



# Fire Services Act 1947

1947 CHAPTER 41 10 and 11 Geo 6

## *Provision of fire services*

### **1 Provision of fire services.**

- (1) It shall be the duty of every fire authority in Great Britain to make provision for fire-fighting purposes, and in particular every fire authority shall secure—
  - (a) the services for their area of such a fire brigade and such equipment as may be necessary to meet efficiently all normal requirements;
  - (b) the efficient training of the members of the fire brigade;
  - (c) efficient arrangements for dealing with calls for the assistance of the fire brigade in case of fire and for summoning members of the fire brigade;
  - (d) efficient arrangements for obtaining, by inspection or otherwise, information required for fire-fighting purposes with respect to the character of the buildings and other property in the area of the fire authority, the available water supplies and the means of access thereto, and other material local circumstances;
  - (e) efficient arrangements for ensuring that reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fires in the area of the fire authority;
  - (f) efficient arrangements for the giving, when requested, of advice in respect of buildings and other property in the area of the fire authority as to fire prevention, restricting the spread of fires, and means of escape in case of fire.
- (2) For the purposes of such arrangements as are mentioned in paragraph (d) of the last foregoing subsection, any member of a fire brigade maintained in pursuance of this Act shall, if authorised in writing by the authority maintaining the brigade, have the like powers of entering premises as are conferred upon authorised officers of councils by section two hundred and eighty-seven of the <sup>M1</sup>Public Health Act 1936; and accordingly that Act shall have effect as if the references in that section to an authorised officer of a council included references to a member of a fire brigade authorised as aforesaid, and as if among the purposes specified in subsection (1) of that section there were included the purposes of carrying out such arrangements as aforesaid.

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*Changes to legislation: There are currently no known outstanding effects for the Fire Services Act 1947. (See end of Document for details)*

<sup>F1</sup>(3) .....

**Textual Amendments**

**F1** Ss. 1(3), 2(7), 3(3), 17(5), 18(2), 19(7)(9)(10), 20, Schs. 1, 2 repealed by [Fire Services Act 1959 \(c. 44\)](#), [Sch.](#)

**Marginal Citations**

**M1** 1936 c. 49.

**2 Arrangements for mutual assistance.**

- (1) It shall be the duty of fire authorities, so far as practicable, to join in the making of schemes (hereafter in this section referred to as “reinforcement schemes”) for securing the rendering of mutual assistance for the purpose of dealing with fires occurring in the areas of authorities participating in a reinforcement scheme where either—
  - (a) it is necessary to supplement the services provided under the last foregoing section by the authority in whose area the fire occurs, or
  - (b) reinforcements at any fire can be more readily obtained from the resources of other authorities participating in the scheme than from those of the authority in whose area the fire occurs.

[<sup>F2</sup>(2) Any reinforcement scheme and the variation or revocation of any reinforcement scheme shall be notified to the Secretary of State.]

[<sup>F2</sup>(3) Where a fire authority cannot obtain the agreement of another fire authority or other fire authorities to the making, variation or revocation of a reinforcement scheme, the Secretary of State may, at the request of the authority and after giving both or all the authorities concerned an opportunity to make representations to him, direct that such scheme or variation as may be specified in the direction shall be made by the authorities or, as the case may be, that the scheme shall be revoked.]

- (4) A reinforcement scheme may make provision for apportioning between the fire authorities concerned, in such proportions as may be specified by or under the scheme, expenses incurred in taking measures to secure the efficient operation of the scheme.

[<sup>F2</sup>(5) A direction by the Secretary of State for the making or variation of a reinforcement scheme may provide for such uniformity of equipment as appears to him to be necessary for the purpose of ensuring that the fire brigades affected will be able to render efficient assistance in pursuance of the scheme.]

- (6) Where a reinforcement scheme has come into operation, it shall be the duty of the fire authorities to whom the scheme applies to carry it into effect.

<sup>F3</sup>(7) .....

- (8) A fire authority may enter into arrangements with persons (not being other fire authorities) who maintain fire brigades to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the provision by those persons of assistance for the purpose of dealing with fires occurring in the area of the authority where either—

- (a) it is necessary to supplement the services provided by the authority under the last foregoing section, or

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- (b) reinforcements at any fire occurring in the area of the authority can be more readily obtained from the resources of the said persons than from the resources of the authority.
- (9) The Secretary of State may, for the purposes of his functions under this section, hold such public local inquiries as he thinks fit.

#### Textual Amendments

- F2** S. 2(2)(3)(5) substituted by Fire Services Act 1959 (c. 44), s. 2
- F3** Ss. 1(3), 2(7), 3(3), 17(5), 18(2), 19(7)(9)(10), 20, Schs. 1, 2 repealed by Fire Services Act 1959 (c. 44), Sch.

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

- C1** S. 2(3)(5)(9) excluded by S.I. 1990/2227, art. 2(4)

### 3 Supplementary powers of fire authorities.

- (1) The powers of a fire authority shall include power—
- (a) to provide accommodation for the fire brigade for their area and its equipment, including housing and other accommodation for members of the brigade and furniture reasonably required for such accommodation;
  - (b) to pay to persons, not being members of a fire brigade maintained in pursuance of this Act, who render services for fire-fighting purposes such rewards as the authority think fit;
  - (c) to provide and maintain fire alarms in such positions in any [<sup>F4</sup>street][<sup>F4</sup>road] or public place as they think proper, and to affix any such fire alarm to any wall or fence adjoining a [<sup>F4</sup>street][<sup>F4</sup>road] or public place;
  - (d) to employ the fire brigade maintained by them, or use any equipment so maintained, outside their area;
  - (e) to employ the fire brigade maintained by them, or use any equipment so maintained, for purposes other than fire-fighting purposes for which it appears to the authority to be suitable and, if they think fit, to make such charge as they may determine for any services rendered in the course of such employment or use.
- (2) Before exercising the powers conferred by paragraph (c) of the last foregoing subsection in relation to any [<sup>F5</sup>trunk road a fire authority shall obtain the consent of the [<sup>F6</sup>Secretary of State], and before exercising those powers in relation to any road maintained by a highway authority, other than the [<sup>F6</sup>Secretary of State] or the fire authority, they shall obtain the consent of the highway authority maintaining the road; and—
- (a) without prejudice to the foregoing provisions of this subsection, the said powers shall not be exercised in a [<sup>F7</sup>district] except after consultation with the council of the [<sup>F7</sup>district,] [<sup>F5</sup>public road a fire authority shall (where they are not themselves the roads authority) obtain the consent of the roads authority; and—
  - (a) without prejudice to the foregoing provisions of this subsection, the said powers shall not be exercised in a district except after consultation with the council of the district,]

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- (b) the said powers shall not be exercised except after consultation with the chief officer of police for the area in which the fire alarms are to be placed.
- (c) .....<sup>F8</sup>
- (3) .....<sup>F9</sup>
- (4) Save as expressly provided in this Act, a fire authority shall not make any charge for services rendered by the authority.
- (5) A fire authority may be authorised by the [<sup>F10</sup>Secretary of State] to purchase compulsorily any land, whether situate within or without the area of the authority, which is required by them for the purposes of their functions under this Act, and the [<sup>F11</sup>Acquisition of Land Act 1981], shall apply . . .<sup>F12</sup>
- ...<sup>F13</sup>

#### Textual Amendments

- F4** Word “road” substituted (S.) for “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 34\(2\)\(a\)](#)
- F5** Words from “public road” to “district,” substituted (S.) for words from “trunk road” to the end of para. (a) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 34\(2\)\(b\)](#)
- F6** Words substituted by virtue of [S.I. 1953/1204 \(1953 I, p. 1225\) art. 3\(1\), 1959/1768 \(1959 I, p. 1793\), art. 3\(2\) and 1970/1681, arts. 2\(1\), 6\(3\)](#)
- F7** Word substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 179\(3\)](#)
- F8** [S. 3\(2\)\(c\)](#) repealed by [Post Office Act 1969 \(c. 48\), Sch. 11 Pt. II](#)
- F9** [Ss. 1\(3\), 2\(7\), 3\(3\), 17\(5\), 18\(2\), 19\(7\)\(9\)\(10\), 20, Schs. 1, 2](#) repealed by [Fire Services Act 1959 \(c. 44\), Sch.](#)
- F10** Words substituted by virtue of [S.I. 1951/142 \(1951 I, p. 1348\), arts. 3, 5\(2\), Sch. Pt. I, 1951/1900 \(1951 I, p. 1347\), 1965/319, arts. 2\(1\), 10\(1\), Sch. 1 Pt. I and 1967/486, art. 2\(6\), Sch. 2](#)
- F11** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 1 Table](#)
- F12** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 6 Pt. I](#)
- F13** Proviso repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 6 Pt. II](#)

#### Fire Authorities

#### 4 <sup>X1</sup>†County and county borough councils to be fire authorities.

As from the appointed day the <sup>M2</sup>Fire Brigades Act 1938, and any other enactment passed before the passing of this Act in so far as it confers on the council of a [<sup>F14</sup>district] functions for fire-fighting purposes, shall cease to have effect, and [<sup>F15</sup>the council of every non-metropolitan county]. . . shall, subject to the provisions of this Act, be the fire authority for the area of the council:

Provided that nothing in this section shall affect any functions relating to fire prevention, restricting the spread of fires, or means of escape in case of fire, being functions conferred on a council otherwise than as an authority maintaining a fire brigade.

#### Editorial Information

- X1** Unreliable marginal note.

