

SCHEDULES

SCHEDULE 1

PROVISION FOR POLICE AND CRIME COMMISSIONER TO BE FIRE AND RESCUE AUTHORITY

PART 2

AMENDMENTS TO OTHER ACTS

Fire Services Act 1947 (c. 41)

14 In section 26 of the Fire Services Act 1947 (firefighters' pension scheme) (as continued in force by order under section 36 of the Fire and Rescue Services Act 2004) after subsection (5) insert—

“(5A) References in this section to employment as a member of a fire brigade or on duties connected with the provision of fire services include employment by the chief constable of the police force for a police area as a result of—

- (a) a transfer to the chief constable under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004, or
- (b) an appointment by the chief constable under section 4I(4) of that Act.

(5B) References in this section to a fire authority include the chief constable of the police force for a police area who employs persons as mentioned in subsection (5A).”

Landlord and Tenant Act 1954 (c. 56)

15 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation) in the definition of “local authority” for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Local Government Act 1966 (c. 42)

16 In section 11 of the Local Government Act 1966 (grants for certain expenditure due to ethnic minority population) in subsection (2) (bodies to which the section applies) after “This section shall apply to” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.

Leasehold Reform Act 1967 (c. 88)

17 The Leasehold Reform Act 1967 is amended as follows.

- 18 In section 28 (retention or resumption of land required for public purposes) in subsection (5)(a) (application to local authorities) after “any combined authority established under section 103 of that Act,” insert “any fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,”.
- 19 In Schedule 4A (exclusion of certain shared ownership leases) in paragraph 2(2) (leases granted by certain local authorities: bodies to which the exclusion applies) after paragraph (b) insert—
- “(ba) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Government Grants (Social Need) Act 1969 (c. 2)

- 20 In section 1 of the Local Government Grants (Social Need) Act 1969 (grants for special social needs) in subsection (3) (meaning of “local authority”) after “shall also include” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)

- 21 In section 3(2)(b) of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance: employers to which the exemption applies) after “a combined authority established under section 103 of that Act,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Authorities (Goods and Services) Act 1970 (c. 39)

- 22 In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities) in subsection (4) (interpretation) after “any combined authority established under section 103 of that Act,” insert “any fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Government Act 1972 (c. 70)

- 23 The Local Government Act 1972 is amended as follows.
- 24 In section 120 (acquisition of land by agreement) after subsection (3A) insert—
- “(3B) A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 is to be treated as a principal council for the purposes of this section (apart from subsection (1)(b)).”
- 25 In section 138C(1) (application of provisions about religious etc observance and involvement with religious etc events) after paragraph (p) insert—
- “(pa) a fire and rescue authority created by an order under section 4A of that Act, but only for the purposes of section 138B;”.
- 26 In section 222 (power of local authority to prosecute or defend legal proceedings) in subsection (2) (application to bodies other than local authorities) after “the Common Council” insert “and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

- 27 In section 223 (appearance of local authorities in legal proceedings) in subsection (2) (application to bodies other than local authorities) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- 28 In section 229 (photographic copies of documents) in subsection (8) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- 29 In section 231 (service of notices on local authorities, etc) in subsection (4) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- 30 In section 232 (public notices) in subsection (1A) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- 31 In section 233 (service of notices by local authorities) in subsection (11) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- 32 In section 234 (authentication of documents) in subsection (4) (meaning of “local authority”) after “a combined authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”

Employment Agencies Act 1973 (c. 35)

- 33 In section 13(7) of the Employment Agencies Act 1973 (activities to which the Act does not apply) after paragraph (fh) insert—
- “(fi) the exercise by a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 of any of its functions;”

Local Government Act 1974 (c. 7)

- 34 In section 25(1) of the Local Government Act 1974 (authorities subject to investigation) after paragraph (bg) insert—
- “(bh) a fire and rescue authority created by an order under section 4A of that Act;”

