



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 7

#### GENERAL

#### **55 Pre-commencement consultation**

- (1) Subsection (2) applies if—
- (a) consultation is required to take place under a provision of this Act, and
  - (b) before the provision comes into force, consultation takes place which would have satisfied the requirements of the provision to any extent if it had been in force.
- (2) Those requirements must be taken to have been satisfied to that extent.

#### **56 Inquiries: supplementary**

Subsections (2) to (5) of section 250 of the Local Government Act 1972 (c. 70) (powers in relation to local inquiries) apply in relation to an inquiry under a provision of this Act as they apply in relation to an inquiry under that section.

#### **57 Meaning of “local authority”**

In this Act “local authority” means any of these—

- (a) a district council;
- (b) a county council;
- (c) a county borough council;
- (d) a London borough council;
- (e) the Greater London Authority;
- (f) the Common Council of the City of London;
- (g) the Council of the Isles of Scilly.

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*Status: Point in time view as at 01/04/2013.*

*Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Part 7. (See end of Document for details)*

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## 58 Meaning of “emergency”

In this Act “emergency” means an event or situation that causes or is likely to cause—

- (a) one or more individuals to die, be seriously injured or become seriously ill, or
- (b) serious harm to the environment (including the life and health of plants and animals).

## 59 Financial provision

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State in consequence of this Act;
- (b) any increase attributable to this Act in the sums payable out of money provided by Parliament under another enactment.

## 60 Orders and regulations

(1) References in this section to subordinate legislation are to an order or regulations made [<sup>F1</sup>under this Act by the Secretary of State or the Welsh Ministers].

(2) Subordinate legislation—

- (a) may make different provision for different purposes (including different provision for different areas, different authorities and different descriptions of authorities);
- (b) may include incidental, supplemental, consequential, saving or transitional provision.

(3) A power to make subordinate legislation is exercisable by statutory instrument.

(4) A statutory instrument containing (alone or with other provisions) [<sup>F2</sup>—

- (a) an order made by the Secretary of State under section 5C(3), other than one that is made only for the purpose mentioned in section 5C(7)(b),
- (b) an order made by the Secretary of State under section 5C(4), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose,
- (c) an order made by the Secretary of State under section 5C(2) that—
  - (i) amends any Act or provision of an Act, and
  - (ii) is not made in accordance with sections 15 to 19 of the Legislative and Regulatory Reform Act 2006 as applied by section 5E(3), or
- (d) subordinate legislation made by the Secretary of State, other than an order under section 5C, that amends or repeals any Act or provision of an Act,

may] not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(5) A statutory instrument containing any other subordinate [<sup>F3</sup>legislation made by the Secretary of State, apart from—

- (a) an order under section 5C(1),
- (b) an order under section 5C(2) that is made in accordance with sections 15 to 19 of the Legislative and Regulatory Reform Act 2006 as applied by section 5E(3), or
- (c) an order under section 30 or 61,

is] subject to annulment in pursuance of a resolution of either House of Parliament.

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- [<sup>F4</sup>(6) A statutory instrument containing (alone or with other provisions)—
- (a) an order made by the Welsh Ministers under section 5C(3), other than one that it is made only for the purpose mentioned in section 5C(7)(b),
  - (b) an order made by the Welsh Ministers under section 5C(4), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose,
  - (c) an order made by the Welsh Ministers under section 5C(2) that—
    - (i) amends any Act or provision of an Act or amends any Act, or Measure, of the National Assembly for Wales or provision of such an Act or Measure, and
    - (ii) is not made in accordance with sections 5G to 5L, or
  - (d) subordinate legislation made by the Welsh Ministers, other than an order under section 5C, that amends any Act or provision of an Act,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (7) A statutory instrument containing any other subordinate legislation made by the Welsh Ministers, apart from—
- (a) an order under section 5C(1),
  - (b) an order under section 5C(2) that is made in accordance with sections 5G to 5L, or
  - (c) an order under section 30 or 61,
- is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

