



# Fire and Rescue Services Act 2004

## CHAPTER 21

### FIRE AND RESCUE SERVICES ACT 2004

#### PART 1

##### FIRE AND RESCUE AUTHORITIES

###### *Fire and rescue authorities*

1 Fire and rescue authorities

###### *Combined fire and rescue authorities*

- 2 Power to create combined fire and rescue authorities
- 3 Creation of combined fire and rescue authorities: supplementary
- 4 Combined authorities under the Fire Services Act 1947

###### *Fire and rescue authority involving police and crime commissioner*

- 4A Power to provide for police and crime commissioner to be fire and rescue authority
- 4B Changes to existing fire and rescue authorities
- 4C Transfer of property, rights and liabilities
- 4D Further provision about authority created by section 4A order
- 4E Requirement for authority created by section 4A order to have fire fund
- 4F Exercise of functions pursuant to section 4A order
- 4G Section 4A order: transitional provision
- 4H Delegation to chief constable for police area
  - 4I Further provision about chief constable covered by section 4H order
  - 4J Exercise of functions pursuant to section 4H order
- 4K Complaints and conduct matters etc
- 4L Application of fire and rescue provisions
- 4M Application of local policing provisions

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## 5 Powers of combined fire and rescue authorities

### *Powers of certain fire and rescue authorities*

- 5A Powers of certain fire and rescue authorities
- 5B Boundaries of power under section 5A
- 5C Power to make provision supplemental to section 5A
- 5D Limits on power under section 5C(1)
- 5E Procedure for Secretary of State's orders under section 5C(1) and (2)
- 5F Procedure for Welsh Ministers' orders under section 5C(1) and (2)
- 5G Determining Assembly procedures for drafts laid under section 5F(2)
- 5H Negative resolution procedure for draft laid under section 5F(2)
- 5J Affirmative resolution procedure for draft laid under section 5F(2)
- 5K Super-affirmative resolution procedure for draft laid under section 5F(2)
- 5L Calculation of time periods

### *Interpretation of Part 1*

- 5M Interpretation of Part 1

## **PART 2**

### **FUNCTIONS OF FIRE AND RESCUE AUTHORITIES**

#### *Core functions*

- 6 Fire safety
- 7 Fire-fighting
- 8 Road traffic accidents
- 9 Emergencies

#### *Other functions*

- 10 Directions relating to particular fires and emergencies
- 11 Power to respond to other eventualities
- 12 Other services

#### *Assistance in discharge of functions*

- 13 Reinforcement schemes
- 14 Directions as to reinforcement schemes
- 15 Arrangements with other employers of fire-fighters

#### *Discharge of functions by others*

- 16 Arrangements for discharge of functions by others
- 17 Directions as to arrangements under section 16

#### *Supplementary*

- 18 Training centres
- 18A Charging by authorities
- 18B Limits on charging under section 18A(1)
- 18C Cases where a charge may be made for responding to report of fire etc
- 19 Charging
- 20 Exercise of powers at or under sea

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### **PART 3**

#### ADMINISTRATION

##### *Fire and Rescue National Framework*

- 21 Fire and Rescue National Framework
- 21A Fire and rescue authorities in Wales: performance and governance
- 22 Intervention by Secretary of State
- 23 Intervention protocol
- 24 Best value
- 25 Report

##### *Police and crime plan*

- 25A Police and crime plan

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- 27 Inquiries
- 28 Inspectors
- 28A Inspection programme and inspection framework etc: England
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- 31 Training institution and centres

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- 32 Negotiating bodies
- 33 Guidance

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- 34 Pensions etc
- 35 Information in connection with pensions etc
- 36 Preservation of existing pension scheme

##### *Police*

- 37 Prohibition on employment of police in fire-fighting

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#### WATER SUPPLY

- 38 Duty to secure water supply etc
- 39 Supply of water by water undertakers

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- 40 Emergency supply by water undertaker
- 41 Supply by other persons
- 42 Fire hydrants
- 43 Notice of works affecting water supply and fire hydrants

## PART 6

### SUPPLEMENTARY

#### *Powers in the event of emergency etc*

- 44 Powers of fire-fighters etc in an emergency etc

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- 45 Obtaining information and investigating fires
- 46 Supplementary powers
- 47 Notices: general
- 48 Notices given electronically

#### *False alarms*

- 49 False alarms of fire

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- 50 Payments in respect of advisory bodies

