STATUTORY INSTRUMENTS

2018 No. 269

FIRE AND RESCUE SERVICES, ENGLAND LONDON GOVERNMENT

The London Government (London Fire Commissioner and Policing) (Amendment) Regulations 2018

Made - - - -	*27th February 2018*
Laid before Parliament	*28th February 2018*
Coming into force in accordance with regulation 1	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 26(1), (2)(ab) and (5) of the Fire Services Act 1947(**1**), section 34(1), (2)(ab), (2)(m) and (4) of the Fire and Rescue Services Act 2004(**2**), sections 1(1), 3(1) and (2)(b) and 25(3) and (8) of the Public Services Pensions Act 2013(**3**) and section 180(1) and (3)(b) of the Policing and Crime Act 2017(**4**).

In accordance with section 34(5) of the Fire and Rescue Services Act 2004, the Secretary of State has consulted such persons as the Secretary of State considers appropriate.

In accordance with section 21 of the Public Service Pensions Act 2013, the Secretary of State has consulted the representatives of such persons as appear to the Secretary of State to be likely to be affected by these Regulations.

In accordance with section 3(5) of the Public Service Pensions Act 2013, these Regulations are made with the consent of the Treasury.

(**1**) 1947 c. 41; repealed by sections 52 and 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c. 21). Subsections (1), (2) and (5) of section 26 continue to have effect for the purposes of the Firefighters' Pension Scheme, in relation to England and Scotland by virtue of S.I. 2004/2306 and in relation to Wales by virtue of S.I. 2004/2918. The name of the scheme was changed to the Firefighters' Pension Scheme by S.I. 2004/2306. Section 26(1) of the Fire Services Act 1947 was amended by section 256 of, and Schedule 25 to, the Civil Partnership Act 2004 (c. 33) and S.I. 2004/2306. Section 26(2)(ab) was inserted by S.I. 2018/226. The Secretary of State's functions under section 26 of the Fire Services Act 1947, in so far as they were exercisable in relation to Scotland, were devolved to the Scottish Ministers by section 63 of the Scotland Act 1998 (c. 46) and article 2 of, and Schedule 1 to S.I. 1999/1750 . The Secretary of State's functions under section 26 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) 2004 c. 21; the powers conferred by section 34 of the Fire and Rescue Services Act 2004 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by virtue of section 62 of that Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers. Powers under section 34 of the Fire and Rescue Services Act 2004 are now vested in the Scottish Ministers so far as they are exercisable in relation to Scotland (S.I. 2005/849). Section 34(2)(ab) was inserted by S.I. 2018/226.

(**3**) 2013 c. 25.

(**4**) 2017 c. 3.

Citation, commencement and application

1.—(1) These Regulations may be cited as the London Government (London Fire Commissioner and Policing) (Amendment) Regulations 2018.

(2) Subject to paragraph (3), these regulations come into force on 1st April 2018.

(3) Regulation 2 and paragraphs 3, 4, 10, 11 and 16 of the Schedule come into force on 22nd March 2018.

(4) These Regulations apply in relation to England only.

Amendments relating to the London Fire Commissioner

2. The Schedule has effect.

Amendment of Local Government Officers (Political Restrictions) Regulations 1990

3.—(1) The Local Government Officers (Political Restrictions) Regulations 1990(**5**) are amended as follows.

(2) In regulation 3(3) (terms of appointment and conditions of employment)(**6**) after "Paragraphs" insert ", 1(c)".

We consent

Rebecca Harris
Andrew Stephenson
Two of the Lords Commissioners of Her
27th February 2018 Majesty's Treasury

Nick Hurd
Minister of State for Policing and the Fire Service
27th February 2018 Home Office

(**5**) S.I. 1990/851; the definition of "Deputy Mayor for Policing and Crime" in regulation 2 was inserted by regulation 2(1), (2) of S.I. 2012/1772.
(**6**) Paragraph (1) of regulation 3 was amended, and paragraph (3) was inserted by, regulation 2(1) and (3)(b) of S.I. 2012/1772.

