

## SCHEDULES

### SCHEDULE 7

Modification of enactments in their application to the Combined Authority as fire and rescue authority

### PART 1

#### Primary legislation

#### **Police Reform and Social Responsibility Act 2011**

- 8.**—(1) The PRSR Act is modified as follows.
- (2) Section 12(2) to (5) (annual reports) applies as if—
- (a) references to an elected local policing body in subsections (2) and (4) were references to the Combined Authority as fire and rescue authority;
  - (b) the reference to the elected local policing body in subsection (3) were to the Mayor;
  - (c) references to an annual report were to a fire and rescue declaration;
  - (d) references to the relevant police and crime panel were to the Police, Fire and Crime Panel.
- (3) Section 13 (information for police and crime panels) applies as if—
- (a) references to an elected local policing body in subsections (2) and (4) were references to the Combined Authority as fire and rescue authority;
  - (b) references to the relevant police and crime panel were to the Police, Fire and Crime Panel.
- (4) Section 17(2), (3) and (4) (duties when carrying out functions) applies as if—
- (a) for subsection (2) there were substituted—

“(2) In carrying out functions in a particular financial year, the Combined Authority as fire and rescue authority must have regard to any report or recommendations made by the Police, Fire and Crime Panel for the previous financial year with respect to the fire and rescue declaration (see section 28(4)).”;
  - (b) in subsections (3) and (4), references to an elected local policing body were to the Combined Authority as fire and rescue authority.
- (5) Section 28 (police and crime panels outside London) applies as if—
- (a) subsection (1) were omitted;
  - (b) references to—
    - (i) a police and crime panel;
    - (ii) a police and crime panel for a police area, or
    - (iii) the police and crime panel for a police area in England,were to the Police, Fire and Crime Panel;

- (c) after subsection (1B)(1), there were inserted—
  - “(1C) Subsection (1D) applies if the person who is the mayor for a police area also exercises for that area—
    - (a) the functions of a police and crime commissioner, and
    - (b) fire and rescue functions.
  - (1D) The police and crime panel for the police area is to be known as “the Police, Fire and Crime Panel”.”;
- (d) in subsection (2), the reference to the functions of the police and crime commissioner for that police area were to the fire and rescue functions of the Combined Authority;
- (e) for subsection (3) there were substituted—
  - “(3) The Police, Fire and Crime Panel must—
    - (a) review any draft priorities and objectives, or the draft variation of the priorities and objectives, given to the panel by the Mayor in accordance with article 47 (PFCP: scrutiny of the community risk management plan) of the York and North Yorkshire Combined Authority Order 2023, and
    - (b) make a report or recommendations to the Mayor on the draft priorities and objectives, or the draft variation of the priorities and objectives.
  - (3A) For the purposes of subsection (3)—
    - (a) “priorities and objectives” means the Combined Authority’s priorities and objectives in connection with the discharge of that authority’s functions as a fire and rescue authority, as required to be set out in that authority’s community risk management plan, and
    - (b) “community risk management plan” has the meaning given in article 2 of the York and North Yorkshire Combined Authority Order 2023.”;
- (f) in subsection (4)—
  - (i) references to an annual report were to a fire and rescue declaration;
  - (ii) references to the police and crime commissioner were to the Mayor;
- (g) subsection (5) were omitted;
- (h) in subsection (6)—
  - (i) for paragraph (a) there were substituted—
    - “(a) review or scrutinise decisions made, or other action taken, by the Combined Authority, the Mayor or the deputy mayor for policing and crime of the Combined Authority, or any other person in the exercise of fire and rescue functions pursuant to arrangements made under section 107D(3) of the 2009 Act in connection with the discharge of those fire and rescue functions.”;
    - (ii) in paragraph (b), references to the relevant police and fire commissioner were to whichever of the Combined Authority, the Mayor and the deputy mayor for policing and crime of the Combined Authority exercises fire and rescue functions;
    - (iii) in the words following paragraph (b), “or by Schedule 1, 5 or 8” were omitted;
  - (i) in subsection (7), references to the relevant police and crime commissioner were to whichever of the Combined Authority, the Mayor and the deputy mayor for policing and crime exercises fire and rescue functions;

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(1) Subsections (1A) and (1B) were inserted by paragraph 89 of Schedule 1 to the Policing and Crime Act 2017.