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#### Textual Amendments

**F14** Word substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 179\(3\)](#)

**F15** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 37, Sch. 11 para. 2\(3\)](#)

#### Marginal Citations

**M2** [1938 c. 72.](#)

## 5 Voluntary schemes for combination of fire authorities.

- (1) If it appears to any two or more fire authorities that it is expedient that their areas should be combined for fire-fighting purposes, they may submit to the Secretary of State a scheme in that behalf (hereafter in this Act referred to as a “combination scheme”) and the Secretary of State may by order approve any combination scheme submitted to him.
- (2) Subject to the provisions of this Act, a combination scheme shall make provision with respect to the following matters, that is to say—
  - (a) the constitution of an authority as the fire authority for the combined area and the establishment of a fire brigade therefor, the transfer to that brigade of members of fire brigades maintained by the constituent authorities and the appointment as first chief officer of the brigade established by the scheme of such person as may be specified therein;
  - (b) the payment of the expenses of the fire authority constituted by the scheme out of a combined fire service fund constituted in accordance with the provisions of the scheme;
  - (c) the payment into the combined fire service fund, out of the local funds of the constituent areas, of contributions assessed in accordance with the provisions of the scheme for meeting liabilities imposed on that fund by or under the scheme;
  - (d) the transfer to the fire authority constituted by the scheme of such property, rights and liabilities of the constituent authorities (being property, rights and liabilities held or incurred in connection with the provision of fire services, as may be determined by or under the scheme, or the use by the fire authority constituted by the scheme of any such property) the appointment of officers of that fire authority <sup>F16</sup> . . . and the transfer to that authority of such officers of the constituent authorities as may be determined by or under the scheme;
  - (e) the payment by such authority and subject to such provisions as may be provided by the scheme, of compensation to persons employed by any of the constituent authorities who in consequence of the scheme or anything done thereunder suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments;
  - (f) in the case of persons who, having immediately before the coming into operation of the scheme been chief officers of fire brigades maintained by any of the constituent authorities, do not on the coming into operation thereof become chief officer of the fire brigade established by the scheme, for the payment in lieu of compensation under the last foregoing paragraph of emoluments, and of pensions, gratuities or allowances, of such amounts, subject to such conditions, and by such authority as may be provided by the scheme,

and may provide for any other matters incidental to or consequential on the provisions of the scheme.

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### Textual Amendments

**F16** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

### Modifications etc. (not altering text)

- C2** Ss. 5, 6 modified (3.4.1995) by 1994 c. 19, s. **23(2)** (with ss. 54(5)(7), 55(5), 66(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 4(1), [Sch. 2](#)
- C3** S. 5(2) modified: (8.3.1995) by S.I. 1995/600, [art. 12\(2\)\(a\)\(b\)](#); (31.1.1995) by S.I. 1995/187, [art. 4\(2\)\(a\)\(b\)](#); (1.3.1995) by S.I. 1995/493, [art. 14\(2\)\(a\)\(b\)](#); (8.3.1995) by S.I. 1995/610, [art. 13\(2\)\(a\)\(b\)](#)  
S. 5(2) modified (12.7.1995) by: S.I. S.I. 1995/1769, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1995/1770, [art. 8\(3\)\(a\)\(b\)](#); S.I. 1995/1771, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1995/1772, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1995/1773, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1995/1774, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1995/1775, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1995/1776, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1995/1779, [art. 8\(3\)\(a\)\(b\)](#)  
S. 5(2) modified (1.3.1996) by 1996/507, art. 6(4)  
S. 5(2) modified (19.7.1996) by: S.I. 1996/1863, [art. 5\(3\)\(a\)\(b\)](#); S.I. 1996/1865, [art. 4\(3\)\(a\)\(b\)](#); S.I. 1996/1866, [art. 4\(3\)\(a\)\(b\)](#); S.I. 1996/1867, [art. 14\(3\)\(a\)\(b\)](#); S.I. 1996/1868, [art. 4\(3\)\(a\)\(b\)](#); S.I. 1996/1875, [art. 4\(3\)\(a\)\(b\)](#); S.I. 1996/1876, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1996/1878, [art. 6\(3\)\(a\)\(b\)](#); S.I. 1996/1879, [art. 4\(2\)\(a\)\(b\)](#)

## 6 Power of Secretary of State to make combination schemes.

- (1) Subject to the provisions of this section, if it appears to the Secretary of State that it is expedient in the interests of efficiency that a combination scheme should be made for the areas of any two or more fire authorities, and no scheme satisfactory to him has been submitted to him by the fire authorities for those areas under the last foregoing section, the Secretary of State may for that purpose by order make such scheme as he considers expedient, and the provisions of subsection (2) of the last foregoing section shall apply in relation to any such scheme as they apply in relation to a scheme made under that section:

..... **F17**

- (2) Where the Secretary of State proposes to make a scheme under this section, he shall give the the fire authorities concerned notice of the general nature of the proposed scheme; and unless those authorities give him notice that they assent thereto, he shall cause a public local inquiry to be held by a person appointed by him, not being an officer of a fire authority or of any Government department.
- (3) The Secretary of State shall lay before each House of Parliament a draft of any scheme proposed to be made by him under this section, and, where a local inquiry has been held under this section with respect thereto, shall lay together with the draft a copy of the report of the person by whom the inquiry was held; and if either House within the period of forty days beginning with the day on which the draft scheme is laid before it resolves that the scheme be not made, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft scheme.

In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

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**Textual Amendments**

**F17** S. 6(1) proviso repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**7 Appointment of joint committees by fire authorities.**

[<sup>F18</sup>(1) Where a joint committee under [<sup>F19</sup>section one hundred and two of the <sup>M3</sup>Local Government Act 1972], is appointed for the purposes of this Act by any fire authorities, they shall notify the Secretary of State.]

(2) For the avoidance of doubt it is hereby declared that a combination scheme may be submitted and approved under section five of this Act or may be made under section six thereof notwithstanding that a joint committee under the said [<sup>F19</sup>section one hundred and two] has been appointed for fire service purposes for all or some of the areas in respect of which the combination scheme is submitted or made.

**Textual Amendments**

**F18** S. 7(1) substituted by [Fire Services Act 1959 \(c. 44\)](#), [s. 3](#)

**F19** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), [s. 272\(2\)](#)

**Marginal Citations**

**M3** 1972 c. 70.

**8 Constitution and powers of fire authorities constituted by combination schemes.**

(1) A fire authority constituted by a combination scheme shall consist of such representatives of each of the constituent areas as may be prescribed by the scheme, and every such authority shall be a body corporate by such name as may be prescribed by the scheme with a common seal and with power to hold land without licence in mortmain.

(2) Provision may be made by a combination scheme for applying in relation to the constitution and proceedings of the fire authority thereby constituted, and in relation to the officers of that authority, any of the provisions of [<sup>F20</sup>Parts V and VI and sections one hundred and eleven to one hundred and nineteen of the <sup>M4</sup>Local Government Act 1972] (which contain general provisions as to members, committees and officers of local authorities), subject to such modifications as may be prescribed by the scheme.

(3) . . . . . <sup>F21</sup>the provisions of the [<sup>F20M5</sup>Local Government Act 1972], with respect to the acquisition of land by agreement and the appropriation and disposal of land shall apply to fire authorities constituted by combination schemes as they apply to fire authorities being councils of counties, . . . <sup>F22</sup>, and accordingly references . . . <sup>F21</sup>the said provisions of the said [<sup>F20</sup>Act of 1972] to local authorities shall include references to fire authorities constituted by combination schemes.

[<sup>F23</sup>(3A) Meetings of a fire authority which is (as well as one which is not) constituted by a combination scheme are open to the public, and documents relating to such meetings are open to inspection by the public, in accordance with the provisions of Part VA of the Local Government Act <sup>M6</sup>1972.]

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- (4) For the purposes of the discharge of their functions under a combination scheme, the fire authority constituted by the scheme shall have the powers of the council of a county . . . <sup>F22</sup> in relation to the borrowing of money for fire service purposes and the provisions of [<sup>F20</sup>section one hundred and seventy two of, and Schedule 13 to, the <sup>M7</sup>Local Government Act 1972], and of any other enactment relating to the borrowing of money by local authorities shall apply accordingly, subject to such adaptations and modifications as may be prescribed by the scheme.
- (5) . . . . . <sup>F24</sup>
- (6) A fire authority constituted by a combination scheme may, if so authorised by the scheme, make arrangements with any constituent authority for the use by the fire authority of the services of officers and servants of the constituent authority and for the making of contracts and payments on behalf of the fire authority by the constituent authority.
- (7) . . . . . <sup>F25</sup>

#### Textual Amendments

- F20** Words substituted by virtue of [Local Government Act 1972 \(c. 70\)](#), s. 272(2)
- F21** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)
- F22** Words repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
- F23** S. 8(3A) inserted by [Local Government \(Access to Information\) Act 1985 \(c. 43, SIF 81:1, 2\)](#), s. 3, [Sch. 2 para. 1](#)
- F24** S. 8(5) repealed by [Local Government Finance Act 1982 \(c. 32, SIF 81:1\)](#), s. 38, [Sch. 6 Pt. IV](#)
- F25** Ss. 8(7)(8), 36(12) repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), [Sch. 8](#)

#### Marginal Citations

- M4** 1972 c. 70.
- M5** 1972 c. 70.
- M6** 1972 c.70 (81:1).
- M7** 1972 c. 70.

