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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The core functions of fire and rescue authorities are set out in sections 6 to 8 of the Fire and Rescue Services Act 2004 (the Act). These are functions in connection with fire safety, fire-fighting and road traffic accidents. Section 9 allows the Secretary of State to specify by order other core functions relating to emergencies for which fire and rescue authorities must make provision. Emergencies are defined in section 58 of the Act.

This Order specifies functions in connection with the emergencies described in articles 2 and 3.

Article 2 is concerned with emergencies involving chemical, biological, or radio-active contaminants.

Article 3 is concerned with emergencies involving a structural collapse or a train, tram or aircraft (“transport emergencies”), but does not apply in relation to transport emergencies unless the incident is likely to require a fire and rescue authority to use resources beyond the scope of its normal day to day operations. Authorities are not required to make provision for dealing with emergencies to which this article relates to the extent that they involve the collapse of a tunnel or mine.

Article 4 specifies the things that fire and rescue authorities must do in making provision for emergencies of the descriptions in articles 2 and 3.

Where a fire and rescue authority has specialist resources, including specialist trained personnel, to enable it to deal with emergencies of a kind described in this Order, and such an emergency occurs or is likely to occur in the area of another authority, article 5 requires the authority with the specialist resources, if asked to do so, to use those resources in that other authority’s area so far as is reasonable for the purpose of dealing with the emergency.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the website of the Department for Communities and Local Government at [www.communities.gov.uk](http://www.communities.gov.uk) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.