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- 52 Repeal of Fire Services Act 1947
- 53 Amendments
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- 57 Meaning of “local authority”
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- 60 Orders and regulations
- 61 Commencement
- 62 Wales
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- 1 Proposal for order under section 4A
- 2 Duty of relevant fire and rescue authority to cooperate in preparation of proposal

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- 3 Consultation on proposal
- 4 Provision of representations to Secretary of State
- 5 Decision by Secretary of State
- 6 Interpretation
- 7 Application of this Schedule to certain orders under section 4H

Schedule A2 — Application of legislation relating to police and crime commissioners

- 1 Introductory
- 2 Arrangements for obtaining the views of the community
- 3 Scrutiny of fire and rescue plan
- 4 Information for public
- 5 Scrutiny of fire and rescue statement
- 6 Information for police and crime panels
- 7 Duties when carrying out functions
- 8 Powers of police and crime panels
- 9 Power to require attendance and information
- 10 Conduct of fire and rescue authority
- 11 Scrutiny of appointment of chief finance officer
- 12 Scrutiny of precepts
- 13 Regulations about complaints and conduct matters

Schedule A3 — English Inspectors

- 1 Interpretation
- 2 Delegation
- 3 Working with Her Majesty's Inspectors of Constabulary
- 4 An English inspector may act jointly with Her Majesty's Inspectors...
- 5 Assistance for other public authorities
- 6 Powers of English inspectors to obtain information etc
- 7 Powers of English inspectors to obtain access to premises
- 8 Failure to comply with notice under paragraph 6 or 7
- 9 Sensitive information: restriction on further disclosure
- 10 Provision of intelligence service information to English inspectors

SCHEDULE 1 — Minor and consequential amendments

*Explosives Act 1875 (c. 17)*

- 1 In section 67(3A) of the Explosives Act 1875 (definition of...

*Forged Transfers Act 1891 (c. 43)*

- 2 (1) Section 2 of the Forged Transfers Act 1891 (definitions)...

*Celluloid and Cinematograph Film Act 1922 (c. 35)*

- 3 In section 9 of the Celluloid and Cinematograph Film Act...

*Petroleum (Consolidation) Act 1928 (c. 32)*

- 4 In section 2(1)(a) of the Petroleum (Consolidation) Act 1928 (local...

*London Building Act 1930 (c. clviii)*

- 5 In section 143(3) of the London Building Act 1930 (regulations...

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*Public Health Act 1936 (c. 49)*

6 In section 343(1) of the Public Health Act 1936 (interpretation),...

*London Building Acts (Amendment) Act 1939 (c. xcvi)*

7 The London Building Acts (Amendment) Act 1939 is amended as...

8 In section 20(2A) (fire precaution conditions)— (a) for “fire authority”...

9 (1) In the provisions mentioned in sub-paragraph (2), for “fire...

*Statutory Orders (Special Procedure) Act 1945 (c. 18)*

10 (1) Section 11(1) of the Statutory Orders (Special Procedure) Act...

*Civil Defence Act 1948 (c. 5)*

11 (1) The Civil Defence Act 1948 is amended as follows....

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

12 (1) The Reserve and Auxiliary Forces (Protection of Civil Interests)...

*Town and Country Planning Act 1959 (c. 53)*

13 In Schedule 4 to the Town and Country Planning Act...

*Caravan Sites and Control of Development Act 1960 (c. 62)*

14 (1) The Caravan Sites and Control of Development Act 1960...

*Land Compensation Act 1961 (c. 33)*

15 (1) Section 29(1) of the Land Compensation Act 1961 (interpretation)...

*Public Health Act 1961 (c. 64)*

16 In section 75(8) of the Public Health Act 1961 (power...

*Pipe-lines Act 1962 (c. 58)*

17 (1) Section 37 of the Pipe-lines Act 1962 (persons to...

*Stock Transfer Act 1963 (c. 18)*

18 (1) Section 4(1) of the Stock Transfer Act 1963 (interpretation)...

*Industrial and Provident Societies Act 1965 (c. 12)*

19 Minor and consequential amendments

*Gas Act 1965 (c. 36)*

20 (1) The Gas Act 1965 is amended as follows.

*Public Works Loans Act 1965 (c. 63)*

21 (1) Section 2(1) of the Public Works Loans Act 1965...

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*National Loans Act 1968 (c. 13)*

22 (1) Paragraph 1 of Schedule 4 to the National Loans...

*Greater London Council (General Powers) Act 1968 (c. xxxix)*

23 (1) The Greater London Council (General Powers) Act 1968 is...

*Gaming Act 1968 (c. 65)*

24 (1) The Gaming Act 1968 is amended as follows.

