

2004 No.3168

FIRE AND RESCUE SERVICES, ENGLAND

**The Fire and Rescue Services Act 2004 (Consequential
Amendments) (England) Order 2004**

<i>Made</i> - - - -	<i>2nd December 2004</i>
<i>Laid before Parliament</i>	<i>9th December 2004</i>
<i>Coming into force</i> - -	<i>30th December 2004</i>

The First Secretary of State, in exercise of the powers conferred by sections 53(2) and 60 of the Fire and Rescue Services Act 2004(a), hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004 and shall come into force on 30th December 2004.

(2) This Order applies in relation to England only.

Cinematograph (Safety) Regulations 1955

2. In regulation 5(3) of the Cinematograph (Safety) Regulations 1955(b) (fire precautions), after the words “the fire brigade” insert “or, in England, employees of the fire and rescue authority”.

Various Trunk Roads (Prohibition of Waiting) (Clearways) Order 1963

3. In article 5(b) of the Various Trunk Roads (Prohibition of Waiting) (Clearways) Order 1963(c) (exceptions), after the words “fire brigade” insert “or, in England, fire and rescue authority”.

Gaming Clubs (Licensing) Regulations 1969

4. In Schedule 2 to the Gaming Clubs (Licensing) Regulations 1969(d) (application for grant of a licence under the Gaming Act 1968), after the words “fire authority” insert “or, in England, fire and rescue authority” in both places where the words occur.

(a) 2004 c. 21. The powers of the Secretary of State under sections 53(2) and 60 are, in relation to Wales, vested in the National Assembly for Wales by virtue of section 62 of that Act.
(b) S.I. 1955/1129 to which there are amendments not relevant to this instrument.
(c) S.I. 1963/1172 to which there are amendments not relevant to this instrument.
(d) S.I. 1969/1110 amended by S.I. 2003/1513.

Local Authorities etc. (Miscellaneous Provision) (No 3) Order 1974

5. Article 6(6) of the Local Authorities etc. (Miscellaneous Provision) Order (No 3) 1974(a) (compulsory purchase orders), is amended as follows—

- (a) after the words “Fire Services Act 1947” insert “or Fire and Rescue Services Act 2004”;
and
- (b) after the words “fire authority” insert “or fire and rescue authority”.

Social Security (Employed Earners’ Employments for Industrial Injuries Purposes) Regulations 1975

6.—(1) The Social Security (Employed Earners’ Employments for Industrial Injuries Purposes) Regulations 1975(b) are amended as follows.

(2) In paragraph 2 of Part 1 of Schedule 1 (employments to be treated as employed earners’ employments for certain purposes), after the words “Great Britain” insert “as an employee of a fire and rescue authority employed for the purposes of that authority under the Fire and Rescue Services Act 2004 or”.

(3) In paragraph 4 of column (1) of Schedule 3 (employments in respect of which persons are treated as employees for certain purposes), before the words “fire brigade” insert “fire and rescue authorities,”.

Tribunals and Inquiries (Discretionary Inquiries) Order 1975

7. After paragraph 19 of the Schedule to the Tribunals and Inquiries (Discretionary Inquiries) Order 1975(c) (inquiries designated for the purposes of the Tribunals and Inquiries Act 1992), insert—

“19A Any inquiry held under section 14(3), 17(3) or 27 of the Fire and Rescue Services Act 2004.”.

Motorways Traffic (England and Wales) Regulations 1982

8. In regulation 16(1)(d) of the Motorways Traffic (England and Wales) Regulations 1982(d) (exceptions and relaxations), for the words “a fire brigade or of an ambulance service” substitute “an ambulance service or as an employee of a fire and rescue authority employed for the purposes of that authority”.

Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985

9. In article 3(h) of the Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985(e) (exemption under section 1 subject to conditions), after the words “fire brigade” insert “or, in England, fire and rescue authority”.

Road Vehicles (Construction and Use) Regulations 1986

10.—(1) The Road Vehicles (Construction and Use) Regulations 1985(f) are amended as follows.

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- (a) S.I. 1974/968 to which there are amendments not relevant to this instrument.
 - (b) S.I. 1975/467 to which there are amendments not relevant to this instrument.
 - (c) S.I. 1975/1379 to which there are amendments not relevant to this instrument.
 - (d) S.I. 1982/1163 to which there are amendments not relevant to this instrument.
 - (e) S.I. 1985/1047.
 - (f) S.I. 1986/1078; relevant amendments were made by S.I. 1993/3048 and 1997/530.

