

Fire Services Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Office of the Deputy Prime Minister, are published separately as Bill 81-EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Mr Secretary Prescott has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Fire Services Bill are compatible with the Convention rights.

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TO

Confer power on the Secretary of State to set or modify the conditions of service of members of fire brigades and to give directions to fire authorities.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Powers of the Secretary of State

- (1) The Secretary of State may by order made by statutory instrument do one or both of the following—
- (a) fix or modify the conditions of service of fire brigade members;
 - (b) give specific or general directions to fire authorities about the use or disposal of property or facilities. 5
- (2) The provision that may be contained in directions given by virtue of subsection (1)(b) includes—
- (a) provision about the use or disposal by a fire authority of property or facilities belonging to that authority; 10
 - (b) provision about the use by a fire authority of property or facilities belonging to another fire authority or to any other person who has made the property or facilities available, or is willing to do so; and
 - (c) provision requiring payments to be made by a fire authority to another fire authority, or to any other person, in respect of the use of property or facilities. 15
- (3) Before making an order under this section that fixes or modifies conditions of service of fire brigade members, the Secretary of State must, if there appears to him to be a negotiating body—
- (a) submit his proposals for an order to that body; 20
 - (b) allow that body at least twenty-one days to report to him about the opinions of the members of that body on the proposals; and
 - (c) consider any report made to him by that body within the period he has allowed.

- (4) Before making an order under this section containing a direction about the use of property or facilities, the Secretary of State must consult such persons who—
- (a) are, in his opinion, likely to be affected by the proposed direction, or
 - (b) represent persons who are, in his opinion, likely to be so affected, as he thinks fit. 5
- (5) The power to make an order under this section includes power—
- (a) to make provision with retrospective effect fixing or modifying the pay or allowances of fire brigade members (including provision having effect from a time before the passing of this Act);
 - (b) to make different provision for different cases (including power to make an order containing a direction applicable only to one or more particular fire authorities); 10
 - (c) to make provision subject to exemptions and exceptions; and
 - (d) to make incidental, supplemental, consequential and transitional provision. 15
- (6) The power to include retrospective provision in an order under this section does not include power retrospectively to reduce the pay and allowances payable to a person.
- (7) A statutory instrument containing an order under this section that makes provision authorised by subsection (1)(a) shall be subject to annulment in pursuance of a resolution of either House of Parliament. 20
- (8) It shall be the duty of a fire authority to comply with a direction contained in an order under this section.

2 Supplemental provisions

- (1) This Act may be cited as the Fire Services Act 2003. 25
- (2) In this Act—
- “conditions of service” includes, in particular, conditions of service relating to pay and allowances, hours of duty or leave;
- “fire authority” means—
- (a) an authority which is a fire authority within the meaning of the Fire Services Act 1947 (c. 41) (read with paragraph 2 of Schedule 11 to the Local Government Act 1985 (c. 51)); or
 - (b) the Fire Authority for Northern Ireland;
- “fire brigade” means—
- (a) a fire brigade maintained under the Fire Services Act 1947; or 35
 - (b) the fire brigade within the meaning of the Fire Services (Northern Ireland) Order 1984 (S.I. 1984/1821 (N.I. 11));
- “fire brigade member” means any member of a fire brigade (including a member whose employment as such is only temporary);
- “negotiating body” means a body of persons which— 40
- (a) includes both persons representing the interests of some or all fire authorities and persons representing the interests of some or all fire brigade members; and
 - (b) is constituted in accordance with what appear to the Secretary of State to be appropriate arrangements for the negotiation of the conditions of service of fire brigade members. 45

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- (3) References in this Act to property or facilities belonging to a person include references to—
- (a) land occupied by that person; and
 - (b) equipment or other assets or facilities the use of which is under the control of that person.
- (4) The powers conferred by this Act are in addition to those conferred by the Fire Services Act 1947 (c. 41), the Fire Services (Northern Ireland) Order 1984 (S.I. 1984/1821 (N.I. 11)) or any other enactment or instrument passed or made before the passing of this Act.
- (5) *There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums which are payable out of money so provided under any other Act.*
- (6) This Act extends to England and Wales and Northern Ireland only.

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To confer power on the Secretary of State to set or modify the conditions of service of members of fire brigades and to give directions to fire authorities.

*Presented by Mr Secretary Prescott
supported by
The Prime Minister,
Mr Chancellor of the Exchequer,
Mr Secretary Blunkett, Mr Secretary Darling,
Mr Secretary Murphy, Mr Secretary Hoon,
Ms Secretary Hewitt, Secretary Peter Hain,
Mr Nick Raynsford and Mr Christopher Leslie.*

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