## 9 Amendment and revocation of combination schemes.

- (1) A combination scheme approved or made under section five or section six of this Act may be amended or revoked by a subsequent scheme approved or made under those sections, and the foregoing provisions of this Act shall, so far as applicable, have effect in relation to any such amending or revoking scheme subject to any necessary modifications and to the following provisions of this section.
- (2) Without prejudice to the generality of the provisions of subsection (1) of this section, provision may be made by any such subsequent scheme—
- for the division of the combined area into any two or more areas for the purposes of this Act, being either counties . . . <sup>F26</sup> or combined areas constituted by the subsequent scheme, or for the inclusion in the combined area of the area of any other fire authority.
  - for the dissolution of any fire authority constituted by the original scheme, and the winding-up of any combined fire service fund established thereunder, or for the reconstitution of any such authority or fund;



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- (c) for the transfer or re-transfer to such fire brigades as may be determined by the subsequent scheme of members of the fire brigade established by the original scheme;
  - (d) for the transfer or re-transfer to such authorities as may be determined by the subsequent scheme of any officers, property, rights or liabilities of the fire authority constituted by the original scheme;
  - (e) for any other matters incidental to or consequential on the provisions of the subsequent scheme.
- (3) The authority or authorities by whom a scheme for the amendment or the revocation of a combination scheme or schemes may be submitted to the Secretary of State under subsection (1) of section five of this Act shall be the fire authority or authorities constituted by the scheme or schemes to be amended or revoked, together, in the case of an amending scheme which provides for the inclusion in a combined area of the area of a fire authority other than one constituted by a combination scheme, with that fire authority; and references to fire authorities in subsection (1) of section five of this Act shall be construed accordingly.
- (4) The authorities to whom, under subsection (2) of section six of this Act, notice must be given by the Secretary of State of a scheme proposed to be made by him for the amendment or revocation of a combination scheme or schemes shall be the authority or authorities by whom a scheme for that purpose might have been submitted by virtue of the last foregoing subsection, and the council of any county . . . <sup>F26</sup> comprised in the combined area constituted by the original scheme or schemes.

#### Textual Amendments

**F26** Words repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

## 10 Power to make schemes in advance of alterations of local government areas.

[<sup>F27</sup>If an order is made under Part IV of the <sup>M8</sup>Local Government Act 1972 constituting any area as a new county or altering the area of a county], a combination scheme may be made under this Act with respect to that area before that date but so as to come into operation on or after that date; and in relation to such a scheme the provisions of this Act shall apply subject to any necessary modifications and as if for references to the fire authority there were substituted references to the fire authority for any county, . . . <sup>F28</sup> or combined area of which the whole or any part is to be comprised in [<sup>F27</sup>the new or altered county.]

#### Textual Amendments

**F27** Words substituted by [Local Government Act 1972 \(c. 70\), s. 197\(5\)](#)

**F28** Words repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

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

**C4** “Before that date” means before the date specified in the order constituting or altering the area of a county.

#### Marginal Citations

**M8** [1972 c. 70.](#)

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**11 Adaptation of local Acts relating to fire services.**

- (1) Where, by any local Act in force with respect to an area of any local authority which ceases to be a separate authority for fire-fighting purposes by virtue of this Act or of a scheme thereunder, provision is made for conferring or imposing special powers or duties on persons employed for such purposes by that authority, the Secretary of State may by order adapt the local Act so far as appears to him to be necessary or expedient for the purpose of the exercise or performance of those powers or duties by persons so employed by the fire authority for the county comprising that area, or for the combined area, as the case may be:

Provided that nothing in this subsection or in any order made in accordance therewith shall be construed as extending the area within which or the matters in relation to which any such powers or duties as aforesaid are authorised or required by the local Act to be exercised or performed.

- (2) As from the appointed day any reference in any enactment passed before the passing of this Act and for the time being in force to a fire brigade (by whatever name described) maintained by an authority which is an authority for fire-fighting purposes by virtue of this Act shall be construed as a reference to the brigade maintained by the authority in pursuance of this Act.
- (3) Any order under subsection (1) of this section may be varied or revoked by a subsequent order thereunder made in the like manner and subject to the like provisions.

**12 Discharge of functions of fire authorities through other fire authorities or persons.**

- (1) A fire authority may make arrangements with any other fire authority or other persons who maintain a fire brigade so as to secure, by the provision of services by the other fire authority or persons, the discharge of all or any of the first-mentioned fire authority's functions under this Act in respect of all or any part of its area, and arrangements under this subsection may make provision with respect to the terms as to payments or otherwise on which the services in question are to be provided:

F29 .....

[<sup>F30</sup>(2) Any fire authority who have requested, or have been requested by, another fire authority to enter into arrangements under the last foregoing subsection, or to vary or cancel any such arrangements, may, in the absence of agreement between them, request the Secretary of State to determine what arrangements, if any, should be entered into or, as the case may be, what variation, if any, should be made or whether the arrangements should be cancelled.]

[<sup>F31</sup>(3) Where it appears to the Secretary of State expedient with a view to securing greater efficiency that it is for consideration whether arrangements under subsection (1) of this section should be entered into by two fire authorities or whether any such arrangements should be varied or cancelled, he may give notice to the authorities accordingly.]

- (4) Where a request is made to the Secretary of State under subsection (2) of this section, or notice is given by the Secretary of State under the last foregoing subsection, he shall afford an opportunity to the fire authorities concerned to make representations and, if he thinks fit or if any of those authorities request him so to do, shall cause a public local inquiry to be held.

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- (5) If the Secretary of State is satisfied, after considering any representations made under the last foregoing subsection and, if an inquiry is held, the report of the person by whom the inquiry was held, that it is expedient with a view to securing greater efficiency <sup>F32</sup>. . . that arrangements should be made for the provision of services as mentioned in subsection (1) of this section [<sup>F33</sup>or that such arrangements should be varied or cancelled], he may direct that the fire authorities shall enter into such arrangements as may be specified in the direction [<sup>F34</sup>or, as the case may be, shall make such variations in the arrangements as may be so specified or shall cancel the arrangements.]

#### Textual Amendments

- F29** S. 12(1) proviso repealed by Fire Services Act 1959 (c. 44), Sch.  
**F30** S. 12(2) substituted by Fire Services Act 1959 (c. 44), s. 4(1)  
**F31** S. 12(3) substituted by Fire Services Act 1959 (c. 44), s. 4(2)  
**F32** Words repealed by Fire Services Act 1959 (c. 44), Sch.  
**F33** Words inserted by Fire Services Act 1959 (c. 44), s. 4(2)  
**F34** Words added by Fire Services Act 1959 (c. 44), s. 4(2)

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

- C5** S. 12 amended by Fire Services Act 1959 (c. 44), s. 4(3)  
**C6** S. 12(2)–(5) excluded by S.I. 1990/2227, art. 2(4)

### *Supply of water for fire-fighting*

#### **13 Duty of fire authorities to ensure supply of water for fire-fighting.**

A fire authority shall take all reasonable measures for ensuring the provision of an adequate supply of water, and for securing that it will be available for use, in case of fire.

#### **14 Supply of water by statutory undertakers.**

- (1) For the purposes of the last foregoing section, a fire authority may enter into an agreement with statutory water undertakers for the taking by the undertakers, on such terms as to payment or otherwise as may be specified in the agreement, of such measures as may be so specified for securing that an adequate supply of water will be available in case of fire; and no water undertakers shall unreasonably refuse to enter into any agreement proposed by a fire authority under this subsection.

[<sup>F35</sup>Any question whether statutory water undertakers have unreasonably refused to enter into an agreement under this subsection shall be determined by the [<sup>F36</sup>Secretary of State].]

- (2) Without prejudice to the generality of the last foregoing subsection, a fire authority, if satisfied that the existing supply of water provided by any statutory water undertakers for domestic and industrial purposes would be likely to be inadequate in case of fire, may enter into an agreement with the undertakers under the last foregoing subsection for the provision of such additional supply of water as may be specified in the agreement.

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- (3) [<sup>F37</sup>Sections thirty-two to thirty-four of the Third Schedule to the <sup>M9</sup>Water Act 1945 (which require undertakers at the expense of the fire authority to provide hydrants) shall apply to all statutory water undertakers, and shall so apply in substitution for any other provision having effect for the purposes of those sections by virtue of any enactment; and—][<sup>F37</sup>The following provisions shall have effect in relation to any fire-hydrant for the time being provided by a water undertaker by being fixed on any pipe of the undertaker, that is to say]
- (a) undertakers shall at the expense of the fire authority cause the situation of every fire hydrant provided by the undertakers to be plainly indicated by a notice or distinguishing mark, which may be placed on any wall or fence adjoining a [<sup>F38</sup>street][<sup>F38</sup>road]or public place;
  - (b) where any such hydrant is damaged as the result of any use made of it, with the authority of the undertakers, not being a use for fire-fighting purposes or for any other purposes of a fire brigade maintained in pursuance of this Act, the fire authority shall not be liable for the cost of repairing or replacing the hydrant incurred as the result of the damage.
- [<sup>F39</sup>(4) The obligations of a water undertaker under subsections (1) to (3) of this section or any agreement under subsection (1) of this section shall be enforceable under section 20 of the Water Act 1989 by the Secretary of State.]
- (5) Any person who uses a fire hydrant, otherwise than for fire-fighting purposes or for any other purposes of a fire brigade maintained in pursuance of this Act or for any purpose authorised by the undertakers or other persons to whom the hydrant belongs, or who damages or obstructs any fire hydrant, otherwise than in consequence of its use for any such purpose as aforesaid, shall be liable on summary conviction to a fine not exceeding [<sup>F40</sup>level 2 on the standard scale].
- (6) The Secretary of State may, after consultation with the Central Fire Brigades Advisory Council constituted under this Act, make regulations providing for uniformity in fire hydrants provided by statutory water undertakers and in the notices or marks indicating their situation; and in any case to which regulations under this subsection apply such undertakers shall not be deemed to have complied with their obligations under subsection (3) of this section and the enactments therein referred to unless the hydrants, notices or marks provided by them conform with the regulations.
- (7) [<sup>F41</sup>In this and the next following section the expression “statutory water undertakers” has the same meaning as in the provisions of the <sup>M10</sup>Water Act 1945, other than Part II thereof; and references in this section to any provision of the Third Schedule to that Act shall include references to any other provision of that Schedule (whether as to the giving of notices, the enforcement of obligations, or otherwise) ancillary thereto.]

