



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 2

#### FUNCTIONS OF FIRE AND RESCUE AUTHORITIES

##### *Core functions*

#### **6 Fire safety**

- (1) A fire and rescue authority must make provision for the purpose of promoting fire safety in its area.
- (2) In making provision under subsection (1) a fire and rescue authority must in particular, to the extent that it considers it reasonable to do so, make arrangements for—
  - (a) the provision of information, publicity and encouragement in respect of the steps to be taken to prevent fires and death or injury by fire;
  - (b) the giving of advice, on request, about—
    - (i) how to prevent fires and restrict their spread in buildings and other property;
    - (ii) the means of escape from buildings and other property in case of fire.

#### **Commencement Information**

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| <b>I1</b> | S. 6 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by <a href="#">S.I. 2004/2304</a> , <a href="#">art. 2</a> (with <a href="#">art. 3</a> ) |
| <b>I2</b> | S. 6 in force at 10.11.2004 for W. by <a href="#">S.I. 2004/2917</a> , <a href="#">art. 2</a>  |

#### **7 Fire-fighting**

- (1) A fire and rescue authority must make provision for the purpose of—
  - (a) extinguishing fires in its area, and
  - (b) protecting life and property in the event of fires in its area.

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*Changes to legislation: There are currently no known outstanding effects for the  
 Fire and Rescue Services Act 2004, Part 2. (See end of Document for details)*

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- (2) In making provision under subsection (1) a fire and rescue authority must in particular—
- (a) secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements;
  - (b) secure the provision of training for personnel;
  - (c) make arrangements for dealing with calls for help and for summoning personnel;
  - (d) make arrangements for obtaining information needed for the purpose mentioned in subsection (1);
  - (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose mentioned in subsection (1).

**Commencement Information**

- I3** S. 7 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I4** S. 7 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

**8 Road traffic accidents**

- (1) A fire and rescue authority must make provision for the purpose of—
- (a) rescuing people in the event of road traffic accidents in its area;
  - (b) protecting people from serious harm, to the extent that it considers it reasonable to do so, in the event of road traffic accidents in its area.
- (2) In making provision under subsection (1) a fire and rescue authority must in particular—
- (a) secure the provision of the personnel, services and equipment necessary efficiently to meet all normal requirements;
  - (b) secure the provision of training for personnel;
  - (c) make arrangements for dealing with calls for help and for summoning personnel;
  - (d) make arrangements for obtaining information needed for the purpose mentioned in subsection (1);
  - (e) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken for the purpose mentioned in subsection (1).

**Commencement Information**

- I5** S. 8 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I6** S. 8 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

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## 9 Emergencies

- (1) The Secretary of State may by order confer on a fire and rescue authority functions relating to emergencies, other than fires and road traffic accidents in relation to which the authority has functions under section 7 or 8.
- (2) An order under this section may require functions conferred on a fire and rescue authority under this section to be discharged outside the authority's area.
- (3) An order under this section may make provision as to what a fire and rescue authority must or may do for the purpose of a function conferred under this section, and may in particular require or authorise a fire and rescue authority—
  - (a) to secure the provision of personnel, services and equipment;
  - (b) to secure the provision of training for personnel;
  - (c) to make arrangements for dealing with calls for help and for summoning personnel;
  - (d) to make arrangements for obtaining information needed for the purpose of discharging the function;
  - (e) to make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from discharging the function.
- (4) An order under this section may confer a function, including a function of providing particular equipment, on a particular authority.
- (5) Before making an order under this section the Secretary of State must consult any persons he considers appropriate.

### Commencement Information

- I7** S. 9 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I8** S. 9 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

### *Other functions*

## 10 Directions relating to particular fires and emergencies

- (1) The Secretary of State may direct a fire and rescue authority to take, or not to take, action specified in the direction in relation to—
  - (a) a fire specified in the direction, or
  - (b) an emergency of another kind specified in the direction.
- (2) A direction under this section may require a fire and rescue authority to act outside the authority's area.
- (3) A direction under this section may be varied or revoked by a further such direction.

