



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 1

FIRE AND RESCUE AUTHORITIES

[^{F1}Powers of certain fire and rescue authorities]

[^{F1}5G Determining Assembly procedures for drafts laid under section 5F(2)]

- (1) The explanatory document laid with a draft order under section 5F(2) must contain a recommendation by the Welsh Ministers as to which of the following should apply in relation to the making of an order pursuant to the draft order—
 - (a) the negative resolution procedure (see section 5H),
 - (b) the affirmative resolution procedure (see section 5J), or
 - (c) the super-affirmative resolution procedure (see section 5K).
- (2) The explanatory document must give reasons for the Welsh Ministers' recommendation.
- (3) Where the Welsh Ministers' recommendation is that the negative resolution procedure should apply, that procedure applies unless, within the 30-day period—
 - (a) the National Assembly for Wales requires the application of the super-affirmative resolution procedure, in which case that procedure applies, or
 - (b) in a case not within paragraph (a), the Assembly requires the application of the affirmative resolution procedure, in which case that procedure applies.
- (4) Where the Welsh Ministers' recommendation is that the affirmative resolution procedure should apply, that procedure applies unless, within the 30-day period, the National Assembly for Wales requires the application of the super-affirmative resolution procedure, in which case the super-affirmative resolution procedure applies.
- (5) Where the Welsh Ministers' recommendation is that the super-affirmative resolution procedure should apply, that procedure applies.

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 5G. (See end of Document for details)

- (6) For the purposes of this section, the National Assembly for Wales is to be taken to have required the application of a procedure within the 30-day period if—
- (a) the Assembly resolves within that period that that procedure is to apply, or
 - (b) in a case not within paragraph (a), a committee of the Assembly charged with reporting on the draft order has recommended within that period that that procedure should apply and the Assembly has not by resolution rejected that recommendation within that period.
- (7) In this section “ the 30-day period ” means the 30 days beginning with the day on which the draft order was laid before the National Assembly for Wales under section 5F(2).]

Textual Amendments

- F1** Ss. 5A-5L inserted (18.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss. **9(1)**, 240(4)(a); S.I. 2012/411, art. 2(c); S.I. 2012/887, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 5G.