#### Textual Amendments

- F35** Words repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(3), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)
- F36** Words substituted by virtue of [S.I. 1951/753 \(1951 I, p. 1354\)](#), arts. 2(1), 8(1), Sch. 1, 1951/1900 (1951 I, p. 1347), 1965/319, arts. 2(1), 10(1) Sch. 1 Pt. I and 1970/1681, arts. 2(1), 6(3)
- F37** Words from “The following provisions” to “that is to say” substituted (E.W.) for the words before para.(a) by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(1), 193(1), Sch. 25 para. 9(2)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), [58](#)
- F38** Word “road” substituted (S.) for “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 34\(3\)](#)

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- F39** S. 14(4) substituted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(1), 193(1), Sch. 25 para. 9(2)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F40** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 39, 46, **Sch. 3** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7D**
- F41** S. 14(7) repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(3), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

#### Marginal Citations

- M9** 1945 c. 42.  
**M10** 1945 c. 42.

## 15 Provision of water supply otherwise than by statutory undertakers.

- (1) A fire authority shall for the purposes of the last but one foregoing section have power by agreement—
- (a) to secure the use, in case of fire, of water under the control of any person other than statutory water undertakers;
  - (b) to improve the access to any such water;
  - (c) to lay and maintain pipes and to carry out other works in connection with the use of such water in case of fire.
- (2) Subject to any agreement under the last foregoing subsection [<sup>F42</sup>and without prejudice to sections 47(1) and 81(1) of the Water Act 1989], a fire authority may use for fire-fighting purposes any convenient and suitable supply of water, but shall be liable to pay reasonable compensation therefor:

[<sup>F43</sup>Provided that nothing in this subsection shall affect the duty of undertakers to whom section forty-two of the <sup>M11</sup>Waterworks Clauses Act 1847 or section thirty-six of the Third Schedule to the <sup>M12</sup>Water Act 1945, applies to supply water for the said purposes without compensation or payment.]

#### Textual Amendments

- F42** Words inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(1), 193(1), Sch. 25 para. 9(3), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F43** Proviso repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(3), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

#### Marginal Citations

- M11** 1847 c. 17.  
**M12** 1945 c. 42.

## 16 Notice to be given of proposed works affecting water supply and fire hydrants.

- (1) Where a person proposes to carry out any works for the purpose of supplying water to any part of the area of a fire authority, he shall give notice in writing thereof to the fire authority, and the notice shall be given—
- [<sup>F44</sup>(a) not less than fourteen days before the works are begun, in any case where the works are proposed to be carried out to comply with a requirement imposed under any enactment other than the <sup>M13</sup>Water Act 1945;
  - (b) not less than six weeks before the works are begun, in any other case.]

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[<sup>F44</sup>not less than six weeks before the works are begun.]

- (2) At least seven days before any works which affect any fire hydrant are begun, the authority or person by whom the works are to be executed shall give notice in writing to the fire authority:

Provided that where in a case of emergency it is not practicable for notice to be given at the time required by the foregoing provisions of this subsection, those provisions shall be deemed to have been complied with if the notice is given as early as may be.

- [<sup>F45</sup>(3) Any authority or other person who, without reasonable excuse, fails within the required period to give any notice which he is required to give under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.]

**Textual Amendments**

**F44** Words from "not less than six" to "begun" substituted (E.W.) for paras. (a) and (b) by [Water Act 1989](#) (c.15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190(1), 193(1), Sch. 25 para. 9(4)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

**F45** S. 16(3) inserted (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190(1), 193(1), Sch. 25 para. 9(4)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

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**Marginal Citations**

**M13** 1945 c. 42.

*Administrative provisions*

**17 Conditions of service.**

- (1) The Secretary of State may, subject to the provisions of this section, make regulations as to the conditions of service of persons employed as members of fire brigades maintained in pursuance of this Act, [<sup>F46</sup>as follows, that is to say]—

- <sup>F47</sup>(a) .....
- (c) as to the maintenance of discipline;
- (d) as to appeals against dismissal or disciplinary action (including dismissal on disciplinary grounds).

<sup>F48</sup> .....

- (2) Where—
  - (a) the Secretary of State is satisfied that proper arrangements are in force for the consideration, by persons representing the interests of fire authorities and of persons employed as members of fire brigades maintained in pursuance of this Act, or any class of persons so employed, of questions arising as to the conditions of service of persons so employed or of the class of persons in question, as the case may be; and
  - (b) a recommendation is made in accordance with the arrangements as to any matter falling within the last foregoing subsection,

then if the Secretary of State approves the recommendation he may by regulations under this section give effect thereto.

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(3) Where the Secretary of State does not approve any recommendation made as mentioned in the last foregoing subsection he shall refer the recommendation for further consideration in accordance with the arrangements, and for the making in accordance with the arrangements of a report thereon within such period not less than twenty-one days as he may specify, and shall take into consideration any report so made before proceeding to make regulations under this section as to any matter to which the recommendation relates.

(4) Where, without any such recommendation as aforesaid in that behalf having been made, the Secretary of State proposes to make regulations under this section, then, if such arrangements as aforesaid are in force as respects the persons to whom the regulations are to relate, he shall before making the regulations refer his proposals—  
(a) for consideration in accordance with the arrangements; and  
(b) for the making in accordance with the arrangements of a report on the proposals within such period not less than twenty-one days as the Secretary of State may specify,

and where a report is so made then if the Secretary of State approves the recommendations in the report he may by regulations under this section give effect thereto, but if he does not approve the recommendations the last foregoing subsection shall apply as it applies where he does not approve recommendations made as mentioned in subsection (2) of this section.

<sup>F49</sup>(5) .....

**Textual Amendments**

- F46** Words substituted by [Fire Services Act 1959 \(c. 44\)](#), **s. 5**
- F47** [S. 17\(1\)\(a\)\(b\)](#) repealed by [Fire Services Act 1959 \(c. 44\)](#), **Sch.**
- F48** Words repealed by [Fire Services Act 1959 \(c. 44\)](#), **Sch.**
- F49** [Ss. 1\(3\), 2\(7\), 3\(3\), 17\(5\), 18\(2\), 19\(7\)\(9\)\(10\), 20](#), [Schs. 1, 2](#) repealed by [Fire Services Act 1959 \(c. 44\)](#), **Sch.**

**18 Procedure and qualifications for appointments and promotions.**

(1) The Secretary of State may, after consultation with the Central Fire Brigades Advisory Council constituted under this Act, make regulations as to any of the following matters, that is to say—

(a) the method of appointment of chief officers of fire brigades maintained in pursuance of this Act;

<sup>F50</sup>(b) .....

(c) the qualifications for appointment to any such brigade or to any rank therein, and for promotion into any such rank [<sup>F51</sup>and the method of ascertaining any such qualifications]

<sup>F52</sup>(d) .....

<sup>F53</sup>(2) .....

**Subordinate Legislation Made**

- P1** [S. 18](#): power exercised by [S.I. 1978/436](#), 1727; 1981/787; 1985/1176; 1988/31, 1362, 2235; 1989/49.
- P2** [S. 18\(1\)](#); power exercised by [S.I. 1991/343](#).

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**Textual Amendments**

- F50** S. 18(1)(b) repealed by Fire Services Act 1959 (c. 44), Sch.
- F51** Words added by Fire Services Act 1959 (c. 44), s. 6
- F52** S. 18(1)(d) and word "and" preceding para. (d) repealed by Fire Services Act 1959 (c. 44), Sch.
- F53** Ss. 1(3), 2(7), 3(3), 17(5), 18(2), 19(7)(9)(10), 20, Schs. 1, 2 repealed by Fire Services Act 1959 (c. 44), Sch.

**19 Fire brigade establishments to be determined in accordance with approved schemes.**

- (1) The establishment of members of a fire brigade of different descriptions and ranks, and of fire stations and equipment of different descriptions, to be maintained by a fire authority in pursuance of the foregoing provisions of this Act shall be determined in accordance with the provisions of a scheme made by the authority under this section (hereafter in this Act referred to as an “establishment scheme”) and for the time being in force.
- (2) An establishment scheme shall provide that the chief officer of the fire brigade to which the scheme relates shall be directly responsible to the fire authority maintaining the brigade or to a committee thereof.
- [<sup>F54</sup>(3) Every fire authority shall notify the Secretary of State not later than the end of January in any year of the establishment scheme in force in their area on the first day of January in that year.]
- [<sup>F54</sup>(4) A fire authority shall not vary the establishment scheme for their area by closing a fire station or reducing the number of—
  - (a) whole-time members of any rank of the fire brigade to which the scheme relates, other than members whose duties do not normally include fire fighting,
  - (b) part-time members of that brigade,
  - (c) pumping appliances kept ready to attend fires, or
  - (d) other appliances kept ready to attend fires,
 except with the approval of the Secretary of State.]
- (5) If as respects the area of any fire authority—
  - <sup>F55</sup>(a) .....
  - (b) at any time it appears to the Secretary of State that the establishment scheme in force is not satisfactory.
 the Secretary of State may, after affording to the fire authority an opportunity of making representations to him, make a scheme.
- (6) The provisions of subsections (1), (2), [<sup>F56</sup>(3)], (4) and (5) of this section shall apply to a scheme made under the said subsection (5) as if it were an establishment scheme  
<sup>F57</sup> . . . .
- <sup>F58</sup>(7) .....
- (8) The Secretary of State may, for the purposes of his functions under this section, hold such public local inquiries as he thinks fit; and if in connection with the making of a scheme under paragraph (b) of subsection (5) of this section the fire authority so



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requires, the Secretary of State shall cause a public local inquiry to be held before he makes the scheme.

<sup>F58</sup>(9) .....

**Textual Amendments**

- F54** S. 19(3)(4) substituted by Fire Services Act 1959 (c. 44), s. 7(1)
- F55** S. 19(5)(a) repealed by Fire Services Act 1959 (c. 44), Sch.
- F56** "(3)" inserted by virtue of Fire Services Act 1959 (c. 44), s. 7(1)
- F57** Words repealed by Fire Services Act 1959 (c. 44), Sch.
- F58** Ss. 1(3), 2(7), 3(3), 17(5), 18(2), 19(7)(9)(10), 20, Schs. 1, 2 repealed by Fire Services Act 1959 (c. 44), Sch.

