WELSH STATUTORY INSTRUMENTS

2005 No. 2929 (W.214)

FIRE AND RESCUE SERVICES, WALES

The Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005

Made - - - -	*19 October 2005*
Coming into force - -	*25 October 2005*

The National Assembly for Wales, in exercise of the powers conferred by sections 53(2), 60 and 62 of the Fire and Rescue Services Act 2004(**1**), hereby makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005 and comes into force on 25 October 2005.

(2) This Order applies in relation to Wales.

Local Government Act 2003

2. In section 83(2) of the Local Government Act 2003(**2**), for the words "fire authorities" substitute "fire and rescue authorities".

Cinematograph (Safety) Regulations 1955

3. In regulation 5(3) of the Cinematograph (Safety) Regulations 1955(**3**) (fire precautions), after the words "the fire brigade" insert "or, in England or Wales, employees of the fire and rescue authority".

Various Trunk Roads (Prohibition of Waiting) (Clearways) Order 1963

4. In article 5(b) of the Various Trunk Roads (Prohibition of Waiting) (Clearways) Order 1963(**4**) (exceptions), after the words "fire brigade" insert "or, in England or Wales, fire and rescue authority".

(**1**) 2004 c. 21. The powers of the Secretary of State under sections 53(2) and 60 are, in relation to Wales, vested in the National Assembly for Wales by virtue of section 62 of that Act.
(**2**) 2003 c. 26.
(**3**) S.I. 1955/1129 to which there are amendments not relevant to this instrument.
(**4**) S.I. 1963/1172 to which there are amendments not relevant to this instrument.

Gaming Clubs (Licensing) Regulations 1969

5. In Schedule 2 to the Gaming Clubs (Licensing) Regulations 1969(**5**) (application for grant of a licence under the Gaming Act 1968), after the words "fire authority" insert "or, in England or Wales, fire and rescue authority" in both places where the words occur.

Local Authorities etc. (Miscellaneous Provision) (No 3) Order 1974

6. Article 6(6) of the Local Authorities etc. (Miscellaneous Provision) (No 3) Order 1974(**6**) (compulsory purchase orders) is amended as follows—

(a) after the words "Fire Services Act 1947" insert "or Fire and Rescue Services Act 2004"; and

(b) after the words "fire authority" insert "or fire and rescue authority".

Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975

7.—(1) The Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975(**7**) are amended as follows.

(2) In paragraph 2 of Part 1 of Schedule 1 (employments to be treated as employed earners' employments for industrial injuries purposes), after the words "Great Britain" insert "as an employee of a fire and rescue authority employed for the purposes of that authority under the Fire and Rescue Services Act 2004 or".

(3) In paragraph 4 of column (1) of Schedule 3 (employments in respect of which persons are treated as employers for industrial injuries purposes), before the words "fire brigade" insert "fire and rescue authorities,".

Tribunals and Inquiries (Discretionary Inquiries) Order 1975

8. After paragraph 19 of the Schedule to the Tribunals and Inquiries (Discretionary Inquiries) Order 1975(**8**) (inquiries designated for the purposes of the Tribunals and Inquiries Act 1992), insert—

"**19A.** Any inquiry held under section 14(3), 17(3) or 27 of the Fire and Rescue Services Act 2004.".

Motorways Traffic (England and Wales) Regulations 1982

9. In regulation 16(1)(d) of the Motorways Traffic (England and Wales) Regulations 1982(**9**) (exceptions and relaxations), for the words "a fire brigade or of an ambulance service" substitute "an ambulance service or as an employee of a fire and rescue authority employed for the purposes of that authority".

Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985

10. In article 3(h) of the Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985(**10**) (exemption under section 1 subject to conditions), after the words "fire brigade" insert "or, in England or Wales, fire and rescue authority".

(**5**) S.I. 1969/1110 amended by S.I. 2003/1513.
(**6**) S.I. 1974/968 to which there are amendments not relevant to this instrument.
(**7**) S.I. 1975/467 to which there are amendments not relevant to this instrument.
(**8**) S.I. 1975/1379 to which there are amendments not relevant to this instrument.
(**9**) S.I. 1982/1163 to which there are amendments not relevant to this instrument.
(**10**) S.I. 1985/1047.

Road Vehicles (Construction and Use) Regulations 1986

11.—(1) The Road Vehicles (Construction and Use) Regulations 1986(**11**) are amended as follows.

(2) In regulation 10B(3)(f) (vehicles to which regulation 10A applies), after "1947" insert "or, in England or Wales, a motor vehicle used by employees of a fire and rescue authority for the purposes of that authority under the Fire and Rescue Services Act 2004".

(3) In regulation 10C(7)(d) (meaning of "trailer"), after "1947" insert "or, in England or Wales, a trailer used by employees of a fire and rescue authority for the purposes of that authority under the Fire and Rescue Services Act 2004".

(4) In the following provisions, after the words "fire brigade" insert "or, in England or Wales, fire and rescue authority" in each place where the words occur—

(a) regulation 36B(14)(e) (speed limits);

(b) regulation 37(5)(a) (audible warning instruments);

(c) regulation 82(10)(a) (wide loads);

(d) regulation 101(2)(a) (parking in darkness); and

(e) regulation 107(2)(a) (leaving motor vehicles unattended).

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

12. In paragraph 42 of Part 1 of Schedule 1 to the Local Government Reorganisation (Preservation of Right to Buy) Order 1986(**12**) (modifications to Part V of the Housing Act 1985), for the words "a fire authority for the purposes of the Fire Services Acts 1947 to 1959" substitute "a fire and rescue authority under the Fire and Rescue Services Act 2004".

