STATUTORY INSTRUMENTS

2004 No. 2307

LOCAL GOVERNMENT, ENGLAND

Local Government (Best Value Authorities) (Power to Trade) (England) (Amendment) 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 95, 96 and 123 of the Local Government Act 2003(**a**), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Local Government (Best Value Authorities) (Power to Trade) (England) (Amendment) Order 2004 and shall come into force on 1st October 2004.

Amendment of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2004

2.—(1) The Local Government (Best Value Authorities) (Power to Trade) (England) Order 2004(**b**) is amended as follows.

(2) In article 1 (application)—

(a) in paragraph (2), after the words "paragraph (3)" insert "and article 4";

(b) in paragraph (3) –

(i) for the words "This Order" substitute "Subject to article 4, this Order";

(ii) for sub-paragraph (c) to the end of the article substitute –

"(c) the Council of the Isles of Scilly;

when acting in its capacity as a fire and rescue authority.".

(3) In article 2(1) (power to trade in function-related activities), after the words "paragraphs (2) and (3)" insert "and article 4".

(4) After article 3 (transitional arrangements), add the following article—

"**Transitional arrangements in respect of fire and rescue authorities**

4.—(1) Subject to paragraph (2), this article applies to the fire and rescue authorities specified in column 1 of the Schedule.

(**a**) 2003 c. 26.
(**b**) S.I. 2004/1705.

(2) This article shall cease to have effect on 30th September 2007 in relation to a fire and rescue authority specified in the Schedule.

(3) The fire and rescue authorities to which this article applies—

(a) shall be treated as authorities to which this Order applies, irrespective of whether an order under section 99(4) of the Local Government Act 2003 has been made in relation to those authorities; and

(b) are authorised to provide for a commercial purpose only the services specified in the corresponding entry in column 2 of the Schedule.

(4) A fire and rescue authority which exercises the power conferred by paragraph (3)(b) does not have to comply with article 2(2).**"**.

(5) At the end, insert the Schedule as set out in the Schedule to this Order.

Signed by authority of the First Secretary of State

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

7th September 2004

SCHEDULE Article 2(5)

“SCHEDULE Article 4(1)

FIRE AND RESCUE AUTHORITIES TO WHICH ARTICLE 4 APPLIES AND SERVICES THAT MAY BE PROVIDED FOR A COMMERCIAL PURPOSE

Fire and rescue authority	*Service*
Bedfordshire and Luton Combined Fire Authority	(1) Inspection, testing and maintenance of private hydrants and dry riser mains. (2) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
Buckinghamshire and Milton Keynes Fire Authority	(1) Vehicle maintenance and repair. (2) Hiring out of workshops and related equipment and employees. (3) Provision of drivers and hiring out of vehicles for the transport of medical practitioners. (4) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (5) MOT testing. (6) Hiring out of vehicles. (7) Inspection, testing and maintenance of private hydrants and dry riser mains. (8) Provision of booklet on risk management.
Cheshire Fire Authority	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.

County Durham and Darlington Fire Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Inspection, testing and maintenance of fire extinguishers. (3) Provision of dedicated communication lines to the local highways authority
Cumbria County Council	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Vehicle maintenance and repair. (3) Provision of occupational health service.
Derbyshire Fire Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Provision of occupational health service.
Devon Fire Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Hiring out of equipment. (3) Vehicle maintenance and repair. (4) Provision of audio-visual training materials. (5) Provision of dedicated communication lines to operators of alarm receiving centres.
East Sussex Fire Authority	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
Essex Fire Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6

	of the Fire and Rescue Services Act 2004. (2) Provision of audio-visual and computer-based training materials. (3) Provision of advice to persons in relation to premises where a trade, business or other undertaking is carried on, other than advice required to be provided under section 6 of the Fire and Rescue Services Act 2004. (4) Provision of training and conference facilities. (5) MOT testing. (6) Provision of risk assessment materials. (7) Inspection, testing and maintenance of private hydrants and dry riser mains. (8) Procurement, hiring out, refurbishment and sale of vehicles. (9) Provision of consultancy services to other fire and rescue authorities in relation to fleet management and income generation.
Gloucestershire County Council	(1) Provision of fire safety and risk assessment training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Provision of advice to persons in relation to business continuity or in relation to premises where a trade, business or other undertaking is carried on other than advice required to be provided under section 6 of the Fire and Rescue Services Act 2004. (3) Provision of audio-visual training materials. (4) Management of contracts for other fire and rescue authorities.
Greater Manchester Fire and Civil Defence Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Provision of audio-visual training materials. (3) Hiring out of equipment.

