EXECUTIVE NOTE

The Fire and Rescue Services (Framework) (Scotland) Order 2005
S.S.I. 2005/453

The order is to be made in exercise of the powers conferred by section 40 of the Fire (Scotland) Act 2005 ("the 2005 Act"). It is subject to negative resolution procedure under section 88(3) of the 2005 Act.

Policy Objectives

The policy objectives of the order are to provide strategic direction and support to the Fire and Rescue Service in Scotland by giving statutory effect to the *Fire and Rescue Framework for Scotland* ("the Framework"). The Framework sets out the policies, objectives and guidance for fire and rescue authorities and joint fire and rescue boards so that the public are properly protected from fire and other emergencies.

Background

The Independent review of the Fire Service, led by Professor Sir George Bain, highlighted the need for central government to provide greater direction for the Fire and Rescue Service. The Framework will provide this and sets out the Scottish Executive's expectations of the Fire and Rescue Service in Scotland.

Section 40 of the Fire (Scotland) Act 2005 requires the Scottish Ministers to prepare, and consult on, a Framework document, keep the Framework under review and consult on any significant revisions made to it. The Framework will come into effect by this order.

Section 41 of the 2005 Act requires fire and rescue authorities and joint fire and rescue boards to have regard to the Framework when carrying out their functions. The Scottish Ministers have the power to intervene if authorities fail to act in accordance with the Framework by setting out, by order, an obligation for an authority to act in accordance with the Framework where they consider that the authority is failing to do so. Before making such an order, the Scottish Ministers must consult the authority. Scottish Ministers have made clear that these powers of direction are intended very much to be a matter of last resort.

Section 42 of the 2005 Act requires the Scottish Ministers to report to the Parliament on the extent to which relevant authorities are acting in accordance with the Framework and any action they have taken to ensure the authorities do so.

Consultation

Between January 2005 and April 2005, the Scottish Executive sought views from stakeholders on a first draft version of the Framework.

Generally, respondents welcomed the draft Framework document and considered that the proposals were necessary, reasonable and workable. A number of suggestions were put forward to improve the document and these were considered and, where appropriate, incorporated in the final version.

Financial Effects

The Framework provides strategic direction to the Fire and Rescue Service in Scotland but it will be for fire and rescue authorities and joint fire and rescue boards to decide locally how they should best meet the requirements. From 1 April 2005, fire and rescue authorities and joint fire and rescue boards have developed Integrated Risk Management Plans (IRMPs) that allow them to assess local risks and deploy resources accordingly. It is not anticipated that this order will result in any increased financial implications for the Scottish Executive or relevant authorities.

Scottish Executive Justice Department
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