

## SCHEDULE 1

Article 3

1. In this Schedule “the Scheme” means the Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996.

### Commencement Information

**I1** Sch. 1 para. 1 in force at 22.12.2017, see [art. 1\(2\)](#)

### Variation of Part 1 of the Scheme

2. In paragraph 2 (interpretation)—

(a) after the definition of “constituent authority” omit “and”, and

(b) after the definition of “the fire brigade” insert—

“;and

“relevant police and crime commissioner means” a police and crime commissioner—

(a) whose area is the same as, or contains all of, the area of the Authority, or

(b) all or part of whose area falls within the area of the Authority.”.

### Commencement Information

**I2** Sch. 1 para. 2 in force at 22.12.2017, see [art. 1\(2\)](#)

### Variation of Part 3 of the Scheme

3. For paragraph 11 substitute—

“**11.**—(1) The number of members of the Authority shall be determined by the Authority but shall not exceed 25.

(2) Each member of the Authority shall be appointed in accordance with this Part.”.

### Commencement Information

**I3** Sch. 1 para. 3 in force at 22.12.2017, see [art. 1\(2\)](#)

4. For paragraph 12 substitute—

“**12.**—(1) Each constituent authority shall appoint such number of representatives as determined by the Authority to be members of the Authority.

(2) In determining the number of representatives to be appointed by each constituent authority the Authority shall, so far as is practicable, ensure that the number of representatives of each constituent authority is proportionate to the number of local government electors in their area in relation to the number of such electors in the areas of each of the other constituent authorities.”.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fire and Rescue Authority (Membership) Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 22.12.2017, see [art. 1\(2\)](#)

**5.** After paragraph 12 insert—

**12A.** Subject to paragraphs 12B and 12C, the Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

**12B.** A relevant police and crime commissioner may only be appointed as a member of the Authority in response to a request by the commissioner.

**12C.** If a relevant police and crime commissioner makes such a request the Authority must—

- (a) consider the request,
- (b) give reasons for its decision to agree to or refuse the request, and
- (c) publish those reasons in such a manner as it thinks appropriate.

**12D.** Paragraph 12E applies where the Authority appoints a relevant police and crime commissioner to be a member of the Authority and the police and crime commissioner makes arrangements under section 18 of the Police Reform and Social Responsibility Act 2011(1) to delegate their attendance at a meeting of the Authority.

**12E.** A person who attends a meeting of the Authority on behalf of a relevant police and crime commissioner—

- (a) may speak at the meeting but not vote, and
- (b) is not to be treated as a member of the Authority for any purpose.”.

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 22.12.2017, see [art. 1\(2\)](#)

**6.** In paragraph 13 after “the Authority” insert “appointed by a constituent authority”.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 22.12.2017, see [art. 1\(2\)](#)

**7.** After paragraph 13 insert—

**13A.** A relevant police and crime commissioner appointed under paragraph 12A shall, subject to paragraphs 14 and 15(2), be a member of the Authority until—

- (a) a vacancy in the office of the police and crime commissioner is regarded as occurring for the purposes of section 59 of the Police Reform and Social Responsibility Act 2011, or
- (b) if there is no vacancy in the office before then, the day on which their term of office as a police and crime commissioner ends in accordance with section 50(7)(b) of that Act.”.

(1) [2011 c. 13](#); section 18 was amended by paragraphs 52 and 53 of Schedule 7 to the Localism Act 2011 ([c. 20](#)) and paragraphs 115 and 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 ([c. 2](#)).

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**Commencement Information**

**I7** Sch. 1 para. 7 in force at 22.12.2017, see [art. 1\(2\)](#)

**8.** In paragraph 16—

(a) after “a member of the Authority”, the first time it appears, insert “appointed by a constituent authority”; and

(b) for sub-paragraph (2) substitute—

“(2) If a member of the Authority appointed by a constituent authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless—

(a) on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11; or

(b) without such an appointment no meeting of the Authority would be quorate as a result of the quorum requirements required by paragraph 19.”.

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**Commencement Information**

**I8** Sch. 1 para. 8 in force at 22.12.2017, see [art. 1\(2\)](#)

**9.** In paragraph 19—

(a) for “one third” substitute “one half”; and

(b) for “each constituent authority” substitute “any two of the constituent authorities.”.

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**Commencement Information**

**I9** Sch. 1 para. 9 in force at 22.12.2017, see [art. 1\(2\)](#)

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**Commencement Information**

**I3** Sch. 1 para. 3 in force at 22.12.2017, see [art. 1\(2\)](#)

**I4** Sch. 1 para. 4 in force at 22.12.2017, see [art. 1\(2\)](#)

**I5** Sch. 1 para. 5 in force at 22.12.2017, see [art. 1\(2\)](#)

**I6** Sch. 1 para. 6 in force at 22.12.2017, see [art. 1\(2\)](#)

**I7** Sch. 1 para. 7 in force at 22.12.2017, see [art. 1\(2\)](#)

**I8** Sch. 1 para. 8 in force at 22.12.2017, see [art. 1\(2\)](#)

**I9** Sch. 1 para. 9 in force at 22.12.2017, see [art. 1\(2\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 1 omitted by [S.I. 2020/186 art. 4\(1\)](#)