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Changes to legislation: Greater London Authority Act 1999, SCHEDULE 28 is up to date with all changes known to be in force on or before 22 September 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)

SCHEDULES

SCHEDULE 28

Section 328.

THE LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

Membership

- 1 (1) The Fire etc Authority shall consist of seventeen members, of whom—
 - (a) nine (“the Assembly representatives”) shall be Assembly members appointed by the Mayor; and
 - (b) the remainder (“the borough representatives”) shall be members of London borough councils appointed by the Mayor on the nomination of the London borough councils acting jointly.
- (2) The Mayor shall exercise his power to appoint members under sub-paragraph (1)(a) above so as to ensure that, so far as practicable, the members for whose appointment he is responsible reflect the balance of parties for the time being prevailing among the members of the Assembly.
- (3) The London borough councils shall exercise their power to nominate members under sub-paragraph (1)(b) above so as to ensure that, so far as practicable, the members for whose nomination they are responsible reflect the balance of parties for the time being prevailing among the members of those councils taken as a whole.
- (4) It shall be the duty of the London borough councils to nominate the first members under sub-paragraph (1)(b) above in sufficient time before the reconstitution day so that the appointment of those members takes effect on that day.
- (5) The Secretary of State may by order vary any of the numbers for the time being specified in sub-paragraph (1) above, but the number of the Assembly representatives must exceed by one the number of the borough representatives.
- (6) Before making an order under sub-paragraph (5) above, the Secretary of State shall consult—
 - (a) the Mayor;
 - (b) the Assembly;
 - (c) the Fire etc Authority; and
 - (d) every London borough council.

Commencement Information

- II** Sch. 28 para. 1 wholly in force at 3.7.2000; Sch. 28 para. 1 partly in force at Royal Assent see s.425(2); Sch. 28 para. 1 in force for certain purposes at 1.5.2000 by S.I. 2000/1094, **art. 3(b)**; Sch. 28 para. 1 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1094, **art. 4(g)**

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Tenure of office

- 2
- (1) A member of the Fire etc Authority shall hold office for the period of one year or such shorter period as the Mayor may decide.
 - (2) The Mayor may renew the appointment of a member, except that he may not renew the appointment of a borough representative if, not less than one month before the end of the borough representative's term of office, the London borough councils have notified the Mayor of their nomination in accordance with paragraph 1 above of another person to succeed that borough representative.
 - (3) The Mayor may at any time, by giving notice to a member of the Fire etc Authority, terminate the member's appointment, if he is satisfied that the member is unable or unfit for any reason to discharge his functions as a member.
 - (4) A member may at any time resign his office by notice delivered to the proper officer of the Fire etc Authority, and the resignation shall take effect upon receipt of the notice by that officer.
 - (5) A person who ceases to be a member of the Fire etc Authority shall be eligible for re-appointment.

Commencement Information

- I2** Sch. 28 para. 2 wholly in force at 3.7.2000; Sch. 28 para. 2 not in force at Royal Assent see s. 425(2); Sch. 28 para. 2 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 2 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

Chairman and vice-chairman

- 3
- (1) The Mayor shall in each year appoint a chairman from among the members of the Fire etc Authority.
 - (2) On a casual vacancy occurring in that office, the Mayor shall as soon as reasonably practicable appoint one of the members of the Fire etc Authority to fill the vacancy.
 - (3) The Fire etc Authority shall in each year appoint a vice-chairman from among its members.
 - (4) The appointment under sub-paragraph (3) above shall be the first business transacted at the annual meeting of the Fire etc Authority.
 - (5) The Fire etc Authority may pay to the chairman and vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the Fire etc Authority thinks reasonable.
 - (6) If the chairman or vice-chairman ceases to be a member of the Fire etc Authority he shall also cease to be chairman or vice-chairman.