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

- C7** S. 19 modified by Local Government Act 1985 (c. 51, SIF 81:1), s. 85(3)
- C8** S. 19 extended (E.W.) by Fire Services Act 1959 (c. 44), s. 7(2)

<sup>F59</sup>20 .....

**Textual Amendments**

- F59** Ss. 1(3), 2(7), 3(3), 17(5), 18(2), 19(7)(9)(10), 20, Schs. 1, 2 repealed by Fire Services Act 1959 (c. 44), Sch.

**21 Standards of training and equipment.**

The Secretary of State may, after consultation with the Central Fire Brigades Advisory Council constituted under this Act, by regulations provide for the observance by fire authorities of such requirements with respect to—

- (a) standards of training for members of fire brigades maintained in pursuance of this Act;
  - (b) design or performance of equipment for such brigades,
- as appear to him to be necessary to secure efficient fire services.

**22 Provision by Secretary of State of equipment.**

The Secretary of State may in accordance with arrangements approved by the Treasury provide, for purchase by any fire authority desiring to avail themselves of the arrangements, equipment for the discharge of the functions of fire authorities under this Act.

**23 Training centres.**

- (1) The Secretary of State may establish and maintain—
  - (a) a central training institution; and
  - (b) one or more local training centres,for providing courses of instruction in matters relating to fire services.

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(2) ..... <sup>F60</sup>

(3) A fire authority may establish and maintain training centres for providing courses of instruction for members of their own or other fire brigades and for training persons for service in fire brigades.

#### Textual Amendments

**F60** S. 23(2) repealed by [Fire Service College Board \(Abolition\) Act 1982 \(c. 13\), s. 1\(a\)](#)

## 24 Inspectors of Fire Brigades.

(1) For the purpose of obtaining information as to the manner in which fire authorities are performing their functions under this Act and as to technical matters relating to those functions, inspectors may be appointed by His Majesty, and the Secretary of State may appoint assistant inspectors and other officers.

(2) The Secretary of State may pay to persons appointed under this section such remuneration as he may with the approval of the [<sup>F61</sup>Minister for the Civil Service] determine.

#### Textual Amendments

**F61** Words substituted by virtue of [S.I. 1968/1656, arts. 2\(1\)\(e\), 3\(2\)](#)

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

**C9** Reference to this Act to be read as including reference to [Fire Precautions Act 1971 \(c. 40\)](#): *ibid.*, s. 29  
S. 24 modified (1.12.1997) by 1997/1840, reg. 10(6)

**C10** S. 24 extended (1.12.1999) by [S.I. 1999/1877, regs. 1, 17, Sch. para. 10\(6\)](#)

<sup>F62</sup>25 .....

#### Textual Amendments

**F62** S. 25 repealed by (E.W.) [Local Government Act 1958 \(c. 55\), Sch. 9 Pt. II](#) and (S.) [Local Government and Miscellaneous Financial Provisions \(Scotland\) Act, 1958 \(c. 64\), Sch. 6 Pt. III](#)

*Pensions etc.*

## 26 Firemen's Pension Scheme.

(1) The Secretary of State may by order bring into operation a scheme, to be known as the Firemen's Pension Scheme, whereby provision is made, subject to the provisions of this section and of the Scheme, for the payment by fire authorities and such other authorities as may be specified in the Scheme of pensions, allowances and gratuities to persons employed as members of fire brigades maintained in pursuance of this Act who retire from such employment on or after the appointed day or die on or after the appointed day while so employed, and to their widows, children and dependants.

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- (2) The Firemen's Pension Scheme (hereafter in this and the next following section referred to as "the Scheme") may include provision—
- (a) for defining the classes of persons employed as aforesaid in respect of whose service awards, or awards of any class specified in the Scheme, may be made under the Scheme, and in particular for excluding in relation to any such awards or class of awards persons who are not wholly and permanently so employed or who are so employed on such ancillary duties as may be specified in the Scheme, and for treating, for all or any of the purposes of the Scheme, employment in Great Britain or elsewhere on duties connected with the provision of fire services, being employment (otherwise than as a member of a fire brigade maintained in pursuance of this Act) of such classes as may be specified in the Scheme, as if it were employment as a member of such a brigade;
  - [<sup>F63</sup>(aa) where a person immediately before he undertakes service of a description specified in the First Schedule to the <sup>M14</sup>Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, or attends for hourly instruction as defined in section forty-two of that Act, either—
    - (i) is a member of a fire brigade maintained in pursuance of this Act, or
    - (ii) is employed in employment on duties connected with the provision of fire services which is treated for the purposes of the Scheme as if it were employment as a member of such a fire brigade,for treating employment during the period of his service or instruction, and during such further period, if any, as may be specified in the Scheme, as employment as a member of such a fire brigade.]
  - (b) for reckoning, for all or any of the purposes of the Scheme, such employment, whether before or after the appointed day (other than employment as a member of a fire brigade maintained in pursuance of this Act) as may be specified in the Scheme as if it were employment as a member of such a brigade, either unconditionally or subject to such conditions as may be so specified and either as respects the whole of service in employment so specified or as respects such fraction thereof as may be so specified;
  - (c) for the making by persons in respect of whose service awards may be made under the Scheme of such contributions as may be specified by the Scheme, and, in such circumstances as may be so specified, for the repayment of contributions so made or their application in such manner and for the benefit of such persons as may be so specified;
  - (d) for substituting, for all or any of the purposes of the Scheme, the Secretary of State for a fire authority in relation to any [<sup>F64</sup>employment which is treated for the purposes of the Scheme as if it were employment as a member of a fire brigade maintained in pursuance of this Act];
  - (e) for the making to a fire authority by the Secretary of State or another fire authority, or by any other authority by which a person has been employed in employment specified under paragraph (b) of this subsection or which has incurred any liability in respect of the payment of a pension in the event of a person's retirement from employment so specified of payments in respect of previous service (whether before or after the appointed day) on a person's entry on employment with the fire brigade maintained by the first-mentioned fire authority, and for the making to the Secretary of State by a fire authority or any such other authority as aforesaid of payments in respect of previous service (whether before or after the appointed day) on a person's entry on [<sup>F64</sup>employment which is treated for the purposes of the Scheme as if it were

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employment as a member of a fire brigade maintained in pursuance of this Act];

- (f) for the reimbursement of payments under the last foregoing paragraph out of any superannuation fund to which contributions have been made in respect of the previous service to which the payments related;
- (g) for the making, where a person enters on employment with a fire authority in a case where no payment falls to be made under paragraph (e) of this subsection, of payments in respect of previous service with that authority out of any superannuation fund to which contributions have been made in respect of the previous service;
- (h) for the conditions as to evidence or otherwise subject to which any award under the Scheme may be made, for the manner in which any question specified in the Scheme arising under the Scheme is to be determined, and for appeals from determinations of any such question;
- (i) for excluding or modifying, in the case of an injury in respect of which an award is made under the Scheme, being an injury sustained in the execution of duty in such circumstances as may be specified in the Scheme, any other right against the Crown or other authority in whose employment the injury occurred to compensation or damages in respect of the injury or the consequences thereof, so however that no provision made by virtue of this paragraph shall affect any right under the [F65 enactments relating to F66 . . . social security];
- (j) for such incidental and supplemental matters as appear to the Secretary of State expedient for the purposes of the Scheme, including provisions as to funds for defraying liabilities under the Scheme and provision for the like purposes as under the enactments in the M15 Fire Brigade Pensions Act 1925, specified in the first column of the Third Schedule to this Act (which relate to the matters specified in the second column of that Schedule) was made in relation to awards under the said Act of 1925.

In this section the expression “employment” includes engagement in any service.

[F67(2A) The Scheme may also include—

- (a) such provision for the payment of pensions, allowances and gratuities to persons employed as members of fire brigades maintained in pursuance of this Act who are dismissed from such employment, and to their widows, children and dependants, as will enable the Scheme to comply with the requirements set out in Schedule 16 to the M16 Social Security Act 1973, and
- (b) such provision incidental or supplementary thereto as appears to the Secretary of State to be expedient.]

F68(3) . . . . .

- (4) If a person obtains or attempts to obtain for himself or any other person—
  - (a) any award under the Scheme, or
  - (b) any sum in respect of the repayment or application of contributions made under the Scheme,

F69 . . . by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, F69 . . ., he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, and (without prejudice to the provisions of paragraph (j) of subsection (2) of this section) the Scheme may authorise, in the case

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of a person who has been convicted of an offence under this subsection, the forfeiture, in whole or in part, of any award or sum so obtained.

- (5) The Scheme may be varied by a subsequent order of the Secretary of State under this section.
- (6) Any order under this section shall be made with the approval of the [<sup>F70</sup>Minister for the Civil Service], and after consultation with the Central Fire Brigades Advisory Council.

#### Subordinate Legislation Made

- P3** S.26: power exercised by S.I.1991/1097. For previous exercises of power under this section see Index to Government Orders.

#### Textual Amendments

- F63** S. 26(2)(aa) inserted by Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65), ss. 42(1)
- F64** Words substituted by Fire Services Act 1951 (c. 27), s. 1(3)
- F65** Words substituted by Social Security Act 1973 (c. 38), Sch. 27 para. 6
- F66** Words repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), Sch. 1 Pt. I
- F67** S. 26(2A) inserted by S.I. 1976/551
- F68** S. 26(3) repealed by Superannuation Act 1972 (c. 11), ss. 16(2), 29(4), Sch. 8
- F69** Words repealed by Theft Act 1968 (c. 60), Sch. 3 Pt. I
- F70** Words substituted by virtue of S.I. 1968/1656, arts. 2(1)(e), 3(2)

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

- C11** S. 26 amended by Fire Services Act 1951 (c. 27), s. 1(1)(2), and Superannuation Act 1972 (c. 11), s. 16(1)(3)
- C12** S. 26: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, Sch. 1 (with art. 7); S.I. 1998/3178, art. 3
- S. 26: Functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 Table H2
- C13** S. 26(2)(c)(5) extended by Fire Services Act 1959 (c. 44), s. 8(3)(2) respectively
- C14** References in s. 26(2)(d)(e) to Secretary of State to be construed as references to either Secretary of State or Minister of Overseas Development: S.I. 1974/1264, art. 2(2)(c), Sch. Pt. III para. 9(a)

#### Marginal Citations

- M14** 1951 c. 65.
- M15** 1925 c. 47.
- M16** 1973 c. 38.

