



Fire and Rescue Services Act 2004 Factsheet

Summary of the Act's key provisions

The Fire and Rescue Services Act 2004 ('the Act') received Royal Assent on July 22nd. It replaces the Fire Services Act 1947, with a new legislative framework to ensure the Fire and Rescue Service is better able to meet the particular challenges of the 21st Century.

The Act puts prevention at the heart of what the Fire and Rescue Service does, for example by creating a new duty for all fire and rescue authorities to promote fire safety – and other powers to help create safer communities, particularly for the most vulnerable in society.

The Act formally recognises the broader role the Service has taken on over the last 50 years, beyond its traditional fire-fighting role. This includes rescue from road traffic accidents as well as responding to other serious incidents such as major flooding and the new terrorist threat.

The Act provides fire and rescue authorities with clear authority to equip and respond to specific local risks and the particular needs of their communities as identified, for example, in their Integrated Risk Management Plan. This could include co-responder schemes or other specialist activities such as rope-rescue or dealing with heath and moorland fires.

The Act also makes provision to place the ‘Fire and Rescue National Framework’ on a statutory footing, providing national and strategic guidance and support to the Service for the first time.

So what’s new?

- **Helping to save more lives** – the Act introduces a new duty on all fire and rescue authorities to promote fire safety. This will underpin the shift toward a more prevention-based and risk assessed approach, thereby helping to save more lives by reducing the number of fires occurring in the first place.
 - **Modern legislation** – the Act creates a new package of powers and duties for fire and rescue authorities fit for purpose for the needs of a modern Fire and Rescue Service. This new legislative package covers existing activities such as rescue from road traffic accidents but also allows for roles in other emergencies – such as serious flooding, rescue from other transport accidents and planning and responding to the new terrorist threat – to be recognised. Crucially, the Act provides
- flexibility to provide for other functions should the role of the Fire and Rescue Service change in the future.
- **Strategic vision and engagement** – the Act requires the Government to have in place a ‘Fire and Rescue National Framework’. The first framework was published on 16 July and sets out the Government’s strategic aims and the support it will provide to the Fire and Rescue Service. The Framework must be kept up to date and the Government is required to report against it at least once every two years. The Act requires that fire and rescue authorities must have regard to the Framework and provides powers to intervene in circumstances where they fail to do so.
 - **An effective and efficient Service** – the Act updates previous powers to combine fire and rescue authorities to include public safety as a separate criterion alongside economy, efficiency and effectiveness. An inquiry will continue to be held into the effect of a proposed combination except where the affected fire and rescue authorities are content or Ministers

decide that combination should proceed without delay in the interests of public safety.

- **Civil resilience** – the Act underpins the Fire and Rescue Service’s role in dealing with a wider range of emergencies and ensures it can make an effective contribution to national resilience. It contains powers to respond to unforeseen events and ensure a strategic and coordinated response so that resources are focussed where they are needed most.
- **Equipment** – the Act provides powers for the Government to purchase equipment and services that promote the economy, efficiency and effectiveness of fire and rescue authorities. It also provides powers for the Government to direct authorities, if necessary, on the use of their equipment, in order to ensure uniformity of approach – crucial to national resilience – or if it is in the interest of public safety.
- **Fire Service College** – the Act extends the functions of the College as the central training institute to support its evolution

into a centre of excellence for the Fire and Rescue Service – a process considered in more detail in the National Workforce Development strategy consultation document, published on 30 July. The Act underpins the college’s key role in the implementation of the Integrated Personal Development System. It also supports the development of the College’s capability as a national centre for specialist training in urban search and rescue and other New Dimension techniques.

- **Negotiating bodies** – the Act includes reserve powers to set up new bodies with independent Chairs to negotiate pay and conditions for Fire and Rescue Service employees, should they be required. The Act also enables the Government to issue guidance to Fire and Rescue Service negotiating bodies regardless of whether or not such bodies are established under the Act.
- **Engaging stakeholders** – the Act abolishes the Central Fire Brigades Advisory Council. A more flexible and focussed group of stakeholder advisory and consultative forums

have already been set up, for example the Practitioners Forum, Business and Community Safety Forum and Fire and Rescue Service Sounding Board, ensuring those who deliver and use the Service, together with others who bring wider expertise, can inform the process of modernisation.