(2) In regulation 10B(3)(f) (vehicles to which regulation 10A applies), after the word “1947” insert “or, in England, a motor vehicle used by employees of a fire and rescue authority for the purposes of that authority under the Fire and Rescue Services Act 2004”.

(3) In regulation 10C(7)(d) (meaning of “trailer”), after the word “1947” insert “or, in England, a trailer used by employees of a fire and rescue authority for the purposes of that authority under the Fire and Rescue Services Act 2004”.

(4) In the following provisions, after the words “fire brigade” insert “or, in England, fire and rescue authority” in each place where the words occur—

- (a) regulation 36B(14)(e) (speed limits);
- (b) regulation 37(5)(a) (audible warning instruments);
- (c) regulation 82(10)(a) (wide loads);
- (d) regulation 101(2)(a) (parking in darkness); and
- (e) regulation 107(2)(a) (leaving motor vehicles unattended).

Local Government Reorganisation (Preservation of Right to Buy) Order 1986

11. In paragraph 42 of Part 1 of Schedule 1 to the Local Government Reorganisation (Preservation of Right to Buy) Order 1986(a) (modification of Part 5 of the Housing Act 1985), for the words “a fire authority for the purposes of the Fire Services Acts 1947 to 1959” substitute “a fire rescue authority under the Fire and Rescue Services Act 2004”.

Dangerous Substances in Harbour Areas Regulations 1987

12. In regulation 30 of the Dangerous Substances in Harbour Areas Regulations 1987(b) (storage tanks), after the words “fire authority” insert “or, in England, fire and rescue authority” in both places where the words occur.

Safety of Sports Grounds Regulations 1987

13.—(1) The Safety of Sports Grounds Regulations 1987(c) are amended as follows.

(2) In regulation 5(6) (notices by local authorities)—

- (a) and the end of sub-paragraph (c) delete “and”;
- (b) after sub-paragraph (c) insert—

“(ca) in relation to England—

- (i) the fire and rescue authority, where the local authority is not the fire and rescue authority; and
- (ii) the building authority, where the local authority is not the building authority; and”;

- (c) in sub-paragraph (d) for the words “where the local authority is in Greater London or a metropolitan county, the fire authority or, in any other case” substitute “in relation to Wales and Scotland”.

(3) In paragraph 4(a) of Part 1 of the Schedule (application for a safety certificate), after the words “fire authority” insert “or fire and rescue authority”.

(a) S.I. 1986/2092.

(b) S.I. 1987/37 to which there are amendments not relevant to this instrument.

(c) S.I. 1987/1941.

Income Support (General) Regulations 1987

14. After paragraph 7(1)(a) of Schedule 8 to the Income Support (General) Regulations 1987(a) (sums to be disregarded in the calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

Housing Benefit (General) Regulations 1987

15.—(1) The Housing Benefit (General) Regulations 1987(b) are amended as follows.

(2) After paragraph 6(1)(a) of Schedule 3 (sums to be disregarded in calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

(3) After paragraph 3(2)(a) of Schedule 3A (sums disregarded from claimants earnings), insert—

“(aa) as a part-time fire-fighter employed by a fire and rescue authority;”.

Safety of Places of Sport Regulations 1988

16.—(1) The Safety of Places of Sport Regulations 1988(c) are amended as follows.

(2) In regulation 4(8) (notices by local authorities)—

(a) and the end of sub-paragraph (c) delete “and”;

(b) after sub-paragraph (c) insert—

“(ca) in relation to England—

(i) the fire and rescue authority, where the local authority is not the fire and rescue authority; and

(ii) the building authority, where the local authority is not the building authority; and”;

(c) in sub-paragraph (d) for the words “where the local authority is in Greater London or a metropolitan county, the fire authority or, in any other case” substitute “in relation to Wales and Scotland”.

(3) In paragraph 4(a) of Part 1 of the Schedule (application for a safety certificate), after the words “fire authority” insert “or fire and rescue authority”.

Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989

17. In article 5(2)(c) of the Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989(d) (premises exempt from requirement for fire certificate) and article 6(1) (premises qualifying for exemption from requirement for fire certificate), after the words “fire authority” insert “or, in England, fire and rescue authority”.

(a) S.I. 1987/1967 to which there are amendments not relevant to this instrument.

(b) S.I. 1987/1971; relevant amendments were made by S.I. 1993/317 and 2000/2545. S.I. 1987/1971 was modified in its application to persons to whom regulation 2 of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325) by the insertion of Schedule 3A by regulation 21 of, and Schedule 2, to those Regulations.