Health and Safety at Work etc Act 1974 (c. 37)

- 35 In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information: meaning of local authority) after “a combined authority established under section 103 of that Act” insert “, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

- 36 In section 44(1) of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part 1) in paragraph (a) of the definition of “local authority” after “a combined authority established under section 103 of that Act” insert “, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Rent (Agriculture) Act 1976 (c. 80)

- 37 In section 5(3) of the Rent (Agriculture) Act 1976 (tenancies which are not statutory tenancies) after paragraph (bbb) insert—
 “(bbc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Rent Act 1977 (c. 42)

- 38 In section 14(1) of the Rent Act 1977 (tenancies which are not protected tenancies) after paragraph (cc) insert—
 “(cd) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Protection from Eviction Act 1977 (c. 43)

- 39 In section 3A(8)(a) of the Protection from Eviction Act 1977 (excluded tenancies and licences: licences to occupy local authority etc hostels) after “the Inner London Education Authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Government, Planning and Land Act 1980 (c. 65)

- 40 The Local Government, Planning and Land Act 1980 is amended as follows.
- 41 In section 99 (disposal of land at direction of Secretary of State - supplementary) in subsection (4) (authorities who may make representations about directions) after paragraph (dbb) insert—
 “(dbc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.
- 42 In Schedule 16 (bodies to whom Part 10 applies) after paragraph 5BC insert—
 “5BD A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”

Acquisition of Land Act 1981 (c. 67)

- 43 In section 17(4) of the Acquisition of Land Act 1981 (local authority and statutory undertakers’ land: interpretation) in paragraph (a) of the definition of “local authority” after “the Common Council of the City of London,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 44 The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.
- 45 In section 33 (enforceability by local authorities of certain covenants relating to land) in subsection (9)(a) (meaning of “principal council”) after “the London Residuary Body,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.
- 46 In section 41 (lost and uncollected property) in subsection (13) (interpretation) in the definition of “local authority” after paragraph (ezb) insert—

“(ezc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

47 In section 45 (arrangements under Employment and Training Act 1973) in subsection (2) (local authorities to which section applies) after paragraph (c) (but before the “and” at the end of that paragraph) insert—

“(ca) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

County Courts Act 1984 (c. 28)

48 In section 60(3) of the County Courts Act 1984 (right of audience of local authority: interpretation) in the definition of “local authority” after “a combined authority established under section 103 of that Act,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Housing Act 1985 (c. 68)

49 In section 4(1)(e) of the Housing Act 1985 (other descriptions of authority: local authorities) after “a combined authority” in both places insert “, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Landlord and Tenant Act 1985 (c.70)

50 In section 38 of the Landlord and Tenant Act 1985 (minor definitions) in the definition of “local authority” after “a combined authority established under section 103 of that Act” insert “, a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Local Government Act 1986 (c. 10)

51 The Local Government Act 1986 is amended as follows.

52 In section 6(2)(a) (meaning of “local authority” for the purposes of Part 2) after the entry relating to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 insert—

“a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

53 In section 9(1)(a) (meaning of “local authority” for the purposes of Part 3) after the entry relating to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 insert—

“a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Landlord and Tenant Act 1987 (c.31)

54 In section 58(1) of the Landlord and Tenant Act 1987 (exempt landlords) in paragraph (a) (local authorities) after “the Common Council of the City of London,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Government Act 1988 (c. 9)

- 55 In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities) in the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 and other fire and rescue authorities, after “applies” insert “, a fire and rescue authority created by an order under section 4A of that Act”.

