



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 1

#### FIRE AND RESCUE AUTHORITIES

### **3 Creation of combined fire and rescue authorities: supplementary**

- (1) A combined fire and rescue authority constituted under a scheme under section 2 must be constituted as a body corporate.
- (2) A scheme under section 2 may, subject to this section, make any supplementary and incidental provision which the Secretary of State considers appropriate.
- (3) In particular, a scheme under section 2 may make provision about—
  - (a) the composition of the combined authority (including provision for the appointment of members by the existing authorities or by the Secretary of State);
  - (b) the proceedings of the combined authority (including different provision in respect of the voting rights of different categories of member);
  - (c) the financing of the combined authority (including provision for the payment of expenses out of a combined fire and rescue service fund maintained by the existing authorities);
  - (d) the discharge of the functions of the combined authority (including provision for the discharge of functions by committees);
  - (e) officers of the combined authority;
  - (f) the acquisition, appropriation and disposal of land by the combined authority (including provision for the acquisition of land by agreement or compulsorily);
  - (g) the transfer of staff, property, rights and liabilities to or from the combined authority;
  - (h) the payment of compensation in respect of loss suffered by any person in consequence of the constitution of the combined authority.

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*Status: Point in time view as at 07/09/2004. This version of this provision has been superseded.*

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

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- (4) A scheme under section 2 may not make provision for the appointment by the Secretary of State of a number of members equal to, or exceeding, half the total number of members capable of being appointed.
- (5) If a scheme under section 2 provides for members of a combined authority to be appointed by the Secretary of State, it must also provide that any decision of the authority to—
- (a) issue a precept under section 40 of the Local Government Finance Act 1992 (c. 14), or
  - (b) make the calculations required by section 43 of that Act,
- must be approved by more than half of the members of the authority not appointed by the Secretary of State.

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**Commencement Information**

- II** S. 3 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](#))

**Status:**

Point in time view as at 07/09/2004. This version of this provision has been superseded.

**Changes to legislation:**

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