#### Textual Amendments

- F1** Words in s. 60(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), ss. 9\(3\), 240\(4\)\(c\); S.I. 2012/887, art. 2\(c\)](#)
- F2** S. 60(4)(a)-(d) substituted (18.2.2012) by [Localism Act 2011 \(c. 20\), ss. 9\(4\), 240\(2\); S.I. 2012/411, art. 2\(c\)](#)
- F3** Words in s. 60(5) substituted (18.2.2012) by [Localism Act 2011 \(c. 20\), ss. 9\(5\), 240\(2\); S.I. 2012/411, art. 2\(c\)](#)
- F4** S. 60(6)(7) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), ss. 9\(6\), 240\(4\)\(c\); S.I. 2012/887, art. 2\(c\)](#)

#### Modifications etc. (not altering text)

- C1** S. 60(2) transfer of functions (23.3.2005) by [Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2005 \(S.I. 2005/849\), art. 1, Sch. \(with art. 6\)](#)

## 61 Commencement

Parts 1 to 6 come into force in accordance with provision made by the Secretary of State by order.

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## 62 Wales

(1) In its application to Wales, the following provisions of this Act have effect as if for each reference to the Secretary of State there were substituted a reference to the National Assembly for Wales—

- (a) Parts 1 to 6;
- (b) [<sup>F5</sup>section] 61.

[<sup>F6</sup>(1A) The reference in subsection (1)(a) to Parts 1 to 6 does not include—

- (a) sections 5A and 5B,
- (b) sections 5C and 5D,
- (c) section 5E, and
- (d) sections 5F to 5L.]

[<sup>F7</sup>(1B) The reference in subsection (1)(a) to Parts 1 to 6 does not include sections 18A to 18C.]

(2) In its application to Wales, section 25(1) has effect as if for “report to Parliament” there were substituted “publish a report”.

<sup>F8</sup>(3) .....

(4) Any reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 to an Act which is amended by this Act is to be treated as referring to that Act as amended by this Act.

(5) Subsection (4) does not affect the power to make further Orders varying or omitting that reference.

### Textual Amendments

- F5** Word in s. 62(1)(b) substituted (1.4.2012) by *Localism Act 2011 (c. 20)*, ss. 9(7)(a), 240(4)(c); S.I. 2012/887, art. 2(c)
- F6** S. 62(1A) inserted (18.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by *Localism Act 2011 (c. 20)*, ss. 9(7)(b), 240(4)(d)(e); S.I. 2012/411, art. 2(c); S.I. 2012/887, art. 2(d)(e)
- F7** S. 62(1B) inserted (1.4.2012) by *Localism Act 2011 (c. 20)*, ss. 10(4), 240(4)(f); S.I. 2012/887, art. 2(g)
- F8** S. 62(3) repealed (1.4.2012) by *Localism Act 2011 (c. 20)*, ss. 9(7)(c), 240(4)(c), **Sch. 25 Pt. 2**; S.I. 2012/887, art. 2(c)(h)

## 63 Extent

(1) Subject to subsection (2), this Act extends to England and Wales only.

(2) The following provisions also extend to Scotland—

- (a) sections 34 to 36;
- (b) in so far as relating to sections 26 to 27A of the Fire Services Act 1947 (c. 41), section 52;
- (c) in so far as relating to—
  - (i) sections 46 and 61 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65),
  - (ii) paragraph 8(b) of Schedule 4 to the Gaming Act 1968 (c. 65),
  - (iii) Schedule 2 to the Pensions (Increase) Act 1971 (c. 56), and

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- (iv) the Superannuation Act 1972 (c. 11),  
section 53(1) and Schedule 1;
- (d) in so far as relating to—
  - (i) sections 26 to 27A of the Fire Services Act 1947,
  - (ii) the Fire Services Act 1951 (c. 27),
  - (iii) sections 8 to 10 of the Fire Services Act 1959 (c. 44),
  - (iv) the Pensions (Increase) Act 1971 (c. 56),
  - (v) the Superannuation Act 1972 (c. 11), and
  - (vi) the Police and Firemen’s Pensions Act 1997 (c. 52),  
section 54 and Schedule 2;
- (e) sections 60 and 61;
- (f) this section;
- (g) section 64.

#### **64 Short title**

This Act may be cited as the Fire and Rescue Services Act 2004.

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