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SCHEDULES

SCHEDULE 2 **U.K.**

THE LONDON FIRE COMMISSIONER

PART 1 **E+W**

AMENDMENTS TO THE GREATER LONDON AUTHORITY ACT 1999

10 After Part 6 insert—

“PART 6A **E+W**

THE LONDON FIRE COMMISSIONER

The London Fire Commissioner

- 327A) There is to be a London Fire Commissioner.
- (2) The London Fire Commissioner is a corporation sole.
 - (3) The Mayor is to appoint the London Fire Commissioner.
 - (4) The London Fire Commissioner has—
 - (a) the functions of the fire and rescue authority for Greater London under the Fire and Rescue Services Act 2004, and
 - (b) the other functions conferred on the Commissioner by or by virtue of any other enactment.
 - (5) The London Fire Commissioner must secure that the London Fire and Rescue Service is efficient and effective.
 - (6) In subsection (5) “the London Fire and Rescue Service” means the personnel, services and equipment secured by the London Fire Commissioner for the purposes of the carrying out of the Commissioner's functions under—
 - (a) section 6 of the Fire and Rescue Services Act 2004 (fire safety),
 - (b) section 7 of that Act (fire-fighting),
 - (c) section 8 of that Act (road traffic accidents),
 - (d) any order under section 9 of that Act (emergencies) which applies to the Commissioner, or
 - (e) any other provision of or made under an enactment which confers functions on a fire and rescue authority.
 - (7) The Mayor must hold the London Fire Commissioner to account for the exercise of the Commissioner's functions.

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(8) Schedule 27A makes further provision about the London Fire Commissioner.

Disqualification for appointment as London Fire Commissioner

327(B) A person may not be appointed as the London Fire Commissioner unless the person has reached the age of 18.

(2) A person is disqualified from being appointed as, or being, the London Fire Commissioner if the person is a member of the Assembly or a London borough council.

(3) A person is disqualified from being appointed as, or being, the London Fire Commissioner if—

(a) the person is the subject of—

- (i) a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986,
- (ii) an interim debt relief restrictions order under paragraph 5 of that Schedule,
- (iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act, or
- (iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule,

(b) a debt relief restrictions undertaking has effect in respect of the person under paragraph 7 of Schedule 4ZB to that Act,

(c) the person has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence), or

(d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).

(4) For the purposes of subsection (3)(c) “an imprisonable offence” means an offence—

- (a) for which a person who has reached the age of 18 may be sentenced to a term of imprisonment, or
- (b) for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

(5) For the purposes of subsection (3)(c) a person is to be treated as having been convicted—

- (a) on the expiry of the ordinary period allowed for an appeal or application in respect of the conviction, or
- (b) if an appeal or application is made in respect of the conviction, when the appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution.

Suspension and removal of London Fire Commissioner

327(C) The Mayor may with the approval of the Secretary of State suspend the London Fire Commissioner from duty.

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- (2) If the Mayor suspends the London Fire Commissioner from duty, the Mayor must notify the Secretary of State of the suspension.
- (3) The Mayor may, subject to subsections (5) and (6), and with the approval of the Secretary of State, call upon the London Fire Commissioner to resign or retire.
- (4) The London Fire Commissioner must resign or retire if called upon to do so in accordance with subsection (3).
- (5) Before calling upon the London Fire Commissioner to resign or retire, the Mayor must—
 - (a) give the Commissioner a written explanation of the reasons why the Mayor is proposing to call for the Commissioner's resignation or retirement,
 - (b) give the Commissioner the opportunity to make written representations about the proposal to call for the Commissioner's resignation or retirement, and
 - (c) consider any written representations made by the Commissioner.
- (6) The Mayor must comply with subsection (5) before seeking the approval of the Secretary of State to call upon the London Fire Commissioner to resign or retire.