Housing Act 1988 (c. 50)

- 56 The Housing Act 1988 is amended as follows.
- 57 In section 74(8) (transfer of land etc to housing action trusts: meaning of “local authority”) after paragraph (fb) insert—
- “(fc) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.
- 58 In Part 1 of Schedule 1 (tenancies which cannot be assured tenancies) in paragraph 12(2) (local authority tenancies: meaning of “local authority”) after paragraph (e) insert—
- “(ea) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Road Traffic Act 1988 (c. 52)

- 59 In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from the requirement for third party insurance) after “the Inner London Education Authority,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Government and Housing Act 1989 (c. 42)

- 60 The Local Government and Housing Act 1989 is amended as follows.
- 61 In section 1(9) (meaning of politically restricted post under a local authority) at the end insert “, and every member of staff of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”
- 62 (1) Section 4 (designation and reports of head of paid service) is amended as follows.
- (2) In subsection (4) after paragraph (a) insert—
- “(aa) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, to the authority and to the police and crime panel for the police area—
- (i) which corresponds to the authority’s area, or
- (ii) within which the area of the authority falls;”.
- (3) After subsection (5A) insert—
- “(5B) It shall be the duty of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 to consider any report under this section by the head of the authority’s paid service and to do so no later than three months after the authority is sent a copy of the report.”

- (4) In subsection (6)(a) for “and an elected local policing body” substitute “, an elected local policing body and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.
- 63 (1) Section 5 (designation and reports of monitoring officer) is amended as follows.
- (2) In subsection (3) after the second paragraph (a) insert—
- “(aa) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, to the authority and to the police and crime panel for the police area—
- (i) which corresponds to the authority’s area, or
- (ii) within which the area of the authority falls;”.
- (3) In subsection (5)(a) after sub-paragraph (i) insert—
- “(ia) in the case of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, no later than three months after the authority is sent a copy of the report;”.
- (4) In subsection (8)—
- (a) in the definition of “chief finance officer” after “Schedule 1 to the Police Reform and Social Responsibility Act 2011” insert “, section 4D(4) of the Fire and Rescue Services Act 2004”, and
- (b) in paragraph (a) of the definition of “relevant authority” for “and an elected local policing body” substitute “, an elected local policing body and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.
- 64 In section 21 (interpretation of Part 1) after subsection (1) insert—
- “(1A) In section 7 references to a local authority include a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.
- (1B) In the application of section 1(1) to a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 by virtue of subsection (1A) the reference to being or remaining a member of a local authority is to be read as a reference to becoming or remaining such an authority.”
- 65 In section 152(2) (meaning of “relevant authority” for the purposes of sections 150 and 151) after paragraph (f) insert—
- “(fa) a fire and rescue authority created by an order under section 4A of that Act;”.
- 66 In section 155(4) (emergency financial assistance to local authorities: meaning of “local authority”) after paragraph (h) insert—
- “(ha) a fire and rescue authority created by an order under section 4A of that Act;”.
- 67 Until the coming into force of the repeal of section 67 of the Local Government and Housing Act 1989 (application of provisions about companies in which local authorities have interests) by the Local Government and Public Involvement in Health Act 2007, subsection (3) of that section has effect as if after paragraph (h) there were inserted—

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“(ha) a fire and rescue authority created by an order under section 4A of that Act;”.

Town and Country Planning Act 1990 (c. 8)

- 68 The Town and Country Planning Act 1990 is amended as follows.
- 69 In section 252 (procedures for highways orders) in the definition of “local authority” in subsection (12) after “a combined authority established under section 103 of that Act,” insert “a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”.
- 70 In Schedule 14 (procedure for footpaths and bridleway orders) in paragraph 1(3) (meaning of “council”) for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.

Local Government Finance Act 1992 (c. 14)

- 71 (1) The Local Government Finance Act 1992 is amended as follows.
- (2) In section 39(1) (major precepting authorities) after paragraph (da) insert—
- “(db) a fire and rescue authority created by an order under section 4A of that Act;”.
- (3) In section 65(3) (duty of relevant authority to consult ratepayers: meaning of “relevant authority”) after “apart from a police and crime commissioner” insert “or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”.