## 27 Firemen's Pension Scheme to supersede other statutory schemes.

- (1) As respects any person retiring on or after the appointed day from employment as, or employment which for the purposes of the Scheme is to be treated as employment as, a member of a fire brigade maintained in pursuance of this Act, or dying on or after the appointed day while in such employment, the Scheme shall, subject to the provisions of this section, have effect to the exclusion of any other provision for pension, allowance or gratuity in respect of such employment contained in or in force under any enactment.
- (2) Where—

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- (a) immediately before the appointed day there are in operation by virtue of any enactment (other than an enactment contained in the <sup>M17</sup>Fire Brigades Pensions Act 1925), any arrangements for the grant of pensions, allowances or gratuities in respect of members of a fire brigade maintained in pursuance of the <sup>M18</sup>Fire Brigades Act 1938 (in this subsection referred to as “the former brigade”); and
- (b) the Government Actuary certifies that the Scheme, if modified by reference to the arrangements so as to have effect subject to such modifications as are mentioned in the next following subsection, would be on the whole not less favourable than the Scheme not so modified,

then if any person—

- (i) who was a member of the former brigade immediately before the eighteenth day of August, nineteen hundred and forty-one; or
- (ii) who by virtue of having been a member of the former brigade was designated under paragraph (1)(b) of regulation 3 of the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941, as a person in whose case those regulations should have effect; or
- (iii) who immediately before the said eighteenth day of August was engaged in service or work in such circumstances that under the <sup>M19</sup>Police and Firemen (War Service) Act 1939, his service or work fell to be treated as a period of approved service in the former brigade; and
- (iv) who in any case becomes on the appointed day or on the termination thereafter of such service or work as aforesaid a member of the former brigade,

gives notice in that behalf to such authority and within such period as may be specified by the Scheme, the Scheme shall have effect in his case, so long as he remains a member of the former brigade, subject to the said modifications.

- (3) The modifications referred to in the last foregoing subsection are such modifications as will secure that subject to the following provisions of this section—
  - (a) as respects superannuation awards, the Scheme contains the like provisions in respect of the persons entitled to awards, the conditions entitling persons to awards, and the amounts of awards, as the arrangements mentioned in paragraph (a) of the last foregoing subsection;
  - (b) as respects injury awards, an authority making an award under the Scheme may, in any case in which it appears to them that an award under the said arrangements would have exceeded the award under the Scheme, increase the award under the Scheme by an amount not greater than the excess, as estimated by the authority;
  - (c) as respects the rates of contributions to be made by persons in respect of whose service awards may be made, the rates shall be the same as under the said arrangements, subject to such abatement as may be provided by the Scheme for offsetting any provisions of the Scheme having effect by virtue of subsection (5) or (6) of this section in cases where those provisions apply.

In this subsection the expression “injury award” means a pension, allowance or gratuity in respect of death or incapacity of mind or body occasioned either by an injury received in the execution of duty without the default of the person injured or in such circumstances that the Scheme, apart from the foregoing modifications, applies in like manner as if it had been occasioned by an injury so received; and “superannuation award” means a pension, allowance or gratuity other than an injury award.

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- (4) For the purposes of subsection (2) of this section, a fire brigade maintained in pursuance of the <sup>M20</sup>Fire Brigades Act 1938, for any area and a fire brigade maintained in pursuance of this Act for that area, or an area including that area, shall be treated as one.

<sup>F71</sup>(5) .....

<sup>F72</sup>(6) .....

#### Textual Amendments

**F71** S. 27(5) repealed by Social Security Act 1973 (c. 38), Sch. 28 Pt. I

**F72** S. 27(6) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. XI

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

**C15** S. 27 amended by Fire Services Act 1951 (c. 27), s. 2(1)—(3)

**C16** S. 27(2) amended by Fire Services Act 1959 (c. 44), s. 8(4)

**C17** S. 27(5): power to continue conferred (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c.6), ss. 5, 7(2), Sch.3 Pt. II para. 15

#### Marginal Citations

**M17** 1925 c. 47.

**M18** 1938 c. 72.

**M19** 1939 c. 103.

**M20** 1938 c. 72.

VALID FROM 21/05/1997

### <sup>F73</sup>27A Information in connection with firemen's pensions etc.

- (1) A fire authority may in prescribed circumstances—
- (a) provide information in connection with the questions specified in subsection (2) below to a prescribed person; and
  - (b) require that person to pay a reasonable fee in respect of any administrative expenses incurred in providing that information.
- (2) The following are the questions mentioned in subsection (1) above—
- (a) whether an individual who has opted or transferred out has suffered loss as a result of a contravention which is actionable under section 62 of the <sup>M21</sup>Financial Services Act 1986 (actions for damages in respect of contravention of rules etc. made under the Act), and
  - (b) if so, what payment would need to be made in respect of that individual to the fire authority concerned to restore the position to what it would have been if that individual had not opted or transferred out.
- (3) Where—
- (a) an individual who has opted or transferred out becomes entitled to make contributions under the Scheme to a fire authority, or
  - (b) a payment is made to a fire authority in respect of such an individual for the purpose mentioned in subsection (2)(b) above,

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the fire authority may require a prescribed person to pay a reasonable fee in respect of any administrative expenses incurred in connection with that entitlement or payment.

(4) For the purposes of this section, an individual shall be taken to have opted or transferred out if—

- (a) for any period during which he is a member of a fire brigade maintained in pursuance of this Act, he does not make contributions under the Scheme but instead makes contributions to a personal pension scheme; or
- (b) a transfer value is paid in respect of the individual by a fire authority to a personal pension scheme.

(5) In this section—

“personal pension scheme” has the meaning given by section 1 of the <sup>M22</sup>Pension Schemes Act 1993;

“prescribed” means prescribed by regulations made by the Secretary of State under this section;

“the Scheme” has the same meaning as in sections 26 and 27 of this Act.]

**Textual Amendments**

**F73** S. 27A inserted (21.5.1997) by 1997 c. 52, ss. 3, 4(2)

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

**C18** S. 27A: transfer of certain functions (1.7.1999) by S.I. 1999/1750, arts. 1(1), 2, **Sch. 1** (with art. 7); S.I. 1998/3178, **art. 3**

**Marginal Citations**

**M21** 1986 c. 60.

**M22** 1993 c. 48.

<sup>F74</sup>**28** .....

**Textual Amendments**

**F74** S. 28 repealed by **Fire Services Act 1959** (c. 44), s. 9(3), **Sch.**

*Miscellaneous and General*

**29 Central Fire Brigades Advisory Council.**

(1) The Secretary of State shall constitute a Council to be called the Central Fire Brigade Advisory Council, for the purpose of advising him on any matters as to which he is required by this Act to consult the Council or any other matter arising, otherwise than under section seventeen of this Act, in connection with the operation of this Act which the Council have taken into consideration, whether on a reference from the Secretary of State or otherwise.



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- (2) Subject to the provisions of the next following subsection, the Council shall consist of a chairman appointed by the Secretary of State and of such number of other persons so appointed as the Secretary of State may determine, being persons appointed as representing the interests of fire authorities and of persons employed as members of fire brigades maintained in pursuance of this Act.
- (3) In addition to the persons mentioned in the last foregoing subsection the Secretary of State may, if he thinks fit, appoint as members of the Council, either generally or for the consideration of any particular matter, such other persons appearing to him to have special qualifications as he may determine.
- (4) The procedure (including the quorum) of the Council shall, subject to any directions of the Secretary of State, be such as the Council may determine.
- (5) The Secretary of State may defray any expenses authorised by him with the consent of the Treasury to be incurred by the Council.

### **30 Powers of firemen and police in extinguishing fires.**

- (1) Any member of a fire brigade maintained in pursuance of this Act who is on duty, any member of any other fire brigade who is acting in pursuance of any arrangements made under this Act, or any constable, may enter and if necessary break into any premises or place in which a fire has or is reasonably believed to have broken out, or any premises or place which it is necessary to enter for the purposes of extinguishing a fire or of protecting the premises or place from acts done for fire-fighting purposes, without the consent of the owner or occupier thereof, and may do all such things as he may deem necessary for extinguishing the fire or for protecting from fire, or from acts done as aforesaid, any such premises or place or for rescuing any person or property therein.
  - (2) Any person who wilfully obstructs or interferes with any member of a fire brigade maintained in pursuance of this Act who is engaged in operations for fire-fighting purposes shall be liable on summary conviction to a fine not exceeding [<sup>F75</sup>level 3 on the standard scale].
  - (3) At any fire the senior fire brigade officer present shall have the sole charge and control of all operations for the extinction of the fire, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or the use of any water supply, and the selection of the parts of the premises, object or place where the fire is, or of adjoining premises, objects or places, against which the water is to be directed.
  - (4) Any water undertakers shall, on being required by any such senior officer as is mentioned in the last preceding subsection to provide a greater supply and pressure of water for extinguishing a fire, take all necessary steps to enable them to comply with such requirement and may for that purpose shut off the water from the mains and pipes in any area; and no authority or person shall be liable to any penalty or claim by reason of the interruption of the supply of water occasioned only by compliance of the water undertakers with such a requirement.
- [<sup>F76</sup>(4A) Any water undertaker which, without reasonable excuse, fails to take any step which it is obliged to take by virtue of subsection (4) of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.]