(c) S.I. 1988/1807.

(d) S.I. 1989/76.

Fire Precautions (Sub-surface Railway Stations) Regulations 1989

18.—(1) The Fire Precautions (Sub-surface Railway Stations) Regulations 1989(a) are amended as follows.

(2) In the definition of “fire brigade” in regulation 2 (interpretation), after the words “fire authority” insert “or, in England, employees of a fire and rescue authority; and “members of a fire brigade” shall be interpreted accordingly”.

(3) In regulation 12 (exemption from requirements)—

(a) in paragraph (1) after the words “fire authority” insert “or, in England, a fire and rescue authority” in each place where the words occur; and

(b) in paragraphs (2) and (3) after the words “fire authority” insert “or fire and rescue authority” in both places where they occur.

Road Vehicles Lighting Regulations 1989

19. In the table in regulation 3 of the Road Vehicles Lighting Regulations 1989(b) (interpretation), in paragraph (a) of the definition of “emergency vehicle” after the words “fire brigade” insert “or, in England, fire and rescue authority”.

Dangerous Substances (Notification and Marking of Sites) Regulations 1990

20. In regulation 2(1) of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990(c) (interpretation), in the definition of “fire authority”, after the words “Fire Services Act 1947” insert “or, in England, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the site is situated”.

Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990

21.—(1) The Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990(d) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “fire authority” substitute—

““fire and rescue authority” in relation to any road or other place, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the road or other place is situated;”.

(3) In regulation 14(1)(ii) (notice of the making of the order), for the words “fire authority” substitute “fire and rescue authority”.

Housing (Prescribed Forms) (No 2) Regulations 1990

22. In Form 35 in the Schedule to the Housing (Prescribed Forms) (No 2) Regulations 1990(e) (closing order for part of a house in multiple occupation), for the words “Fire Authority” substitute “Fire and Rescue Authority”.

Channel Tunnel (Fire Services, Immigration and Prevention of Terrorism) Order 1990

23. Article 2 of the Channel Tunnel (Fire Services, Immigration and Prevention of Terrorism) Order 1990(f)(fire services) is amended as follows—

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- (a) S.I. 1989/1401.
(b) S.I. 1989/1796 to which there are amendments not relevant to this instrument.
(c) S.I. 1990/304 to which there are amendments not relevant to this instrument.
(d) S.I. 1990/1656.
(e) S.I. 1990/1730 to which there are amendments not relevant to this instrument.
(f) S.I. 1990/2227.

- (a) in paragraph (1), for the words from “For the purpose of” to “shall have effect” substitute “For the purpose of enabling functions to be exercised under the Fire and Rescue Services Act 2004 (“the 2004 Act”), including the making of such schemes and arrangements as may be made under sections 13(1), 15(1) and 16(1) of the 2004 Act, that Act shall have effect”;
- (b) in paragraph (1)(b)(i), for the words “fire authority within the meaning of the 1947 Act” substitute “fire and rescue authority under the 2004 Act”;
- (c) in paragraph (1)(b)(ii), for the words “members of a brigade maintained by that authority were members of a brigade maintained in pursuance of that Act” substitute “employees of that authority were employees of a fire and rescue authority”;
- (d) for paragraph (2) substitute—

“(2) Where, in connection with the exercise of any functions under the 2004 Act in relation to the tunnel system, an employee of a fire and rescue service is in transit to or from the tunnel system and is outside the United Kingdom he shall be treated as if he were an employee of a fire and rescue service employed by a fire and rescue authority outside its area under section 11(4) of the 2004 Act.”;
- (e) in paragraph (3), for the words “fire authority” substitute “fire and rescue authority”; and
- (f) in paragraph (4), for the words “Section 2(3), (5) and (9) and section 12(2) to (5) of the 1947 Act” substitute “Section 14(2) and (3) and section 17 of the 2004 Act”.

Public Works Contracts Regulations 1991

24. In regulation 3(1) of the Public Works Contracts Regulations 1991(a) (contracting authorities), after sub-paragraph (i) insert—

“(ia) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,”

Road Traffic (Temporary Restrictions) Procedure Regulations 1992

25. In regulation 2(1) of the Road Traffic (Temporary Restrictions) Procedure Regulations 1992(b) (interpretation), in the definition of “fire authority”, after the words “Fire Services Act 1947” insert “or, in England, the fire and rescue authority for that area under the Fire and Rescue Services Act 2004”.

