

SCHEDULE

Article 14

Modification of enactments in their application to the GMCA as a fire and rescue authority

PART 1

Primary Legislation

Local Government Act 1972

1. In section 138(5) of the Local Government Act 1972 (powers of principal councils with respect to emergencies or disasters)(1), the reference to “metropolitan county fire and rescue authority” is to apply as if it included “the GMCA as a fire and rescue authority”.

Greater Manchester Act 1981

2. In the Greater Manchester Act 1981(2), references to “the fire authority” are to apply as if they were references to “the GMCA as a fire and rescue authority”.

Local Government and Housing Act 1989

3.—(1) The Local Government and Housing Act 1989(3) is modified as follows.

(2) In section 67 (application of provisions about companies in which local authorities have interests), subsection (3)(k) applies as if the reference to “joint authority established by Part IV of that Act” included a reference to “the GMCA as a fire and rescue authority”.

(3) In section 155 (emergency financial assistance to local authorities) subsection (4)(g) applies as if the reference to a “joint authority established by Part IV of the Local Government Act 1985” included a reference to “the GMCA as a fire and rescue authority”.

Crime and Disorder Act 1998

4.—(1) The Crime and Disorder Act 1998(4) is modified as follows.

(2) In the definition of “fire and rescue authority” in section 5(5) (authorities responsible for strategies), the reference in paragraph (b) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the GMCA as a fire and rescue authority”.

(3) In the definition of “relevant authority” in section 115(2), the reference in paragraph (j) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the GMCA as a fire and rescue authority”.

(1) 1972 c.70. Subsection (5) was inserted by section 156(3) of the Local Government and Housing Act 1989 (c. 42) and the words “metropolitan county fire and rescue authority” were substituted by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004. Other amendments have been made to section 138 which are not relevant to this Order.

(2) 1981 c.ix.

(3) 1989 c.42. Section 67 has been repealed by sections 216(1) and 241 of, and Part 16 of Schedule 18 to, the Local Government and Public Involvement in Health Act 2007. The repeal has not yet been brought into force. Section 155(4)(g) has been amended by the substitution of the words “an Integrated Transport Authority” by section 77(5) of, and Part 4 of Schedule 4 to, the Local Transport Act 2008. There are other amendments to section 155 which are not relevant to this Order.

(4) 1998 c.37. In section 5(5) the definition of “fire and rescue authority” was substituted by section 53(1) of, and paragraph 89(1), (2)(b) of, Schedule 1 to, the Fire and Rescue Services Act 2004. In paragraph (b) of subsection (5) the words “metropolitan county fire and rescue authority” were substituted by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004. There are other amendments to section 5 which are not relevant to this Order. Paragraph (j) of section 115(2) was inserted by section 22 of, and paragraphs 1 and 7(1), (2) of Schedule 9 to, the Police and Criminal Justice Act 2006 c. 48. Other amendments have been made to section 115 which are not relevant to this Order.

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Local Government Act 2003

5. Section 23(1) of the Local Government Act 2003 (meaning of “local authority” for purposes of Part 1)(5) the reference in paragraph (k) to “a joint authority established by Part IV of that Act” is to apply as if it included a reference to “the GMCA as a fire and rescue authority.”

Fire and Rescue Services Act 2004

6.—(1) The FRS Act 2004(6) is modified as follows.

(2) Section 4A (power to provide for police and crime commissioner to be fire and rescue authority) has effect as if at the end of subsection (3)(b) there were inserted—

“, and

(c) outside the Area.”;

(3) Section 4B(1)(changes to existing fire and rescue authorities) has effect as if the reference to fire and rescue authorities in England outside Greater London did not include the GMCA.

PART 2

Secondary legislation

7. In paragraph (a) of the definition of “local authority” in regulation 2(1) of the Pipelines Safety Regulations 1996 (interpretation)(7) the reference to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the GMCA as a fire and rescue authority”.

8. In article 1(2) of the Local Government (Best Value Authorities)(Power to Trade)(England) Order 2009 (application of order to best value authorities) (8) the reference in paragraph (c) to a “metropolitan county fire and rescue authority” is to apply as if it included a reference to “the GMCA as a fire and rescue authority”.

9. In regulation 3 of the Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012 (relevant authorities)(9) the reference in paragraph (a) to a “metropolitan county fire and rescue authority established under section 26 of the Local Government Act 1985” is to apply as if it included a reference to “the GMCA as a fire and rescue authority”.

10.—(1) The Local Government Pension Scheme Regulations 2013(10) are modified as follows.

(2) After regulation 64(8), insert—

“(8A) Paragraph (8B) applies where the exiting employer is the GMFRA and the liabilities of the fund in respect of benefits due to the GMFRA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the GMCA by virtue of this Order.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

(5) 2003 c. 26. In section 23(1)(k), the words “(fire and rescue services and transport)” were substituted by section 32 of, and paragraph 10 of Schedule 2 to, the Civil Contingencies Act 2004.

(6) 2004 c. 21. Sections 4A and 4B were inserted by paragraph 5 of Part 1 of Schedule 1 to the Policing and Crime Act 2017.

(7) S.I. 1996/825, the words “metropolitan county fire and rescue authority” were substituted by virtue of paragraph 10(1), (2) of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c.36).

(8) S.I. 2009/2393.

(9) S.I. 2012/1647.

(10) S.I. 2013/2356; regulation 64(1) is substituted by regulation 22 of S.I. 2015/755.

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11. In regulation 2(1) of the Explosives Regulations 2014 (interpretation)(**11**) in the definition of “local authority”, the reference in paragraph (c) to “a metropolitan county fire and rescue authority” is to apply as if it included a reference to “the GMCA as a fire and rescue authority”.

12. In regulation 2(1) of the Control of Major Accident Hazards Regulations 2015(**12**) in paragraph (b) of the definition of “local authority”, sub-paragraph (ii) is to apply as if there were substituted for that sub-paragraph—

“(ii) the Area, the GMCA as a fire and rescue authority;”.

(11) S.I. 2014/1638; to which there are amendments not relevant to this Order.

(12) S.I. 2015/483; to which there are amendments not relevant to this Order.