



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 1

FIRE AND RESCUE AUTHORITIES

[^{F1} Combined fire and rescue authorities]

4 Combined authorities under the Fire Services Act 1947

- (1) This section applies to a scheme approved under section 5 of the Fire Services Act 1947 (c. 41) (voluntary schemes for combining fire authorities), or made under section 6 of that Act (combination schemes made by the Secretary of State), which is in force immediately before the repeal of those sections by this Act.
- (2) A scheme to which this section applies continues to have effect despite that repeal.
- (3) The combined authority constituted by a scheme to which this section applies is the fire and rescue authority for the area for which it is constituted.
- (4) The Secretary of State may by order vary or revoke a scheme to which this section applies.
- (5) Before making an order under subsection (4) in relation to a scheme the Secretary of State must consult—
 - (a) any fire and rescue authority which appears to him likely to be affected,
 - (b) any other authority which would, apart from the scheme, be a fire and rescue authority under section 1 and which appears to him likely to be affected,
 - (c) any local authority all or part of whose area forms part of the combined area or would, under the scheme as varied, form part of the combined area, and
 - (d) any other persons he considers appropriate.

[^{F1}(5A) The duty to consult under subsection (5) does not apply if—

- (a) the scheme constituted a fire and rescue authority for an area in England, and*
- (b) the variation or revocation has been proposed by the fire and rescue authority.]*

Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 4. (See end of Document for details)

- (6) Before making an order under subsection (4) varying or revoking a scheme the Secretary of State ^{F2}—
- (a) where the scheme constituted a fire and rescue authority for an area in England, must cause an inquiry to be held, and
 - (b) where the scheme constituted a fire and rescue authority for an area in Wales, must cause an inquiry to be held if under the order—
 - (i) the scheme would be varied in a way which changes the combined area (and may cause an inquiry to be held if the scheme would be varied in any other way), or
 - (ii) the scheme would be revoked.]
- (7) The Secretary of State is not required to cause an inquiry to be held under subsection (6) (but may do so) if—
- (a) the combined authority and any other authority which would, apart from the scheme, be a fire and rescue authority under section 1 and which would be affected by the variation or revocation, agree to the variation or revocation,
 - (b) it appears to the Secretary of State that the scheme is to be varied or revoked solely for the purpose of giving effect to an order made under Part 4 of the Local Government Act 1972 (c. 70), ^{F3}^{F4}... Part 1 of the Local Government and Public Involvement in Health Act 2007^{F5} or Part 3 of the Local Government (Democracy) (Wales) Act 2013, or to regulations under Part 7 of the Local Government and Elections (Wales) Act 2021], or
 - (c) the Secretary of State considers that, in the interests of public safety, the scheme should be varied or revoked without delay.

Textual Amendments

- F1** S. 4(5A) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(l), **Sch. 22 para. 16(3)**
- F2** S. 4(6)(a)(b) substituted for words in s. 4(6) (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 166(3)(a)**, 175(3)(r)
- F3** Words in s. 4(7)(b) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(5), 148(5), **Sch. 7 Pt. 4**; S.I. 2009/3318, art. 4(ii)
- F4** Words in s. 4(7)(b) substituted (1.11.2007 for E.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), **Sch. 1 para. 22(3)**; S.I. 2007/3136, art. 2(b)
- F5** Words in s. 4(7)(b) inserted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), **ss. 166(3)(b)**, 175(1)(i)

Commencement Information

- I1** S. 4 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. 4 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 4.