



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 1

FIRE AND RESCUE AUTHORITIES

[^{F1}Combined fire and rescue authorities]

3 Creation of combined fire and rescue authorities: supplementary

- (1) A combined fire and rescue authority constituted under a scheme under section 2 must be constituted as a body corporate.
- (2) A scheme under section 2 may, subject to this section, make any supplementary and incidental provision which the Secretary of State considers appropriate.
- (3) In particular, a scheme under section 2 may make provision about—
 - (a) the composition of the combined authority (including provision for the appointment of members by the existing authorities [^{F1}or by the Secretary of State]^[F1], by the Secretary of State or, in the case of a combined authority for an area which is wholly within England, by the combined authority);
 - (b) the proceedings of the combined authority (including different provision in respect of the voting rights of different categories of member);
 - (c) the financing of the combined authority (including provision for the payment of expenses out of a combined fire and rescue service fund maintained by the existing authorities);
 - (d) the discharge of the functions of the combined authority (including provision for the discharge of functions by committees);
 - (e) officers of the combined authority;
 - (f) the acquisition, appropriation and disposal of land by the combined authority (including provision for the acquisition of land by agreement or compulsorily);
 - (g) the transfer of staff, property, rights and liabilities to or from the combined authority;

*Changes to legislation: There are currently no known outstanding effects for the
 Fire and Rescue Services Act 2004, Section 3. (See end of Document for details)*

- (h) the payment of compensation in respect of loss suffered by any person in consequence of the constitution of the combined authority.
- (4) A scheme under section 2 may not make provision for the appointment by the Secretary of State of a number of members equal to, or exceeding, half the total number of members capable of being appointed.
- (5) If a scheme under section 2 provides for members of a combined authority to be appointed by the Secretary of State, it must also provide that any decision of the authority to—
- (a) issue a precept under section 40 of the Local Government Finance Act 1992 (c. 14), or
 - (b) make the calculations required by section 43 of that Act,
- must be approved by more than half of the members of the authority not appointed by the Secretary of State.
- [^{F2}(6) The following provisions apply if a scheme under section 2 provides for members of a combined authority to be appointed by the authority.
- (7) The scheme must provide that a relevant police and crime commissioner may only be appointed as a member of the authority in response to a request by the commissioner.
- (8) The scheme must provide that, if such a request is made to the authority, the authority must—
- (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.
- (9) In this section “relevant police and crime commissioner”, in relation to a combined authority, means a police and crime commissioner—
- (a) whose area is the same as, or contains all of, the area of the authority, or
 - (b) all or part of whose area falls within the area of the authority.]

Textual Amendments

- F1** Words in s. 3(3)(a) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 7(11)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 3
- F2** S. 3(6)-(9) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 7(12)**, 183(1), (5)(e); S.I. 2017/399, reg. 2, Sch. para. 3

Modifications etc. (not altering text)

- C1** S. 3(7)(9) excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 2 para. 20(a)**

Commencement Information

- I1** S. 3 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](#))
- I2** S. 3 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, Section 3.