5. GRANT

(1) *England.* | (2) *Scotland*, p. 1072.

(1) ENGLAND

The Fire Services (Grant) Regulations, 1948

1948 No. 1690

Made - - - -	*20th July*, 1948
Laid before Parliament	*21st July*, 1948
Coming into Operation	*23rd July*, 1948

In pursuance of the powers conferred on me by section twenty-five of the Fire Services Act, 1947(a), I hereby, with the consent of the Treasury, make the following Regulations:—

1.—(1) Subject to the provisions of these Regulations, there shall be payable by the Secretary of State to each authority in respect of each year a grant equal to twenty-five per cent. of the net approved expenditure incurred by that authority in respect of that year.

(2) For the purposes of these Regulations no expenditure shall be treated as approved expenditure unless it was in the determination of the Secretary of State incurred in connection with the provision of fire services, and in reckoning for the said purposes the net approved expenditure incurred by an authority in respect of each year the following provisions shall have effect, that is to say:—

(*a*) no expenditure shall be reckoned unless it was incurred with the prior approval of the Secretary of State, or is expenditure either of a class in respect of which, or incurred in circumstances in which, the Secretary of State has dispensed with the need for obtaining such approval,

(*b*) if the amount of any item of expenditure is in the determination of the Secretary of State excessive, the excess of that amount over the amount determined by the Secretary of State to be reasonable shall not be reckoned, and

(*c*) from the gross amount of the expenditure reckoned in accordance with the preceding provisions of this paragraph there shall be deducted such amount as in the determination of the Secretary of State ought to be deducted in respect of that year having regard to the sums which were, or ought to have been, received by that authority in connection with the provision of fire services.

2. The payment of any grant to an authority in pursuance of these Regulations in respect of any year shall be dependent upon the Secretary of State being satisfied that the following conditions are fulfilled, that is to say:—

(*a*) that the authority have complied with any requirements imposed upon them by or under the Act,

(*b*) that efficient provision of fire services is made in the area of the authority,

(*c*) that the authority have submitted to the Secretary of State at such time and in such form as he may have required estimates of the expenditure to be incurred, and the amounts to be received, by them in that year in connection with the provision of fire services,

(a) 10 & 11 Geo. 6. c. 41.

(*d*) that the authority have submitted to the Secretary of State as soon as may be after the end of that year a financial statement, in a form approved by him, relating to the expenditure and income of that authority and of any committee (including a joint committee) thereof in connection with the provision of fire services,

(*e*) that the authority have afforded all reasonable facilities to the district auditor appointed under the Local Government Act, 1933(a), for the district comprising the area of the authority for the examination of the aforesaid financial statement and of any books, records or other documents of the authority or of such committee as aforesaid relating thereto, and

(*f*) that the authority have supplied to the Secretary of State such information, records or other documents as the Secretary of State may have required,

and if the Secretary of State is not satisfied as aforesaid, he may withhold the grant in whole or in part permanently or for such time as he may determine.

3. To an authority to which grants are payable under these Regulations there may be apportioned in respect of each year a fraction, determined in accordance with the provisions of the Schedule to these Regulations, of the expenditure incurred in that year by the Secretary of State under paragraph (*a*) of subsection (1) of section twenty-three of the Act and under subsection (2) of the said section (which provisions relate to the establishment and maintenance of a central training institution), and an amount equal to the said fraction may be deducted from the grant payable under these Regulations to that authority in respect of the said year.

4.—(1) The payment of any grant to an authority in pursuance of these Regulations shall be made at such times and in such manner as the Secretary of State may determine, and, pending the final determination of the grant payable to any authority in respect of any year, payments on account of the estimated amount thereof, but not exceeding ninety per cent. of the said estimated amount, may be made from time to time.

(2) If in any case the total amount of the payments which have been made to an authority under this Regulation in respect of any year exceeds the total amount of the grant payable to that authority under these Regulations in respect of that year, the excess may, without prejudice to any other method of recovery by the Secretary of State, be deducted from any payment made under these Regulations in respect of a later year.

(3) The inclusion by the Secretary of State of the amount of any expenditure in a calculation of the amount of any payment on account shall not be deemed to constitute an approval of the Secretary of State, for the purposes of paragraph (2) of Regulation 1 of these Regulations, of the incurring of any item of that expenditure.

5.—(1) In these Regulations—

(*a*) "the Act" means the Fire Services Act, 1947(b);

(*b*) "authority" means an authority in England or Wales which for the time being is constituted a fire authority by the Act or any combination scheme made thereunder;

(*c*) "year" means the period beginning with the first day of April in each year and ending with the thirty-first day of March in the succeeding year.