Housing (Right to Buy) (Prescribed Persons) Order 1992

26. In the Schedule to the Housing (Right to Buy) (Prescribed Persons) Order 1992(c) (which prescribes certain persons who satisfy the landlord condition in Schedule 4(8) to the Housing Act 1985), for the words “a fire authority for the purposes of the Fire Services Acts 1947 to 1959” substitute “a fire and rescue authority under the Fire and Rescue Services Act 2004”.

Council Tax Benefit (General) Regulations 1992

27.—(1) The Council Tax Benefit (General) Regulations 1992(d) are amended as follows.

(2) After paragraph 6(1)(a) of Schedule 3 (sums to be disregarded in the calculation of earnings), insert—

(a) S.I. 1991/2680; regulation 3 was substituted by S.I. 2000/2009; there are other amendments not relevant to this instrument.
 (b) S.I. 1992/1215.
 (c) S.I. 1992/1703 to which there are amendments not relevant to this instrument.
 (d) S.I. 1992/1814 modified in its application to persons to whom regulation 12 of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325) by the insertion of Schedule 3A by regulation 21 of, and Schedule 2, to those Regulations. There are other amendments not relevant to this instrument.

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

(3) After paragraph 3(2)(a) of Schedule 3A (sums disregarded from claimant’s earnings), insert—

“(aa) as a part-time fire-fighter employed by a fire and rescue authority;”.

The Child Support (Maintenance Assessments and Special Cases) Regulations 1992

28. After paragraph 1(1)(i)(ii) of Part 1 of Schedule 1 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992(a) (earnings of an employed earner), insert—

“(iia) a part-time fire-fighter employed by a fire and rescue authority;”.

Motor Vehicles (Wearing of Seat Belts) Regulations 1993

29. In regulation 6(1)(f) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1993(b) (exemptions), after the words “fire brigade” insert “or, in England, fire and rescue authority”.

Civil Defence (General Local Authority Functions) Regulations 1993

30. In regulation 4(3) of the Civil Defence (General Local Authority Functions) Regulations 1993(c) (civil defence functions of county councils)—

- (a) for the words “Fire Services Act 1947” substitute “Fire and Rescue Services Act 2004”; and
- (b) in sub-paragraph (a), for the words “fire authority” substitute “fire and rescue authority”.

Public Services Contracts Regulations 1993

31. In regulation 3(1) of the Public Services Contracts Regulations 1993(d) (contracting authorities), after sub-paragraph (i) insert—

“(ia) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,”

Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994

32. In paragraph 5 of Schedule 2 to the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(e) (further requirements to be complied with while approval is in force)—

- (a) for the words “fire authority” substitute “fire and rescue authority” in both places where they occur; and
- (b) in sub-paragraph (1) for the words “section 1(1)(f) of the Fire Services Act 1947” substitute “section 6(2)(b) of the Fire and Rescue Services Act 2004”.

Public Supply Contracts Regulations 1995

33. In regulation 3(1) of the Public Supply Contracts Regulations 1995(f) (contracting authorities), after sub-paragraph (i) insert—

(a) S.I. 1992/1815. Revoked by S.I. 2001/155 with certain savings (see regulation 15(2)–(6) and S.I. 2000/3186). There are other amendments not relevant to this instrument.

(b) S.I. 1993/176.

(c) S.I. 1993/1812; relevant amendments were made by S.I. 1996/330.

(d) S.I. 1993/3228; regulation 3 was substituted by S.I. 2000/2009; there are other amendments not relevant to this instrument.

(e) S.I. 1994/651; relevant amendments were made by S.I. 1998/417.

(f) S.I. 1995/201; relevant amendments were made by S.I. 2000/2009.

“(ia) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 2 of that Act applies,”

Marriages (Approved Premises) Regulations 1995

34. In paragraph 3 of Schedule 1 to the Marriages (Approved Premises) Regulations 1995(a) (requirements for the grant of approval), after the words “fire authority” insert “or, in England, fire and rescue authority”.

Goods Vehicles (Licensing of Operators) Regulations 1995

35. In paragraph 6 of Part 1 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995(b) (exempt vehicles), after the words “fire brigade” insert “or, in England, fire and rescue authority”.

Jobseeker’s Allowance Regulations 1996

36.—(1) The Jobseeker’s Allowance Regulations 1996(c) are amended as follows.

(2) In regulation 4 (interpretation of Parts 2, 4 and 5), in the definition of “part-time member of a fire brigade” after the words “Fire Services Acts 1947—1959” insert “or, in England, a part-time fire-fighter employed by a fire and rescue authority”.