Dangerous Substances in Harbour Areas Regulations 1987

13. In regulation 30 of the Dangerous Substances in Harbour Areas Regulations 1987(**13**) (storage tanks), after the words "fire authority" insert "or, in England or Wales, fire and rescue authority" in both places where the words occur.

Safety of Sports Grounds Regulations 1987

14.—(1) The Safety of Sports Grounds Regulations 1987(**14**) are amended as follows.

(2) In regulation 5(6) (notices by local authorities)—

(a) at the end of sub-paragraph (c) delete "and";

(b) after sub-paragraph (c) insert—

"(ca) in relation to England and Wales—

(i) the fire and rescue authority, where the local authority is not the fire and rescue authority; and

(ii) the building authority, where the local authority is not the building authority; and"; and

(c) in sub-paragraph (d) delete the words "Wales and".

(**11**) S.I. 1986/1078; relevant amendments were made by S.I. 1993/3048 and 1997/530.
(**12**) S.I. 1986/2092.
(**13**) S.I. 1987/37 to which there are amendments not relevant to this instrument.
(**14**) S.I. 1987/1941.

(3) In paragraph 4(a) of the form contained in the Schedule (application for a safety certificate), after the words "fire authority" insert "or fire and rescue authority".

Income Support (General) Regulations 1987

15. After paragraph 7(1)(a) of Schedule 8 to the Income Support (General) Regulations 1987(**15**) (sums to be disregarded in the calculation of earnings), insert—

"(aa) a part-time fire-fighter employed by a fire and rescue authority;".

Housing Benefit (General) Regulations 1987

16.—(1) The Housing Benefit (General) Regulations 1987(**16**) are amended as follows.

(2) After paragraph 6(1)(a) of Schedule 3 (sums to be disregarded in the calculation of earnings), insert—

"(aa) a part-time fire-fighter employed by a fire and rescue authority;".

(3) After paragraph 3(2)(a) of Schedule 3A (sums disregarded from claimant's earnings), insert—

"(aa) as a part-time fire-fighter employed by a fire and rescue authority;".

Safety of Places of Sport Regulations 1988

17.—(1) The Safety of Places of Sport Regulations 1988(**17**) are amended as follows.

(2) In regulation 4(8) (notices by local authorities)—

(a) at the end of sub-paragraph (c) delete "and";

(b) after sub-paragraph (c) insert—

"(ca) in relation to England and Wales—

(i) the fire and rescue authority, where the local authority is not the fire and rescue authority; and

(ii) the building authority, where the local authority is not the building authority; and"; and

(c) in sub-paragraph (d) delete the words "Wales and".

(3) In paragraph 4(a) of the form contained in the Schedule (application for a safety certificate), after the words "fire authority" insert "or fire and rescue authority".

Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989

18. In article 5(2)(c) of the Fire Precautions (Factories, Offices, Shops and Railway Premises) Order 1989(**18**) (premises exempt from requirement for fire certificate) and article 6(1) (premises qualifying for exemption from requirement for fire certificate), after the words "fire authority" insert "or, in England or Wales, fire and rescue authority".

(**15**) S.I. 1987/1967 to which there are amendments not relevant to this instrument.
(**16**) S.I. 1987/1971; relevant amendments were made by S.I. 1993/317 and 2000/2545. S.I. 1987/1971 was modified, in its application to persons described in regulation 2 of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325) applies, by the insertion of Schedule 3A by regulation 21 of, and Schedule 2 to, those Regulations.
(**17**) S.I. 1988/1807.
(**18**) S.I. 1989/76.

Fire Precautions (Sub-surface Railway Stations) Regulations 1989

19.—(1) The Fire Precautions (Sub-surface Railway Stations) Regulations 1989(**19**) are amended as follows.

(2) In the definition of "fire brigade" in regulation 2 (interpretation), after the words "fire authority" insert "or, in England or Wales, employees of a fire and rescue authority; and "members of a fire brigade" shall be interpreted accordingly".

(3) In regulation 12 (exemption from requirements)—

(a) in paragraph (1) after the words "fire authority" insert "or, in England or Wales, a fire and rescue authority"; and

(b) in paragraphs (1A) and (2) after the words "fire authority" insert "or fire and rescue authority" in both places where they occur.

Road Vehicles Lighting Regulations 1989

20. In the table in regulation 3(2) of the Road Vehicles Lighting Regulations 1989(**20**) (interpretation), in paragraph (a) of the definition of "emergency vehicle", after the words "fire brigade" insert "or, in England or Wales, fire and rescue authority".

Dangerous Substances (Notification and Marking of Sites) Regulations 1990

21. In regulation 2(1) of the Dangerous Substances (Notification and Marking of Sites) Regulations 1990(**21**) (interpretation), in the definition of "fire authority", after the words "Fire Services Act 1947" insert "or, in England or Wales, the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the site is situated".

Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990

22.—(1) The Secretary of State's Traffic Orders (Procedure) (England and Wales) Regulations 1990(**22**) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of "fire authority" substitute—

"fire and rescue authority" in relation to any road or other place, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the road or other place is situated;".

(3) In regulation 14(1)(a)(ii) (notice of the making of the order), for the words "fire authority" substitute "fire and rescue authority".

Housing (Prescribed Forms) (No 2) Regulations 1990

23. In Form 35 in the Schedule to the Housing (Prescribed Forms) (No 2) Regulations 1990(**23**) (closing order for part of a house in multiple occupation), for the words "Fire Authority" substitute "Fire and Rescue Authority".

(**19**) S.I. 1989/1401.
(**20**) S.I. 1989/1796 to which there are amendments not relevant to this instrument.
(**21**) S.I. 1990/304 to which there are amendments not relevant to this instrument.
(**22**) S.I. 1990/1656.
(**23**) S.I. 1990/1730 to which there are amendments not relevant to this instrument.