*Transport Act 1968 (c. 73)*

25 In section 102(4) of the Transport Act 1968 (application to...

*Greater London Council (General Powers) Act 1969 (c. lii)*

26 In section 30 of the Greater London Council (General Powers)...

*Fire Precautions Act 1971 (c. 40)*

27 The Fire Precautions Act 1971 is amended as follows.

28 (1) In the provisions mentioned in sub-paragraph (2), for “fire...

29 In section 20 (exercise of inspectors' powers)—

30 Section 29 (extension of provisions of the Fire Services Act...

31 (1) Section 40 (application to Crown) is amended as follows....

32 In section 41 (application to UK Atomic Energy Authority premises)

—...

33 (1) Section 43 (interpretation) is amended as follows.

*Pensions (Increase) Act 1971 (c. 56)*

34 The Pensions (Increase) Act 1971 is amended as follows.

35 (1) Schedule 2 (official pensions) is amended as follows.

36 (1) Paragraph 6(1) of Schedule 3 (meaning of “local authority”)...

*Superannuation Act 1972 (c. 11)*

37 In section 24(1)(a) of the Superannuation Act 1972 (compensation for...

*Local Government Act 1972 (c. 70)*

38 The Local Government Act 1972 is amended as follows.

39 (1) Section 100J (authorities to which Part 5A applies) is...

40 Omit section 112(4)(c) (officers to whom subsection (3) does not...

41 (1) Section 168(5) (local financial returns: meaning of “local authority”)...

*Local Government Act 1974 (c. 7)*

42 In section 25(1) of the Local Government Act 1974 (authorities...

*Greater London Council (General Powers) Act 1974 (c. xxiv)*

43 In section 15(7) of the Greater London Council (General Powers)...

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*Health and Safety at Work etc Act 1974 (c. 37)*

44 In section 23(4) of the Health and Safety at Work...

*Control of Pollution Act 1974 (c. 40)*

45 In section 62(2)(a) of the Control of Pollution Act 1974...

*Greater London Council (General Powers) Act 1975 (c. xxx)*

46 (1) Section 3 of the Greater London Council (General Powers)...

*Safety of Sports Grounds Act 1975 (c. 52)*

47 (1) The Safety of Sports Grounds Act 1975 is amended...

*Race Relations Act 1976 (c. 74)*

48 Minor and consequential amendments

*Local Government, Planning and Land Act 1980 (c. 65)*

49 (1) The Local Government, Planning and Land Act 1980 is...

*Highways Act 1980 (c. 66)*

50 (1) Paragraph 3 of Schedule 6 to the Highways Act...

*Zoo Licensing Act 1981 (c. 37)*

51 In section 3(2) of the Zoo Licensing Act 1981 (consideration...

*New Towns Act 1981 (c. 64)*

52 (1) Section 80(1) of the New Towns Act 1981 (interpretation)...

*Acquisition of Land Act 1981 (c. 67)*

53 (1) Section 7(1) of the Acquisition of Land Act 1981...

*Local Government (Miscellaneous Provisions) Act 1982 (c. 30)*

54 (1) The Local Government (Miscellaneous Provisions) Act 1982 is amended...

*Road Traffic Regulation Act 1984 (c. 27)*

55 In section 87 of the Road Traffic Regulation Act 1984...

*Food Act 1984 (c. 30)*

56 (1) The Food Act 1984 is amended as follows.

*Building Act 1984 (c. 55)*

57 (1) The Building Act 1984 is amended as follows.

*Local Government Act 1985 (c. 51)*

58 The Local Government Act 1985 is amended as follows.



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- 59 (1) Section 42 (reorganisation of functions) is amended as follows....  
60 In section 60(3) (pensions liabilities of police and fire authorities),...  
61 In paragraph 5(a) of Schedule 11 (police and fire services):...

*Housing Act 1985 (c. 68)*

- 62 (1) The Housing Act 1985 is amended as follows.

*Fire Safety and Safety of Places of Sport Act 1987 (c. 27)*

- 63 (1) The Fire Safety and Safety of Places of Sport...

*Income and Corporation Taxes Act 1988 (c. 1)*

- 64 Minor and consequential amendments

*Local Government Act 1988 (c. 9)*

- 65 In Schedule 2 to the Local Government Act 1988 (public...

*Dartford-Thurrock Crossing Act 1988 (c. 20)*

- 66 In section 19(a) of the Dartford-Thurrock Crossing Act 1988  
(exemption...

*Environment and Safety of Information Act 1988 (c. 30)*

- 67 In the Schedule to the Environment and Safety of Information...