### Commencement Information

- I9** S. 10 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I10** S. 10 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

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## 11 Power to respond to other eventualities

- (1) A fire and rescue authority may take any action it considers appropriate—
  - (a) in response to an event or situation of a kind mentioned in subsection (2);
  - (b) for the purpose of enabling action to be taken in response to such an event or situation.
- (2) The event or situation is one that causes or is likely to cause—
  - (a) one or more individuals to die, be injured or become ill;
  - (b) harm to the environment (including the life and health of plants and animals).
- (3) The power conferred by subsection (1) includes power to secure the provision of equipment.
- (4) The power conferred by subsection (1) may be exercised by an authority outside as well as within the authority's area.

### Commencement Information

- I11** S. 11 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I12** S. 11 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

## 12 Other services

- (1) A fire and rescue authority may provide the services of any persons employed by it or any equipment maintained by it to any person for any purpose that appears to the authority to be appropriate.
- (2) A fire and rescue authority may provide services under this section outside as well as within the authority's area.

### Commencement Information

- I13** S. 12 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I14** S. 12 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

### *Assistance in discharge of functions*

## 13 Reinforcement schemes

- (1) A fire and rescue authority must, so far as practicable, enter into a reinforcement scheme with other fire and rescue authorities.
- (2) A reinforcement scheme is a scheme for securing mutual assistance as between fire and rescue authorities for the purpose of discharging the functions conferred under section 7, 8 or 9 on any of the authorities participating in the scheme.
- (3) A reinforcement scheme may make provision for apportioning between the authorities participating in the scheme any expenses incurred in taking measures to secure the efficient operation of the scheme.

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- (4) The fire and rescue authorities participating in a reinforcement scheme must notify the Secretary of State of—
  - (a) the making of the scheme;
  - (b) the variation of the scheme;
  - (c) the revocation of the scheme.
- (5) The fire and rescue authorities participating in a reinforcement scheme must give effect to it.

#### **Commencement Information**

- I15** S. 13 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I16** S. 13 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

### **14 Directions as to reinforcement schemes**

- (1) This section applies if—
  - (a) a fire and rescue authority has asked one or more other fire and rescue authorities to agree to the making, variation or revocation of a reinforcement scheme,
  - (b) the authorities are unable to agree to the making, terms, variation or revocation of the scheme, and
  - (c) one of the authorities asks the Secretary of State to act under this section.
- (2) The Secretary of State may direct the authorities concerned—
  - (a) to make a reinforcement scheme in the terms specified in the direction;
  - (b) to make one or more specified variations to a reinforcement scheme;
  - (c) to revoke a reinforcement scheme.
- (3) Before giving a direction under subsection (2) the Secretary of State—
  - (a) must give both (or all) the authorities concerned an opportunity to make representations to him;
  - (b) may cause an inquiry to be held.

#### **Commencement Information**

- I17** S. 14 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I18** S. 14 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

### **15 Arrangements with other employers of fire-fighters**

- (1) A fire and rescue authority may enter into arrangements with a person who employs fire-fighters for securing the provision by that person of assistance for the purpose of the discharge by the authority of a function conferred on it under section 7, 8 or 9.
- (2) But a fire and rescue authority may not enter into arrangements under this section with another fire and rescue authority.

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- (3) Arrangements under this section may include provision as to the terms on which assistance is to be provided (including provision as to payment).

