STATUTORY INSTRUMENTS

2016 No. 162

MINISTERS OF THE CROWN

The Transfer of Functions (Fire and Rescue Services) Order 2016

Made - - - -	*10th February 2016*
Laid before Parliament	*17th February 2016*
Coming into force - -	*1st April 2016*

At the Court at Buckingham Palace, the 10th day of February 2016

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 2 of the Ministers of the Crown Act 1975(**1**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Fire and Rescue Services) Order 2016.

(2) This Order comes into force on 1st April 2016.

Interpretation

2. In this Order—

"fire and rescue function" means a function which—

(a) was entrusted to the Secretary of State for Communities and Local Government immediately before 5th January 2016, and

(b) has been entrusted to the Home Secretary before the making of this Order;

"the Home Secretary" means the Secretary of State for the Home Department;

"instrument" includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

(**1**) 1975 c. 26. Section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

Provision supplemental to the transfer of functions from the Secretary of State for Communities and Local Government to the Home Secretary

3.—(1) There are transferred to the Home Secretary all property, rights and liabilities to which the Secretary of State for Communities and Local Government is entitled or subject at the coming into force of this Order in connection with a fire and rescue function.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State for Communities and Local Government may, so far as it relates to a fire and rescue function or anything transferred by paragraph (1), be continued by or in relation to the Home Secretary.

(3) Paragraphs (1) and (2) are subject to article 4 (which provides for those paragraphs not to apply in relation to certain matters).

(4) Anything done (or having effect as if done) by or in relation to the Secretary of State for Communities and Local Government in connection with a fire and rescue function or anything transferred by paragraph (1) has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Home Secretary.

(5) Documents or forms printed for use in connection with a fire and rescue function may be used in connection with the exercise of that function by the Home Secretary even though they contain, or are to be read as containing, references to the Secretary of State for Communities and Local Government; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the Home Secretary, those references are to be read as references to the Home Secretary.

(6) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as necessary for the purposes of or in consequence of the entrusting of a fire and rescue function to the Home Secretary or for the purposes of or in consequence of paragraph (1), as if references to the Secretary of State for Communities and Local Government (and references which are to be read as references to the Secretary of State for Communities and Local Government) were or included references to the Home Secretary.

(7) This article does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State for Communities and Local Government before the coming into force of this Order.

(8) In paragraphs (2) to (7)—

(a) references to the Secretary of State for Communities and Local Government are to be read as including references to the department or an officer of the Secretary of State for Communities and Local Government, and

(b) references to the Home Secretary are to be read as including references to the department or an officer of the Home Secretary accordingly.

Article 3: excluded transfers

4.—(1) Article 3(1) does not transfer any property, rights or liabilities in relation to—

(a) the Fire Service College Transfer Agreement;

(b) a fire regional control centre; or

(c) the premises specified in paragraph (4).

(2) The reference in paragraph (1)(a) to the Fire Service College Transfer Agreement is to the agreement entered into on 28th February 2013 between the Secretary of State for Communities and Local Government and Fire Service College Limited, relating to the transfer of operations and functions of the Fire Service College.