	(4) MOT testing.
Hereford and Worcester Combined Fire Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Vehicle maintenance and repair. (3) Provision of dedicated communication lines. (4) Inspection, testing and maintenance of fire extinguishers.
Hertfordshire County Council	(1) Provision of fire safety and other health and safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Provision of occupational health service. (3) Inspection, testing and maintenance of fire extinguishers and inspection and testing of fire blankets
Kent and Medway Towns Fire Authority	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
Lancashire Combined Fire Authority	(1) Provision of fire safety training to persons in connection with the carrying out of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Provision and repair of breathing apparatus. (3) Provision of occupational health service.
Leicester, Leicestershire and Rutland Combined Fire Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Provision of video on fire safety. (3) Provision of occupational health service.

	(4) Vehicle maintenance and repair.
Lincolnshire County Council	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Hiring out of equipment. (3) Inspection, testing and maintenance of fire extinguishers. (4) Provision of audio-visual training materials.
London Fire and Emergency Planning Authority	(1) Provision of advice to persons in relation to premises where a trade, business or other undertaking is carried on, other than advice required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
Merseyside Fire and Civil Defence Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Hiring out of vehicles. (3) Provision of training and conference facilities. (4) Provision of risk assessment and disaster recovery materials.
Norfolk County Council	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
Nottinghamshire and City of Nottingham Fire Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Inspection, testing and maintenance of fire extinguishers.

Oxfordshire County Council	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
Royal Berkshire Fire Authority	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
Somerset County Council	Vehicle maintenance and repair.
South Yorkshire Fire and Civil Defence Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Inspection, testing and maintenance of fire extinguishers. (3) Sale of home fire safety equipment. (4) Inspection, testing and maintenance of private hydrants and dry riser mains.
Stoke on Trent and Staffordshire Fire Authority	(1) Provision of training and conference facilities. (2) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (3) Provision of audio-visual training materials.
Surrey County Council	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
West Midlands Fire and Civil Defence Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Vehicle maintenance and repair. (3) Provision of training to fire-fighters, other than training provided to employees of other fire

	and rescue authorities under a reinforcement scheme.
West Sussex County Council	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.
West Yorkshire Fire and Civil Defence Authority	(1) Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004. (2) Provision of training and conference facilities. (3) Provision of driving, driving-instructor and fire-fighting training to fire-fighters, other than training provided to employees of other fire and rescue authorities under a reinforcement scheme.
Wiltshire and Swindon Fire Authority	Provision of fire safety training to persons in connection with the carrying on of a trade, business or other undertaking, other than training which is required to be provided under section 6 of the Fire and Rescue Services Act 2004.”.

EXPLANATORY NOTE

(This note is not part of the Order)

The Local Government (Best Value Authorities) (Power to Trade) (England) Order 2004 ("the principal Order") authorises certain local authorities to trade in any of their ordinary functions subject to certain conditions. Under section 95(4) of the Local Government Act 2003 the power to trade must be exercised through a company.

This Order amends the principal Order to provide transitional arrangements in respect of fire and rescue authorities, specified in the Schedule to the Order (which have been trading in certain functions under the Fire Services Act 1947). That Act is repealed by the Fire and Rescue Services Act 2004 with effect from 1st October 2004. The effect of the amendments made by this Order is to allow those authorities to continue trading in those functions. The Fire and Rescue Services Act 2004 (Commencement) (England and Scotland) Order 2004 S.I. 2004/ 2304 (C.100) also makes savings for the Fire Services Act 1947, which is repealed by the Fire and Rescue Services Act 2004, in relation to trading activities carried out on or before, or contracted to be provided on or before, 31st March 2005.

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

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