served.
- (6) A notice under this paragraph must not be used to obtain information, or any document or other thing, from a person if—
 - (a) the information, or the document or other thing, was obtained by that person (directly or indirectly) from a body or other entity mentioned in sub-paragraph (7), or
 - (b) the information, or the document or other thing, relates to a body or other entity mentioned in that sub-paragraph.
- (7) The bodies and other entities referred to in sub-paragraph (6) are—
 - (a) the Security Service,
 - (b) the Secret Intelligence Service,
 - (c) the Government Communications Headquarters, or

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Schedule A3. (See end of Document for details)

- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities.
- (8) A notice under this paragraph must not require a person—
 - (a) to provide information that might incriminate the person;
 - (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act).
- (9) In this paragraph—
 - “document” means anything in which information of any description is recorded;
 - “English inspector” includes—
 - (a) a person appointed under section 28(A5) as an assistant inspector or other officer;
 - (b) a person authorised by an English inspector to act on behalf of the inspector for the purposes of this paragraph.

Powers of English inspectors to obtain access to premises

- 7
- (1) An English inspector may serve on a person a notice requiring the person to allow the inspector access, which the inspector reasonably requires for the purpose of the exercise of the inspection function, to—
 - (a) premises that are occupied (wholly or partly) for the purposes of—
 - (i) a fire and rescue authority in England,
 - (ii) a person providing services to a fire and rescue authority in England, or
 - (iii) any other person who is, by virtue of any enactment, carrying out any of the activities of a fire and rescue authority in England, and
 - (b) documents and other things on those premises.
 - (2) A notice under this paragraph must—
 - (a) specify or describe the premises to which the inspector requires access;
 - (b) specify the time when access is required (which may be immediately after the service of the notice).
 - (3) Where there are reasonable grounds for not allowing the inspector to have access to the premises at the time specified under sub-paragraph (2)(b), the requirement under this paragraph has effect as a requirement to secure that access is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be such grounds.
 - (4) An English inspector may cancel a notice under this paragraph by written notice to the person on whom it was served.
 - (5) In this paragraph “document” and “English inspector” have the same meanings as in paragraph 6 (and, for that purpose, the reference in paragraph (b) of the definition of “English inspector” in paragraph 6(9) to paragraph 6 is to be read as a reference to this paragraph).

Failure to comply with notice under paragraph 6 or 7

- 8
- (1) If a person who has received a notice under paragraph 6 or 7—

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Schedule A3. (See end of Document for details)

- (a) fails or refuses without reasonable excuse to do what is required by the notice, or
 - (b) (in the case of a notice under paragraph 6) knowingly or recklessly provides information in response to the notice that is false in a material respect,
- the chief fire and rescue inspector for England may certify in writing to the High Court that the person has failed to comply with the notice.
- (2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.

Sensitive information: restriction on further disclosure

- 9 (1) Where an English inspector, in exercise of the inspection function, receives information within sub-paragraph (2), the inspector must not disclose the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.
- (2) The information is—
- (a) intelligence service information;
 - (b) information obtained from a government department which, at the time it is provided to the inspector, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—
 - (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom, or
 - (ii) jeopardise the safety of any person.
- (3) Where an English inspector discloses to another person information within sub-paragraph (2) that the inspector received in exercise of the inspection function, or the fact that the inspector has received such information in exercise of the inspection function, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.
- (4) A prohibition on disclosure in sub-paragraph (1) or (3) does not apply to disclosure by one English inspector to another.
- (5) In this paragraph—
- “English inspector” includes—
- (a) a person appointed under section 28(A5) as an assistant inspector or other officer;
 - (b) a person authorised by an English inspector to act on behalf of the inspector for the purposes of paragraph 6 or 7;
- “government department” means a department of Her Majesty’s Government but does not include—
- (a) the Security Service,
 - (b) the Secret Intelligence Service, or
 - (c) the Government Communications Headquarters (“GCHQ”);
- “intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—
- (a) the Security Service,

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Schedule A3. (See end of Document for details)

- (b) the Secret Intelligence Service,
- (c) GCHQ, or
- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;
“Minister of the Crown” includes the Treasury;
“relevant authority” means—
 - (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
 - (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
 - (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
 - (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to Her Majesty’s forces or the Ministry of Defence, the Secretary of State;
 - (e) in the case of information within sub-paragraph (2)(b)—
 - (i) the Secretary of State, or
 - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State).

Provision of intelligence service information to English inspectors

- 10 (1) A person who provides information that is intelligence service information to an English inspector exercising the inspection function must—
- (a) make the inspector aware that the information is intelligence service information, and
 - (b) provide the inspector with such additional information as will enable the inspector to identify the relevant authority in relation to the information.
- (2) In this paragraph, “English inspector”, “intelligence service information” and “relevant authority” have the same meaning as in paragraph 9.]

Changes to legislation:

There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Schedule A3.