



# Localism Act 2011

## 2011 CHAPTER 20

### PART 1

#### LOCAL GOVERNMENT

### CHAPTER 2

#### FIRE AND RESCUE AUTHORITIES

#### **10 Fire and rescue authorities: charging**

- (1) The Fire and Rescue Services Act 2004 is amended as follows.
- (2) After section 18 insert—

#### **“18A Charging by authorities**

- (1) A fire and rescue authority may charge a person for any action taken by the authority—
  - (a) in the United Kingdom or at sea or under the sea, and
  - (b) otherwise than for a commercial purpose,but this is subject to the provisions of this section and section 18B.
- (2) Subsection (1) authorises 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.
- (3) Before a fire and rescue authority begins to charge under subsection (1) or section 5A(1)(e) for taking action of a particular description, the authority must consult any persons the authority considers appropriate.
- (4) If a fire and rescue authority decides to charge under subsection (1) for taking action of a particular description—

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- (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).
- (5) In setting the amount of a charge under subsection (1), a fire and rescue 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.
- (6) The duty under subsection (5) applies separately in relation to each kind of action.
- (7) The references in subsection (1) and section 18B(1) to “sea” are not restricted to the territorial sea of the United Kingdom.
- (8) In subsection (5) “financial year” means 12 months ending with 31 March.

#### **18B Limits on charging under section 18A(1)**

- (1) Section 18A(1) authorises 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.
- (2) Section 18A(1) does not authorise charging for emergency medical assistance.
- (3) Section 18A(1) authorises charging for action taken in response to a report of a fire or explosion only if section 18C applies to the report.
- (4) Section 18A(1) does not authorise charging for rescuing individuals, or protecting individuals from serious harm, in the event of an emergency.
- (5) Section 18A(1) does not authorise charging for action taken in response to—
  - (a) emergencies resulting from events of widespread significance,
  - (b) emergencies which have occurred as a direct result of severe weather, or
  - (c) emergencies resulting from road traffic accidents.
- (6) Subject to subsection (7), section 18A(1) does not authorise charging for action taken under section 6.
- (7) Subsection (6) does not prevent charging for the giving of advice, other than advice of the kind mentioned in section 6(2)(b), in relation to premises where a trade, business or other undertaking is carried on (whether for profit or not).
- (8) Section 18A(1) does not authorise charging for action taken by a fire and rescue authority in its capacity as an enforcing authority for the purposes of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541).
- (9) Nothing in subsections (1) to (8)—
  - (a) applies to charges for providing under section 12 the services of any persons or any equipment,
  - (b) affects the operation of section 13(3) or 16(3), or
  - (c) affects any provision for payments to a fire and rescue authority contained in arrangements for co-operation made between that authority and—

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- (i) a public authority that is not a fire and rescue authority, or
  - (ii) any person, other than a public authority, who exercises public functions.
- (10) The Secretary of State in relation to fire and rescue authorities in England, and the Welsh Ministers in relation to fire and rescue authorities in Wales, may by order disapply subsection 18A(1) in relation to actions of a particular kind.
- (11) The power under subsection (10) includes power to disapply for a particular period.

### **18C Cases where a charge may be made for responding to report of fire etc**

- (1) This section applies for the purposes of section 18B(3).
- (2) This section applies to a report of fire, or explosion, at sea or under the sea.
- (3) This section applies to a report of fire if—
- (a) the report is of fire at premises that are not domestic premises,
  - (b) the report is false,
  - (c) the report is made as a direct or indirect result of warning equipment having malfunctioned or been misinstalled, and
  - (d) there is a persistent problem with false reports of fire at the premises that are made as a direct or indirect result of warning equipment under common control having malfunctioned or been misinstalled.
- (4) The references in subsection (2) to “sea” are not restricted to the territorial sea of the United Kingdom.
- (5) In subsection (3)—
- “domestic premises” means premises occupied as a private dwelling (including any garden, yard, garage, outhouse or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling);
- “warning equipment” means equipment installed for the purpose of—
- (a) detecting fire, or
  - (b) raising the alarm, or enabling the alarm to be raised, in the event of fire.”
- (3) Omit section 19 (charging).
- (4) In section 62 (application of Act in Wales) before subsection (2) insert—
- “(1B) The reference in subsection (1)(a) to Parts 1 to 6 does not include sections 18A to 18C.”
- (5) Where immediately before the coming into force of subsections (1) to (3) in relation to England or Wales an order under section 19(1) of the Fire and Rescue Services Act 2004 authorises a fire and rescue authority in England or (as the case may be) Wales to charge for action of a specified description taken by the authority, section 18A(3) of that Act does not apply in relation to action of that description.

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#### Commencement Information

- I1** S. 10(1)-(3)(5) in force at 18.2.2012 for specified purposes by S.I. 2012/411, **art. 2(d)**
- I2** S. 10(1)-(3)(5) in force at 1.4.2012 for specified purposes by S.I. 2012/887, **art. 2(f)**
- I3** S. 10(4) in force at 1.4.2012 by S.I. 2012/887, **art. 2(g)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)