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## SCHEDULES

### SCHEDULE 1

#### PROVISION FOR POLICE AND CRIME COMMISSIONER TO BE FIRE AND RESCUE AUTHORITY

##### PART 1

#### AMENDMENTS TO THE FIRE AND RESCUE SERVICES ACT 2004

13 Before Schedule 1 insert—

“SCHEDULE  
A1

Sections 4A(7) and  
4H(7)

#### PROCEDURE FOR ORDERS UNDER SECTION 4A

##### *Proposal for order under section 4A*

- 1 (1) A proposal for an order under section 4A (a “section 4A proposal”) must contain an assessment of why—
- (a) it is in the interests of economy, efficiency and effectiveness for the order to be made, or
  - (b) it is in the interests of public safety for the order to be made.
- (2) If the proposal suggests that an order under section 4A should be combined with an order under section 4H (delegation to chief constable for police area), the proposal must set out the reasons for that suggestion.

##### *Duty of relevant fire and rescue authority to cooperate in preparation of proposal*

- 2 (1) A relevant fire and rescue authority must cooperate with a relevant police and crime commissioner in the preparation of a section 4A proposal.
- (2) A relevant fire and rescue authority must, in particular, provide a relevant police and crime commissioner with such information held by the authority as the commissioner reasonably requires for the purposes of the preparation of the proposal.
- (3) Sub-paragraph (2) does not require the authority to provide information if to do so would breach—
- (a) any obligation of confidence owed by the authority, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (4) Sub-paragraphs (1) and (2) do not apply if the proposal is for an order to create a fire and rescue authority for an area which, before the order is made,

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contains only the areas of two or more fire and rescue authorities created by order under section 4A.

*Consultation on proposal*

- 3 (1) Before submitting a section 4A proposal to the Secretary of State, a relevant police and crime commissioner must—
- (a) consult each relevant local authority about the proposal,
  - (b) consult people in the commissioner's police area about the proposal,
  - (c) consult each of the following about the proposal—
    - (i) persons appearing to the commissioner to represent employees who may be affected by the proposal;
    - (ii) persons appearing to the commissioner to represent members of a police force who may be so affected, and
  - (d) publish, in such manner as the commissioner thinks appropriate, the commissioner's response to the representations made or views expressed in response to those consultations.
- (2) Each consultation under sub-paragraph (1) is to be carried out in such manner as the relevant police and crime commissioner thinks appropriate.

*Provision of representations to Secretary of State*

- 4 (1) Sub-paragraphs (2) to (4) apply if, in response to a consultation by a relevant police and crime commissioner under paragraph 3(1)(a), a relevant local authority indicates that it does not support a section 4A proposal.
- (2) The commissioner must, in submitting the proposal to the Secretary of State, provide the Secretary of State with—
- (a) copies of each document provided by the commissioner for the purposes of paragraph 3,
  - (b) copies of each representation made by a relevant local authority in response,
  - (c) a summary of the views expressed by people in the commissioner's police area about the proposal,
  - (d) a summary of the views expressed about the proposal by persons consulted under paragraph 3(1)(c), and
  - (e) the commissioner's response to those representations and views.
- (3) The Secretary of State must—
- (a) obtain an independent assessment of the proposal, and
  - (b) have regard to that assessment and to the material provided to the Secretary of State under sub-paragraph (2) in deciding whether to make an order under section 4A in response to the proposal.
- (4) The Secretary of State must publish the independent assessment—
- (a) as soon as is reasonably practicable after making a determination in response to the proposal, and
  - (b) in such manner as the Secretary of State thinks appropriate.

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### *Decision by Secretary of State*

- 5 (1) Subject to sub-paragraphs (2) and (3), the Secretary of State may, in making an order under section 4A, give effect to the proposal for the order with such modifications as the Secretary of State thinks appropriate.
- (2) If paragraph 1 (2) applies to the proposal, the Secretary of State may not in response to the proposal make an order under section 4A which is not combined with an order under section 4H.
- (3) Before making an order which gives effect to the proposal for the order with modifications, the Secretary of State must consult the following on the modifications—
- (a) the relevant police and crime commissioner;
  - (b) each relevant local authority.

### *Interpretation*

- 6 (1) In this Schedule “section 4A proposal” has the meaning given by paragraph 1 (1).
- (2) In this Schedule “relevant police and crime commissioner”, in relation to a section 4A proposal, means a police and crime commissioner—
- (a) whose police area is the same as, or contains all of, the area of the fire and rescue authority proposed to be created by the order, or
  - (b) all or part of whose police area falls within the area of that fire and rescue authority.
- (3) Any changes to the police areas contained in the proposal are to be disregarded in determining who is a relevant police and crime commissioner for the purposes of sub-paragraph (2).
- (4) If there is more than one relevant police and crime commissioner in relation to a section 4A proposal, references in this Schedule to the relevant police and crime commissioner are to all of those police and crime commissioners acting jointly.
- (5) In this Schedule “relevant fire and rescue authority”, in relation to a section 4A proposal prepared by a police and crime commissioner, means a fire and rescue authority—
- (a) whose area is the same as, or contains all of, the police area of the police and crime commissioner, or
  - (b) all or part of whose area falls within the police area of the police and crime commissioner.
- (6) In this Schedule “relevant local authority”, in relation to a section 4A proposal, means a local authority—
- (a) whose area is the same as, or contains all of, the area of the fire and rescue authority proposed to be created by the order, or
  - (b) all or part of whose area falls within the area of that fire and rescue authority.
- (7) In sub-paragraph (6) “local authority” means—

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- (a) a county council,
- (b) a district council for an area for which there is no county council,
- (c) the Council of the Isles of Scilly, or
- (d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 which exercises the functions of a fire and rescue authority by virtue of section 105 or 105A of that Act.

