

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

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

PART 2

AMENDMENTS TO OTHER ACTS

Fire Services Act 1947 (c. 41)

- 14 In section 26 of the Fire Services Act 1947 (firefighters' pension scheme) (as continued in force by order under section 36 of the Fire and Rescue Services Act 2004) after subsection (5) insert—

“(5A) References in this section to employment as a member of a fire brigade or on duties connected with the provision of fire services include employment by the chief constable of the police force for a police area as a result of—

- (a) a transfer to the chief constable under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004, or
- (b) an appointment by the chief constable under section 4I(4) of that Act.

(5B) References in this section to a fire authority include the chief constable of the police force for a police area who employs persons as mentioned in subsection (5A).”

Commencement Information

- I1** Sch. 1 para. 14 in force for certain purposes at Royal Assent, see s. 183
- I2** Sch. 1 para. 14 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Landlord and Tenant Act 1954 (c. 56)

- 15 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation) in the definition of “local authority” for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Commencement Information

- I3** Sch. 1 para. 15 in force for certain purposes at Royal Assent, see s. 183
- I4** Sch. 1 para. 15 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Changes to legislation: *Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Local Government Act 1966 (c. 42)

- 16 In section 11 of the Local Government Act 1966 (grants for certain expenditure due to ethnic minority population) in subsection (2) (bodies to which the section applies) after “This section shall apply to” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.

Commencement Information

- I5** Sch. 1 para. 16 in force for certain purposes at Royal Assent, see s. 183
I6 Sch. 1 para. 16 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Leasehold Reform Act 1967 (c. 88)

- 17 The Leasehold Reform Act 1967 is amended as follows.

Commencement Information

- I7** Sch. 1 para. 17 in force for certain purposes at Royal Assent, see s. 183
I8 Sch. 1 para. 17 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 18 In section 28 (retention or resumption of land required for public purposes) in subsection (5)(a) (application to local authorities) after “any combined authority established under section 103 of that Act,” insert “any fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.

Commencement Information

- I9** Sch. 1 para. 18 in force for certain purposes at Royal Assent, see s. 183
I10 Sch. 1 para. 18 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 19 In Schedule 4A (exclusion of certain shared ownership leases) in paragraph 2(2) (leases granted by certain local authorities: bodies to which the exclusion applies) after paragraph (b) insert—
“(ba) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

- I11** Sch. 1 para. 19 in force for certain purposes at Royal Assent, see s. 183
I12 Sch. 1 para. 19 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government Grants (Social Need) Act 1969 (c. 2)

- 20 In section 1 of the Local Government Grants (Social Need) Act 1969 (grants for special social needs) in subsection (3) (meaning of “local authority”) after “shall also include” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I13 Sch. 1 para. 20 in force for certain purposes at Royal Assent, see s. 183

I14 Sch. 1 para. 20 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

- 21 In section 3(2)(b) of the Employers' Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance: employers to which the exemption applies) after “a combined authority established under section 103 of that Act,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.

Commencement Information

I15 Sch. 1 para. 21 in force for certain purposes at Royal Assent, see s. 183

I16 Sch. 1 para. 21 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Authorities (Goods and Services) Act 1970 (c. 39)

- 22 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) in subsection (4) (interpretation) after “any combined authority established under section 103 of that Act,” insert “any fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.

Commencement Information

I17 Sch. 1 para. 22 in force for certain purposes at Royal Assent, see s. 183

I18 Sch. 1 para. 22 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government Act 1972 (c. 70)

- 23 The Local Government Act 1972 is amended as follows.

Commencement Information

I19 Sch. 1 para. 23 in force for certain purposes at Royal Assent, see s. 183

I20 Sch. 1 para. 23 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 24 In section 120 (acquisition of land by agreement) after subsection (3A) insert—
 “(3B) A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 is to be treated as a principal council for the purposes of this section (apart from subsection (1)(b)).”

Commencement Information

I21 Sch. 1 para. 24 in force for certain purposes at Royal Assent, see s. 183

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

I22 Sch. 1 para. 24 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 25 In section 138C(1) (application of provisions about religious etc observance and involvement with religious etc events) after paragraph (p) insert—
 “(pa) a fire and rescue authority created by an order under section 4A of that Act, but only for the purposes of section 138B;”.

