

## STATUTORY INSTRUMENTS

1985 No. 1303

## FIRE SERVICES

## CIVIL DEFENCE

**The Fire and Civil Defence Authorities (Establishment, Support Services and Management Schemes) Regulations 1985**

<i>Made - - - -</i>	15th August 1985
<i>Laid before Parliament</i>	23rd August 1985
<i>Coming into Operation</i>	15th September 1985

In exercise of the powers conferred upon me by section 85 of the Local Government Act 1985 (a), I hereby make the following Regulations:—

1. These Regulations may be cited as the Fire and Civil Defence Authorities (Establishment, Support Services and Management Schemes) Regulations 1985 and shall come into operation on 15th September 1985.

2. In these Regulations any reference to “the 1985 Act” is a reference to the Local Government Act 1985; any reference to “section 85” is a reference to section 85 of that Act; and any reference to a regulation is a reference to a regulation contained in these Regulations.

3.—(1) Each of the metropolitan county fire and civil defence authorities and the London Fire and Civil Defence Authority (hereafter referred to in these Regulations as an “authority”) shall, on or before 15th November 1985, submit to the Secretary of State for his approval—

- (a) a scheme, to be known as an establishment scheme, providing for the matters specified in Schedule 1 to these Regulations;
- (b) a scheme, to be known as a support services scheme, providing for the matters specified in Schedule 2 to these Regulations;
- (c) a scheme, to be known as a management scheme, providing for the matters specified in Schedule 3 to these Regulations,

with respect to the discharge of the functions of that authority in the year beginning on 1st April 1986; and each such authority shall thereafter submit to the Secretary of State an establishment scheme, a support services scheme and a management scheme—

- (i) not later than 1st January 1987, in respect of the year beginning on 1st April 1987; and
- (ii) not later than 1st January 1988, in respect of the year beginning on 1st April 1988.

(2) A scheme shall be submitted under paragraph (1) above in such form and in such manner as may be specified by the Secretary of State.

(3) Nothing in these Regulations shall affect the requirement in section 19 of the Fire Services Act 1947 (b) for—

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(a) 1985 c.51.

(b) 1947 c.41.

- (a) a fire authority within the meaning of section 4 of that Act to notify the Secretary of State not later than the end of January 1986 of the establishment scheme in force in their area on 1st January 1986, and
- (b) an authority to notify the Secretary of State not later than the end of January 1989 of the establishment scheme in force in their area on 1st January 1989.

4. The Secretary of State may approve a scheme submitted to him in accordance with these Regulations either as submitted or, after consultation with the authority in question, subject to such modifications or alterations as he may require.

5. If, for any reason, a scheme referred to in Regulation 3—

- (a) is not submitted in accordance with the said Regulation 3, or
- (b) is not approved under Regulation 4,

or if information is not provided in respect of a scheme in accordance with a requirement under Regulation 7(1)(a), then the Secretary of State may himself make the scheme in question or, where it appears to him to be appropriate for the purposes of section 85, that scheme and either or both of the other schemes referred to in the said Regulation 3.

6. The Secretary of State may, at any time, if he so wishes or at the request of the authority in question, make such variations of a scheme approved or made by him under these Regulations as appear to him to be appropriate for the purposes of section 85:

Provided that a scheme shall not be varied under this Regulation, except at the request of the authority in question, without first consulting that authority.

7.—(1) The Secretary of State may, at any time, for the purpose of assisting him in determining whether to—

- (a) approve a scheme under Regulation 4, or
- (b) make a scheme under Regulation 5, or
- (c) vary a scheme under Regulation 6,

require an authority to provide such information as may be specified by him.

(2) Such information shall be provided in such form, in such manner and at such times as may be specified by the Secretary of State.

*Leon Brittan,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office.  
15th August 1985.