Commencement Information

- I3** Sch. 28 para. 3 wholly in force at 3.7.2000; Sch. 28 para. 3 not in force at Royal Assent see s. 425(2); Sch. 28 para. 3 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 3 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

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Allowances not to be paid to members who are also Assembly members

- 4 (1) The allowances specified in sub-paragraph (2) below shall not be paid to members of the Fire etc Authority who are also members of the Assembly.
- (2) The allowances are—
- (a) allowances under section 175 of the ^{M1}Local Government Act 1972 (allowances for attending conferences and meetings) other than an allowance for travelling and subsistence; and
 - (b) allowances under section 18 of the ^{M2}Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances).

Commencement Information

- I4** Sch. 28 para. 4 wholly in force at 3.7.2000; Sch. 28 para. 4 not in force at Royal Assent see s. 425(2); Sch. 28 para. 4 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 4 in force (3.7.2000) in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

Marginal Citations

- M1** 1972 c. 70.
M2 1989 c. 42.

Disqualification

- 5 (1) A person shall be disqualified from being appointed or being a member of the Fire etc Authority if he holds any paid office or employment (other than the office of vice-chairman of the Fire etc Authority) appointments to which may be made or confirmed—
- (a) by the Fire etc Authority or any committee or sub-committee of the Fire etc Authority; or
 - (b) by a joint committee on which the Fire etc Authority is represented; or
 - (c) by any person holding any such office or employment.
- (2) An employee of the Fire etc Authority who is employed under the direction of a joint committee—
- (a) on which the Fire etc Authority is represented, and
 - (b) any member of which is appointed on the nomination of a joint authority or a local authority,
- shall be disqualified from being appointed or being a member of that other joint authority or from being elected or being a member of that local authority, as the case may be.
- (3) In sub-paragraph (2) above, “local authority” includes the Authority and, in relation to the Authority, “member” means Mayor or Assembly member.

Commencement Information

- I5** Sch. 28 para. 5 wholly in force at 3.7.2000; Sch. 28 para. 5 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 5 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 5 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

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Failure to attend meetings

- 6 Section 6 of this Act shall apply in relation to the Fire etc Authority as it applies in relation to the Assembly.

Commencement Information

- I6** Sch. 28 para. 6 wholly in force at 3.7.2000; Sch. 28 para. 6 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 6 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094](#), **art. 3(b)**; Sch. 28 para. 6 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094](#), **art. 4(g)**

Loss of a member's qualifying office

- 7 (1) Where—
- (a) an Assembly representative ceases to be an Assembly member, or
 - (b) a borough representative ceases to be a member of a London borough council,
- his appointment as a member of the Fire etc Authority shall also cease.
- (2) Where a person ceases to be a member of the Fire etc Authority by virtue of subparagraph (1) above, the Assembly or, as the case may be, the London borough council concerned shall as soon as practicable give notice of that fact to the Fire etc Authority.
- (3) For the purposes of the preceding provisions of this paragraph, a person shall not be regarded—
- (a) as ceasing to be an Assembly member where the cessation occurs by virtue only of the expiration of his term of office as an Assembly member, or
 - (b) as ceasing to be a member of a London borough council where he retires by virtue of paragraph 6(3) of Schedule 2 to the ^{M3}Local Government Act 1972 (retirement of London borough councillors),
- if he is re-elected as such a member not later than the day of the cessation or retirement.

Commencement Information

- I7** Sch. 28 para. 7 wholly in force at 3.7.2000; Sch. 28 para. 7 not in force at Royal Assent see s. 425(2); Sch. 28 para. 7 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094](#), **art. 3(b)**; Sch. 28 para. 7 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094](#), **art. 4(g)**

Marginal Citations

- M3** 1972 c. 70.

Filling of vacancies

- 8 (1) Where an Assembly representative ceases to be a member of the Fire etc Authority, the Mayor shall, as soon as reasonably practicable after the occurrence of the vacancy, exercise his power under paragraph 1(1)(a) above to fill the vacancy.
- (2) Where a borough representative ceases to be a member of the Fire etc Authority, the London borough councils shall, not later than one month after the occurrence of

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the vacancy, exercise their power under paragraph 1(1)(b) above to nominate to the Mayor another member of a London borough council to fill the vacancy.