Commencement Information

I23 Sch. 1 para. 25 in force for certain purposes at Royal Assent, see s. 183

I24 Sch. 1 para. 25 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 26 In section 222 (power of local authority to prosecute or defend legal proceedings) in subsection (2) (application to bodies other than local authorities) after “the Common Council” insert “ and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 ”.

Commencement Information

I25 Sch. 1 para. 26 in force for certain purposes at Royal Assent, see s. 183

I26 Sch. 1 para. 26 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 27 In section 223 (appearance of local authorities in legal proceedings) in subsection (2) (application to bodies other than local authorities) after “a combined authority,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I27 Sch. 1 para. 27 in force for certain purposes at Royal Assent, see s. 183

I28 Sch. 1 para. 27 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 28 In section 229 (photographic copies of documents) in subsection (8) (meaning of “local authority”) after “a combined authority,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I29 Sch. 1 para. 28 in force for certain purposes at Royal Assent, see s. 183

I30 Sch. 1 para. 28 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 29 In section 231 (service of notices on local authorities, etc) in subsection (4) (meaning of “local authority”) after “a combined authority,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I31 Sch. 1 para. 29 in force for certain purposes at Royal Assent, see s. 183

I32 Sch. 1 para. 29 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 30 In section 232 (public notices) in subsection (1A) (meaning of “local authority”) after “a combined authority,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I33 Sch. 1 para. 30 in force for certain purposes at Royal Assent, see s. 183

I34 Sch. 1 para. 30 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 31 In section 233 (service of notices by local authorities) in subsection (11) (meaning of “local authority”) after “a combined authority,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I35 Sch. 1 para. 31 in force for certain purposes at Royal Assent, see s. 183

I36 Sch. 1 para. 31 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 32 In section 234 (authentication of documents) in subsection (4) (meaning of “local authority”) after “a combined authority,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I37 Sch. 1 para. 32 in force for certain purposes at Royal Assent, see s. 183

I38 Sch. 1 para. 32 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Employment Agencies Act 1973 (c. 35)

- 33 In section 13(7) of the Employment Agencies Act 1973 (activities to which the Act does not apply) after paragraph (fh) insert—
 “(fi) the exercise by a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 of any of its functions;”.

Commencement Information

I39 Sch. 1 para. 33 in force for certain purposes at Royal Assent, see s. 183

I40 Sch. 1 para. 33 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government Act 1974 (c. 7)

- 34 In section 25(1) of the Local Government Act 1974 (authorities subject to investigation) after paragraph (bg) insert—
 “(bh) a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I41 Sch. 1 para. 34 in force for certain purposes at Royal Assent, see s. 183

Changes to legislation: *Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

I42 [Sch. 1 para. 34](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

Health and Safety at Work etc Act 1974 (c. 37)

35 In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information: meaning of local authority) after “a combined authority established under section 103 of that Act” insert “ , a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 ”.

Commencement Information

I43 [Sch. 1 para. 35](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I44 [Sch. 1 para. 35](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

36 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part 1) in paragraph (a) of the definition of “local authority” after “a combined authority established under section 103 of that Act” insert “ , a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 ”.

Commencement Information

I45 [Sch. 1 para. 36](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I46 [Sch. 1 para. 36](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

Rent (Agriculture) Act 1976 (c. 80)

37 In section 5(3) of the Rent (Agriculture) Act 1976 (tenancies which are not statutory tenancies) after paragraph (bbb) insert—
“(bbc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

I47 [Sch. 1 para. 37](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I48 [Sch. 1 para. 37](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

Rent Act 1977 (c. 42)

38 In section 14(1) of the Rent Act 1977 (tenancies which are not protected tenancies) after paragraph (cc) insert—
“(cd) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

I49 [Sch. 1 para. 38](#) in force for certain purposes at Royal Assent, see [s. 183](#)

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

I50 Sch. 1 para. 38 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Protection from Eviction Act 1977 (c. 43)

- 39 In section 3A(8)(a) of the Protection from Eviction Act 1977 (excluded tenancies and licences: licences to occupy local authority etc hostels) after “the Inner London Education Authority,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I51 Sch. 1 para. 39 in force for certain purposes at Royal Assent, see s. 183

I52 Sch. 1 para. 39 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government, Planning and Land Act 1980 (c. 65)

- 40 The Local Government, Planning and Land Act 1980 is amended as follows.