Directions etc by the Mayor

- 327(1) The Mayor may issue to the London Fire Commissioner—
- (a) guidance as to the manner in which the Commissioner is to exercise the Commissioner's functions,
 - (b) general directions as to the manner in which the Commissioner is to exercise the Commissioner's functions, or
 - (c) specific directions as to the exercise of the Commissioner's functions.
- (2) Directions issued by the Mayor under subsection (1)(c) above may include a direction not to exercise a power specified in the direction.
 - (3) The guidance or directions which may be issued by the Mayor under subsection (1) above include guidance or directions as to the manner in which the London Fire Commissioner—
 - (a) is to perform any of the Commissioner's duties, or
 - (b) is to conduct any legal proceedings.
 - (4) In exercising any power conferred by this section, the Mayor must have regard to—
 - (a) the Fire and Rescue National Framework, and
 - (b) fire safety enforcement guidance.
 - (5) In this section—

“the Fire and Rescue National Framework” means the Fire and Rescue National Framework prepared under section 21 of the Fire and Rescue Services Act 2004;

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“fire safety enforcement guidance” means guidance under article 26 (enforcement) of the Regulatory Reform (Fire Safety) Order 2005 (SI 2005/1541) given by the Secretary of State to the London Fire Commissioner in the Commissioner's capacity as an enforcing authority for the purposes of that Order.

Directions to the Mayor by the Secretary of State

- 327(E) This section applies if the Secretary of State thinks that any guidance or directions (“the inconsistent guidance or directions”) issued under section 327D by the Mayor are inconsistent with—
- (a) the Fire and Rescue National Framework, or
 - (b) fire safety enforcement guidance.
- (2) In order to remove the inconsistency, the Secretary of State may direct the Mayor—
- (a) to make such revisions of the inconsistent guidance or directions as may be specified by the Secretary of State in the direction, or
 - (b) if the inconsistency arises from a specific direction under section 327D(1)(c) above, to revoke the direction.
- (3) Any direction given by the Secretary of State under subsection (2) above must specify or otherwise identify the inconsistency in question.
- (4) The Mayor must comply with any direction under subsection (2) above.
- (5) In this section “the Fire and Rescue National Framework” and “fire safety enforcement guidance” have the same meanings as in section 327D.

The Deputy Mayor for Fire

- 327(F) The Mayor may arrange for the Deputy Mayor for Fire to exercise any function of the Mayor relating to fire and rescue.
- (2) In this Part “the Deputy Mayor for Fire” means—
- (a) a person who has been appointed by the Mayor under section 67(1) (b) as the Deputy Mayor for Fire, or
 - (b) a person who has been appointed by the Mayor under section 67(1) (b) and designated by the Mayor as the Deputy Mayor for Fire.
- (3) In subsection (1) the reference to the functions of the Mayor relating to fire and rescue are to the Mayor's functions under—
- (a) section 327A(7) (duty to hold London Fire Commissioner to account), and
 - (b) section 327D(1) (power to give guidance and directions to the London Fire Commissioner).
- (4) Section 327E applies in relation to the exercise of functions under section 327D(1) by the Deputy Mayor for Fire as it applies in relation to their exercise by the Mayor.

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Scrutiny of documents prepared by London Fire Commissioner

- 327(G) This section applies to a document which is prepared and published by the London Fire Commissioner in accordance with the Fire and Rescue National Framework and which—
- (a) sets out the Commissioner's priorities and objectives, for the period covered by the document, in connection with the discharge of the Commissioner's functions, or
 - (b) contains a statement of the way in which the Commissioner has had regard, in the period covered by the document, to the Framework and to any document within paragraph (a) prepared by the Commissioner for that period.
- (2) The Commissioner must, before publishing the document or any revision to it, send a copy of the document or revision in draft to the Mayor and the Assembly.
- (3) The Commissioner may not publish the document or any revision to it unless—
- (a) the Assembly has had an opportunity to review the draft document or revision, and make a report on it to the Mayor, under section 327I(1), and
 - (b) the Mayor has approved the draft document or revision.
- (4) In this section “the Fire and Rescue National Framework” has the same meaning as in section 327D.

The Assembly fire and emergency committee

- 327(H) The Assembly must arrange for the functions referred to in subsection (2) to be discharged on its behalf by a particular committee of the Assembly (“the fire and emergency committee”).
- (2) Those functions (“the fire and emergency committee functions”) are—
- (a) the functions conferred on the Assembly by section 327I, and
 - (b) the functions conferred on the Assembly by section 60A and Schedule 4A in relation to the appointment of the London Fire Commissioner and the Deputy Mayor for Fire.
- (3) The Assembly may not arrange for the fire and emergency committee functions to be discharged on its behalf otherwise than in accordance with subsection (1).
- (4) The Assembly may not arrange for any of its other functions to be discharged by the fire and emergency committee.
- (5) The special scrutiny functions may only be exercised at a meeting of the whole committee; but that is without prejudice to rules of procedure about the quorum of a meeting of the whole committee.
- (6) Any provision made by or by virtue of an enactment which applies to committees of the Assembly, apart from the excluded provisions, applies to the fire and emergency committee as if the fire and emergency committee

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functions were to be discharged by the committee by virtue of arrangements under section 54(1)(a).