(2) In these Regulations any reference to expenditure incurred by the Secretary of State under any provisions of section twenty-three of the Act shall be construed as a reference to the net expenditure incurred by him

(a) 23 & 24 Geo. 5. c. 51. (b) 10 & 11 Geo. 6. c. 41.

thereunder after the deduction from the gross expenditure so incurred by him of any sums received by him the receipt of which is attributable to his functions under the said provisions.

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

6. These Regulations may be cited as the Fire Services (Grant) Regulations, 1948, and shall come into operation on the twenty-third day of July, 1948.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

We consent,

R. J. Taylor,
J. W. Snow,
Two of the Lords Commissioners of His Majesty's Treasury.

20th July, 1948.

Regulation 3.

SCHEDULE

1. The fraction of the expenditure incurred in any year by the Secretary of State under paragraph (*a*) of subsection (1) of section twenty-three of the Act and under subsection (2) of the said section which may be apportioned to an authority in respect of that year shall be such fraction of the said expenditure as bears to the relevant part, as defined in paragraph 2 of this Schedule, of that expenditure the same proportion as, at the commencement of that year, the authorised strength of that authority bears to the total authorised strength in England and Wales.

2. The relevant part referred to in paragraph 1 of this Schedule of the said expenditure is one-half of that part of the said expenditure which bears the same proportion to the total thereof as, at the commencement of the year in which the expenditure is incurred, the total authorised strength in England and Wales bears to the total authorised strength in Great Britain.

3. In this Schedule—

(*a*) subject to the provisions of this paragraph, the expression " authorised strength ", in relation to an authority at any time, means the number of members which, in accordance with the provisions of the establishment scheme, or, as the case may be, combination scheme, in force under the Act at that time in relation to that authority, is determined as the establishment of members of the fire brigade maintained by them;

(*b*) in a case where there is in existence a joint committee appointed by two or more authorities under section ninety-one of the Local Government Act, 1933(b), for the purposes of the Act, the authorised strength of each of the authorities shall, for the purposes of this Schedule, be deemed to be such part of the total authorised strength in relation to those authorities together as bears to the said total the same proportion as the amount of the grant payable to that authority bears to the sum of the amounts of the grants payable to all the said authorities, and for the purposes of this sub-paragraph the amount of the grant payable to an authority shall be deemed to be the amount of the grant which would, under these Regulations, apart from any deduction under Regulation 3 thereof, be payable to that authority in respect of the year at the commencement of which it is necessary for the purposes of this Schedule to determine the authorised strength of that authority;

(a) 52 & 53 Vict. c. 63. (b) 23 & 24 Geo. 5. c. 51.

(*c*) the expression " total authorised strength in England and Wales ", in relation to any time, means the sum of the numbers, determined in accordance with the provisions of this paragraph, of members which, in accordance with the provisions of the establishment schemes and combination schemes in force under the Act at that time in England and Wales, are determined as the establishments of members of fire brigades maintained in pursuance of the Act in England and Wales;

(*d*) the expression " total authorised strength in Great Britain ", in relation to any time, means the sum of the numbers, determined in accordance with the provisions of this paragraph, of members which, in accordance with the provisions of establishment schemes, combination schemes and administration schemes in force under the Act at that time in Great Britain, are determined as the establishments of members of fire brigades maintained in pursuance of the Act in Great Britain;

(*e*) in computing for the purposes of this Schedule the number of members which, in accordance with any such scheme as aforesaid, is determined as the establishment of members of a fire brigade—

(i) five retained members thereof as defined in paragraph 12 of the Fifth Schedule to the Fire Services (Ranks and Conditions of Service) Regulations, 1948(a), or, as the case may be, in paragraph 12 of the Fifth Schedule to the Fire Services (Conditions of Service) (Scotland) Regulations, 1948(b) (that is to say, part-time members who have undertaken certain obligations in return for certain emoluments), shall be reckoned together as one member only of the brigade and not otherwise, and in a case where the number of such said retained members in a brigade is not exactly divisible by five the odd number shall be disregarded;

(ii) any volunteer members thereof as defined in the said provisions (that is to say, part-time members who have undertaken obligations otherwise than as retained members) shall be disregarded.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide for the making of grants to fire authorities in England and Wales in respect of their expenditure in connection with the provision of fire services. The payment of grant is subject to the fulfilment of certain conditions, and, subject to a certain deduction, the grant is equal to twenty-five per cent. of the net approved expenditure determined in the manner specified in paragraph (2) of Regulation 1. The conditions are specified in Regulation 2 and include the condition that the fire authority has complied with any requirements imposed by or under the Fire Services Act, 1947. The deduction, which is provided for in Regulation 3, is a sum equal to an apportioned part of the net expenses incurred by the Secretary of State in providing a central training institution.

(a) S.I. 1948 No. 546, p. 1127 below. (b) S.I. 1948 No. 941, p. 1158 below.