Commencement Information

I53 Sch. 1 para. 40 in force for certain purposes at Royal Assent, see s. 183

I54 Sch. 1 para. 40 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 41 In section 99 (disposal of land at direction of Secretary of State - supplementary) in subsection (4) (authorities who may make representations about directions) after paragraph (dbb) insert—
 “(dbc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

I55 Sch. 1 para. 41 in force for certain purposes at Royal Assent, see s. 183

I56 Sch. 1 para. 41 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 42 In Schedule 16 (bodies to whom Part 10 applies) after paragraph 5BC insert—
 “5BD A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”

Commencement Information

I57 Sch. 1 para. 42 in force for certain purposes at Royal Assent, see s. 183

I58 Sch. 1 para. 42 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Acquisition of Land Act 1981 (c. 67)

- 43 In section 17(4) of the Acquisition of Land Act 1981 (local authority and statutory undertakers' land: interpretation) in paragraph (a) of the definition of “local authority” after “the Common Council of the City of London,” insert “ a fire and

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I59 Sch. 1 para. 43 in force for certain purposes at Royal Assent, see s. 183

I60 Sch. 1 para. 43 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

44 The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.

Commencement Information

I61 Sch. 1 para. 44 in force for certain purposes at Royal Assent, see s. 183

I62 Sch. 1 para. 44 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

45 In section 33 (enforceability by local authorities of certain covenants relating to land) in subsection (9)(a) (meaning of “principal council”) after “the London Residuary Body,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I63 Sch. 1 para. 45 in force for certain purposes at Royal Assent, see s. 183

I64 Sch. 1 para. 45 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

46 In section 41 (lost and uncollected property) in subsection (13) (interpretation) in the definition of “local authority” after paragraph (ezb) insert—
“(ezc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

I65 Sch. 1 para. 46 in force for certain purposes at Royal Assent, see s. 183

I66 Sch. 1 para. 46 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

47 In section 45 (arrangements under Employment and Training Act 1973) in subsection (2) (local authorities to which section applies) after paragraph (c) (but before the “and” at the end of that paragraph) insert—
“(ca) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

I67 Sch. 1 para. 47 in force for certain purposes at Royal Assent, see s. 183

I68 Sch. 1 para. 47 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

County Courts Act 1984 (c. 28)

- 48 In section 60(3) of the County Courts Act 1984 (right of audience of local authority: interpretation) in the definition of “local authority” after “a combined authority established under section 103 of that Act,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I69 Sch. 1 para. 48 in force for certain purposes at Royal Assent, see s. 183

I70 Sch. 1 para. 48 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Housing Act 1985 (c. 68)

- 49 In section 4(1)(e) of the Housing Act 1985 (other descriptions of authority: local authorities) after “a combined authority” in both places insert “, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 ”.

Commencement Information

I71 Sch. 1 para. 49 in force for certain purposes at Royal Assent, see s. 183

I72 Sch. 1 para. 49 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Landlord and Tenant Act 1985 (c.70)

- 50 In section 38 of the Landlord and Tenant Act 1985 (minor definitions) in the definition of “local authority” after “a combined authority established under section 103 of that Act” insert “, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 ”.

Commencement Information

I73 Sch. 1 para. 50 in force for certain purposes at Royal Assent, see s. 183

I74 Sch. 1 para. 50 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government Act 1986 (c. 10)

- 51 The Local Government Act 1986 is amended as follows.

Commencement Information

I75 Sch. 1 para. 51 in force for certain purposes at Royal Assent, see s. 183

I76 Sch. 1 para. 51 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 52 In section 6(2)(a) (meaning of “local authority” for the purposes of Part 2) after the entry relating to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 insert—

“a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”.

Changes to legislation: *Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I77 [Sch. 1 para. 52](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I78 [Sch. 1 para. 52](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

- 53 In section 9(1)(a) (meaning of “local authority” for the purposes of Part 3) after the entry relating to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 insert—

“a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.

Commencement Information

I79 [Sch. 1 para. 53](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I80 [Sch. 1 para. 53](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

Landlord and Tenant Act 1987 (c.31)

- 54 In section 58(1) of the Landlord and Tenant Act 1987 (exempt landlords) in paragraph (a) (local authorities) after “the Common Council of the City of London,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I81 [Sch. 1 para. 54](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I82 [Sch. 1 para. 54](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

Local Government Act 1988 (c. 9)

- 55 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities) in the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 and other fire and rescue authorities, after “applies” insert “ , a fire and rescue authority created by an order under section 4A of that Act ”.