(3) After regulation 53(d)(i) (persons treated as not engaged in remunerative work), insert—

“(ia) a part-time fire-fighter employed by a fire and rescue authority;”.

(4) After paragraph 9(1)(a) of Schedule 6 (sums to be disregarded in the calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

Construction (Health, Safety and Welfare) Regulations 1996

37. In regulation 33(1) of the Construction (Health, Safety and Welfare) Regulations 1996(d) (enforcement in respect of fire), after the words “Fire Precautions Act 1971” insert “or, in England, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the premises are situated”.

Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996

38. In regulation 6 of the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996(e) (consultation)—

(a) in paragraph (1) for the words “In case (b) the chief officer of the fire brigade of the fire authority” substitute “In case (b) the fire and rescue authority”;

(b) in paragraph (2) for the definition of “fire authority” substitute—

““fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the road or place is situated;”.

(a) S.I. 1995/510.

(b) S.I. 1995/2869.

(c) S.I. 1996/207 to which there are amendments not relevant to this instrument.

(d) S.I. 1996/1592 to which there are amendments not relevant to this instrument.

(e) S.I. 1996/2489 to which there are amendments not relevant to this instrument.

Social Security Benefit (Computation of Earnings) Regulations 1996

39. After paragraph 9(a) of Schedule 1 to the Social Security Benefit (Computation of Earnings) Regulations 1996(a) (sums to be disregarded in the calculation of earnings), insert—

“(aa) a part-time fire-fighter employed by a fire and rescue authority;”.

Housing Renewal Grants Regulations 1996

40. In paragraph 8(1)(a) of Schedule 2 to the Housing Renewal Grants Regulations 1996(b) (sums to be disregarded in the determination of earnings), for the words “a part-time fireman in a fire-brigade maintained in pursuance of the Fire Services Acts 1947 to 1959” substitute “a part-time fire-fighter employed by a fire and rescue authority”.

Royal Parks and Other Open Spaces Regulations 1997

41. In regulation 6 of the Royal Parks and Other Open Spaces Regulations 1997(c) (exemptions from certain regulations), after paragraph (1) insert—

“(1A) In relation to England, the reference to a member of a fire brigade in paragraph (1) is a reference to an employee of a fire and rescue authority.”.

Fire Precautions (Workplace) Regulations 1997

42.—(1) The Fire Precautions (Workplace) Regulations 1997(d) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “fire authority”, after the words “Fire Services Act 1947” insert “or, in England, a fire and rescue authority under the Fire and Rescue Services Act 2004”.

(3) In regulation 18—

(a) in paragraph (5)—

(i) after the words “fire brigade” insert “or, in England, employee of a fire authority”;
and

(ii) after the words “maintain that brigade” insert “or who employ that person”.

(b) in paragraph (6), after the words “the Fire Services Act 1947” insert “or section 28 of the Fire and Rescue Services Act 2004”.

(4) In regulation 20(b) after the words “fire authority” insert “or, in England, employee of a fire and rescue authority”.

Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997

43. In the following provisions of the Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997(e), after the words “fire brigade” insert “or, in England, fire and rescue authority” in each place where the words occur—

(a) regulation 12(1)(e) (significance of vehicular light signals at Pelican crossings);

(b) regulation 13(1)(f) (significance of vehicular light signals at Puffin crossings); and

(c) regulations 21(c) (exceptions to regulation 20).

(a) S.I. 1996/2745 to which there are amendments not relevant to this instrument.

(b) S.I. 1996/2890 to which there are amendments not relevant to this instrument.

(c) S.I. 1997/1639 to which there are amendments not relevant to this instrument.

(d) S.I. 1997/1840 amended by S.I. 1999/1877 and S.I. 1999/3242.

(e) S.I. 1997/2400 to which there are amendments not relevant to this instrument.

Combined Fire Authorities (Protection from Personal Liability) (England) Regulations 1997

44.—(1) The Combined Fire Authorities (Protection from Personal Liability) (England) Regulations 1997(a) are amended as follows.

(2) For regulation 2 (interpretation), substitute—

“Interpretation

2. In these Regulations “the 2004 Act” means the Fire and Rescue Services Act 2004, and “combination scheme” means a scheme under section 2 of that Act or a scheme to which section 4 of that Act applies.”.

(3) In regulation 3(1)(a) (protection from personal liability) for the words “fire authority for the purposes of the 1947 Act” substitute “fire and rescue authority for the purposes of the 2004 Act”.

(4) In the following provisions, for the words “fire authority” substitute “fire and rescue authority” in each place where the words occur—

- (a) regulation 3(1)(b);
- (b) the full-out to regulation 3(1); and
- (c) regulation 3(2).