Local Government (Overseas Assistance) Act 1993 (c. 25)

- 72 In section 1 of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance) in subsection (10) (other bodies) after paragraph (a) insert—
- “(aa) a fire and rescue authority created by an order under section 4A of that Act;”.

Deregulation and Contracting Out Act 1994 (c. 40)

- 73 The Deregulation and Contracting Out Act 1994 is amended as follows.
- 74 In section 70(1ZB) (functions of local authorities: application to certain fire and rescue authorities) after “applies” insert “or a fire and rescue authority created by an order under section 4A of that Act”.
- 75 In section 79A (local authorities in England) after paragraph (n) insert—
- “(na) a fire and rescue authority created by an order under section 4A of that Act;”.

Police Act 1996 (c. 16)

- 76 In section 63 of the Police Act 1996 (Police Advisory Board for England and Wales), at the end insert—

“(4) Section 4K of the Fire and Rescue Services Act 2004 also imposes a requirement on the Secretary of State to consult the Police Advisory Board for England and Wales.”

Crime and Disorder Act 1998 (c. 37)

- 77 The Crime and Disorder Act 1998 is amended as follows.
- 78 In section 5(5) (authorities responsible for strategies: interpretation) in the definition of “fire and rescue authority” after paragraph (a) insert—
- “(aa) a fire and rescue authority created by an order under section 4A of that Act;”.
- 79 In section 17(2) (duty to consider crime and disorder implications: authorities to which duty applies) after the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies insert—
- “a fire and rescue authority created by an order under section 4A of that Act;”.
- 80 In section 115(2) (disclosure of information: meaning of relevant authority) after paragraph (i) insert—
- “(ia) a fire and rescue authority created by an order under section 4A of that Act;”.

Freedom of Information Act 2000 (c. 36)

- 81 In Part 2 of Schedule 1 to the Freedom of Information Act 2000 (public authorities: local government) after paragraph 14 insert—
- “14A A fire and rescue authority created by an order under section 4A of that Act.”

Police Reform Act 2002 (c. 30)

- 82 In section 38 of the Police Reform Act 2002 (police powers for civilian staff) after subsection (11) insert—
- “(11A) In the case of a police force maintained for a police area in England in accordance with section 2 of the Police Act 1996, the following are also relevant employees for the purposes of this section—
- (a) any member of staff transferred to the chief constable of the police force under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004 (transfer of property, rights and liabilities to chief constable to whom fire functions of a fire and rescue authority may be delegated);
 - (b) any member of staff appointed by that chief constable under section 4I(4) of that Act (appointment of staff by chief constable to whom fire functions of a fire and rescue authority may be delegated).”

Local Government Act 2003 (c. 26)

- 83 (1) The Local Government Act 2003 is amended as follows.

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- (2) In section 23(1) (local authorities to which the provisions about capital finance etc and accounts apply) after paragraph (m) insert—
- “(ma) a fire and rescue authority created by an order under section 4A of that Act;”.
- (3) In section 33(1) (expenditure grant: interpretation) after paragraph (l) insert—
- “(la) a fire and rescue authority created by an order under section 4A of that Act;”.
- (4) In section 95(7) (power to trade in function-related activities through a company: interpretation) in the definition of “relevant authority” after paragraph (ab) insert—
- “(ac) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.
- (5) In section 97(11) (power to modify enactments in connection with charging or trading: interpretation) in the definition of “relevant authority” after paragraph (aa) insert—
- “(ab) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 84 In section 104 of the Local Government and Public Involvement in Health Act 2007 (partner authorities) in subsection (5) (meaning of “fire and rescue authority”) after paragraph (a) insert—
- “(aa) a fire and rescue authority created by an order under section 4A of that Act;”.

Equality Act 2010 (c. 15)

- 85 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities) after the entry relating to a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies insert—
- “A fire and rescue authority created by an order under section 4A of that Act.”

