

**EXPLANATORY MEMORANDUM TO
THE FIRE AND RESCUE SERVICES ACT 2004 (CONSEQUENTIAL
AMENDMENTS) (ENGLAND) ORDER 2004**

2004 No.3168

1. This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The Order amends relevant secondary legislation following the commencement of the Fire and Rescue Services Act 2004 on 1 October 2004. The amendments update the references in these pieces of legislation to reflect the modern terms introduced in the Act.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 The Fire and Rescue Services Act 2004 received Royal Assent on 22nd July 2004 and came into force in England (and, in part, in Scotland) on 1st October 2004 (see S.I. 2004/2304 (c. 100)). Under section 62, the power to commence the Act in Wales is exercisable by the National Assembly for Wales.

4.2 Section 53(3) of the 2004 Act empowers the Secretary of State to make, by order, any supplementary, incidental or consequential provision and any transitory, transitional or saving provision which he considers necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of the Act. This Order makes consequential amendments to secondary legislation - in particular by updating existing references to "fire authorities", "fire brigades" and "the Fire Services Act 1947".

5. **Extent**

5.1 This instrument applies to England.

6. **European Convention on Human Rights**

Not applicable

7. Policy background

- 7.1 The Fire and Rescue Services Act 2004 provides the statutory footing for a modern Fire and Rescue Service. Its main provisions include the widening of the statutory duties of fire and rescue authorities to include promoting fire safety and making provision for responding to road traffic accidents.
- 7.2 In addition, several terms used in previous legislation are replaced with more modern usage to reflect the role and nature of the Service today. For example, 'Fire Authority' and 'Fire Brigade' have become 'Fire and Rescue Authority'. 'Fireman' has also been replaced by 'Firefighter'. This Order ensures that relevant secondary legislation will refer to the correct legal entity and use the modern terms.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities, voluntary bodies, or the public sector.

9. Contact

Mark Doran at the Office of the Deputy Prime Minister (Tel: 020 7944 4354 or e-mail: mark.doran@odpm.gsi.gov.uk) can answer any queries regarding the instrument.