Police Information Technology Organisation (Additional Bodies) Order 1998

45. In paragraph 1(j) of article 2 of the Police Information Technology Organisation (Additional Bodies) Order 1998(b) (bodies for which PITO may carry out activities), after the words “fire authority” insert “or fire and rescue authority”.

Health and Safety (Enforcing Authority) Regulations 1998

46. In regulation 4(3)(e) of the Health and Safety (Enforcing Authority) Regulations 1998(c) (exceptions), after the words “the Fire Precautions Act 1971” insert “or, in England, a fire and rescue authority under the Fire and Rescue Services Act 2004”.

Combined Fire Authorities (Secure Tenancies) (England) Regulations 1998

47.—(1) The Combined Fire Authorities (Secure Tenancies) (England) Regulations 1998(d) are amended as follows.

(2) For regulation 2 (interpretation), substitute—

“Interpretation

2. In these Regulations “the 2004 Act” means the Fire and Rescue Services Act 2004, and “combination scheme” means a scheme under section 2 of that Act or a scheme to which section 4 of that Act applies.”.

(3) In regulation 3(1)(a) (secure tenancies) for the words “fire authority for the purposes of the 1947 Act” substitute “fire and rescue authority for the purposes of the 2004 Act”.

(4) In the following regulations, for the words “fire authority” substitute “fire and rescue authority” in each place where they occur—

- (a) regulation 3(1)(b);
- (b) the full-out to regulation 3(1); and

(a) S.I. 1997/2819.

(b) S.I. 1998/411 to which there are amendments not relevant to this instrument.

(c) S.I. 1998/494 to which there are amendments not relevant to this instrument.

(d) S.I. 1998/2213.

(c) regulation 3(2).

Late Payment of Commercial Debts (Interest) Act 1998 (Commencement No 1) Order 1998

48. In Schedule 1 to the Late Payment of Commercial Debts (Interest) Act 1998 (Commencement No 1) Order 1998(a) (meaning of “United Kingdom Public Authority”), after paragraph 1(g) insert—

“(ga) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”

Highways (Road Humps) Regulations 1999

49. In regulation 3(b) of the Highways (Road Humps) Regulations 1999(b) (consultation), for the words “the chief officer of the fire brigade” substitute “the fire and rescue authority”.

Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999

50. In Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999(c) (employment to which the Order applies), after paragraph 1 of section 6 insert—

“**1A** A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”

Motor Vehicles (Driving Licences) Regulations 1999

51.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(d) are amended as follows.

(2) In regulation 23(1) (persons by whom theory tests may be conducted)—

- (a) in paragraph (d), omit the words “England and”; and
- (b) after paragraph (d), insert—

“(da) in England, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;”

(3) In regulation 24(1) (persons by whom practical and unitary tests may be conducted)—

- (a) in paragraph (c), omit the words “England and”; and
- (b) after paragraph (c), insert—

“(ca) in England, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;”

Building (Approved Inspectors etc.) Regulations 2000

52.—(1) The Building (Approved Inspectors etc.) Regulations 2000(e) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “fire authority” substitute—

““fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the premises are or are to be situated;”

(a) S.I. 1998/2479 to which there are amendments not relevant to this instrument.
(b) S.I. 1999/1025.
(c) S.I. 1999/2277 to which there are amendments not relevant to this instrument.
(d) S.I. 1999/2864. Relevant amendments were made by S.I. 2003/2003.
(e) S.I. 2000/2532, to which there are amendments not relevant to this instrument.

(3) In the following provisions, for the words “fire authority” substitute “fire and rescue authority” in each place where the words occur—

- (a) regulation 13 (approved inspector’s consultation with the fire authority);
- (b) Schedule 2 (forms);
- (c) Schedule 3 (grounds for rejecting an initial notice etc.);
- (d) Schedule 4 (grounds for rejecting a plans certificate etc.);
- (e) Schedule 5 (grounds for rejecting a final certificate);
- (f) Schedule 6 (grounds for rejecting a public body’s notice etc.);
- (g) Schedule 7 (grounds for rejecting a public body’s plans certificate etc.); and
- (h) Schedule 8 (grounds for rejecting a public body’s public certificate).

Local Authorities (Functions and Responsibilities) (England) Regulations 2000

53. In Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(a) (functions not to be the responsibility of an authority’s executive), for H2 substitute—

- (a) in the first column, the words “2 Functions under the Fire-fighters’ Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004”; and
- (b) in the second column, the words “Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c. 21)”.