Commencement Information

I83 [Sch. 1 para. 55](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I84 [Sch. 1 para. 55](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

Housing Act 1988 (c. 50)

- 56 The Housing Act 1988 is amended as follows.

Commencement Information

I85 [Sch. 1 para. 56](#) in force for certain purposes at Royal Assent, see [s. 183](#)

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

186 Sch. 1 para. 56 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

57 In section 74(8) (transfer of land etc to housing action trusts: meaning of “local authority”) after paragraph (fb) insert—

“(fc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

187 Sch. 1 para. 57 in force for certain purposes at Royal Assent, see s. 183

188 Sch. 1 para. 57 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

58 In Part 1 of Schedule 1 (tenancies which cannot be assured tenancies) in paragraph 12(2) (local authority tenancies: meaning of “local authority”) after paragraph (e) insert—

“(ea) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

189 Sch. 1 para. 58 in force for certain purposes at Royal Assent, see s. 183

190 Sch. 1 para. 58 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Road Traffic Act 1988 (c. 52)

59 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from the requirement for third party insurance) after “the Inner London Education Authority,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

191 Sch. 1 para. 59 in force for certain purposes at Royal Assent, see s. 183

192 Sch. 1 para. 59 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government and Housing Act 1989 (c. 42)

60 The Local Government and Housing Act 1989 is amended as follows.

Commencement Information

193 Sch. 1 para. 60 in force for certain purposes at Royal Assent, see s. 183

194 Sch. 1 para. 60 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

61 In section 1(9) (meaning of politically restricted post under a local authority) at the end insert “ , and every member of staff of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004. ”

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I95 Sch. 1 para. 61 in force for certain purposes at Royal Assent, see s. 183

I96 Sch. 1 para. 61 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 62 (1) Section 4 (designation and reports of head of paid service) is amended as follows.
- (2) In subsection (4) after paragraph (a) insert—
- “(aa) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, to the authority and to the police and crime panel for the police area—
- (i) which corresponds to the authority's area, or
- (ii) within which the area of the authority falls;”.
- (3) After subsection (5A) insert—
- “(5B) It shall be the duty of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 to consider any report under this section by the head of the authority's paid service and to do so no later than three months after the authority is sent a copy of the report.”
- (4) In subsection (6)(a) for “and an elected local policing body” substitute “, an elected local policing body and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Commencement Information

I97 Sch. 1 para. 62 in force for certain purposes at Royal Assent, see s. 183

I98 Sch. 1 para. 62 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 63 (1) Section 5 (designation and reports of monitoring officer) is amended as follows.
- (2) In subsection (3) after the second paragraph (a) insert—
- “(aa) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, to the authority and to the police and crime panel for the police area—
- (i) which corresponds to the authority's area, or
- (ii) within which the area of the authority falls;”.
- (3) In subsection (5)(a) after sub-paragraph (i) insert—
- “(ia) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, no later than three months after the authority is sent a copy of the report;”.
- (4) In subsection (8)—
- (a) in the definition of “chief finance officer” after “Schedule 1 to the Police Reform and Social Responsibility Act 2011” insert “, section 4D(4) of the Fire and Rescue Services Act 2004”, and
- (b) in paragraph (a) of the definition of “relevant authority” for “and an elected local policing body” substitute “, an elected local policing body and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I99 Sch. 1 para. 63 in force for certain purposes at Royal Assent, see s. 183

I100 Sch. 1 para. 63 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

64 In section 21 (interpretation of Part 1) after subsection (1) insert—

“(1A) In section 7 references to a local authority include a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.

(1B) In the application of section 1(1) to a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 by virtue of subsection (1A) the reference to being or remaining a member of a local authority is to be read as a reference to becoming or remaining such an authority.”

