

## SCHEDULE

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”.

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(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 Section 67 has been repealed by sections 216(1) and 241 of, and Part 16 of Schedule 18 to, the Local Government and Public Involvement in Health Act 2007.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.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Local Government Act 2003**

5. Section 23(1) of the Local Government Act 2003 (meaning of “local authority” for purposes of Part 1)<sup>(5)</sup> 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<sup>(6)</sup> 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.

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(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.