SCHEDULE

Regulation 2

Amendments relating to the London Fire Commissioner

Amendment of the Local Authority (Stocks and Bonds) Regulations 1974

1.—(1) The Local Authority (Stocks and Bonds) Regulations 1974(**7**) are amended as follows.

(2) In regulation 1(3) (title, commencement and interpretation)(**8**) in the definition of "local authority" for "the London Fire and Emergency Planning Authority" substitute "the London Fire Commissioner".

Amendment of the Local Government Reorganisation (Preservation of Right to Buy) Order 1986

2.—(1) The Local Government Reorganisation (Preservation of Right to Buy) Order 1986(**9**) is amended as follows.

(2) In the definition of "successor authority" in article 2 (interpretation)(**10**) for "the London Fire and Emergency Planning Authority" substitute "the London Fire Commissioner".

Amendment of the Local Government Officers (Political Restrictions) Regulations 1990

3.—(1) The Local Government Officers (Political Restrictions) Regulations 1990(**11**) are amended as follows.

(2) In regulation 2 (interpretation)(**12**) after the definition of "the Act", insert—

""Deputy Mayor for Fire" means a person appointed under section 67(1)(b) of the Greater London Authority Act 1999(**13**) as the Deputy Mayor for Fire, or appointed under that section and designated as the Deputy Mayor for Fire;".

(3) In regulation 3 (terms of appointment and conditions of employment)(**14**)—

(a) in paragraph (1) for "Subject to paragraphs (3) and (4)" substitute "Subject to paragraphs (3), (4) and (5)", and

(b) after paragraph (4) insert—

"(5) Paragraphs 1(c) and 4, 5, 6, 7 and 8 of the Schedule do not apply where the appointee is the Deputy Mayor for Fire.".

Amendment of the Firemen's Pension Scheme Order 1992

4.—(1) Schedule 2 to the Firemen's Pension Scheme Order 1992(**15**) is amended as follows.

(2) After rule A3 (exclusive application to regular firefighters) insert—

(**7**) S.I. 1974/519.
(**8**) The definition of "local authority" was substituted by regulations 2 and 3 of S.I. 1986/345; the words "the London Fire and Emergency Planning Authority" were inserted by article 2 of, and paragraph 1 of the Schedule to, S.I. 2000/1553. There are other amendments which are not relevant to these Regulations.
(**9**) S.I. 1986/2092.
(**10**) The words "the London Fire and Emergency Planning Authority" were inserted by article 2 of, and paragraph 2 of the Schedule to, S.I. 2000/1553.
(**11**) S.I. 1990/851.
(**12**) Regulation 2 was amended by regulation 2(1) and (2) of S.I. 2012/1772.
(**13**) 1999 c. 29. Section 67(1)(b) was amended by section 9(3)(a) and (b) of, and paragraphs 1 and 7 of Schedule 2 to, the Policing and Crime Act 2017.
(**14**) Regulation 3 was amended by regulation 2(1), (3)(a) and (3)(b) of S.I. 2012/1772, and by article 29 of, and paragraph 1(1), (2)(a) and (2)(b) of Schedule 2 to, S.I. 2017/863.
(**15**) S.I. 1992/129; to which there are amendments not relevant to these Regulations.

"**Extension of scheme**

A3A.—(1) This rule applies where a person holds office as the London Fire Commissioner and the terms and conditions of appointment to that office include—

(a) resolving operational incidents, or

(b) leading and supporting others in the resolution of operational incidents.

(2) Where this rule applies—

(a) holding office as the London Fire Commissioner shall be treated for the purposes of this Scheme as employment by the London Fire Commissioner; and

(b) this Scheme applies in relation to a person holding office as the London Fire Commissioner in the same way as it applies to a regular firefighter.".

Amendment of the Pipelines Safety Regulations 1996

5.—(1) The Pipelines Safety Regulations 1996(**16**) are amended as follows.