Commencement Information

I101 Sch. 1 para. 64 in force for certain purposes at Royal Assent, see s. 183

I102 Sch. 1 para. 64 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

65 In section 152(2) (meaning of “relevant authority” for the purposes of sections 150 and 151) after paragraph (f) insert—

“(fa) a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I103 Sch. 1 para. 65 in force for certain purposes at Royal Assent, see s. 183

I104 Sch. 1 para. 65 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

66 In section 155(4) (emergency financial assistance to local authorities: meaning of “local authority”) after paragraph (h) insert—

“(ha) a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I105 Sch. 1 para. 66 in force for certain purposes at Royal Assent, see s. 183

I106 Sch. 1 para. 66 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

67 Until the coming into force of the repeal of section 67 of the Local Government and Housing Act 1989 (application of provisions about companies in which local authorities have interests) by the Local Government and Public Involvement in Health Act 2007, subsection (3) of that section has effect as if after paragraph (h) there were inserted—

“(ha) a fire and rescue authority created by an order under section 4A of that Act;”.

Changes to legislation: *Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I107 Sch. 1 para. 67 in force for certain purposes at Royal Assent, see s. 183

I108 Sch. 1 para. 67 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Town and Country Planning Act 1990 (c. 8)

68 The Town and Country Planning Act 1990 is amended as follows.

Commencement Information

I109 Sch. 1 para. 68 in force for certain purposes at Royal Assent, see s. 183

I110 Sch. 1 para. 68 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

69 In section 252 (procedures for highways orders) in the definition of “local authority” in subsection (12) after “a combined authority established under section 103 of that Act,” insert “ a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, ”.

Commencement Information

I111 Sch. 1 para. 69 in force for certain purposes at Royal Assent, see s. 183

I112 Sch. 1 para. 69 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

70 In Schedule 14 (procedure for footpaths and bridleway orders) in paragraph 1(3) (meaning of “council”) for “or a combined authority established under section 103 of that Act” substitute “ , a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 ”.

Commencement Information

I113 Sch. 1 para. 70 in force for certain purposes at Royal Assent, see s. 183

I114 Sch. 1 para. 70 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government Finance Act 1992 (c. 14)

71 (1) The Local Government Finance Act 1992 is amended as follows.

(2) In section 39(1) (major precepting authorities) after paragraph (da) insert—

“(db) a fire and rescue authority created by an order under section 4A of that Act;”.

(3) In section 65(3) (duty of relevant authority to consult ratepayers: meaning of “relevant authority”) after “apart from a police and crime commissioner” insert “ or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004. ”.

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I115 Sch. 1 para. 71 in force for certain purposes at Royal Assent, see s. 183

I116 Sch. 1 para. 71 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government (Overseas Assistance) Act 1993 (c. 25)

- 72 In section 1 of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance) in subsection (10) (other bodies) after paragraph (a) insert—
- “(aa) a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I117 Sch. 1 para. 72 in force for certain purposes at Royal Assent, see s. 183

I118 Sch. 1 para. 72 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Deregulation and Contracting Out Act 1994 (c. 40)

- 73 The Deregulation and Contracting Out Act 1994 is amended as follows.

Commencement Information

I119 Sch. 1 para. 73 in force for certain purposes at Royal Assent, see s. 183

I120 Sch. 1 para. 73 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 74 In section 70(1ZB) (functions of local authorities: application to certain fire and rescue authorities) after “applies” insert “ or a fire and rescue authority created by an order under section 4A of that Act ”.

Commencement Information

I121 Sch. 1 para. 74 in force for certain purposes at Royal Assent, see s. 183

I122 Sch. 1 para. 74 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 75 In section 79A (local authorities in England) after paragraph (n) insert—
- “(na) a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I123 Sch. 1 para. 75 in force for certain purposes at Royal Assent, see s. 183

I124 Sch. 1 para. 75 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Police Act 1996 (c. 16)

- 76 In section 63 of the Police Act 1996 (Police Advisory Board for England and Wales), at the end insert—

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“(4) Section 4K of the Fire and Rescue Services Act 2004 also imposes a requirement on the Secretary of State to consult the Police Advisory Board for England and Wales.”