*Application of this Schedule to certain orders under section 4H*

- 7 (1) This paragraph makes provision about the application of this Schedule to an order under section 4H which is not combined, or proposed to be combined, with an order under section 4A (a “section 4H order”).
- (2) Subject as follows, this Schedule applies to a section 4H order as it applies to an order under section 4A.
- (3) The following provisions of this Schedule do not apply in relation to a section 4H order—
- (a) paragraph 1(2);
  - (b) paragraph 5(2);
  - (c) paragraph 6.
- (4) In the application of this Schedule to a section 4H order—
- (a) “relevant police and crime commissioner” means the police and crime commissioner for the police area—
    - (i) which corresponds to the area of the fire and rescue authority to which the order relates, or
    - (ii) within which the area of that fire and rescue authority falls;
  - (b) “relevant fire and rescue authority” means that fire and rescue authority, and
  - (c) “relevant local authority” means a local authority (within the meaning of paragraph 6(7))—
    - (i) whose area is the same as, or contains all of, the area of that fire and rescue authority, or
    - (ii) all or part of whose area falls within the area of that fire and rescue authority.

SCHEDULE A1

Section 4M(1)

APPLICATION OF LEGISLATION RELATING TO POLICE AND CRIME COMMISSIONERS

*Introductory*

- 1 (1) This Schedule makes provision about the application of certain enactments relating to police and crime commissioners to a relevant fire and rescue authority.
- (2) In this Schedule—

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“relevant chief constable”, in relation to a relevant fire and rescue authority, means the chief constable of a police force (if any) to whom functions of the authority have been delegated under provision made under section 4H;

“relevant fire and rescue authority” means a fire and rescue authority created by an order under section 4A;

“relevant police and crime panel”, in relation to a relevant fire and rescue authority, means the police and crime panel for the police area—

- (a) which corresponds to the area of the fire and rescue authority, or
- (b) within which the area of the fire and rescue authority falls.

(3) In this Schedule “fire and rescue plan” means a document which—

- (a) is prepared and published by a relevant fire and rescue authority in accordance with the Fire and Rescue National Framework, and
- (b) sets out the authority's priorities and objectives, for the period covered by the document, in connection with the discharge of the authority's functions.

(4) In this Schedule “fire and rescue statement” means a document which—

- (a) is prepared and published by a relevant fire and rescue authority in accordance with the Fire and Rescue National Framework, and
- (b) contains a statement of the way in which the authority has had regard, in the period covered by the document, to the Framework and to any fire and rescue plan prepared by the authority for that period.

#### *Arrangements for obtaining the views of the community*

2 (1) Subsections (1), (1B), (2), (5A) and (5B) of section 96 of the Police Act 1996 (arrangements for obtaining the views of the community on policing) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).

(2) As applied by sub-paragraph (1), those subsections have effect as if—

- (a) the reference in subsection (1) to each police area were to each area of a relevant fire and rescue authority,
- (b) in that subsection, for paragraphs (a) and (b) and the words following those paragraphs there were substituted “ the views of people in that area about fire and rescue services ”,
- (c) in subsections (1B) and (5A) the references to a police area listed in Schedule 1 to that Act were to the area of a relevant fire and rescue authority,
- (d) the reference in subsection (2) to the police area were to the area of the relevant fire and rescue authority, and
- (e) the reference in that subsection to the chief officer of police for that police area were to the relevant chief constable.

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*Scrutiny of fire and rescue plan*

- 3 (1) Subsections (6) to (12) of section 5 of the Police Reform and Social Responsibility Act 2011 (scrutiny of police and crime plans) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) references to a police and crime plan were to a fire and rescue plan,
  - (b) references to the relevant chief constable (within the meaning of that section) were to the relevant chief constable (within the meaning of this Schedule),
  - (c) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
  - (d) in subsection (9), paragraph (b)(ii) and the words following that paragraph were omitted, and
  - (e) in subsection (10)(a) the words from “and to each” to “relevant police area” were omitted.

*Information for public*

- 4 (1) Section 11 of the Police Reform and Social Responsibility Act 2011 (information for public etc) applies in relation to a relevant fire and rescue authority as it applies in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that section has effect as if—
- (a) references to the relevant chief officer of police were to the relevant chief constable, and
  - (b) references to the chief officer's functions were to the relevant chief constable's fire and rescue functions.

*Scrutiny of fire and rescue statement*

- 5 (1) Subsections (2) to (5) of section 12 of the Police Reform and Social Responsibility Act 2011 (annual reports) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) references to an annual report were to a fire and rescue statement, and
  - (b) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule).

