

## SCHEDULE

Regulation 6

### Amendments to Part 8 of the Local Government Finance Act 1988

#### General

1. Part 8 (financial administration) of the Local Government Finance Act 1988<sup>(1)</sup> is amended as follows.

#### Amendments to section 111

2.—(1) Section 111 (interpretation)<sup>(2)</sup> is amended as follows.

(2) In subsection (2) after paragraph (m) insert—

“(n) a section 4A fire and rescue authority.”.

(3) In subsection (3) after “the Greater London Authority Act 1999” insert “and the 2004 Act is the Fire and Rescue Services Act 2004<sup>(3)</sup>”.

(4) After subsection (3B) insert—

“(3C) In this Part—

“section 4A fire and rescue authority” means a fire and rescue authority created by an order under section 4A of the 2004 Act;

“fire and rescue functions”, in relation to a chief officer of police, means—

- (a) functions which are delegated to the chief officer under provision made under section 4H of the 2004 Act; and
- (b) functions relating to fire and rescue services which are conferred on the chief officer by or by virtue of any enactment;

“policing functions”, in relation to a person who is a chief officer of police, means functions of that person relating to the police force of which that person is the chief officer;

“relevant police and crime commissioner”, in relation to a section 4A fire and rescue authority, means the police and crime commissioner 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;

“relevant police and crime panel”, in relation to a section 4A 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;

“relevant section 4A fire and rescue authority”, in relation to a chief officer of police, means a section 4A fire and rescue authority some of whose functions have been delegated to the chief officer under provision made under section 4H of the 2004 Act.”.

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(1) 1988 c. 41.

(2) Section 111 was amended by paragraph 68(1) and (3) of Schedule 1 to the Fire and Rescue Services Act 2004 and paragraph 10(1) and (2) of Schedule 2 to the Civil Contingencies Act 2004 (c. 36). There are other amendments but none is relevant.

(3) 2004 c. 21.

*Status: This is the original version (as it was originally made).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

#### **Amendments to section 114**

- 3.—(1) Section 114 (functions of responsible officer as regards reports)(4) is amended as follows.
- (2) In subsection (1) after “the 1999 Act,” insert “section 4D or 4I of the 2004 Act”.
- (3) After subsection (2) insert—
- “(2ZA) In the case of a section 4A fire and rescue authority the reference to a person holding any office or employment under the authority includes a member of staff of the relevant police and crime commissioner who is exercising functions of that authority by virtue of an order under section 4A of the 2004 Act.”.
- (4) In subsection (4)(b)—
- (a) in sub-paragraph (iii) after “a chief officer of police” insert “in relation to a report about the exercise of policing functions of the chief officer”; and
- (b) after sub-paragraph (iii) (but before the “and” at the end of that sub-paragraph) insert—
- “(iiia) a chief officer of police in relation to a report about the exercise of fire and rescue functions of the chief officer, the chief officer and the relevant section 4A fire and rescue authority;
- (iiib) a chief officer of police in relation to a report about the exercise of policing and fire and rescue functions of the chief officer, the chief officer, the elected local policing body and the relevant section 4A fire and rescue authority;
- (iiic) a section 4A fire and rescue authority, the relevant police and crime commissioner and each member of the relevant police and crime panel;”.

#### **Amendments to section 115**

- 4.—(1) Section 115 (authority’s duties as regards reports)(5) is amended as follows.
- (2) After subsection (1B) insert—
- “(1BA) In the case of a report made by the chief finance officer of a section 4A fire and rescue authority, that authority must consider the report and decide whether the authority agrees or disagrees with the views contained in the report and what action (if any) the authority proposes to take in consequence of it.”.
- (3) In subsection (1E)—
- (a) for “or the chief officer of police, has” substitute “the section 4A fire and rescue authority or the chief officer of police has”; and
- (b) after “that body” in each place those words appear insert “, authority”.
- (4) After subsection (1F) insert—
- “(1FA) As soon as practicable after the section 4A fire and rescue authority has prepared a report under subsection (1E), the authority must arrange for a copy of the report to be sent to—
- (a) the chief finance officer;
- (b) the person who at the time the report is made has the duty to audit the authority’s accounts; and
- (c) each member of the relevant police and crime panel.”.

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(4) Section 114 was amended by paragraphs 180 and 188(1), (2) and (5) of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments but none is relevant.

(5) Section 115 was amended by paragraphs 180 and 189(1), (2) and (3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011. There are other amendments but none is relevant.

(5) In subsection (1G) after “subsection (1E)” insert “in relation to the exercise of policing functions of the chief officer”.

(6) After subsection (1G) insert—

“(1H) As soon as practicable after the chief officer of police has prepared a report under subsection (1E) in relation to the exercise of fire and rescue functions of the chief officer, the chief officer of police must arrange for a copy of the report to be sent to—

- (a) the chief finance officer;
- (b) the person who at the time the report is made has the duty to audit the chief officer’s accounts; and
- (c) the relevant section 4A fire and rescue authority.

(1I) As soon as practicable after the chief officer of police has prepared a report under subsection (1E) in relation to the exercise of policing and fire and rescue functions of the chief officer, the chief officer of police must arrange for a copy of the report to be sent to—

- (a) the chief finance officer;
- (b) the person who at the time the report is made has the duty to audit the chief officer’s accounts;
- (c) the elected local policing body which maintains the police force in which the chief officer serves; and
- (d) the relevant fire and rescue authority.”.

(7) In subsection (2) after “elected local policing body” insert “, a section 4A fire and rescue authority”.

### **Amendments to section 116**

**5.** In section 116 (information about consideration of reports etc)(6) after subsection (2B) insert—

“(2BA) In the case of a section 4A fire and rescue authority, the chief finance officer of that authority must notify the authority’s auditor of any decisions taken by the authority in accordance with section 115.”.

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(6) Section 116 was amended by paragraphs 180 and 190(1) and (3) of the Police Reform and Social Responsibility Act 2011. There are other amendments but none is relevant.