Commencement Information

I125 [Sch. 1 para. 76](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I126 [Sch. 1 para. 76](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

Crime and Disorder Act 1998 (c. 37)

77 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I127 [Sch. 1 para. 77](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I128 [Sch. 1 para. 77](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

78 In section 5(5) (authorities responsible for strategies: interpretation) in the definition of “fire and rescue authority” after paragraph (a) insert—

“(aa) a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I129 [Sch. 1 para. 78](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I130 [Sch. 1 para. 78](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

79 In section 17(2) (duty to consider crime and disorder implications: authorities to which duty applies) after the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies insert—

“a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I131 [Sch. 1 para. 79](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I132 [Sch. 1 para. 79](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

80 In section 115(2) (disclosure of information: meaning of relevant authority) after paragraph (i) insert—

“(ia) a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I133 [Sch. 1 para. 80](#) in force for certain purposes at Royal Assent, see [s. 183](#)

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

I134 Sch. 1 para. 80 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Freedom of Information Act 2000 (c. 36)

81 In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: local government) after paragraph 14 insert—

“14A A fire and rescue authority created by an order under section 4A of that Act.”

Commencement Information

I135 Sch. 1 para. 81 in force for certain purposes at Royal Assent, see s. 183

I136 Sch. 1 para. 81 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Police Reform Act 2002 (c. 30)

82 In section 38 of the Police Reform Act 2002 (police powers for civilian staff) after subsection (11) insert—

“(11A) In the case of a police force maintained for a police area in England in accordance with section 2 of the Police Act 1996, the following are also relevant employees for the purposes of this section—

- (a) any member of staff transferred to the chief constable of the police force under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004 (transfer of property, rights and liabilities to chief constable to whom fire functions of a fire and rescue authority may be delegated);
- (b) any member of staff appointed by that chief constable under section 4I(4) of that Act (appointment of staff by chief constable to whom fire functions of a fire and rescue authority may be delegated).”

Commencement Information

I137 Sch. 1 para. 82 in force for certain purposes at Royal Assent, see s. 183

I138 Sch. 1 para. 82 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Government Act 2003 (c. 26)

83 (1) The Local Government Act 2003 is amended as follows.

(2) In section 23(1) (local authorities to which the provisions about capital finance etc and accounts apply) after paragraph (m) insert—

“(ma) a fire and rescue authority created by an order under section 4A of that Act;”.

(3) In section 33(1) (expenditure grant: interpretation) after paragraph (l) insert—

“(la) a fire and rescue authority created by an order under section 4A of that Act;”.

Changes to legislation: *Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) In section 95(7) (power to trade in function-related activities through a company: interpretation) in the definition of “relevant authority” after paragraph (ab) insert—
- “(ac) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.
- (5) In section 97(11) (power to modify enactments in connection with charging or trading: interpretation) in the definition of “relevant authority” after paragraph (aa) insert—
- “(ab) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

I139 [Sch. 1 para. 83](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I140 [Sch. 1 para. 83](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2](#), [Sch. para. 38](#)

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 84 In section 104 of the Local Government and Public Involvement in Health Act 2007 (partner authorities) in subsection (5) (meaning of “fire and rescue authority”) after paragraph (a) insert—
- “(aa) a fire and rescue authority created by an order under section 4A of that Act;”.

Commencement Information

I141 [Sch. 1 para. 84](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I142 [Sch. 1 para. 84](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2](#), [Sch. para. 38](#)

Equality Act 2010 (c. 15)

- 85 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities) after the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies insert—
- “A fire and rescue authority created by an order under section 4A of that Act.”

Commencement Information

I143 [Sch. 1 para. 85](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I144 [Sch. 1 para. 85](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2](#), [Sch. para. 38](#)

Police Reform and Social Responsibility Act 2011 (c. 13)

- 86 The Police Reform and Social Responsibility Act 2011 is amended as follows.

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I145 Sch. 1 para. 86 in force for certain purposes at Royal Assent, see s. 183

I146 Sch. 1 para. 86 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 87 (1) Section 1 (police and crime commissioners) is amended as follows.
- (2) In subsection (3) for “The” substitute “ Unless subsection (3B) applies, the ”.
- (3) After subsection (3) insert—
- “(3A) Subsection (3B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.
- (3B) In that case the name of the police and crime commissioner is “the Police, Fire and Crime Commissioner for” with the addition of the name of the police area.”