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- (5) The senior officer of police present at any fire, or in the absence of any officer of police the senior fire brigade officer present, may close to traffic any [<sup>F77</sup>street][<sup>F77</sup>road] or may stop or regulate the traffic in any [<sup>F77</sup>street][<sup>F77</sup>road] whenever in the opinion of that officer it is necessary or desirable to do so for fire-fighting purposes.
- (6) In this section the expression “senior fire brigade officer present,” in relation to any fire, means the senior officer present of the fire brigade maintained in pursuance of this Act in the area in which the fire originates, or, if any arrangements or reinforcement scheme made under this Act provided that any other person shall have charge of the operations for the extinction of the fire, that other person.

<sup>F78</sup>(7) .....

**Textual Amendments**

- F75** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 39, 46, **Sch. 3** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 7D** and (S.)(1.4.1996) by 1995 c. 40, ss. 3, 6, Sch. 1 para. 10, Sch. 2 Pt. III, **Sch. 5**
- F76** S. 30(4A) inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190(1), 193(1), Sch. 25 para. 9(5), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F77** Word "road" substituted (S.) for "street" by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 34(4)**
- F78** S. 30(7) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**

**31 False alarms of fire.**

- (1) Any person who knowingly gives or causes to be given a false alarm of fire to any fire brigade maintained in pursuance of this Act or to any member of such a brigade shall be liable on summary conviction to a fine not exceeding [<sup>F79</sup>level 4 on the standard scale] or to imprisonment for a term not exceeding three months or both such fine and such imprisonment.

<sup>F80</sup>(2) .....

<sup>F81</sup>(3) .....

**Textual Amendments**

- F79** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46, and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G and (S.) (1.4.1996) by 1995 c. 40, ss. 3, 6, Sch. 1 para. 3(1), Sch. 2 Pt. II, **Sch. 5**
- F80** S. 31(2) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**
- F81** Ss. 31(3), 39(3), Sch. 5 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**

**32 Members of police force not to be employed in fire brigade.**

No member of a police force shall be employed as a member of a fire brigade maintained in pursuance of this Act.

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### 33 Inquiries.

- (1) The Secretary of State may hold a public local inquiry into the manner in which any fire authority are performing their functions under this Act, or into the circumstances of, or the steps taken to deal with, any particular outbreak of fire.
- (2) [<sup>F82</sup>Subsections (2), (3) and (5) of section two hundred and fifty of the <sup>M23</sup>Local Government Act 1972] (which relate to evidence at local enquiries and to the making of orders as to payment of the costs incurred thereat by local authorities) shall apply to any inquiry held in pursuance of this Act.

#### Textual Amendments

**F82** Words substituted by virtue of [Local Government Act 1972 \(c. 70\), s. 272\(2\)](#)

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

**C19** [S. 33](#) extended (1.12.1999) by [S.I. 1999/1877, regs. 1, 17, Sch. para. 10\(6\)](#)

**C20** Reference to this Act in [s. 33\(1\)](#) to be read as including reference to [Fire Precautions Act 1971 \(c. 40\)](#):  
ibid., s. 29

[S. 33\(1\)](#) modified (1.12.1997) by [1997/1840, reg. 10\(6\)](#)

#### Marginal Citations

**M23** [1972 c. 70.](#)

### 34 Expenses and receipts of Secretary of State.

- (1) All expenses incurred by the Secretary of State by virtue of this Act shall be defrayed out of moneys provided by Parliament.
- (2) Any receipts of the Secretary of State under this Act shall be paid into the Exchequer.

### 35 Regulations and orders to be laid before Parliament.

- (1) Any regulations of the Secretary of State under this Act, and any order of the Secretary of State under section eleven or twenty-six thereof, shall be laid before Parliament forthwith after being made.
- (2) If either House of Parliament, within a period of forty days beginning with the day on which any such regulations or order as aforesaid are laid before it, resolves that an Address be presented to His Majesty praying that the regulations or order be annulled, no further proceedings shall be taken thereunder after the date of the resolution, and His Majesty may by Order in Council revoke the regulations or order, so, however, that any such resolution and revocation shall be without prejudice to the validity of anything previously done under the regulations or order or to the making of new regulations or a new order.
- (3) In reckoning any such period of forty days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

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### 36 Application to Scotland.

- (1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.
- (2) For any reference to the Minister of Health there shall be substituted a reference to the Secretary of State; . . . <sup>F83</sup>; for any reference to a combination scheme there shall be substituted a reference to an administration scheme; for any reference to statutory water undertakers there shall be substituted a reference to a [<sup>F84</sup>water authority] within the meaning of the Water (Scotland) Act [<sup>F84</sup>1980]; for references to the <sup>M24</sup>Water Act 1945, and to sections thirty-two to thirty-four and thirty-six of the Third Schedule thereto there shall be respectively substituted references to the Water (Scotland) Act [<sup>F84</sup>1980], and to sections nineteen to twenty-one and twenty-three of the [<sup>F84</sup>Schedule 4]thereto; for any reference to the <sup>M25</sup>Acquisition of Land (Authorisation Procedure) Act 1946, there shall be substituted a reference to the <sup>M26</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947; for any reference, in relation to a fire brigade, to the chief officer, there shall be substituted a reference to the firemaster; and any reference to a fire authority shall, unless the context otherwise requires, be construed as including a reference to a joint committee constituted in pursuance of the provisions hereinafter contained.
- <sup>F85</sup>(3) It shall be the duty of the councils of the regions and islands areas comprised in either of the combined areas set out in the Table at the end of this subsection to prepare and submit to the Secretary of State, not later than 1st January 1975 or such later date as the Secretary of State may in special circumstances allow, a scheme (hereafter referred to as an "administration scheme") for the provision in the combined area of the services required by section 1 of this Act, and the Secretary of State may by order approve any scheme so submitted to him.

TABLE

Combined area	Regions and islands areas comprised
South-eastern	Borders and Lothian.
Northern	Highland and the Islands Areas.]

- (4) An administration scheme shall make provision with regard to the following matters:
  - (a) the establishment of a combined fire brigade for the area, and the appointment, subject to the provisions of this Act and of any regulations thereunder, of a firemaster of that brigade;
  - (b) the constitution for the administration of the combined fire brigade of a joint committee consisting of such number of members, being members of the fire authorities in the area, as may be specified in the scheme;
  - (c) the transfer to the joint committee of the functions of the fire authorities (except the power to levy a rate and such other functions as may be specified in the administration scheme);
  - (d) the payment out of a fund constituted in accordance with the scheme of the expenses incurred by the joint committee in the administration of the combined fire brigade;
  - (e) the payment into the aforesaid fund of contributions by the fire authorities in such proportions as may be determined by or under the scheme.

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- (5) An administration scheme may contain provision regarding—
- (a) the furnishing, on such terms and conditions as may be specified in the scheme, by one of the fire authorities of any service connected with the administration of the combined fire brigade;
  - (b) the transfer to the joint committee of property, rights or liabilities;
  - (c) the appointment of officers by the joint committee and the transfer to the joint committee of officers of any of the fire authorities;
  - (d) the settlement of differences between the fire authorities; and
  - (e) any other matters incidental to or consequential on any provision contained in the scheme.
- (6) <sup>F86</sup>If the councils of the regions and islands areas comprised in one of the combined areas set out in the Table at the end of subsection (3) of this section fail to submit within the time limited by that subsection] an administration scheme for that area satisfactory to the Secretary of State, he may by order make a scheme therefor and the foregoing provisions of this section shall apply to any such scheme as they apply to schemes made under those provisions:
- Provided that before making any such scheme the Secretary of State shall give to the councils concerned notice of the general nature of the proposed scheme, and unless those councils intimate their assent thereto, the Secretary of State shall publish in one or more newspapers circulating in the areas of the councils a notice of the general nature of the scheme, and shall cause a public local inquiry to be held by a person appointed by him, not being an officer of a fire authority or of any Government department.
- (7) An administration scheme made under subsection (3) or subsection (6) of this section may be amended or revoked by a subsequent scheme made under either of those subsections and the provisions of those subsections shall apply to any such amending or revoking scheme subject to any necessary modifications.
- (8) The Secretary of State may by order vary <sup>F87</sup>any area or combined area] and any such order may make provision with respect to any of the following matters—
- (a) the making of a new administration or establishment scheme or such modification of an existing administration or establishment scheme relating to any area affected by the order as seems to the Secretary of State to be necessary;
  - (b) the transfer or retransfer to such fire brigade as may be determined by the order of the members of any fire brigade affected thereby;
  - (c) the transfer or retransfer to such fire authorities as may be determined by the order of any officers, property, rights or liabilities of any fire authority affected thereby;
  - (d) the payment, by such fire authority and subject to such provisions as may be determined by the order, of compensation to officers employed by any fire authority affected by the order who in consequence thereof or of anything done thereunder suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments;
  - (e) in the case of any person who having immediately before the coming into operation of the order been the firemaster of any fire brigade affected by the order does not on the coming into operation of the order become the firemaster of any fire brigade established in consequence of the order, for the payment, in lieu of compensation under the last foregoing paragraph, of a pension,

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gratuity or allowance of such amount subject to such conditions and by such fire authority as may be provided by the order; and

- (f) any other matters incidental to or consequential on any provision contained in the order:

Provided that—

- (i) unless the councils of the [F88regions and islands areas] affected by any proposed order under this subsection assent to the making thereof, the Secretary of State shall publish in one or more newspapers circulating in the [F88regions and islands areas] so affected a notice of the purport of the proposed order, and shall cause a public local inquiry to be held; and
- (ii) the Secretary of State shall lay before each House of Parliament a draft of any proposed order under this subsection and where an inquiry has been held with respect thereto shall lay together with the draft a copy of the report of the person by whom the inquiry was held; and if either House within the period of forty days beginning with the day on which the draft order is laid before it resolves that the order be not made, no further proceedings shall be taken thereon, but without prejudice to the laying before Parliament of a new draft order.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

- (9) The Secretary of State may after consultation with the fire authorities concerned by order provide for the incorporation of a joint committee with a common seal and for conferring on such a committee power to hold land or to borrow money.
- (10) A fire authority and a joint committee which has power to borrow money by virtue of an order made under subsection (9) of this section may, subject to the provisions of [F89section sixteen of, and Schedule 3 to, the M27Local Government (Scotland) Act 1975], borrow such sums as may be required for the purposes of their functions under this Act to meet expenditure of a capital nature or the cost of executing any work, or providing any plant or equipment or doing any other thing where, having regard to the nature of the work, plant, equipment or thing, the cost ought to be spread over a period of years:

Provided that nothing in this subsection shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the M28Local Authorities Loans Act 1945, . . . F90 and of any orders for the time being in force made by the Treasury under section one of the M29Borrowing (Control and Guarantees) Act 1946.

