WELSH STATUTORY INSTRUMENTS

2007 No. 3193 (W.280)

FIRE AND RESCUE SERVICES, WALES

The Fire and Rescue Services (Emergencies) (Wales) Order 2007

Made - - - -	*7 November 2007*
Laid before the National Assembly for Wales - -	*9 November 2007*
Coming into force - -	*3 December 2007*

The Welsh Ministers, in exercise of the powers conferred by sections 9, 60 and 62 of the Fire and Rescue Services Act 2004(**1**) on the National Assembly for Wales and now vested in them(**2**) and having consulted such persons as they consider appropriate in accordance with section 9(5) of that Act, hereby make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Fire and Rescue Services (Emergencies) (Wales) Order 2007 and it comes into force on 3 December 2007.

(2) This Order applies in relation to fire and rescue authorities in Wales.

Chemical, biological, radiological or nuclear emergency

2.—(1) A fire and rescue authority must make provision in its area for the purposes of—

(a) removing chemical, biological or radio-active contaminants from people in the event of an emergency(**3**) involving the release or potential release of such contaminants; and

(b) containing, for a reasonable period, any water used for a purpose mentioned in sub-paragraph (a).

(2) In taking action for a purpose mentioned in paragraph (1) a fire and rescue authority must make arrangements for ensuring that reasonable steps are taken to prevent or limit serious harm to the environment.

(**1**) 2004 c. 21.

(**2**) The power of the Secretary of State under section 9 is, in relation to Wales, exercisable by the National Assembly for Wales, by virtue of section 62. That power is now vested on the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006(c. 32).

(**3**) "Emergency" is defined in section 58 of the Fire and Rescue Services Act 2004.

Rescue and protection in case of certain emergencies

3.—(1) A fire and rescue authority must make provision in its area for the purpose of rescuing people who may be trapped and protecting them from serious harm, to the extent that it considers it reasonable to do so, in the event of—

(a) an emergency involving the collapse of a building or other structure; or

(b) subject to paragraph (2), an emergency falling within section 58(a) of the Fire and Rescue Services Act 2004 which—

(i) involves a train, tram or aircraft; and

(ii) is likely to require a fire and rescue authority to use its resources beyond the scope of its day to day operations.

(2) Paragraph (1)(b) does not apply to provision for an emergency to the extent that it involves the collapse of a tunnel or mine.

(3) In this article—

(a) "structure" ("*adeiledd*") does not include a tunnel or mine;

(b) "tunnel" ("*twnnel*") means a man-made passage;

(c) "mine" ("*cloddfa*") means a mine within the meaning of section 180 of the Mines and Quarries Act 1954(**4**).

Action required for purpose of functions conferred by Order

4. In making the provision required by article 2 or 3, a fire and rescue authority must—

(a) secure the provision of such personnel, services and training as may be necessary efficiently to meet all reasonable requirements;

(b) make arrangements for dealing with calls for help;

(c) make arrangements for obtaining necessary information; and

(d) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken pursuant to such provision.

Responding to emergencies outside a fire and rescue authority's area

5.—(1) This paragraph applies where—

(a) a fire and rescue authority maintains specialist resources ("the first authority");

(b) an emergency of a type specified in article 2 or 3 has occurred or is likely to occur in the area of another fire and rescue authority ("the second authority"); and

(c) the second authority has requested the first authority to use those resources in the second authority's area.

(2) Where paragraph (1) applies, the first authority must use its specialist resources in the area of the second authority to such extent as is reasonable for the purpose of dealing with the emergency.

(3) In this article, "specialist resources" ("*adnoddau arbenigol*") means resources maintained for the purpose of taking action pursuant to provision made in accordance with article 2 or 3, including any personnel who have received specialist training for that purpose.

(**4**) 1954 c. 70; relevant amending instruments are SI 1993/1897 and SI 1999/2024.