Commencement Information

I147 Sch. 1 para. 87 in force for certain purposes at Royal Assent, see s. 183

I148 Sch. 1 para. 87 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 88 In section 5 (police and crime commissioner to issue police and crime plan) after subsection (5) insert—
- “(5A) Subsections (5B) to (5E) apply to a police and crime commissioner for a police area—
- (a) which corresponds to the area of a fire and rescue authority created by an order under section 4A, or
- (b) within which the area of such a fire and rescue authority falls.
- (5B) Subject to subsection (5E), in issuing or varying a police and crime plan, the police and crime commissioner must have regard to—
- (a) the current Fire and Rescue National Framework prepared under section 21 of the Fire and Rescue Services Act 2004, and
- (b) the last document prepared and published by the fire and rescue authority in accordance with that Framework which 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.
- (5C) A police and crime plan which the police and crime commissioner is required to prepare may be prepared jointly by the commissioner and the fire and rescue authority.
- (5D) If the police and crime commissioner and the fire and rescue authority prepare a joint police and crime plan, the plan must also set out the fire and rescue authority's priorities and objectives, for the period of the plan, in connection with the discharge of the authority's functions.
- (5E) Subsection (5B)(b) does not apply to a joint police and crime plan.”

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I149 [Sch. 1 para. 88](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I150 [Sch. 1 para. 88](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

89 In section 28 (police and crime panels outside London) after subsection (1) insert—

“(1A) Subsection (1B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.

(1B) The police and crime panel for the police area is to be known as “the Police, Fire and Crime Panel”.”

Commencement Information

I151 [Sch. 1 para. 89](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I152 [Sch. 1 para. 89](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

90 In section 66 (disqualification from election or holding office as police and crime commissioner: other grounds) after subsection (9) insert—

“(10) Subsection (11) applies to the police and crime commissioner for a police area if, by virtue of an order under section 4A of the Fire and Rescue Services Act 2004, the person who is for the time being the commissioner for that area is also the fire rescue authority for an area which corresponds to or falls within the police area.

(11) A person is disqualified from being elected as, or being, that police and crime commissioner if the person is employed by—

- (a) a fire and rescue authority within section 1(2) or (3) of the Fire and Rescue Services Act 2004,
- (b) a fire and rescue authority constituted by a scheme under section 2 of that Act or a scheme to which section 4 of that Act relates, or
- (c) a fire and rescue authority created by an order under section 4A of that Act.”

Commencement Information

I153 [Sch. 1 para. 90](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I154 [Sch. 1 para. 90](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

91 In Schedule 1 (police and crime commissioners) in paragraph 2 (salary etc) after sub-paragraph (3) insert—

“(4) Where the person who is the police and crime commissioner for a police area is also a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, a determination under this paragraph in relation to that person may, in particular, take account of the fact that the person also exercises functions as that fire and rescue authority.”

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I155 Sch. 1 para. 91 in force for certain purposes at Royal Assent, see s. 183

I156 Sch. 1 para. 91 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 92 (1) Schedule 6 (police and crime panels) is amended as follows.
- (2) In paragraph 4(6) (functions of panels) at the end insert “ or by, or by virtue of, the Fire and Rescue Services Act 2004. ”
- (3) In paragraph 22 (co-opted members of police and crime panels)—
- (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) at the end of that sub-paragraph insert—
 - “(2) Sub-paragraph (3) applies (as well as sub-paragraph (1)) in relation to a police and crime panel for a police area which, under or by virtue of the Fire and Rescue Services Act 2004, exercises functions in relation to a fire and rescue authority.
 - (3) A person may not be a co-opted member of the panel if the person is—
 - (a) a member of staff of the fire and rescue authority, or
 - (b) if an order under section 4H of that Act is in force in relation to that authority, a member of staff of the chief constable of the police force for the police area who has been—
 - (i) transferred to the chief constable under a scheme made under subsection 4I(1) of that Act, or
 - (ii) appointed by the chief constable under section 4I(4) of that Act.”
- (4) In paragraph 27 (exercise of special functions) after sub-paragraph (2) insert—
- “(3) The references in sub-paragraph (2) to section 28(3) and (4) and Schedule 5 include those provisions as applied in relation to a fire and rescue authority by virtue of Schedule A2 to the Fire and Rescue Services Act 2004.”
- (5) After paragraph 32 insert—
- “Duty to produce panel with fire and rescue expertise*
- 32A(1) Sub-paragraph (2) applies in relation to a police and crime panel for a police area if—
- (a) a fire and rescue authority is created by an order under section 4A of the Fire and Rescue Services Act 2004, and
 - (b) the area of the fire and rescue authority is the same as, or falls within, the police area.
- (2) Each person listed in sub-paragraph (3)—
- (a) must consider whether the person could exercise a function conferred on the person by or by virtue of this Schedule to enable the fire and rescue expertise objective to be met or to contribute to that objective being met, and

Changes to legislation: *Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) if the person considers that the person could exercise such a function to that end, must do so.
- (3) Those persons are—
 - (a) the panel,
 - (b) a relevant local authority, and
 - (c) the Secretary of State.
- (4) The “fire and rescue expertise objective” referred to in this paragraph is the objective that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority.”