Child Support (Maintenance Calculations and Special Cases) Regulations 2000

54. After paragraph 4(2)(g)(ii) of the Schedule to the Child Support (Maintenance Calculations and Special Cases) Regulations 2000(b) (calculation of earnings), insert—

“(iia) a part-time fire-fighter employed by a fire and rescue authority;”.

Trunk Road Charging Schemes (Bridges and Tunnels) (England) Procedure Regulations 2001

55. In regulation 4(b) of the Trunk Road Charging Schemes (Bridging and Tunnels) (England) Procedure Regulations 2001(c) (consultation), for the words “the chief officer of the fire brigade” substitute “the fire and rescue authority”.

Race Relations Act 1976 (Statutory Duties) Order 2001

56. In Schedule 1 to the Race Relations Act 1976 (Statutory Duties) Order 2001(d) (bodies and other persons required to publish race equality schemes), after the entry for a fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947 insert—

“A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.”.

Local Authorities (Model Code of Conduct) (England) Order 2001

57. In article 1 of the Local Authorities (Model Code of Conduct) (England) Order 2001(e) (application), for paragraph (2)(h) substitute—

-
- (a) S.I. 2000/2853 to which there are amendments not relevant to this instrument.
 - (b) S.I. 2001/155 to which there are amendments not relevant to this instrument.
 - (c) S.I. 2001/2303.
 - (d) S.I. 2001/3458 to which there are amendments not relevant to this instrument.
 - (e) S.I. 2001/3575.

“(h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies; and”.

Care Homes Regulations 2001

58.—(1) The Care Homes Regulations 2001(a) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “fire authority” substitute—

““fire and rescue authority” means, in relation to a care home, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the care home is situated;”.

(3) In regulation 23(4) (fitness of premises), for the words “fire authority” substitute “fire and rescue authority”.

Children’s Homes Regulations 2001

59. Regulation 32 of the Children’s Homes Regulations 2001(b) (fire precautions) is amended as follows—

(a) in paragraph (1) for the words “fire authority” substitute “fire and rescue authority”; and

(b) for paragraph (2) substitute—

“(2) In this regulation, “fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which a children’s home is situated.”.

Private and Voluntary Health Care (England) Regulations 2001

60. Regulation 25 of the Private and Voluntary Health Care (England) Regulations 2001(c) (fitness of premises) is amended as follows—

(a) in paragraph (4) for the words “fire authority” substitute “fire and rescue authority”; and

(b) for paragraph (5) substitute—

“(5) In this regulation “fire and rescue authority” in relation to an establishment or agency, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the establishment or agency is situated.”.

Radioactive Material (Road Transport) Regulations 2002

61. In regulation 69(2)(a) of the Radioactive Material (Road Transport) Regulations 2002(d) (duties of drivers etc. in the event of a radiological emergency), after the words “fire brigade” insert “or, in England, the fire and rescue authority”.

State Pension Credit Regulations 2002

62. After paragraph 2(2)(a) of Schedule VI to the State Pension Credit Regulations 2002(e) (sums disregarded from claimant’s earnings), insert—

“(aa) as a part-time fire-fighter employed by a fire and rescue authority;”.

(a) S.I. 2001/3965 to which there are amendments not relevant to this instrument.
(b) S.I. 2001/3967.
(c) S.I. 2001/3968.
(d) S.I. 2002/1093 to which there are amendments not relevant to this instrument.
(e) S.I. 2002/1792 to which there are amendments not relevant to this instrument.

Control of Asbestos at Work Regulations 2002

63. In regulation 3(3)(a) of the Control of Asbestos at Work Regulations 2002(a) (duties under the Regulations)—

- (a) after the words “fire authority” insert “or, in England, a fire and rescue authority”; and
- (b) after the words “by that authority” insert “or by employees of that authority”.

Traffic Signs Regulations and General Directions 2002

64.—(1) The Traffic Signs Regulations and General Directions 2002(b) are amended as follows.

(2) In the following provisions, after the words “fire brigade” insert “or, in England, fire and rescue authority” in each place where the words occur—

- (a) regulation 15(2) (significance of certain sign);
- (b) regulation 26(5)(b) (road markings shown in certain diagrams);
- (c) regulation 27(3)(c) (road markings shown in certain diagram);
- (d) regulation 36(1)(b) (significance of light signals prescribed by certain regulations); and
- (e) paragraph 4(1)(a) of Schedule 19 (bus stop and bus stand clearways and box junctions).