*Local Government Finance Act 1988 (c. 41)*

- 68 (1) The Local Government Finance Act 1988 is amended as...

*Road Traffic Act 1988 (c. 52)*

- 69 Minor and consequential amendments

*Football Spectators Act 1989 (c. 37)*

- 70 (1) Section 13 of the Football Spectators Act 1989 (licensing...

*Local Government and Housing Act 1989 (c. 42)*

- 71 (1) The Local Government and Housing Act 1989 is amended...

*Town and Country Planning Act 1990 (c. 8)*

- 72 (1) Section 336(1) of the Town and Country Planning Act...

*National Health Service and Community Care Act 1990 (c. 19)*

- 73 In paragraph 15(1) of Schedule 8 to the National Health...

*Smoke Detectors Act 1991 (c. 37)*

- 74 In section 2(2) of the Smoke Detectors Act 1991 (power...

*Water Industry Act 1991 (c. 56)*

- 75 The Water Industry Act 1991 is amended as follows.

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- 76 (1) Section 57 (duty to supply water for fire-fighting) is...  
 77 In section 147(1) (charging for emergency use of water)—  
 78 In paragraph 15 of Schedule 4A (premises not to be...

*Water Resources Act 1991 (c. 57)*

- 79 In section 32(2) of the Water Resources Act 1991 (rights...

*Severn Bridges Act 1992 (c. 3)*

- 80 In section 8 of the Severn Bridges Act 1992 (vehicles...

*Local Government Finance Act 1992 (c. 14)*

- 81 In section 39(1) of the Local Government Finance Act 1992...

*Local Government Act 1992 (c. 19)*

- 82 (1) Section 18 of the Local Government Act 1992 (consequences...

*Local Government (Overseas Assistance) Act 1993 (c. 25)*

- 83 In section 1(10) of the Local Government (Overseas Assistance) Act...

*Welsh Language Act 1993 (c. 38)*

- 84 In section 6(1) of the Welsh Language Act 1993 (meaning...

*Vehicle Excise and Registration Act 1994 (c. 22)*

- 85 (1) Schedule 2 to the Vehicle Excise and Registration Act...

*London Local Authorities Act 1995 (c. x)*

- 86 (1) The London Local Authorities Act 1995 is amended as...

*Merchant Shipping Act 1995 (c. 21)*

- 87 In section 135(1) of the Merchant Shipping Act 1995 (restrictions...

*Audit Commission Act 1998 (c. 18)*

- 88 Minor and consequential amendments

*Crime and Disorder Act 1998 (c. 37)*

- 89 (1) The Crime and Disorder Act 1998 is amended as...

*Local Government Act 1999 (c. 27)*

- 90 The Local Government Act 1999 is amended as follows.  
 91 In section 1(1) (best value authorities), for paragraph (e) substitute—...  
 92 In section 29(2)(a) (modifications of Part 1 for Wales: authorities...

*London Local Authorities Act 2000 (c. vii)*

- 93 In section 6 of the London Local Authorities Act 2000...

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*Local Government Act 2000 (c. 22)*

94 In section 49(6) of the Local Government Act 2000 (authorities...

*Freedom of Information Act 2000 (c. 36)*

95 In Schedule 1 to the Freedom of Information Act 2000...

*Capital Allowances Act 2001 (c. 2)*

96 Minor and consequential amendments

*Criminal Justice and Police Act 2001 (c. 16)*

97 (1) The Table in section 1(1) of the Criminal Justice...

*Licensing Act 2003 (c. 17)*

98 (1) The Licensing Act 2003 is amended as follows.

*Local Government Act 2003 (c. 26)*

99 The Local Government Act 2003 is amended as follows.

100 In section 23(1) (local authorities) for paragraph (m) substitute—

101 In section 33(1) (interpretation of Chapter 1) for paragraph (l)...

102 Minor and consequential amendments

103 In section 101(7) (staff transfer matters: general), omit paragraph (b)...

*Fire Services Act 2003 (c. 36)*

104 The Fire Services Act 2003 is amended as follows.

105 (1) Section 1 (Secretary of State's powers) is amended as...

106 (1) Section 3 (supplemental provisions) is amended as follows.

SCHEDULE 2 — Repeals

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**Changes and effects yet to be applied to :**

- s. 24(3) substituted for s. 24(3)-(5) by [2021 asc 1 s. 168\(3\)](#)
- Sch. 1 para. 55 repealed by [2006 c. 49 Sch. 7\(7\)](#)