*Information for police and crime panels*

- 6 (1) Section 13 of the Police Reform and Social Responsibility Act 2011 (information for police and crime panels) applies in relation to a relevant

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fire and rescue authority as it applies in relation to an elected local policing body, subject to sub-paragraph (2).

- (2) As applied by sub-paragraph (1), that section has effect as if—
- (a) references to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule), and
  - (b) in subsection (2), paragraphs (a) to (c) were omitted.

#### *Duties when carrying out functions*

- 7 (1) Subsections (1), (2) and (4) to (7) of section 17 of the Police Reform and Social Responsibility Act 2011 (duties when carrying out functions) apply in relation to a relevant fire and rescue authority as they apply in relation to an elected local policing body, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) the reference in subsection (1) to policing in an elected local policing body's area were to fire and rescue services in the relevant fire and rescue authority's area,
  - (b) the reference in subsection (2) to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
  - (c) the reference in that subsection to any report or recommendations made by the panel on the annual report for the previous financial year were to any report or recommendations made by the panel with respect to the discharge of the relevant fire and rescue authority's functions, and
  - (d) the reference in subsection (7) to elected local policing bodies were to relevant fire and rescue authorities.

#### *Powers of police and crime panels*

- 8 (1) Subsections (2) to (9) and (11) of section 28 of the Police Reform and Social Responsibility Act 2011 (police and crime panels outside London) apply in relation to a relevant fire and rescue authority as they apply in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those subsections have effect as if—
- (a) references to the police and crime panel or a police and crime panel were to the relevant police and crime panel,
  - (b) the references in subsection (3) to the draft police and crime plan were to the draft fire and rescue plan,
  - (c) the references in subsection (4) to an annual report were to a fire and rescue statement,
  - (d) the references in subsections (5) and (6) to Schedules 1 and 5 were to those Schedules as applied by this Schedule,
  - (e) the references in those subsections to Schedule 8 were omitted, and
  - (f) the second reference in subsection (8) to the police area were to the area of the relevant fire and rescue authority.

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*Power to require attendance and information*

- 9 (1) Section 29 of the Police Reform and Social Responsibility Act 2011 (power to require attendance and information) applies in relation to a relevant fire and rescue authority as it applies in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that section has effect as if—
- (a) references to the police and crime panel or a police and crime panel were to the relevant police and crime panel, and
  - (b) the reference in subsection (6) to the relevant chief constable (within the meaning of that section) were to the relevant chief constable (within the meaning of this Schedule).

*Conduct of fire and rescue authority*

- 10 Section 31 of the Police Reform and Social Responsibility Act 2011 (conduct of police and crime commissioner etc) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner.

*Scrutiny of appointment of chief finance officer*

- 11 (1) Paragraphs 9(1)(b) and (2) and 10 to 12 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 (scrutiny of appointment of chief finance officer) apply in relation to a relevant fire and rescue authority as they apply in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), those paragraphs have effect as if—
- (a) the references in paragraph 9 to the relevant police and crime panel (within the meaning of that Act) were to the relevant police and crime panel (within the meaning of this Schedule),
  - (b) the reference in paragraph 9(1)(b) to the commissioner's chief finance officer were to the relevant fire and rescue authority's chief finance officer within the meaning of section 4D of this Act,
  - (c) the references in paragraphs 10, 11 and 12 to the police and crime panel or a police crime panel were to the relevant police and crime panel, and
  - (d) paragraph 10(9) defined “relevant post-election period” as the period that—
    - (i) begins with the day of the poll at an ordinary election under section 50 of the Police Reform and Social Responsibility Act 2011 of the police and crime commissioner for the relevant police area, and
    - (ii) ends with the day on which the person elected as that police and crime commissioner delivers a declaration of acceptance of office under section 70 of that Act.
- (3) In sub-paragraph (2)(d)(i) “the relevant police area” means the police area—
- (a) which corresponds to the area of the relevant fire and rescue authority, or



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- (b) within which the area of the relevant fire and rescue authority falls.

*Scrutiny of precepts*

- 12 (1) Schedule 5 to the Police Reform and Social Responsibility Act 2011 (issuing precepts) applies in relation to a relevant fire and rescue authority as it applies in relation to a police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that Schedule has effect as if references to the relevant police and crime panel (within the meaning of that Act) or to the police and crime panel were to the relevant police and crime panel (within the meaning of this Schedule).

*Regulations about complaints and conduct matters*

- 13 (1) Schedule 7 to the Police Reform and Social Responsibility Act 2011 (regulations about complaints and conduct matters) applies in relation to a holder of the office of relevant fire and rescue authority as it applies in relation to a holder of the office of police and crime commissioner, subject to sub-paragraph (2).
- (2) As applied by sub-paragraph (1), that Schedule has effect as if references to police and crime panels were to relevant police and crime panels.”

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**Commencement Information**

**11** [Sch. 1 para. 13](#) in force for certain purposes at Royal Assent, see [s. 183](#)

**12** [Sch. 1 para. 13](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)