



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 3

#### ADMINISTRATION

##### *Supervision*

#### 26 Information

A fire and rescue authority must—

- (a) submit to the Secretary of State any reports and returns required by him;
- (b) give the Secretary of State any information with respect to its functions required by him.

#### Commencement Information

- I1 S. 26 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I2 S. 26 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

#### <sup>F1</sup>27 Inquiries

#### Textual Amendments

- F1 S. 27 repealed (7.6.2005) by [Inquiries Act 2005](#) (c. 12), s. 51(1), Sch. 2 para. 24, 3 (with ss. 44, 50); [S.I. 2005/1432](#), [art. 2](#)

#### Commencement Information

- I3 S. 27 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))

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**14** S. 27 in force at 10.11.2004 for W. by S.I. 2004/2917, art. 2

## 28 Inspectors

[<sup>F2</sup>(A1) Her Majesty may appoint such number of inspectors of fire and rescue authorities in England (the “English inspectors”) as the Secretary of State may determine.

(A2) Of the persons appointed under subsection (A1) one is to be appointed as the chief fire and rescue inspector for England.

(A3) The English inspectors must inspect, and report on the efficiency and effectiveness of, fire and rescue authorities in England.

(A4) The English inspectors must carry out such other duties for the purpose of furthering the efficiency and effectiveness of fire and rescue authorities in England as the Secretary of State may from time to time direct.

(A5) The chief fire and rescue inspector for England may appoint assistant inspectors and other officers for the purpose of assisting the English inspectors.

(A6) When carrying out an inspection under subsection (A3) of a fire and rescue authority created by an order under section 4A, an English inspector must not review or scrutinise decisions made, or other action taken, by the fire and rescue authority in connection with the discharge of an excluded function.

(A7) For the purposes of subsection (A6), the following are excluded functions in relation to a fire and rescue authority—

- (a) the function of preparing a fire and rescue plan and a fire and rescue statement (within the meaning of Schedule A2);
- (b) the functions that the authority has in its capacity as a major precepting authority for the purposes of Part 1 of the Local Government Finance Act 1992;
- (c) the function of appointing a chief finance officer under section 4D(4);
- (d) where functions of the authority have been delegated to a chief constable under an order under section 4H, the functions conferred on the authority by section 4J(4) and (5);
- (e) functions specified, or of a description specified, in relation to that authority in an order made by the Secretary of State.

(A8) The power under subsection (A7)(e) may be exercised in relation to—

- (a) all fire and rescue authorities created by an order under section 4A,
- (b) a particular fire and rescue authority created by an order under section 4A, or
- (c) a particular description of fire and rescue authorities created by an order under section 4A.

(A9) Schedule A3 makes further provision in relation to the English inspectors.]

(1) Her Majesty may by Order in Council appoint inspectors, and the Secretary of State may appoint assistant inspectors and other officers, for the purpose of obtaining information as to—

- (a) the manner in which fire and rescue authorities [<sup>F3</sup>in Wales] are discharging their functions;
- (b) technical matters relating to those functions.

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- (2) The Secretary of State may pay to persons appointed under this section remuneration determined by him.
- (3) A person appointed under section 24 of the Fire Services Act 1947 (c. 41) is to be taken to have been appointed under this section.

#### Textual Amendments

- F2** S. 28(A1)-(A9) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 11\(2\)](#), [183\(1\)](#), [\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(b\)](#)
- F3** Words in s. 28(1)(a) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 11\(3\)](#), [183\(1\)](#), [\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(b\)](#) (with [reg. 4](#))

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

- C1** S. 28 applied (with modifications) by [S.I. 2017/469](#), [Sch. 1 para. 3](#) (as inserted (26.6.2020) by [The Greater Manchester Combined Authority \(Fire and Rescue Functions\) \(Amendment\) Order 2020 \(S.I. 2020/641\)](#), [arts. 1, 9](#))
- C2** S. 28 modified (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), [arts. 1\(2\)](#), [46\(2\)](#), [Sch. 7 para. 6\(4\)](#)

#### Commencement Information

- I5** S. 28 in force at 7.9.2004 for specified purposes except in relation to W. and 1.10.2004 otherwise except in relation to W. by [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- I6** S. 28 in force at 10.11.2004 for W. by [S.I. 2004/2917](#), [art. 2](#)

### [<sup>F4</sup>28A Inspection programme and inspection framework etc: England

- (1) The chief fire and rescue inspector for England must from time to time prepare—
  - (a) a document setting out what inspections of fire and rescue authorities in England the English inspectors propose to carry out under section 28(A3) (an “inspection programme”);
  - (b) a document setting out the manner in which the English inspectors propose to carry out the function conferred on them by section 28(A3) (an “inspection framework”).
- (2) The chief fire and rescue inspector for England must obtain the approval of the Secretary of State to an inspection programme or inspection framework before the English inspectors act in accordance with it.
- (3) The Secretary of State may at any time require the chief fire and rescue inspector for England to carry out, or arrange for another English inspector to carry out, an inspection under section 28(A3) of—
  - (a) a fire and rescue authority in England;
  - (b) all fire and rescue authorities in England;
  - (c) all fire and rescue authorities in England of a particular type.
- (4) A requirement imposed under subsection (3) may limit the inspection to a particular matter.
- (5) The chief fire and rescue inspector for England or, at the request of that inspector, any other English inspector may carry out an inspection under section 28(A3) of a fire and

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rescue authority in England that has not been set out in an inspection programme (and has not been required under subsection (3)).

- (6) Before deciding to carry out, or to request another English inspector to carry out, an inspection of a fire and rescue authority in England that has not been set out in an inspection programme, the chief fire and rescue inspector for England must consult the Secretary of State.
- (7) Nothing in an inspection programme or inspection framework is to be read as preventing an English inspector from making a visit without notice.
- (8) In this section “English inspector” means an inspector appointed under section 28(A1).]

#### Textual Amendments

- F4** S. 28A inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 11(4)**, 183(1)(5)(e); S.I. 2017/726, [reg. 2\(b\)](#)

#### [<sup>F5</sup>28B Publication of inspection reports etc: England

- (1) The chief fire and rescue inspector for England must arrange for a report prepared under section 28(A3) to be published in such manner as appears to him or her to be appropriate.
- (2) But the chief fire and rescue inspector for England must exclude from publication under subsection (1) anything that he or she considers—
  - (a) would be against the interests of national security, or
  - (b) might jeopardise the safety of any person.
- (3) The chief fire and rescue inspector for England must—
  - (a) send a copy of the published report to the Secretary of State, and
  - (b) disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).
- (4) The chief fire and rescue inspector for England must in each year submit to the Secretary of State a report on the carrying out of inspections under section 28(A3) (during the period since the last report).
- (5) A report under subsection (4) must include the chief fire and rescue inspector for England’s assessment of the efficiency and effectiveness of fire and rescue authorities in England for the period in respect of which the report is prepared.
- (6) The chief fire and rescue inspector for England must lay before Parliament a copy of a report submitted under subsection (4).
- (7) In this section “English inspector” means an inspector appointed under section 28(A1).]

#### Textual Amendments

- F5** S. 28B inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 11(5)**, 183(1)(5)(e); S.I. 2017/726, [reg. 2\(b\)](#)

**Changes to legislation:**

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