## SCHEDULE 1

## ESTABLISHMENT SCHEME MATTERS

1. An establishment scheme shall specify the number of persons—
  - (a) constituting the establishment of—
    - (i) the fire brigade to be maintained by the authority (hereafter in these Regulations referred to as the “brigade”);
    - (ii) the body formed by the authority for the purpose of discharging the functions conferred upon the authority (other than in its capacity as a fire authority) under the Civil Defence Act 1948 (a), to be known as the “emergency planning unit”; and
    - (iii) the staff to be employed by the authority to provide central services to the brigade and emergency planning unit (hereafter in these Regulations referred to as the “central staff”), and
  - (b) to be employed by the authority as members of the brigade, emergency planning unit and central staff, or for the purposes thereof,and shall, in particular, but without prejudice to the generality of section 85, contain the authority’s proposals with regard to the matters set out in paragraph 2 below.
2. The matters referred to in paragraph 1 above are as follows—
  - (a) *Brigade*
    - (i) the number of members of the brigade in each rank constituting the establishment of the brigade, including persons whose employment is temporary only, who are appointed on terms under which they may be required to engage in fire-fighting or who are engaged in duties in connection with the reception, transmission and recording of calls for the assistance of the brigade, and with the transmission of instructions regarding the provision of such assistance by the brigade;
    - (ii) the manning arrangements for fire stations and appliances;
    - (iii) the number of persons not falling within sub-paragraph (i) above constituting the non-uniformed establishment of the brigade who are employed within the brigade;
    - (iv) the number of posts which are supernumerary to the establishments referred to in sub-paragraphs (i) and (iii) above, or are temporary only;
    - (v) the number of persons engaged for training as members of the brigade within the terms of sub-paragraph (i) above.
  - (b) *Emergency Planning Unit*
    - (i) the number of employees in each grade of seniority within the establishment of the emergency planning unit; and
    - (ii) the number of posts which are supernumerary to the establishment referred to in sub-paragraph (i) above.
  - (c) *Central Staff*
    - (i) the number of employees in each grade of seniority within the establishment of the central staff; and
    - (ii) the number of posts which are supernumerary to the establishment referred to in sub-paragraph (i) above.

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(a) 1948 c.5 (12, 13 & 14 Geo.6).

## SCHEDULE 2

## SUPPORT SERVICES SCHEME MATTERS

A support services scheme shall specify the authority's arrangements (including details of any existing or proposed contract or agreement) for obtaining any services (so far as not provided by its employees) or any supplies or facilities that it may require for the purposes of the brigade, the emergency planning unit and the central staff, including, in particular, but without prejudice to the generality of the foregoing, the arrangements in relation to—

- (a) buildings and installations, including fire stations and accommodation for members of the brigade;
- (b) vehicles and equipment;
- (c) computer services;
- (d) legal, financial, administrative and personnel management services; and
- (e) recruitment and training.

## SCHEDULE 3

## MANAGEMENT SCHEME MATTERS

A management scheme shall set out the details of the authority's organisation and its arrangements for managing its affairs and, in particular, but without prejudice to the generality of the foregoing, shall indicate—

- (a) the allocation of fire service and civil defence responsibilities generally within the authority;
- (b) the manner in which officers are appointed under sections 34(8) and 73 of the 1985 Act; and
- (c) the levels of responsibility and allocation of duties between the officers referred to in sub-paragraph (b) above, the chief officer of the brigade and the officer in charge of the emergency planning unit, including the matter of the accountability of each such officer to the authority or a committee thereof.

## EXPLANATORY NOTE

*(This Note is not Part of the Regulations.)*

These Regulations, which are made under section 85 of the Local Government Act 1985, provide for the submission of schemes to the Secretary of State under that section by metropolitan county fire authorities and the London Fire and Civil Defence Authority, with respect to the discharge of their functions during the period beginning with their establishment and ending on 31st March 1989. Regulation 3 requires the submission of three schemes, to be known respectively as an establishment scheme, a support services scheme and a management scheme. The matters for which such schemes are to provide are set out in the Schedules to these Regulations. Such schemes are to be submitted in respect of each of the three years beginning on 1st April 1986 and ending on 31st March 1989. Regulation 4 provides for approval of schemes by the Secretary of State. Regulation 5 provides for the making of a scheme or schemes by the Secretary of State if a scheme is not submitted or approved or if an authority fails to provide information as required. Regulation 6 provides for variation of a scheme by the Secretary of State. Regulation 7 provides for information to be furnished by an authority to the Secretary of State as required by him.



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