



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 1

FIRE AND RESCUE AUTHORITIES

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

[^{F1}5H Negative resolution procedure for draft laid under section 5F(2)]

- (1) For the purposes of this Part, “ the negative resolution procedure ” in relation to the making of an order pursuant to a draft order laid under section 5F(2) is as follows.
- (2) The Welsh Ministers may make an order in the terms of the draft order subject to the following provisions of this section.
- (3) The Welsh Ministers may not make an order in the terms of the draft order if the National Assembly for Wales so resolves within the 40-day period.
- (4) A committee of the National Assembly for Wales charged with reporting on the draft order may, at any time after the expiry of the 30-day period and before the expiry of the 40-day period, recommend under this subsection that the Welsh Ministers not make an order in the terms of the draft order.
- (5) Where a committee of the National Assembly for Wales makes a recommendation under subsection (4) in relation to a draft order, the Welsh Ministers may not make an order in the terms of the draft order unless the recommendation is, in the same Assembly, rejected by resolution of the Assembly.
- (6) For the purposes of this section an order is made in the terms of a draft order if it contains no material changes to the provisions of the draft order.
- (7) In this section—
“ the 30-day period ” has the meaning given by section 5G(7), and

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

“ the 40-day period ” means the 40 days beginning with the day on which the draft order was laid before the National Assembly for Wales under section 5F(2).

- (8) For the purpose of calculating the 40-day period in a case where a recommendation is made under subsection (4) by a committee of the National Assembly for Wales but the recommendation is rejected by the Assembly under subsection (5), no account is to be taken of any day between the day on which the recommendation was made and the day on which the recommendation was rejected.]

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\(a\)](#)

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