Status: *This version of this Instrument contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Fire and Rescue Authority (Membership) Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2017 No. 1165

FIRE AND RESCUE SERVICES, ENGLAND

The Fire and Rescue Authority (Membership) Order 2017

Made - - - - 28th November 2017
Laid before Parliament 1st December 2017
Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by section 29(2) of the Local Government Act 1985(**1**) and sections 2(6) and 4(4) of the Fire and Rescue Services Act 2004(**2**).

In accordance with section 29(3) of the Local Government Act 1985 the Secretary of State has had regard to the number of local government electors in the areas of the constituent councils appointing members to the West Midlands Fire and Rescue Authority and in accordance with section 29(4) of that Act, the Secretary of State has consulted with those constituent councils.

The variation to the Hampshire Fire Services Combination Scheme has been proposed by the Hampshire Fire and Rescue Authority(**3**).

The variation to the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme has been proposed by the Dorset and Wiltshire Fire and Rescue Authority(**4**).

Citation and commencement

1.—(1) This Order may be cited as the Fire and Rescue Authority (Membership) Order 2017.

(2) This article and article 3 come into force on 22nd December 2017.

(3) Article 2 comes into force on 25th June 2018.

(4) Article 4 comes into force on 6th June 2018.

(**1**) 1985 c. 51; there have been amendments to section 29 but none is relevant.
(**2**) 2004 c. 21.
(**3**) In accordance with section 4(5A) of the Fire and Rescue Services Act 2004 inserted by paragraphs 16(1) and (3) of Schedule 22 to the Deregulation Act 2015 (c. 20), the duty on the Secretary of State in section 4(5) of the 2004 Act in relation to consultation does not apply.
(**4**) In accordance with section 2(6A) of the Fire and Rescue Services Act 2004 inserted by paragraphs 16(1) and (2) of Schedule 22 to the Deregulation Act 2015 (c. 20),the duty on the Secretary of State in section 2(6) of the 2004 Act in relation to consultation does not apply.

Commencement Information
I1 Art. 1 in force at 22.12.2017, see **art. 1(2)**

PROSPECTIVE

Amendment to the Local Government Act 1985

2.—(1) The Local Government Act 1985 is amended as follows.

(2) In Schedule 10 (number of members of joint authorities), in Part 6 (West Midlands), in the third column of the Table (number of members of metropolitan county fire and rescue authority)(**5**)—

(a) in the entry for Birmingham for "10" substitute "4";

(b) in the entry for Coventry for "3" substitute "2";

(c) in the entry for Dudley for "3" substitute "2";

(d) in the entry for Sandwell for "3" substitute "2";

(e) in the entry for Solihull for "2" substitute "1";

(f) in the entry for Walsall for "3" substitute "2";

(g) in the entry for Wolverhampton for "3" substitute "2".

Commencement Information
I2 Art. 2 in force at 25.6.2018, see **art. 1(3)**

Variation of the Hampshire Fire Services Combination Scheme

3. The Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996(**6**) is varied in accordance with Schedule 1 to this Order.

Commencement Information
I3 Art. 3 in force at 22.12.2017, see **art. 1(2)**

PROSPECTIVE

Variation of the Dorset and Wiltshire Fire and Rescue Authority Combination Scheme

4. The Dorset and Wiltshire Fire and Rescue Authority Combination Scheme set out in the Schedule to the Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015(**7**) is varied in accordance with Schedule 2 to this Order.

(**5**) Paragraph 10 of Part 1 of Schedule 2 to the Civil Contingencies Act 2004 (c. 36) provides that a reference to "metropolitan fire and civil defence authority" is treated as a reference to a "metropolitan county fire and rescue authority".
(**6**) S.I. 1996/2923; amended by Part 2 of Schedule 8 of the Local Government Act 2003 (c. 26).
(**7**) S.I. 2015/435.

Commencement Information

I4 Art. 4 in force at 6.6.2018, see **art. 1(4)**

Nick Hurd
Minister of State
Home Office

28th November 2017

SCHEDULE 1

Article 3

1. In this Schedule "the Scheme" means the Hampshire Fire Services Combination Scheme set out in the Schedule to the Hampshire Fire Services (Combination Scheme) Order 1996.

Commencement Information
I5 Sch. 1 para. 1 in force at 22.12.2017, see **art. 1(2)**

Variation of Part 1 of the Scheme

2. In paragraph 2 (interpretation)—

(a) after the definition of "constituent authority" omit "and", and

(b) after the definition of "the fire brigade" insert—

"and

"relevant police and crime commissioner means" a police and crime commissioner—

(a) whose area is the same as, or contains all of, the area of the Authority, or

(b) all or part of whose area falls within the area of the Authority." .

Commencement Information
I6 Sch. 1 para. 2 in force at 22.12.2017, see **art. 1(2)**

Variation of Part 3 of the Scheme

3. For paragraph 11 substitute—

"**11.**—(1) The number of members of the Authority shall be determined by the Authority but shall not exceed 25.

(2) Each member of the Authority shall be appointed in accordance with this Part.".

4. For paragraph 12 substitute—

"**12.**—(1) Each constituent authority shall appoint such number of representatives as determined by the Authority to be members of the Authority.

(2) In determining the number of representatives to be appointed by each constituent authority the Authority shall, so far as is practicable, ensure that the number of representatives of each constituent authority is proportionate to the number of local government electors in their area in relation to the number of such electors in the areas of each of the other constituent authorities.".

5. After paragraph 12 insert—

"**12A.** Subject to paragraphs 12B and 12C, the Authority may appoint a relevant police and crime commissioner to be a member of the Authority.

12B. A relevant police and crime commissioner may only be appointed as a member of the Authority in response to a request by the commissioner.