



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 1

#### FIRE AND RESCUE AUTHORITIES

##### *[<sup>F1</sup>Powers of certain fire and rescue authorities]*

##### **[<sup>F1</sup>5C Power to make provision supplemental to section 5A**

- (1) If the appropriate national authority thinks that a statutory provision (whenever passed or made) prevents or restricts relevant fire and rescue authorities from exercising power conferred by section 5A(1), the appropriate national authority may by order amend, repeal, revoke or disapply that provision.
- (2) If the appropriate national authority thinks that the power conferred by section 5A(1) is overlapped (to any extent) by another power then, for the purpose of removing or reducing that overlap, the appropriate national authority may by order amend, repeal, revoke or disapply any statutory provision (whenever passed or made).
- (3) The appropriate national authority may by order make provision preventing relevant fire and rescue authorities from doing under section 5A(1) anything which is specified, or is of a description specified, in the order.
- (4) The appropriate national authority may by order provide for the exercise by relevant fire and rescue authorities of power conferred by section 5A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.
- (5) The power under subsection (1), (2), (3) or (4) may be exercised in relation to—
  - (a) all relevant fire and rescue authorities,
  - (b) particular relevant fire and rescue authorities, or
  - (c) particular descriptions of relevant fire and rescue authorities.
- (6) Before making an order under subsection (1), (2), (3) or (4) the appropriate national authority proposing to make the order must consult—

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*Changes to legislation: There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 5C. (See end of Document for details)*

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- (a) such relevant fire and rescue authorities,
  - (b) such representatives of relevant fire and rescue authorities, and
  - (c) such other persons (if any),
- as that appropriate national authority considers appropriate.
- (7) Subsection (6) does not apply to an order under subsection (3) or (4) which is made only for the purpose of amending an earlier such order—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or
  - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description.
- (8) The appropriate national authority's power under subsection (1) or (2) is exercisable by the Welsh Ministers so far as it is power to make provision that—
- (a) would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of the Assembly, and
  - (b) does not relate to a fire and rescue authority for an area in England.
- (9) The appropriate national authority's power under subsection (1) or (2) is exercisable by the Secretary of State so far as it is not exercisable by the Welsh Ministers.
- (10) The appropriate national authority's power under subsection (3) or (4) is exercisable—
- (a) in relation to England by the Secretary of State, and
  - (b) in relation to Wales by the Welsh Ministers.
- (11) In exercising power under subsection (1) or (2), the Secretary of State may make provision which has effect in relation to Wales only after having consulted the Welsh Ministers.
- (12) The Welsh Ministers may submit to the Secretary of State proposals that power of the Secretary of State under subsection (1) or (2) in relation to Wales should be exercised in accordance with the proposals.
- (13) In subsections (1) and (2) “ statutory provision ” means a provision of—
- (a) an Act, or
  - (b) an instrument made under an Act,
- and in this subsection “ Act ” includes an Act, or Measure, of the National Assembly for Wales.
- (14) In this section “ relevant fire and rescue authority ” has the meaning given by section 5A(3). ]

#### **Textual Amendments**

**F1** Ss. 5A-5L inserted (18.2.2012 for specified purposes, 1.4.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss.9(1), 240(4)(a); S.I. 2012/411, art. 2(c); S.I. 2012/887, art. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Fire and Rescue Services Act 2004, Section 5C.