Police Reform and Social Responsibility Act 2011 (c. 13)

- 86 The Police Reform and Social Responsibility Act 2011 is amended as follows.
- 87 (1) Section 1 (police and crime commissioners) is amended as follows.
- (2) In subsection (3) for “The” substitute “Unless subsection (3B) applies, the”.
- (3) After subsection (3) insert—
- “(3A) Subsection (3B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.
- (3B) In that case the name of the police and crime commissioner is “the Police, Fire and Crime Commissioner for” with the addition of the name of the police area.”

- 88 In section 5 (police and crime commissioner to issue police and crime plan) after subsection (5) insert—
- “(5A) Subsections (5B) to (5E) apply to a police and crime commissioner for a police area—
- (a) which corresponds to the area of a fire and rescue authority created by an order under section 4A, or
 - (b) within which the area of such a fire and rescue authority falls.
- (5B) Subject to subsection (5E), in issuing or varying a police and crime plan, the police and crime commissioner must have regard to—
- (a) the current Fire and Rescue National Framework prepared under section 21 of the Fire and Rescue Services Act 2004, and
 - (b) the last document prepared and published by the fire and rescue authority in accordance with that Framework which sets out the authority’s priorities and objectives, for the period covered by the document, in connection with the discharge of the authority’s functions.
- (5C) A police and crime plan which the police and crime commissioner is required to prepare may be prepared jointly by the commissioner and the fire and rescue authority.
- (5D) If the police and crime commissioner and the fire and rescue authority prepare a joint police and crime plan, the plan must also set out the fire and rescue authority’s priorities and objectives, for the period of the plan, in connection with the discharge of the authority’s functions.
- (5E) Subsection (5B)(b) does not apply to a joint police and crime plan.”
- 89 In section 28 (police and crime panels outside London) after subsection (1) insert—
- “(1A) Subsection (1B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.
- (1B) The police and crime panel for the police area is to be known as “the Police, Fire and Crime Panel”.”
- 90 In section 66 (disqualification from election or holding office as police and crime commissioner: other grounds) after subsection (9) insert—
- “(10) Subsection (11) applies to the police and crime commissioner for a police area if, by virtue of an order under section 4A of the Fire and Rescue Services Act 2004, the person who is for the time being the commissioner for that area is also the fire rescue authority for an area which corresponds to or falls within the police area.
- (11) A person is disqualified from being elected as, or being, that police and crime commissioner if the person is employed by—
- (a) a fire and rescue authority within section 1(2) or (3) of the Fire and Rescue Services Act 2004,
 - (b) a fire and rescue authority constituted by a scheme under section 2 of that Act or a scheme to which section 4 of that Act relates, or
 - (c) a fire and rescue authority created by an order under section 4A of that Act.”

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91 In Schedule 1 (police and crime commissioners) in paragraph 2 (salary etc) after sub-paragraph (3) insert—

“(4) Where the person who is the police and crime commissioner for a police area is also a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, a determination under this paragraph in relation to that person may, in particular, take account of the fact that the person also exercises functions as that fire and rescue authority.”

92 (1) Schedule 6 (police and crime panels) is amended as follows.

(2) In paragraph 4(6) (functions of panels) at the end insert “or by, or by virtue of, the Fire and Rescue Services Act 2004.”

(3) In paragraph 22 (co-opted members of police and crime panels)—

- (a) the existing paragraph becomes sub-paragraph (1), and
- (b) at the end of that sub-paragraph insert—

“(2) Sub-paragraph (3) applies (as well as sub-paragraph (1)) in relation to a police and crime panel for a police area which, under or by virtue of the Fire and Rescue Services Act 2004, exercises functions in relation to a fire and rescue authority.

(3) A person may not be a co-opted member of the panel if the person is—

- (a) a member of staff of the fire and rescue authority, or
- (b) if an order under section 4H of that Act is in force in relation to that authority, a member of staff of the chief constable of the police force for the police area who has been—
 - (i) transferred to the chief constable under a scheme made under subsection 4I(1) of that Act, or
 - (ii) appointed by the chief constable under section 4I(4) of that Act.”