**Commencement Information**

- I19** S. 15 partly in force; s. 15 not in force at Royal Assent see s. 61; s. 15(2) in force for certain purposes at 9.7.2002 and s. 15(2) in force for further certain purposes at 1.8.2002 and s. 15(1) in force for certain purposes at 1.1.2002 by [S.I. 2002/1727](#), [art. 2](#)
- I20** S. 15 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I21** S. 15 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

*Discharge of functions by others*

**16 Arrangements for discharge of functions by others**

- (1) A fire and rescue authority (the first authority) may enter into arrangements with—
- (a) another fire and rescue authority, or
  - (b) any other person,
- for the discharge to any extent by that other authority or person of a function conferred on the first authority under any of sections 6 to 9 and 11.
- (2) But a fire and rescue authority may enter into arrangements with a person under subsection (1) in relation to its function of extinguishing fires only if the person employs fire-fighters.
- (3) Arrangements under this section may include provision as to the terms on which any function is to be discharged (including provision as to payment).

**Commencement Information**

- I22** S. 16 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I23** S. 16 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

**17 Directions as to arrangements under section 16**

- (1) The Secretary of State may direct two fire and rescue authorities—
- (a) to enter into arrangements under section 16 in the terms specified in the direction;
  - (b) to make one or more specified variations to any such arrangements;
  - (c) to cancel any such arrangements.
- (2) The Secretary of State may give a direction under subsection (1) on his own initiative or at the request of one of the authorities.
- (3) Before giving a direction under subsection (1) the Secretary of State—
- (a) must give the authorities concerned an opportunity to make representations to him;
  - (b) may cause an inquiry to be held.

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- (4) The Secretary of State may give a direction under subsection (1) only if, after considering—
- (a) any representations made under subsection (3)(a), and
  - (b) if an inquiry is held under subsection (3)(b), the report of the person by whom it is held,
- he considers it expedient to do so with a view to securing greater economy, efficiency and effectiveness.

#### Commencement Information

- I24** S. 17 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I25** S. 17 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

### Supplementary

## 18 Training centres

A fire and rescue authority may establish and maintain one or more training centres for providing education and training in matters in relation to which fire and rescue authorities have functions.

#### Commencement Information

- I26** S. 18 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I27** S. 18 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

## [<sup>F1</sup>18A Charging by authorities

- (1) A fire and rescue authority may charge a person for any action taken by the authority—
- (a) in the United Kingdom or at sea or under the sea, and
  - (b) otherwise than for a commercial purpose,
- but this is subject to the provisions of this section and section 18B.
- (2) Subsection (1) authorises a charge to be imposed on, or recovered from, a person other than the person in respect of whom action is taken by the authority.
- (3) Before a fire and rescue authority begins to charge under subsection (1) or section 5A(1)(e) for taking action of a particular description, the authority must consult any persons the authority considers appropriate.
- (4) If a fire and rescue authority decides to charge under subsection (1) for taking action of a particular description—
- (a) the amount of the charge is to be set by the authority;
  - (b) the authority may charge different amounts in different circumstances (and may charge nothing).

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- (5) In setting the amount of a charge under subsection (1), a fire and rescue authority must secure that, taking one financial year with another, the authority's income from charges does not exceed the cost to the authority of taking the action for which the charges are imposed.
- (6) The duty under subsection (5) applies separately in relation to each kind of action.
- (7) The references in subsection (1) and section 18B(1) to “sea” are not restricted to the territorial sea of the United Kingdom.
- (8) In subsection (5) “ financial year ” means 12 months ending with 31 March.

#### **Textual Amendments**

- F1** Ss. 18A-18C 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.10\(2\), 240\(4\)\(f\)](#) (with s. 10(5)); [S.I. 2012/411, art. 2\(d\)](#); [S.I. 2012/887, art. 2\(f\)](#)

