SCOTTISH STATUTORY INSTRUMENTS

2002 No. 141

FIRE SERVICES

The Combined Fire Services Area Administration Schemes (Variation) (Scotland) Order 2002

Made - - - -	*22nd March 2002*
Laid before the Scottish Parliament - - - -	*22nd March 2002*
Coming into force - -	*31st March 2002*

The Scottish Ministers, in exercise of the powers conferred by section 36(8) of the Fire Services Act 1947(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Combined Fire Services Area Administration Schemes (Variation) (Scotland) Order 2002 and shall come into force on 31st March 2002.

(2) In this Order "relevant schemes" means–

(a) the North Eastern Combined Fire Services Area Administration Scheme 1995 which is set out in the Schedule to the North Eastern Combined Fire Services Area Administration Scheme Order 1995(**2**);

(b) the Northern Combined Fire Services Area Administration Scheme 1995 which is set out in the Schedule to the Northern Combined Fire Services Area Administration Scheme Order 1995(**3**);

(c) the South Eastern Combined Fire Services Area Administration Scheme 1995 which is set out in the Schedule to the South Eastern Combined Fire Services Area Administration Scheme Order 1995(**4**);

(d) the Central Combined Fire Services Area Administration Scheme 1995 which is set out in the Schedule to the Central Combined Fire Services Area Administration Scheme Order 1995(**5**);

(**1**) 1947 c. 41; the functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). Section 36(8) was substituted by section 180(1) of, and Schedule 13 to, the Local Government etc. (Scotland) Act 1994 (c. 39) and was amended by section 2(d) of the Police and Fire Services (Finance) (Scotland) Act 2001 (asp 15).
(**2**) S.I. 1995/2632.
(**3**) S.I. 1995/2633.
(**4**) S.I. 1995/2634.
(**5**) S.I. 1995/2635.

(e) the Mid and South Western Combined Fire Services Area Administration Scheme 1995 which is set out in the Schedule to the Mid and South Western Combined Fire Services Area Administration Scheme Order 1995(**6**); and

(f) the Mid Eastern Combined Fire Services Area Administration Scheme 1995 which is set out in the Schedule to the Mid Eastern Combined Fire Services Area Administration Scheme Order 1995(**7**).

Amendment of the relevant schemes

2. Each of the relevant schemes is amended as follows: –

(a) in paragraph 4(3) omit "3 yearly";

(b) in paragraph 5(3) at the beginning insert "Subject to sub-paragraph (4) below,";

(c) in paragraph 6(2) for "next 3 yearly appointment of members of the board" substitute "next appointment of members of the board in terms of paragraph 4(3) of this scheme"; and

(d) in paragraph 11–

(i) in sub-paragraph (2) for "expenditure incurred by the board" substitute "expenditure which the board estimates will be incurred"; and

(ii) after sub-paragraph (3) insert–

"(3A) Subject to sub-paragraph (3B) below, the board may carry-forward from one financial year (the "carry-forward year") to the next any money paid under sub-paragraph (2) above by the constituent authorities in respect of the carry forward year.

(3B) Any money carried forward by the board under sub paragraph (3A) above–

(a) in respect of the carry forward year, shall not exceed three per cent. of the total of the contributions paid into the fund by the fire authorities in respect of the carry-forward years; and

(b) in the case mentioned in sub-paragraph (3C) below, shall be carried forward only with the consent of the Scottish Ministers.

(3C) The case referred to in sub-paragraph (3B) above is where–

(a) any money carried forward from previous carry-forward years by virtue of arrangements under sub-paragraph (3A) above and remaining unspent at the end of the carry-forward year; and

(b) the money carried forward,

would, taken together, amount to more than the maximum sum mentioned in sub-paragraph (3D) below.

(3D) The "maximum sum" referred to in sub-paragraph (3C) above, in relation to a carry-forward year, means the amount equal to five per cent. of the sum of the total amount of the contributions paid into the aforesaid fund by the fire authorities in respect of that year.".

(**6**) S.I. 1995/2636.
(**7**) S.I. 1995/2637.