- **Pensions** – the Act allows for the continuation of the current Fire and Rescue Service pension scheme for existing firefighters, while permitting the new scheme for the Service of the future promised in the Fire and Rescue White Paper.
- **Powers of firefighters** – the Act extends powers to cover situations where a firefighter believes a fire is imminent and also to include the wider range of operational activities with which firefighters will be required to deal in the future.
- **Information and investigation** – the Act provides statutory powers of entry for an authorised employee of a fire and rescue authority for the purposes of investigating fire and obtaining information needed for the discharge of the full range of the authority’s statutory duties. This includes the power to remove samples and substances for the purpose of investigating fire.
- **Payments in respect of advisory bodies** – the Act provides an explicit power to make payments to cover the expenses of bodies providing advice on matters covered by the Act. This will, for example, help support the new consultative and advisory bodies set up to inform the modernisation of the Fire and Rescue Service.
- **Devolution** – the Act devolves the overarching responsibility for the Fire and Rescue Service in Wales to the National Assembly for Wales. Responsibility for the Fire and Rescue Service in Scotland and Northern Ireland is already a devolved matter.
- **Charging** – the Act takes a new approach to setting out the services for which fire and rescue authorities can charge for. The categories of service for which charges can be made and the persons who can be charged will be set out by statutory order. But

the Act maintains the exclusion of charging for fire-fighting (unless at sea) and also prohibits fire and rescue authorities from charging for the provision of emergency medical assistance.

What's the same?

- **Training Centres** – the Act re-enacts provisions to enable fire and rescue authorities to provide local training centres.
- **Working with others** – the Act re-enacts and expands previous powers for fire and rescue authorities to enter into reinforcement schemes and to delegate the discharge of functions to others to include the new package of powers and duties. But the Act retains the restriction whereby fire-fighting can only be undertaken by another authority or others who employ firefighters.
- **Her Majesty's Fire Service Inspectorate** – the Act re-enacts provisions with regard to the appointment of Inspectors and Assistant Inspectors of Fire Services.
- **Inquiries** – the Act re-enacts provisions enabling Ministers to hold an inquiry into the performance of a fire and rescue authority or its handling of a particular fire, road traffic accident or other emergency for which it has functions under the Act.
- **Water supply** – the Act re-enacts provisions regarding water supply.
- **Prohibition on employment of Police** – the Act re-enacts the provision that prohibits fire and rescue authorities from employing members of a police force. This prohibition does not, however, extend to Special Constables, Community Support Officers or other support staff.
- **False alarms** – the Act re-enacts the provisions in the Fire Services Act 1947 that make it an offence for a person to knowingly give or cause someone else to give a false alarm of fire.

When will this happen?

The intention is to bring the provisions of the Act into force later this Autumn.

Where can I find out more?

The Fire Services Act 2004 is available on Her Majesty's Stationery Office website – see www.legislation.hmso.gov.uk/acts/acts2004/20040021.htm

Also available online are the explanatory notes that accompany the Act – see www.legislation.hmso.gov.uk/acts/en2004/2004en21.htm

Both of the above documents can be ordered from The Stationery Office by telephoning their customer services on (0870) 600 5522 or e-mailing customer.services@tso.co.uk. Alternatively, visit their website at www.tso.co.uk.

A series of factsheets providing more detail on key areas of the Act can be viewed on the ODPM website at www.odpm.gov.uk/fire. If you have any specific questions about the Act, which are not answered in this or another fact-sheet, you can e-mail the Office of the Deputy Prime Minister direct at queries.FRSAct2004@odpm.gsi.gov.uk

Further copies of this report are available from:

ODPM Free Literature
PO Box 236
Wetherby
West Yorkshire
LS23 7NB
Tel: 0870 1226 236
Fax: 0870 1226 237
Textphone: 0870 1207 405
E-mail: odpm@twoten.press.net

Published by the Office of the Deputy Prime Minister. Printed in the UK, September 2004 on material containing 75% post-consumer waste and 25% ECF pulp.

Product Code No. 04LGFG02504.