- (j) in subsection (8), reference to the police area were to the Area;
  - (k) subsection (10) were omitted.
- (6) Section 29 (power to require attendance and information) applies as if the modifications made by paragraph 24 of Schedule 5 to the York and North Yorkshire Combined Authority Order 2023 did not apply, and as if—
- (a) for subsection (1) there were substituted—
    - “(1) The Police, Fire and Crime Panel of the Combined Authority may require the following to attend before it (at reasonable notice) to answer any question which appears to the Police, Fire and Crime Panel to be necessary in order for it to carry out its oversight functions—
    - (a) the Mayor of the Combined Authority,
    - (b) the deputy mayor for policing and crime for the Combined Authority,
    - (c) staff of the Combined Authority deployed wholly or partly in relation to the Combined Authority’s fire and rescue functions,
    - (d) any member of the Combined Authority who exercises fire and rescue functions by virtue of arrangements made under section 107D(3) of the Local Democracy, Economic Development and Construction Act 2009.”;
  - (b) for subsection (2) there were substituted—
    - “(2) Nothing in subsection (1) requires a person mentioned in paragraphs (a) to (d) of that subsection to give any evidence, or produce any document, which discloses advice given by them to any other person mentioned in paragraphs (a), (b) or (d).”;
  - (c) in subsection (3)—
    - (i) references to a police and crime panel were to the Police, Fire and Crime Panel;
    - (ii) references to the relevant police and crime commissioner were to the Mayor;
  - (d) for subsections (4) and (5) there were substituted—
    - “(4) A person mentioned in paragraph (a), (b), (c) or (d) of subsection (1) must comply with any requirement imposed on them in accordance with subsection (1) or (3).”;
  - (e) for subsection (6), there were substituted—
    - “(6) If the Police, Fire and Crime Panel requires the Mayor or the deputy mayor for policing and crime to attend before the Panel, the Panel may (at reasonable notice) request the chief fire officer for the Area to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.”.
- (7) In Schedule 1, paragraph 9 (scrutiny of senior appointments) applies as if the modification made by paragraph 32(e) of Schedule 5 to the York and North Yorkshire Combined Authority Order 2023 did not apply and as if—
- (a) references to the police and crime commissioner were to the Mayor;
  - (b) references to the relevant police and crime panel were to the Police, Fire and Crime Panel;
  - (c) the reference to criteria in sub-paragraph (2)(b) included criteria relevant to the exercise, by the candidate, of fire and rescue functions.
- (8) In Schedule 6—
- (a) paragraph 4 (membership and status)(2) applies as if for sub-paragraph (6) there were substituted—

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(2) Paragraph 4(6) was amended by paragraph 92(2) of Schedule 1 to the Policing and Crime Act 2017.

**Changes to legislation:** There are currently no known outstanding effects for the The York and North Yorkshire Combined Authority Order 2023, Paragraph 8. (See end of Document for details)

“(6) The Police, Fire and Crime Panel may not exercise any functions other than those conferred by this Act, by, or by virtue of the Fire and Rescue Services Act 2004, or by, or by virtue of, the York and North Yorkshire Combined Authority Order 2023 .”;

- (b) paragraph 27 (special functions)(**3**) applies as if the special functions mentioned in sub-paragraph (2) of that paragraph included the following functions conferred on the Police, Fire and Crime Panel by, or by virtue of, the York and North Yorkshire Combined Authority Order 2023—
  - (i) scrutiny of the priorities and objectives of the community risk management plan;
  - (ii) scrutiny of the fire and rescue declaration;
  - (iii) scrutiny of the allocation of budget;
  - (iv) scrutiny of the appointment of a chief fire officer;
- (c) in paragraph 32A(**4**) (duty to produce panel with fire and rescue expertise), sub-paragraphs (2) to (4) apply in relation to the Police, Fire and Crime Panel.

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**Commencement Information**

**II** Sch. 7 para. 8 in force at 20.12.2023, see [art. 1\(2\)](#)

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(3) Paragraph 27 was amended by paragraph 92(4) of Schedule 1 to the Policing and Crime Act 2017.  
(4) Paragraph 32A was inserted by paragraph 92(5) of Schedule 1 to the Policing and Crime Act 2017.

**Changes to legislation:**

There are currently no known outstanding effects for the The York and North Yorkshire Combined Authority Order 2023, Paragraph 8.