

2009 No. 2849 (W. 249)

**FIRE AND RESCUE
SERVICES, WALES**

The Combined Fire and Rescue
Services Schemes (Variation)
(Wales) Order 2009

EXPLANATORY NOTE

(This note is not part of the Order)

This Order varies the three Welsh Combined Fire Services Schemes of 1995 (“the Schemes”). These are the Mid and West Wales Fire Services Combination Scheme, the North Wales Fire Services Combination Scheme and the South Wales Fire Services Combination Scheme set out in the Schedules to respectively S.I. 1995/3229, S.I. 1995/3218 and S.I. 1995/3230.

Article 2 varies each of the Schemes by providing that each combined fire and rescue authority in Wales may hold financial reserves.

2009 No. 2849(W.249)

**FIRE AND RESCUE
SERVICES, WALES**

**The Combined Fire and Rescue
Services Schemes (Variation)
(Wales) Order 2009**

Made 24 October 2009

Laid before the National Assembly for Wales
27 October 2009

Coming into force 1 December 2009

The Welsh Ministers make the following Order in exercise of the powers conferred on the National Assembly for Wales by sections 4(4), 60 and 62 of the Fire and Rescue Services Act 2004⁽¹⁾ and now vested in them⁽²⁾.

In accordance with section 4(5) of that Act the Welsh Ministers have consulted with the specified authorities and any other persons they consider appropriate⁽³⁾ and in accordance with section 4(7)(a) of that Act they have obtained the agreement of all combined and other appropriate authorities to the making of this Order⁽⁴⁾:

Title, commencement and interpretation

1.—(1) The title of this Order is The Combined Fire and Rescue Services Schemes (Variation) (Wales)

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- (1) 2004 c.21.
(2) The powers of the National Assembly for Wales are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
(3) Section 4(5) of the Fire and Rescue Services Act 2004 specifies the bodies and persons who are to be consulted.
(4) Section 4(6) of the Fire and Rescue Services Act 2004 requires that an inquiry be held before an order is made under section 4(4) varying or revoking a combination scheme. Section 4(7) describes the circumstances when an inquiry may be avoided, one of which is that the bodies specified in section 4(7)(a) agree to the revocation or variation.

Order 2009 and it comes into force on 1 December 2009.

(2) In this Order “relevant schemes” (“*cynlluniau perthnasol*”) means—

- (a) the Mid and West Wales Fire Services Combination Scheme which is set out in the Schedule to the Mid and West Wales Fire Services (Combination Scheme) Order 1995(1);
- (b) the North Wales Fire Services Combination Scheme which is set out in the Schedule to the North Wales Fire Services (Combination Scheme) Order 1995(2); and
- (c) the South Wales Fire Services Combination Scheme which is set out in the Schedule to the South Wales Fire Services (Combination Scheme) Order 1995(3).

Variation of the relevant schemes

2. Each of the relevant schemes is varied as follows—

- (a) in sub-paragraph (9) of paragraph 21, delete—
 - “, but may, for the purposes of preparing the estimate referred to in sub-paragraph (2) and if the Authority so resolve, include such amount or amounts as the Authority considers appropriate with a view to minimising any upward revision of an estimate under sub-paragraph (6)”;
- (b) after paragraph 21, insert—

“**21A.**—(1) The Authority’s net expenses for the purposes of paragraph 21 may include such sum as is determined by the Authority for the purpose of providing reserves.

(2) The power for the Authority to create or hold reserves is without prejudice to any specific statutory power or duty which it may have to establish any other reserve.”.

(1) S.I. 1995/3229.
(2) S.I. 1995/3218.
(3) S.I. 1995/3230.

Brian Gibbons

Minister for Social Justice and Local Government, one
of the Welsh Ministers

24 October 2009