(2) In regulation 2(1) (interpretation)(**17**) in the definition of "local authority" in paragraph (a) for "London Fire and Civil Defence Authority" substitute "London Fire Commissioner".

Amendment of the Radiation (Emergency Preparedness and Public Information) Regulations 2001

6.—(1) The Radiation (Emergency Preparedness and Public Information) Regulations 2001(**18**) are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of "local authority" in paragraphs (a)(i) and (b)(i) for "London Fire and Emergency Planning Authority" substitute "London Fire Commissioner".

Amendment of the Local Authorities (Members' Allowances) (England) Regulations 2003

7.—(1) The Local Authorities (Members' Allowances) (England) Regulations 2003(**19**) are amended as follows.

(2) In regulation 3(1) (application of these Regulations) omit sub-paragraph (g).

(3) In regulation 34(4) (disapplication) omit sub-paragraph (g).

Amendment of the Greater London Authority Elections (Election Addresses) Order 2003

8.—(1) The Greater London Authority Elections (Election Addresses) Order 2003(**20**) is amended as follows.

(2) In article 9(3)(d)(i) (distribution of election booklets)(**21**) for "the London Fire and Emergency Planning Authority" substitute "the London Fire Commissioner".

(**16**) S.I. 1996/825.

(**17**) In paragraph (a) of the definition of "local authority" the words "London Fire and Civil Defence Authority" were to be construed by virtue of section 328(7) of the Greater London Authority Act 1999 as referring to "London Fire and Emergency Planning Authority". There is an amendment to regulation 2(1) which is not relevant.

(**18**) S.I. 2001/2975; to which there are amendments not relevant to these Regulations.

(**19**) S.I. 2003/1021; to which there are amendments not relevant to these Regulations.

(**20**) S.I. 2003/1907.

(**21**) The words "the London Development Agency" were omitted from sub-paragraph (d)(i) by article 8(2) of, and Schedule 2 to, S.I. 2012/666. There are other amendments to this Order which are not relevant to these Regulations.

Amendment of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005

9.—(1) The Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005(**22**) are amended as follows.

(2) In regulation 55(**23**)—

(a) for the heading substitute "Role of the London Fire Commissioner";

(b) in paragraph (1) for "London Fire and Emergency Planning Authority" substitute "the London Fire Commissioner".

(3) In regulation 56 (Role of other Category 1 responders in London)—

(a) for "the London Fire and Emergency Planning Authority" in both places where it occurs substitute "the London Fire Commissioner";

(b) for "by that Authority of its functions" substitute "by the Commissioner of the Commissioner's functions".

Amendment of the Firefighters' Compensation Scheme (England) Order 2006

10.—(1) Schedule 1 to the Firefighters' Compensation Scheme (England) Order 2006(**24**) is amended as follows.

(2) In Part 1 (general provisions), rule 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of "normal pension age" substitute—

""normal pension age" in relation to—

(a) employees of a fire and rescue authority appointed on terms under which they are or may be required to engage in firefighting; and

(b) a person who holds office as the London Fire Commissioner where the terms and conditions of appointment to that office include—

(i) resolving operational incidents, or

(ii) leading and supporting others in the resolution of operational incidents,

means—

(a) 55 in relation to the 1992 Scheme; and

(b) 60 in relation to the 2006 Scheme and the 2015 Scheme;";

(ii) for the definition of "regular firefighter" substitute—

""regular firefighter" means—

(a) a person who is employed—

(i) by a fire and rescue authority as a firefighter (whether whole-time or part-time), other than as a retained or volunteer firefighter; and

(ii) on terms under which he is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to his role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting) and whose employment is not temporary;

(**22**) S.I. 2005/2042.

(**23**) Sub-paragraph 1(a) was omitted by regulations 4 and 6(1) and (2) of S.I. 2011/615. There are other amendments which are not relevant to these Regulations.

(**24**) S.I. 2006/1811; to which there are amendments not relevant to these Regulations.