Modifications etc. (not altering text)

C1 Sch. 1 para. 92 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. 23**

Commencement Information

I157 Sch. 1 para. 92 in force for certain purposes at Royal Assent, see s. 183

I158 Sch. 1 para. 92 in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399](#), reg. 2, **Sch. para. 38**

- 93 In Schedule 8 (appointment, suspension and removal of senior police officers) in paragraph 2 (no appointment until end of confirmation process)—
- (a) in sub-paragraph (1A) for “A person” substitute insert “ Subject to sub-paragraph (1AA), a person ”, and
 - (b) after sub-paragraph (1A) insert—

“(1AA) Where, under an order under section 4H of the Fire and Rescue Services Act 2004, functions of a fire and rescue authority are delegated to the chief constable of the police force for a police area, a person is eligible for appointment as that chief constable if the person—

 - (a) has experience at a senior level in the provision of services provided under the Fire and Rescue Services Act 2004, and
 - (b) has undertaken training in relation to policing matters of a kind that is specified by the College of Policing for the purposes of this paragraph.”

Commencement Information

I159 Sch. 1 para. 93 in force for certain purposes at Royal Assent, see s. 183

I160 Sch. 1 para. 93 in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399](#), reg. 2, **Sch. para. 38**

Localism Act 2011 (c. 20)

- 94 (1) The Localism Act 2011 is amended as follows.
- (2) In section 41(3) (power of fire and rescue authority to appoint officers and employees to be subject to pay policy statement) after “43(1)(i)” insert “ or (j) ”.

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) In section 43(1) (meaning of “relevant authority” for purposes of provisions on pay accountability)—
- (a) omit the “or” at the end of paragraph (h), and
 - (b) at the end of paragraph (i) insert “, or
 - (j) in relation only to sections 38, 40 and 41 and this section, a fire and rescue authority created by an order under section 4A of that Act.”

Commencement Information

I161 Sch. 1 para. 94 in force for certain purposes at Royal Assent, see s. 183

I162 Sch. 1 para. 94 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Public Service Pensions Act 2013 (c. 25)

- 95 In Schedule 1 to the Public Service Pensions Act 2013 (persons in public service: definitions) in paragraph 6 (fire and rescue workers) for the “or” at end of paragraph (a) substitute—
- “(aa) the chief constable of the police force for a police area having been—
- (i) transferred to the chief constable under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004, or
 - (ii) appointed by the chief constable under section 4I(4) of that Act, or”.

Commencement Information

I163 Sch. 1 para. 95 in force for certain purposes at Royal Assent, see s. 183

I164 Sch. 1 para. 95 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Energy Act 2013 (c. 32)

- 96 In Part 3 of Schedule 9 to the Energy Act 2013 (protected information: permitted disclosures and restrictions on use) in paragraph 14(3) (local authorities and water authorities: interpretation) in the definition of “local authority” after paragraph (d) insert—
- “(da) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Commencement Information

I165 Sch. 1 para. 96 in force for certain purposes at Royal Assent, see s. 183

I166 Sch. 1 para. 96 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Local Audit and Accountability Act 2014 (c. 2)

- 97 (1) The Local Audit and Accountability Act 2014 is amended as follows.

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) In Schedule 2 (relevant authorities) after paragraph 22 insert—
- “22A A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- (3) In Schedule 7 (reports and recommendations by local auditor) in paragraph 5(7) (duty of certain authorities to consider report or recommendation) for “or the Mayor's Office for Policing and Crime” substitute “, the Mayor's Office for Policing and Crime or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 ”.

Commencement Information

I167 Sch. 1 para. 97 in force for certain purposes at Royal Assent, see s. 183

I168 Sch. 1 para. 97 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

Changes to legislation:

Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

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](#)