



# 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.

#### **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.
- (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;

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- (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).

## **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).

## **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.

*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.

**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.

**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.

*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.

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- (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.
- (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.

#### **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.

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

### *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).

#### **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.
- (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.

### *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.

## **19 Charging**

- (1) The Secretary of State may by order authorise a fire and rescue authority to charge a person of a specified description for any action of a specified description taken by the authority.
- (2) An order under subsection (1) may authorise 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.
- (3) An order under subsection (1) may not authorise charging for emergency medical assistance.
- (4) The power in subsection (1) includes power to authorise 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.
- (5) If a fire and rescue authority is authorised by an order under subsection (1) to charge for taking action of a particular description and the authority decides to do so—
  - (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).
- (6) In setting the amount of a charge, the 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.
- (7) Before making an order under this section the Secretary of State must consult any persons he considers appropriate.
- (8) In this section “financial year” means the period of 12 months ending with 31 March.
- (9) The references in subsection (2) to “sea” are not restricted to the territorial sea of the United Kingdom.

## **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.