



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 3

ADMINISTRATION

Fire and Rescue National Framework

21 Fire and Rescue National Framework

- (1) The Secretary of State must prepare a Fire and Rescue National Framework.
- (2) The Framework—
 - (a) must set out priorities and objectives for fire and rescue authorities in connection with the discharge of their functions;
 - (b) may contain guidance to fire and rescue authorities in connection with the discharge of any of their functions;
 - (c) may contain any other matter relating to fire and rescue authorities or their functions that the Secretary of State considers appropriate.
- (3) The Secretary of State must keep the terms of the Framework under review and may from time to time make revisions to it.
- (4) The Secretary of State must discharge his functions under subsections (1) and (3) in the manner and to the extent that appear to him to be best calculated to promote—
 - (a) public safety,
 - (b) the economy, efficiency and effectiveness of fire and rescue authorities, and
 - (c) economy, efficiency and effectiveness in connection with the matters in relation to which fire and rescue authorities have functions.
- (5) In preparing the Framework, or any revisions to the Framework which appear to him to be significant, the Secretary of State—
 - (a) must consult fire and rescue authorities or persons considered by him to represent them;

- (b) must consult persons considered by him to represent employees of fire and rescue authorities;
 - (c) may consult any other persons he considers appropriate.
- (6) The Framework as first prepared, and any revisions to the Framework which appear to the Secretary of State to be significant, have effect only when brought into effect by the Secretary of State by order.
- (7) Fire and rescue authorities must have regard to the Framework in carrying out their functions.

22 Intervention by Secretary of State

- (1) This section applies if the Secretary of State considers that a fire and rescue authority is failing, or is likely to fail, to act in accordance with the Framework prepared under section 21.
- (2) For the purpose of securing that the authority acts in accordance with the Framework the Secretary of State may by order require the authority—
 - (a) to do something;
 - (b) to stop doing something;
 - (c) not to do something.
- (3) The Secretary of State may make an order under subsection (2) only if he considers that making the order would promote—
 - (a) public safety,
 - (b) the economy, efficiency and effectiveness of the fire and rescue authority in respect of which the order is made, or
 - (c) economy, efficiency and effectiveness in connection with the matters in relation to which fire and rescue authorities have functions.
- (4) Before making an order under subsection (2) the Secretary of State must give the authority an opportunity to make representations about the order proposed.

23 Intervention protocol

- (1) The Secretary of State must prepare, and may revise, a protocol about the exercise of his power to make an order under section 22(2).
- (2) The protocol must in particular make provision about persons or descriptions of persons that the Secretary of State will consult before exercising that power.
- (3) The Secretary of State must have regard to the protocol in exercising that power.
- (4) In preparing the protocol, or any revisions to it which appear to him to be significant, the Secretary of State—
 - (a) must consult fire and rescue authorities or persons considered by him to represent them;
 - (b) must consult persons considered by him to represent employees of fire and rescue authorities;
 - (c) may consult any other persons he considers appropriate.
- (5) The Secretary of State must publish the protocol for the time being in force in the manner he considers appropriate.

24 Best value

- (1) Sections 10 to 13 of the Local Government Act 1999 (c. 27) (best value inspections) apply in relation to a fire and rescue authority's compliance with section 21(7) as they apply in relation to a best value authority's compliance with the requirements of Part 1 of that Act.
- (2) As applied by subsection (1), those sections have effect as if, in section 13(2)(b) and (4), for "give a direction under section 15" there were substituted "make an order under section 22 of the Fire and Rescue Services Act 2004".

25 Report

- (1) The Secretary of State must report to Parliament on—
 - (a) the extent to which fire and rescue authorities are acting in accordance with the Framework prepared under section 21;
 - (b) any steps taken by him for the purpose of securing that fire and rescue authorities act in accordance with the Framework.
- (2) The first report under subsection (1) must be made before the end of the period of two years starting on the date when the Framework as first prepared is brought into effect.
- (3) Every subsequent such report must be made before the end of the period of two years starting on the date on which the last such report was made.

Supervision

26 Information

A fire and rescue authority must—

- (a) submit to the Secretary of State any reports and returns required by him;
- (b) give the Secretary of State any information with respect to its functions required by him.

27 Inquiries

The Secretary of State may cause an inquiry to be held into—

- (a) the manner in which a fire and rescue authority is discharging any of its functions;
- (b) the circumstances of, or the steps taken to deal with, a fire, road traffic accident or emergency of another kind in relation to which a fire and rescue authority has functions under this Act.

28 Inspectors

- (1) Her Majesty may by Order in Council appoint inspectors, and the Secretary of State may appoint assistant inspectors and other officers, for the purpose of obtaining information as to—
 - (a) the manner in which fire and rescue authorities are discharging their functions;
 - (b) technical matters relating to those functions.

Status: This is the original version (as it was originally enacted).

- (2) The Secretary of State may pay to persons appointed under this section remuneration determined by him.
- (3) A person appointed under section 24 of the Fire Services Act 1947 (c. 41) is to be taken to have been appointed under this section.

Equipment etc

29 Equipment, facilities, services and organisations

- (1) The Secretary of State may provide and maintain, or contribute to the provision and maintenance of, any equipment, facilities and services he considers appropriate for promoting the economy, efficiency and effectiveness of fire and rescue authorities.
- (2) The Secretary of State may establish and maintain, or contribute to the establishment and maintenance of, any organisations he considers appropriate for promoting the economy, efficiency and effectiveness of fire and rescue authorities.
- (3) Charges may be imposed for the use of equipment, facilities and services provided by—
 - (a) the Secretary of State under subsection (1), or
 - (b) an organisation established or maintained by him.
- (4) The Secretary of State may by order make provision requiring one or more fire and rescue authorities—
 - (a) to use and maintain equipment and facilities specified in the order or of a description specified in the order;
 - (b) to use services specified in the order or of a description specified in the order.
- (5) Before making an order under this section the Secretary of State must consult any persons he considers appropriate.

30 Directions for public safety purposes

- (1) The Secretary of State may, if he considers it necessary for the purposes of public safety, by order give general or specific directions to one or more fire and rescue authorities about the use or disposal of property or facilities.
- (2) The provision that may be contained in a direction under subsection (1) given to an authority includes—
 - (a) provision about the use or disposal by the authority of property or facilities belonging to or under the control of the authority;
 - (b) provision about the use by the authority of property or facilities belonging to or under the control of another fire and rescue authority or a person who has made the property or facilities available (or is willing to do so);
 - (c) provision requiring payments to be made by the authority to another fire and rescue authority or to any other person, in respect of the use of property or facilities.
- (3) The references in subsection (2) to property or facilities belonging to a person include land occupied by the person.

- (4) Before making an order under this section the Secretary of State must consult any persons he considers appropriate.

Training etc

31 Training institution and centres

- (1) The Secretary of State may establish and maintain—
- (a) a central training institution, and
 - (b) one or more local training centres,
- for one or more of the purposes mentioned in subsection (2).
- (2) The purposes are—
- (a) the provision of education and training to employees of fire and rescue authorities;
 - (b) the provision of advice and assistance to fire and rescue authorities in connection with the provision of such education and training;
 - (c) the supervision and regulation of the provision of such education and training;
 - (d) the provision of education and training to persons who provide (or are to provide) such education and training;
 - (e) the provision of education and training (in the United Kingdom or elsewhere) to persons who are not employees of fire and rescue authorities in matters in relation to which fire and rescue authorities have functions;
 - (f) the provision of advice and assistance (in the United Kingdom or elsewhere) in connection with the provision of such education and training.