- (11) A joint committee which has power to borrow money by virtue of an order under subsection (9) of this section shall, for the purposes of the M30Local Authorities Loans Act 1945, be deemed to be a local authority.
- (12) . . . . . F91
- (13) [F92For the purposes of the Local Government Superannuation (Scotland) Regulations 1974], the appropriate superannuation fund in relation to the [F92pensionable employees] of a joint committee shall be the superannuation fund of such one of the councils of the [F88regions and islands areas] comprised in the area of the joint committee as may be determined by or under the administration scheme.

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(14) Section one of this Act shall have effect as if for subsection (2) thereof the following subsection were substituted:—

“(2) (a) Any member of a fire brigade maintained in pursuance of this Act authorised in writing by the authority maintaining the fire brigade shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours for the purpose of obtaining such information as is mentioned in paragraph (d) of the last foregoing subsection:

Provided that admission to any premises in which persons are employed otherwise than in domestic service, shall not be demanded as of right unless twenty-four hours’ notice of the intended entry has been given to the occupier.

(b) If it is shown to the satisfaction of a sheriff or a justice of the peace—

(i) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of entry; and

(ii) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the sheriff or justice may by warrant under his hand authorise the authority maintaining the fire brigade by any member thereof authorised as aforesaid to enter the premises, if need be by force:

Provided that such a warrant shall not be issued unless the sheriff or justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(c) A member of a fire brigade authorised as aforesaid entering any premises by virtue of this subsection, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(d) Every warrant granted under this subsection shall continue in force until the purpose for which the entry is necessary has been satisfied.

(e) If any person who in compliance with the provisions of this subsection or of a warrant issued thereunder is admitted into any premises discloses to any person any information obtained by him therein with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding [<sup>F93</sup>level 3 on the standard scale] or to imprisonment for a term not exceeding three months.

(f) A person who wilfully obstructs any person acting in the execution of this subsection or of any warrant issued thereunder shall be liable on summary conviction to a fine not exceeding [<sup>F94</sup>level 1 on the standard scale] and to a further fine not exceeding five pounds for each day on which the offence continues after conviction thereof.”

(15) For section four of this Act there shall be substituted the following section—

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[<sup>F95</sup>Subject to the provisions of this Act, as from 16th May 1975, the fire authority shall be a regional or islands council], and the Fire Brigades Act 1938, and any other enactment passed before the commencement of this Act in so far as it confers functions for fire fighting purposes on any council other than as aforesaid shall cease to have effect:

Provided that nothing in this section shall affect any functions relating to fire prevention, restricting the spread of fires, or means of escape in case of fire, being functions conferred on a council otherwise than as an authority maintaining a fire brigade.”

(16) Section eleven of this Act shall have effect as if for references to such a local authority and such a fire authority as are therein mentioned there were respectively substituted references to the council of a [<sup>F88</sup>regions or islands area] comprised in any area for which a joint committee is appointed and to that joint committee.

(17) ..... <sup>F96</sup>

(18) There shall be appointed a separate Central Fire Brigades Advisory Council for Scotland to be called the Scottish Central Fire Brigades Advisory Council, and the provisions of this Act with regard to the Central Fire Brigades Advisory Council shall apply to the said Scottish Council.

[<sup>F97</sup>(19) Any inquiry which the Secretary of State is under this Act required or authorised to hold shall be held in public, and the provisions of subsections (3) to [<sup>F98</sup>(8) of section 210 of the <sup>M31</sup>Local Government (Scotland) Act 1973], shall have effect in relation thereto.]

(20) A fire authority and a joint committee which has power to hold land by virtue of an order under subsection (9) of this section, may, with the consent of the Secretary of State, sell or otherwise dispose of any land vested in them and no longer required by them.

(22) The following provisions of this Act—

- (a) sections five to ten,
- (b) subsection (4) and, (so far as it defines the expression “statutory water undertakers”), subsection (7) of section fourteen,
- (c) ..... <sup>F99</sup>
- (d) subsection (2) of section thirty-three,
- (e) ..... <sup>F99</sup>

shall not apply to Scotland.

#### Textual Amendments

- F83** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F84** Words substituted by [Water \(Scotland\) Act 1980 \(c. 45, SIF 130\)](#), s. 112, **Sch. 10 Pt. II**
- F85** [S. 36\(3\)](#) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **s. 147(2)**
- F86** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **s. 147(5)(c)**
- F87** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **s. 147(5)(d)**
- F88** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **s. 147(5)(a)**
- F89** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **s. 237(2)**
- F90** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. XIII**



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- F91** Ss. 8(7)(8), 36(12) repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**
- F92** Words substituted by S.I. 1974/812, **Sch. 16 Pt. I para. 1**
- F93** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G and 457A**
- F94** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**
- F95** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **s. 147(5)(e)**
- F96** S. 36(17) repealed by Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (c. 64), **Sch. 6 Pt. III**
- F97** S. 36(19) substituted by Fire Services Act 1959 (c. 44), **s. 11**
- F98** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **s. 147(5)(f)**
- F99** S. 36(22)(c)(e) and word “and” preceding para. (e) repealed by Fire Services Act 1959 (c. 44), **Sch.**

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

- C21** References to Secretary of State substituted in ss. 3(5), 14(1), Sch. 5 para. 9(3) for references (as originally enacted) to Minister of Health

**Marginal Citations**

- M24** 1945 c. 42.
- M25** 1946 c. 49.
- M26** 1947 c. 42.
- M27** 1975 c. 30.
- M28** 1945 c. 18.
- M29** 1946 c. 58.
- M30** 1945 c. 18.
- M31** 1973 c. 65.

**37 Application to Isles of Scilly.**

This Act shall apply to the Isles of Scilly as if they were [<sup>F100</sup>a county] and as if the Council of those Isles were the council of the county.

**Textual Amendments**

- F100** Words substituted by virtue of Local Government Act 1972 (c. 70), **s. 179(2)**

**38 Interpretation.**

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“appointed day” means such day as the Secretary of State may by order appoint;

[<sup>F101</sup>“combined area”, in relation to Scotland, means an area for which a combined fire brigade is established by an administration scheme under section 36 of this Act;]

<sup>F102</sup>

“equipment” includes fire engines and other vehicles and appliances and other apparatus, and also uniforms and badges of rank;

“fire authority” means an authority which for the time being is constituted a fire authority by this Act or any combination scheme made thereunder;

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“fire-fighting purposes” means the purposes of the extinction of fires and the protection of life and property in case of fire;

[<sup>F103</sup>“street” includes any highway, including a highway over any bridge and any road, lane, footway, square, court, alley or passage whether a thoroughfare or not.]

[<sup>F103</sup>“road” has the same meaning as in the Public Utilities Street Works Act 1950; and

“roads authority” has the same meaning as in the Roads (Scotland) Act 1984;]

(2) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

(3) References in this Act to a fire authority under the <sup>M32</sup>Fire Brigades Act 1938, and to a fire brigade maintained in pursuance of that Act respectively include references to the London County Council and the London Fire Brigade.

**Textual Amendments**

**F101** Definition inserted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 147\(6\)](#)

**F102** Definitions repealed by (E.W.) [Police Act 1964 \(c. 48\), Sch. 10 Pt. I](#) and (S.) [Police \(Scotland\) Act 1967 \(c. 77\), Sch. 5 Pts. I, II](#)

**F103** Definitions of “road” and “roads authority” substituted (S.) for definition of “street” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 34\(5\)](#)

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**Marginal Citations**

**M32** [1938 c. 72.](#)

**39 Short title, extent, transitional provisions and savings.**

(1) This Act may be cited as the Fire Services Act 1947.

(2) This Act shall not extend to Northern Ireland.

<sup>F104</sup>(3) .....

<sup>F105</sup>(4) .....

(5) Without prejudice to the provisions of section thirty-eight of the <sup>M33</sup>Interpretation Act 1889 (which relates to the effect of repeals), save as provided in the Fifth Schedule to this Act, nothing in this Act shall affect—

(a) the operation of any pension scheme in relation to persons retiring before the appointed day from employment as members of fire brigades or the National Fire Service, or dying before that date while in such employment; or

(b) the operation of any pension scheme, the <sup>M34</sup>Police and Firemen (War Service) Act, 1939, or any scheme under section seven of that Act in relation to a person to whom section one of that Act or any scheme under the said section seven applies, unless and until the said person becomes a member of a fire brigade maintained in pursuance of this Act or becomes engaged in such other employment in connection with the provision of fire services as may for the purposes of this paragraph be specified in the Firemen’s Pension Scheme.

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In this subsection the expression “pension scheme” means the <sup>M35</sup>Fire Brigade Pensions Act 1925, or any other scheme for the grant of pensions, allowances or gratuities on the retirement or death of persons employed as members of fire brigades.

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**Textual Amendments**

**F104** Ss. 31(3), 39(3), Sch. 5 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. XI](#)

**F105** S. 39(4), Sch. 6 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

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**Marginal Citations**

**M33** 1889 c. 63.

**M34** 1939 c. 103.

**M35** 1925 c. 47.

**Status:**

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**Changes to legislation:**

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