- (3) Section 243(1) of the ^{M4}Local Government Act 1972 (which provides for things falling to be done on Sundays, public holidays etc to be done on the first subsequent working day) shall apply to sub-paragraph (2) above.

Commencement Information

I8 Sch. 28 para. 8 wholly in force at 3.7.2000; Sch. 28 para. 8 not in force at Royal Assent see s. 425(2); Sch. 28 para. 8 in force for certain purposes at 1.5.2000 by S.I. 2000/1094, art. 3(b); Sch. 28 para. 8 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1094, art. 4(g)

Marginal Citations

M4 1972 c. 70.

Term of office of person appointed to fill a vacancy

- 9 Where—
- (a) a person ceases to be a member of the Fire etc Authority otherwise than by virtue of the expiration of his term of office, and
 - (b) another person is appointed in his place,
- the term of office of the person so appointed shall be the unexpired residue of the term of office for which the person ceasing to be a member was appointed.

Commencement Information

I9 Sch. 28 para. 9 wholly in force at 3.7.2000; Sch. 28 para. 9 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 9 in force for certain purposes at 1.5.2000 by S.I. 2000/1094, art. 3(b); Sch. 28 para. 9 in force at 3.7.2000 in so far as not already in force by S.I. 2000/1094, art. 4(g)

Meetings and proceedings

- 10 (1) Paragraph 1 of Schedule 12 to the ^{M5}Local Government Act 1972 (annual meeting of principal council) shall apply in relation to the Fire etc Authority as it applies in relation to a principal council, except that the annual meeting shall be held on such day between 1st March and 30th June (both inclusive) as the Fire etc Authority may fix.
- (2) Paragraphs 2 to 5 of that Schedule shall apply in relation to the Fire etc Authority as they apply in relation to a principal council, except that the number of persons mentioned in paragraph 3(2) shall be three.
- (3) No business shall be transacted at a meeting of the Fire etc Authority unless at least five members are present, of whom—
- (a) at least one is an Assembly representative; and
 - (b) at least one is a borough representative.
- (4) Part VI of that Schedule (provisions relating to local authorities generally) shall apply in relation to the Fire etc Authority as it applies in relation to a joint authority established by Part IV of the ^{M6}Local Government Act 1985.

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Commencement Information

I10 Sch. 28 para. 10 wholly in force at 3.7.2000; Sch. 28 para. 10 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 10 in force for certain purposes (1.5.2000) by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 10 in force (3.7.2000) in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

Marginal Citations

M5 1972 c. 70.

M6 1985 c. 51.

The first meeting of the reconstituted Fire etc Authority

- 11 (1) The first meeting of the Fire etc Authority after the reconstitution day shall be held as soon as reasonably practicable after that day.
- (2) The meeting shall be convened, and held at a place appointed by, the chief officer of the London Fire Brigade.

Commencement Information

I11 Sch. 28 para. 11 wholly in force at 3.7.2000; Sch. 28 para. 11 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 11 in force for certain purposes (1.5.2000) by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 11 in force (3.7.2000) in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

Validity of acts done by unqualified persons

- 12 The acts and proceedings of any person appointed to an office under this Schedule and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Commencement Information

I12 Sch. 28 para. 12 wholly in force at 3.7.2000; Sch. 28 para. 12 not in force at Royal Assent, see s. 425(2); Sch. 28 para. 12 in force for certain purposes (1.5.2000) by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 12 in force (3.7.2000) in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

Application of this Schedule in relation to the Common Council

- 13 The Common Council of the City of London shall be treated for the purposes of this Schedule as if it were a London borough council.

Commencement Information

I13 Sch. 28 para. 13 wholly in force at 3.7.2000; Sch. 28 para. 13 not in force at Royal Assent see s. 425(2); Sch. 28 para. 13 in force for certain purposes at 1.5.2000 by [S.I. 2000/1094, art. 3\(b\)](#); Sch. 28 para. 13 in force at 3.7.2000 in so far as not already in force by [S.I. 2000/1094, art. 4\(g\)](#)

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