



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 7

#### GENERAL

#### 60 Orders and regulations

- (1) References in this section to subordinate legislation are to an order or regulations made [<sup>F1</sup>under this Act by the Secretary of State or the Welsh Ministers].
- (2) Subordinate legislation—
  - (a) may make different provision for different purposes (including different provision for different areas, different authorities and different descriptions of authorities);
  - (b) may include incidental, supplemental, consequential, saving or transitional provision.
- (3) A power to make subordinate legislation is exercisable by statutory instrument.
- (4) A statutory instrument containing (alone or with other provisions) [<sup>F2</sup>—
  - (a) an order made by the Secretary of State under section 5C(3), other than one that is made only for the purpose mentioned in section 5C(7)(b),
  - (b) an order made by the Secretary of State under section 5C(4), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose,
  - (c) an order made by the Secretary of State under section 5C(2) that—
    - (i) amends any Act or provision of an Act, and
    - (ii) is not made in accordance with sections 15 to 19 of the Legislative and Regulatory Reform Act 2006 as applied by section 5E(3), or
  - (d) subordinate legislation made by the Secretary of State, other than an order under section 5C, that amends or repeals any Act or provision of an Act,may] not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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*Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 60. (See end of Document for details)*

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- (5) A statutory instrument containing any other subordinate [<sup>F3</sup>legislation made by the Secretary of State, apart from—
- (a) an order under section 5C(1),
  - (b) an order under section 5C(2) that is made in accordance with sections 15 to 19 of the Legislative and Regulatory Reform Act 2006 as applied by section 5E(3), or
  - (c) an order under section 30 or 61,
- is] subject to annulment in pursuance of a resolution of either House of Parliament.

- [<sup>F4</sup>(6) A statutory instrument containing (alone or with other provisions)—
- (a) an order made by the Welsh Ministers under section 5C(3), other than one that it is made only for the purpose mentioned in section 5C(7)(b),
  - (b) an order made by the Welsh Ministers under section 5C(4), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose,
  - (c) an order made by the Welsh Ministers under section 5C(2) that—
    - (i) amends any Act or provision of an Act or amends any Act, or Measure, of the National Assembly for Wales or provision of such an Act or Measure, and
    - (ii) is not made in accordance with sections 5G to 5L,
- [ regulations made by the Welsh Ministers under section 21A(1) or (4),] or
- <sup>F5</sup>(ca) (d) subordinate legislation made by the Welsh Ministers, other than an order under section 5C, that amends any Act or provision of an Act,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

- (7) A statutory instrument containing any other subordinate legislation made by the Welsh Ministers, apart from—
- (a) an order under section 5C(1),
  - (b) an order under section 5C(2) that is made in accordance with sections 5G to 5L, or
  - (c) an order under section 30 or 61,
- is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

#### Textual Amendments

- F1** Words in s. 60(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), ss. 9\(3\), 240\(4\)\(c\); S.I. 2012/887, art. 2\(c\)](#)
- F2** S. 60(4)(a)-(d) substituted (18.2.2012) by [Localism Act 2011 \(c. 20\), ss. 9\(4\), 240\(2\); S.I. 2012/411, art. 2\(c\)](#)
- F3** Words in s. 60(5) substituted (18.2.2012) by [Localism Act 2011 \(c. 20\), ss. 9\(5\), 240\(2\); S.I. 2012/411, art. 2\(c\)](#)
- F4** S. 60(6)(7) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), ss. 9\(6\), 240\(4\)\(c\); S.I. 2012/887, art. 2\(c\)](#)
- F5** S. 60(6)(ca) inserted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), ss. 167\(3\), 175\(3\)\(s\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 60. (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** S. 60(2) transfer of functions (23.3.2005) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\)](#), art. 1, **Sch.** (with art. 6)

**Changes to legislation:**

There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 60.