#### **18B Limits on charging under section 18A(1)**

- (1) Section 18A(1) authorises charging for extinguishing fires, or protecting life and property in the event of fires, only in respect of fires which are at sea or under the sea.
- (2) Section 18A(1) does not authorise charging for emergency medical assistance.
- (3) Section 18A(1) authorises charging for action taken in response to a report of a fire or explosion only if section 18C applies to the report.
- (4) Section 18A(1) does not authorise charging for rescuing individuals, or protecting individuals from serious harm, in the event of an emergency.
- (5) Section 18A(1) does not authorise charging for action taken in response to—
  - (a) emergencies resulting from events of widespread significance,
  - (b) emergencies which have occurred as a direct result of severe weather, or
  - (c) emergencies resulting from road traffic accidents.
- (6) Subject to subsection (7), section 18A(1) does not authorise charging for action taken under section 6.
- (7) Subsection (6) does not prevent charging for the giving of advice, other than advice of the kind mentioned in section 6(2)(b), in relation to premises where a trade, business or other undertaking is carried on (whether for profit or not).
- (8) Section 18A(1) does not authorise charging for action taken by a fire and rescue authority in its capacity as an enforcing authority for the purposes of the Regulatory Reform (Fire Safety) Order 2005 ( S.I. 2005/1541).
- (9) Nothing in subsections (1) to (8)—
  - (a) applies to charges for providing under section 12 the services of any persons or any equipment,
  - (b) affects the operation of section 13(3) or 16(3), or
  - (c) affects any provision for payments to a fire and rescue authority contained in arrangements for co-operation made between that authority and—
    - (i) a public authority that is not a fire and rescue authority, or



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- (ii) any person, other than a public authority, who exercises public functions.
- (10) The Secretary of State in relation to fire and rescue authorities in England, and the Welsh Ministers in relation to fire and rescue authorities in Wales, may by order disapply subsection 18A(1) in relation to actions of a particular kind.
- (11) The power under subsection (10) includes power to disapply for a particular period.

**Textual Amendments**

**F1** Ss. 18A-18C 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.10(2), 240(4)(f) (with s. 10(5)); S.I. 2012/411, art. 2(d); S.I. 2012/887, art. 2(f)

**18C Cases where a charge may be made for responding to report of fire etc**

- (1) This section applies for the purposes of section 18B(3).
- (2) This section applies to a report of fire, or explosion, at sea or under the sea.
- (3) This section applies to a report of fire if—
  - (a) the report is of fire at premises that are not domestic premises,
  - (b) the report is false,
  - (c) the report is made as a direct or indirect result of warning equipment having malfunctioned or been misinstalled, and
  - (d) there is a persistent problem with false reports of fire at the premises that are made as a direct or indirect result of warning equipment under common control having malfunctioned or been misinstalled.
- (4) The references in subsection (2) to “sea” are not restricted to the territorial sea of the United Kingdom.
- (5) In subsection (3)—
  - “ domestic premises ” means premises occupied as a private dwelling (including any garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling);
  - “ warning equipment ” means equipment installed for the purpose of—
    - (a) detecting fire, or
    - (b) raising the alarm, or enabling the alarm to be raised, in the event of fire.]

**Textual Amendments**

**F1** Ss. 18A-18C 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.10(2), 240(4)(f) (with s. 10(5)); S.I. 2012/411, art. 2(d); S.I. 2012/887, art. 2(f)

**<sup>F2</sup>19 Charging**

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*Changes to legislation: There are currently no known outstanding effects for the  
Fire and Rescue Services Act 2004, Part 2. (See end of Document for details)*

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#### Textual Amendments

- F2** S. 19 repealed (18.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss.10(3), 240(4)(f), **Sch. 25 Pt. 2** (with s. 10(5)); [S.I. 2012/411](#), art. 2(d)(f); [S.I. 2012/887](#), art. 2(f)(h)

## 20 Exercise of powers at or under sea

- (1) If a fire and rescue authority has power to act, or is required to act, outside the authority's area, the authority may exercise the power, or perform the duty, at sea or under the sea.
- (2) The references in subsection (1) to "sea" are not restricted to the territorial sea of the United Kingdom.

#### Commencement Information

- I28** S. 20 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), **art. 2** (with [art. 3](#))
- I29** S. 20 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), **art. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Part 2.