Residential Family Centres Regulations 2002

65. Regulation 22 of the Residential Family Centres Regulations 2002(c) (fire precautions) is amended as follows—

- (a) in paragraph (1), for the words “fire authority” substitute “fire and rescue authority”; and
- (b) for paragraph (2) substitute—

“(2) In this regulation, “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which a residential family centre is situated.”.

Local Government (Best Value) Performance Indicators and Performance Standards Order 2003

66.—(1) The Local Government (Best Value) Performance Indicators and Performance Standards Order 2003(d) is amended as follows.

(2) In article 1(2) (interpretation), for the definition of “fire authority” substitute—

““fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;”.

(3) In article 16 (performance indicators for fire services) for the words “fire authorities” substitute “fire and rescue services”.

Accounts and Audit Regulations 2003

67. In regulation 7 of the Accounts and Audit Regulations 2003(e) (statement of accounts), for paragraph (3)(k) substitute—

“(k) any fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies; and”.

(a) S.I. 2002/2675.

(b) S.I. 2002/3113 to which there are amendments not relevant to this instrument.

(c) S.I. 2002/3213.

(d) S.I. 2003/530 to which there are amendments not relevant to this instrument.

(e) S.I. 2003/533.

Local Authorities (Members' Allowances) (England) Regulations 2003

68.—(1) The Local Authorities (Members' Allowances) (England) Regulations 2003(a) are amended as follows.

(2) In regulation 3 (application), for paragraph (1)(e) substitute—

“(e) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

(3) In regulation 34 (disapplication), for paragraph (4)(e) substitute—

“(e) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;”.

Highways, Crime Prevention etc (Special Extinguishment and Special Diversion Orders) Regulations 2003

69. In Schedule 3 to the Highways, Crime Prevention etc (Special Extinguishment and Special Diversion Orders) Regulations 2003(b) (additional persons to be served with notice of orders), for the words “The authority discharging the functions of fire authority under the Fire Services Act 1947” substitute “The fire and rescue authority under the Fire and Rescue Services Act 2004”.

Education (Independent School Standards) (England) Regulations 2003

70.—(1) The Education (Independent School Standards) (England) Regulations 2003(c) are amended as follows.

(2) In regulation 4 (interpretation), for the definition of “fire authority” substitute—

““fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;”.

(3) In paragraph 3(5)(b) of the Schedule (independent schools standards), for “fire authority” substitute “fire and rescue authority”.

Regulation of Investigatory Powers (Communications Data) Order 2003

71.—(1) The Regulation of Investigatory Powers (Communications Data) Order 2003(d) is amended as follows.

(2) In Part 1 of Schedule 2 (individuals in additional public authorities that may acquire all types of communication), after the words “Any fire authority within the meaning of the Fire Services Act 1947 (read with paragraph 2 of Schedule 11 to the Local Government Act 1985)” insert “or any fire and rescue authority under the Fire and Rescue Services Act 2004”.

(3) In Part 2 of Schedule 2 (individuals in the public authorities specified in Part 1 that may only acquire certain types of communication), after the words “Any fire authority within the meaning of the Fire Services Act 1947 (read with paragraph 2 of Schedule 11 to the Local Government Act 1985)” insert “or any fire and rescue authority under the Fire and Rescue Services Act 2004”.

Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004

72.—(1) The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004(e) are amended as follows.

(a) S.I. 2003/1021.
(b) S.I. 2003/1479.
(c) S.I. 2003/1910.
(d) S.I. 2003/3172.
(e) S.I. 2004/568.

- (2) In regulation 2(1) (interpretation), after the definition of “fire authority” insert—
- ““fire and rescue authority” means the fire and rescue authority under the Fire and Rescue Services Act 2004;”;
- (3) In regulation 6 (application to armed forces)—
- (a) in paragraph (2)(a)(ii)(bb)—
- (i) omit the words “England and”;
- (ii) for the word “or” at the end, substitute “and”; and
- (b) after paragraph (2)(a)(ii)(bb) insert—
- “(cc) the fire and rescue authority (as respects England) for each area in which the place selected for training is situated; or”.

Signed by authority of the First Secretary of State

2nd December 2004

Phil Hope
Parliamentary Under Secretary of State,
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

The Fire and Rescue Services Act 2004 received Royal Assent on 22nd July 2004 and most of its provisions are to be commenced on 1st October 2004. This Order makes consequential amendments to secondary legislation in relation to England - in particular by updating existing references to “fire authorities”, “fire brigades” and “the Fire Services Act 1947”.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, voluntary bodies or the public sector.

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