- (7) In subsection (6) “the excluded provisions” means—
- (a) section 54(5), so far as it provides for the Assembly to retain power to exercise functions delegated to a committee, and
 - (b) section 55 (Assembly committees and sub-committees).
- (8) Any provision made by or by virtue of an enactment which confers, or relates to, the fire and emergency committee functions is to be read with the appropriate modifications; in particular—
- (a) references to the Assembly are to be read as references to the fire and emergency committee, and
 - (b) references to proceedings of the Assembly are to be read as references to proceedings of the fire and emergency committee.
- (9) For the purposes of subsection (8), references to the fire and emergency committee include references to a sub-committee or member (if any) by whom functions are to be discharged in accordance with section 54(3).
- (10) The following provisions apply to the fire and emergency committee—
- (a) the number of members of the committee, and their term of office, are to be fixed by the Assembly;
 - (b) persons who are not members of the Assembly may be members of the committee.
- (11) The following provisions apply to any sub-committee by which fire and emergency committee functions are to be discharged—
- (a) the number of members of the sub-committee, and their term of office, are to be fixed by the fire and emergency committee;
 - (b) persons who are not members of the Assembly may be members of the sub-committee.
- (12) The fire and emergency committee functions must be exercised with a view to supporting the effective exercise of the functions of the London Fire Commissioner.
- (13) In this section “special scrutiny functions” means the functions conferred—
- (a) by section 327I(1), or
 - (b) by section 60A and Schedule 4A in relation to the appointment of the London Fire Commissioner and the Deputy Mayor for Fire.

Functions to be discharged by the fire and emergency committee

- 327II) The Assembly must—
- (a) review any draft document or revision given to the Assembly by the London Fire Commissioner under section 327G(2), and
 - (b) make a report or recommendations on the draft document or revision to the Mayor.
- (2) The Assembly must keep under review the exercise of the functions of the London Fire Commissioner, insofar as the Assembly is not otherwise required to do so by the other provisions of this section or by Schedule 4A.

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- (3) For the purposes of subsection (2), the powers of the Assembly include, in particular, power to investigate, and prepare reports about—
- (a) any actions and decisions of the London Fire Commissioner,
 - (b) any actions and decisions of an officer of the London Fire Commissioner,
 - (c) matters relating to the functions of the London Fire Commissioner,
 - (d) matters in relation to which the functions of the London Fire Commissioner are exercisable, or
 - (e) any other matters which the Assembly considers to be of importance to fire and rescue services in Greater London.
- (4) The Assembly may investigate, and prepare reports about, the actions and decisions of the Deputy Mayor for Fire.
- (5) The Assembly may submit proposals to the London Fire Commissioner.
- (6) The Assembly may require a person referred to in subsection (7)—
- (a) to attend proceedings of the Assembly for the purpose of giving evidence, or
 - (b) to produce to the Assembly documents in the person's possession or under the person's control.
- (7) Those persons are—
- (a) the Deputy Mayor for Fire,
 - (b) the London Fire Commissioner,
 - (c) any officer of the London Fire Commissioner,
 - (d) any person who has within the 8 years prior to the date of the requirement to be imposed under subsection (6) been the Deputy Mayor for Fire or the London Fire Commissioner.
- (8) Nothing in subsection (6) requires an officer of the London Fire Commissioner to give any evidence, or produce any document, which discloses advice given to the London Fire Commissioner by that officer.
- (9) The following provisions apply (with appropriate modifications) to a requirement under subsection (6) as they apply to a requirement under section 61(1)—
- (a) section 61(14) (meaning of document etc);
 - (b) section 62(3) to (6) (procedure for requiring attendance);
 - (c) section 63 (restriction of information);
 - (d) section 64 (failure to attend proceedings);
 - (e) section 65 (openness).”

Commencement Information

- I1** Sch. 2 para. 10 in force for specified purposes at Royal Assent, see s. 183
- I2** Sch. 2 para. 10 in force at 1.3.2018 for specified purposes by S.I. 2018/227, reg. 2(b)(ii)
- I3** Sch. 2 para. 10 in force at 22.3.2018 for specified purposes by S.I. 2018/227, reg. 3(1)(b)(c)(2)
- I4** Sch. 2 para. 10 in force at 1.4.2018 in so far as not already in force by S.I. 2018/227, reg. 4(c)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)