STATUTORY INSTRUMENTS

2004 No.2305

FIRE AND RESCUE SERVICES, ENGLAND

The Fire and Rescue Services (England) Order 2004

Made - - - -	*7th September 2004*
Laid before Parliament	*10th September 2004*
Coming into force - -	*1st October 2004*

The First Secretary of State, in exercise of the powers conferred by sections 19, 21(6) and 60 of the Fire and Rescue Services Act 2004(**a**), and having consulted such persons as he considers appropriate in accordance with section 19(7) of that Act, hereby makes the following Order:

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Fire and Rescue Services (England) Order 2004 and shall come into force on 1st October 2004.

(2) This Order applies in relation to fire and rescue authorities in England only.

(3) In this Order—

"the Act" means the Fire and Rescue Services Act 2004;

"operator" means the person who, as occupier or otherwise, has control of the premises, structure, lift or vehicle, as the case may be, in connection with the carrying on by him of a trade, business or other undertaking (whether or not for profit) and includes the keeper of a vehicle as defined in section 62(2) of the Vehicle Excise and Registration Act 1994(**b**); and

"premises" includes any place.

Power to charge for services

2. A fire and rescue authority is authorised to charge the person specified in column 2 of the table in the Schedule for the action taken by the authority specified in the corresponding entry in column 1 of the table, but not –

(a) except in relation to entry 13 in the table, for extinguishing fires or protecting life and property in the event of fires, or

(b) for emergency medical assistance.

The Fire and Rescue National Framework

3. For the purposes of section 21(6) of the Act the Fire and Rescue National Framework prepared by the Secretary of State and entitled "The Fire and Rescue National Framework

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(**a**) 2004 c. 21. The powers of the Secretary of State under sections 19, 21(6) and 60 are, in relation to Wales, vested in the National Assembly for Wales by virtue of section 62 of the Act.

(**b**) 1994 c.22.

2004/05" (first edition) published by the Office of the Deputy Prime Minister in July 2004(**a**) shall have effect.

Signed by authority of the First Secretary of State

Phil Hope
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

7th September2004

(**a**) Printed in the United Kingdom. Product code 04FHSD01271.

SCHEDULE

Article 2

AUTHORISED CHARGES

Action taken by fire and rescue authority	*Person who may be charged*
1. Hiring out or provision of equipment, vehicles, premises or employees of a fire and rescue authority, except where done pursuant to any of the following provisions of the Act— (a) section 6; (b) section 8; or (c) sections 13 to 17.	The person who requests the service or to whom the service is provided.
2. Inspection, testing, maintenance and repair of equipment and vehicles, including the re-charging of compressed air cylinders and breathing apparatus.	The person who requests the service or to whom the service is provided.
3. Containment and clearance of debris, spillages, discharges or leaks from a vehicle, storage tank or pipe.	The owner, occupier or operator of any premises or vehicle which, prior to the incident giving rise to the charge, contained or conveyed the material to be contained or cleared, or the person who requests the service or to whom the service is provided.
4. Provision or removal of water.	The owner, occupier or operator of any premises in relation to which the service is provided or the person who requests the service or to whom the service is provided.
5. Effecting entry to, or egress from, premises.	The owner, occupier or operator of the premises, or the person who requests the service or to whom the service is provided.
6. Rescuing persons from lift cabins.	The owner or operator of the lift.
7. Rescuing animals.	The owner or keeper of the animal.
8. Provision of documents, photographs, tape, video or other similar recordings, where charging is not already authorised or prohibited by another enactment.	The person who requests the service or to whom the service is provided.
9. Provision of training, other than training provided to employees of other fire and rescue authorities under a reinforcement scheme.	The person who requests the service or to whom the service is provided.

Action taken by fire and rescue authority	*Person who may be charged*
10. Removal of dangerous structures.	The owner, occupier or operator of the structure or premises where the structure is located or the person who requests the service or to whom the service is provided.
11. The giving of advice to persons in relation to premises where a trade, business or other undertaking is carried on, other than the giving of advice for which arrangements are required to be made under section 6(2)(b) of the Act.	The person who requests the service or to whom the service is provided.
12. Lifting of incapacitated persons.	The person who requests the service.
13. Extinguishing fires at sea or under the sea, or protecting life and property in the event of such fires.	The person who requests the service or to whom the service is provided.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in relation to fire and rescue authorities in England only *(article 1)*.

Section 19 of the Fire and Rescue Services Act 2004 ("the Act") provides that the Secretary of State may, by order, authorise a fire and rescue authority to charge a person of a specified description for any action of a specified description taken by the authority. This Order specifies the actions for which a fire and rescue authority may make a charge and specifies the persons who may be subject to the charge *(article 2 and the Schedule)*. The Fire and Rescue Services Act 2004 (Commencement) (England and Scotland) Order 2004 (S.I.2004/ 2304(C.100) contains savings for the Fire Services Act 1947, which is repealed by the Fire and Rescue Services Act 2004, in relation to charges for services provided before, or contracted to be provided before, 1st October 2004.

Section 21 of the Act requires the Secretary of State to prepare a Fire and Rescue National Framework, which must set out priorities and objectives for fire and rescue authorities and may provide guidance. Fire and rescue authorities must have regard to the Framework in carrying out their functions. Section 21(6) of the Act provides that the Framework only has effect when given effect by the Secretary of State by order. *Article 3* of this order gives effect to the Fire and Rescue National Framework 2004/05. Copies of the Framework may be obtained from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire LS23 7NB (telephone: 0870 1226 236; fax: 0870 1226 237; email: odpm@twoten.press.net). It is also available on the ODPM website: www.odpm.gov.uk/fire.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of businesses, voluntary bodies or the public sector.

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