(4) In paragraph 27 (exercise of special functions) after sub-paragraph (2) insert—

“(3) The references in sub-paragraph (2) to section 28(3) and (4) and Schedule 5 include those provisions as applied in relation to a fire and rescue authority by virtue of Schedule A2 to the Fire and Rescue Services Act 2004.”

(5) After paragraph 32 insert—

“Duty to produce panel with fire and rescue expertise

32A (1) Sub-paragraph (2) applies in relation to a police and crime panel for a police area if—

- (a) a fire and rescue authority is created by an order under section 4A of the Fire and Rescue Services Act 2004, and
- (b) the area of the fire and rescue authority is the same as, or falls within, the police area.

(2) Each person listed in sub-paragraph (3)—

- (a) must consider whether the person could exercise a function conferred on the person by or by virtue of this Schedule to enable the fire and rescue expertise objective to be met or to contribute to that objective being met, and
 - (b) if the person considers that the person could exercise such a function to that end, must do so.
- (3) Those persons are—
- (a) the panel,
 - (b) a relevant local authority, and
 - (c) the Secretary of State.
- (4) The “fire and rescue expertise objective” referred to in this paragraph is the objective that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority.”
- 93 In Schedule 8 (appointment, suspension and removal of senior police officers) in paragraph 2 (no appointment until end of confirmation process)—
- (a) in sub-paragraph (1A) for “A person” substitute insert “Subject to sub-paragraph (1AA), a person”, and
 - (b) after sub-paragraph (1A) insert—
 - “(1AA) Where, under an order under section 4H of the Fire and Rescue Services Act 2004, functions of a fire and rescue authority are delegated to the chief constable of the police force for a police area, a person is eligible for appointment as that chief constable if the person—
 - (a) has experience at a senior level in the provision of services provided under the Fire and Rescue Services Act 2004, and
 - (b) has undertaken training in relation to policing matters of a kind that is specified by the College of Policing for the purposes of this paragraph.”

Localism Act 2011 (c. 20)

- 94 (1) The Localism Act 2011 is amended as follows.
- (2) In section 41(3) (power of fire and rescue authority to appoint officers and employees to be subject to pay policy statement) after “43(1)(i)” insert “or (j)”.
- (3) In section 43(1) (meaning of “relevant authority” for purposes of provisions on pay accountability)—
- (a) omit the “or” at the end of paragraph (h), and
 - (b) at the end of paragraph (i) insert “, or
 - (j) in relation only to sections 38, 40 and 41 and this section, a fire and rescue authority created by an order under section 4A of that Act.”

Status: This is the original version (as it was originally enacted).

Public Service Pensions Act 2013 (c. 25)

95 In Schedule 1 to the Public Service Pensions Act 2013 (persons in public service: definitions) in paragraph 6 (fire and rescue workers) for the “or” at end of paragraph (a) substitute—

“(aa) the chief constable of the police force for a police area having been—

(i) transferred to the chief constable under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004, or

(ii) appointed by the chief constable under section 4I(4) of that Act, or”.

Energy Act 2013 (c. 32)

96 In Part 3 of Schedule 9 to the Energy Act 2013 (protected information: permitted disclosures and restrictions on use) in paragraph 14(3) (local authorities and water authorities: interpretation) in the definition of “local authority” after paragraph (d) insert—

“(da) a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;”.

Local Audit and Accountability Act 2014 (c. 2)

97 (1) The Local Audit and Accountability Act 2014 is amended as follows.

(2) In Schedule 2 (relevant authorities) after paragraph 22 insert—

“22A A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.”

(3) In Schedule 7 (reports and recommendations by local auditor) in paragraph 5(7) (duty of certain authorities to consider report or recommendation) for “or the Mayor’s Office for Policing and Crime” substitute “, the Mayor’s Office for Policing and Crime or a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004”.