EXPLANATORY MEMORANDUM TO

THE TRANSFER OF FUNCTIONS (FIRE AND RESCUE SERVICES) ORDER 2025

2025 No. 556

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Dame Diana Johnson DBE MP, Minister of State for Policing and Crime Prevention at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Charlotte Breen, Deputy Director for the Public Safety Group, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 David Smith, Deputy Head of Unit for the Public Safety Group at the Home Office (email: David.Smith4@homeoffice.gov.uk) can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Order implements recommendation 113.8 of the Grenfell Tower Inquiry Phase 2 Report. This Order will transfer property, rights and liabilities in connection with a fire and rescue function previously entrusted to the Home Secretary immediately before 1 April 2025 to the Secretary of State for the Ministry of Housing, Communities and Local Government. This change will align fire and rescue functions under a single department.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 Following the Grenfell Tower Fire on 14 June 2017, the Grenfell Tower Inquiry was established to examine the circumstances leading up to and surrounding the fire. The Phase 1 Report published in October 2019 examined in detail the events of the night of the fire and the actions of emergency services and first responders. In September

2024, the Chairman of the Grenfell Tower Inquiry, The Rt. Hon Sir Martin Moore-Bick, published the Phase 2 Report of the Public Inquiry.[1]

5.2 Phase 2, Volume 7, Part 14, Chapter 113 of the Inquiry Report established a recommendation for the Government. Recommendation 113.8 stated that "the government bring responsibility for the functions relating to fire safety currently exercised by the Ministry of Housing, Communities and Local Government, the Home Office and the Department for Business and Trade into one department under a single Secretary of State".[2]

5.3 A Written Ministerial Statement ("WMS")[3], laid by the Prime Minister in February 2025, made the decision to act on this recommendation and introduce a Machinery of Government ("MoG") change. The formal change of responsibility between the Home Office and the Ministry of Housing, Communities and Local Government took effect on 1 April 2025, alongside a change in Ministerial titles and responsibilities. This Order brings into effect matters which are supplementary to the initial MoG change. This includes matters such as the Grant Funding for National Resilience to the Lead Authority, Merseyside Fire and Rescue Services, the Fire Pensions Grant, and responsibility for the funding of three regional Fire and Rescue Control Centres. This is not an exhaustive account.

5.4 This change has been introduced in line with Cabinet Office guidance[4]. The timeline to secure agreement has been carefully choreographed to enable a smooth and seamless transition of responsibilities and staff, easing the administrative burden of a transition on both the receiving and sending departments, and ensuring no party experiences an operational impact.

5.5 Were this Order not to be implemented, such matters would remain within the functions of the Home Office. This order would fully deliver the commitment made by the Prime Minister in the WMS.

What was the previous policy, how is this different?

5.6 Prior to the implementation of the recommendations of the Grenfell Tower Inquiry, the Home Office held responsibility for Fire Functions, reporting to the Minister of State for Policing, Fire and Crime Prevention. This approach followed a previous transfer of fire responsibility in 2016, during which Fire Functions were transferred from the then Secretary of State for Communities and Local Government to the Home Secretary.

6. Legislative and Legal Context

How has the law changed?

6.1 This secondary legislation seeks to bring into effect elements which are supplemental to an existing decision taken through a WMS in February 2025. It has been exercised through powers conferred under section 2 of the Ministers of the Crown Act 1975.

[1] https://www.grenfelltowerinquiry.org.uk/sites/default/files/CCS0923434692-004_GTI%20Phase%202%20Volume%201_BOOKMARKED_0.pdf
[2] https://www.grenfelltowerinquiry.org.uk/sites/default/files/CCS0923434692-004_GTI%20Phase%202%20Volume%207_BOOKMARKED.pdf
[3] https://questions-statements.parliament.uk/written-statements/detail/2025-02-13/hcws455
[4] https://assets.publishing.service.gov.uk/media/5a81a03aed915d74e6233465/2016_07_29_machinery_of_government_guidance.pdf

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes. In line with Cabinet Office guidance, this transfer is consistent with the approach taken in 2016 where Fire Functions transferred into the Home Office from the then Ministry of Communities and Local Government.

7. Consultation

Summary of consultation outcome and methodology

7.1 It was considered that a wider consultation of the MoG change was not necessary as the function of this change does not substantially affect partners. In this regard, no substantive consultation has been undertaken.

7.2 Agreement has not been sought from the Devolved Administrations as the Order does not alter the functions of the Welsh Ministers, the Scottish Minister nor the Devolved Authorities of Northern Ireland.

8. Applicable Guidance

8.1 There is no applicable guidance for partner agencies. However, the Ministry of Housing, Communities and Local Government have released an update articulating this change.[5]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because this secondary legislation only includes supplementary material to affect a MoG change from one government department to another, meaning there is no economic impact.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this secondary legislation only includes supplementary material to affect a MoG change from one government department to another, meaning there is no economic impact.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this secondary legislation only includes supplementary material to affect a MoG change from one government department to another, meaning there is no economic impact.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is undertaken by the Ministry of Housing, Communities and Local Government as the department now retaining responsibility for fire and rescue functions.

10.2 The instrument does not include a statutory review clause.

[5] https://www.gov.uk/government/news/responsibility-for-all-fire-functions-moves-to-mhclg

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").