

Circular number	44/2007	Date issued	25 October 2007
This circular is	For information	No response required	
This circular is	Relevant to the National Framework		
Status	This circular accompanies the findings of the second limited consultation on Charging by Fire and Rescue Authorities		

Findings of the consultation on Charging by Fire & Rescue Authorities

Issued by:

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Addressed to:

The Chair of the Fire and Rescue Authority
The Chief Executive of the County Council
The Clerk to the Fire and Rescue Authority
The Clerk to the Combined Fire and Rescue Authority
The Commissioner of the London Fire and Emergency Planning Authority
The Chief Fire Officer

Please forward to:

Chairs of Regional Management Boards
Regional Resilience Teams
Regional Government Office

Summary

This circular accompanies the findings on the second limited consultation on adding one specified category to the Charging Order.

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Findings of the consultation on Charging by Fire & Rescue Authorities

1.0 Background

- 1.1 Fire & Rescue Authorities (FRAs) had a power under section 3(1)(e) of the Fire Services Act 1947 to charge for the provision of services other than fire-fighting services. In 2003, section 3 was amended by the Marine Safety Act 2003, to allow fire authorities to recover the costs of fire-fighting at sea. The 1947 Act was repealed by the Fire and Rescue Services Act 2004 (the 2004 Act).
- 1.2 Section 19 of the 2004 Act re-enacted the power to charge but prohibits any charge being made for extinguishing fires, protecting life and property in the event of a fire and providing emergency medical assistance.
- 1.3 Beyond this, the power to charge, up to full cost recovery, is circumscribed by the requirement for the category of service to be specified by the Secretary of State in a statutory instrument made under section 19(1) (“the Charging Order”). The Charging Order must also provide for a description of the categories of person in respect of whom a charge may be made for the provision of a specified service. Section 19(7) requires the Secretary of State to consult any persons she considers appropriate before making a Charging Order.
- 1.4 The Charging Order forms part of the Fire and Rescue Services (England) Order 2004, SI 2004/2305, which came into effect on 1st October 2004. It does not lay down a scale of charges nor lay down the circumstances in which an authority should charge or not charge for a particular service. These aspects are still for each FRA to decide.

2.0 Charging Order

- 2.1 Fire & Rescue Service Circular 10/2007 published 27th February 2007 accompanied the limited consultation on including one specified category to the Charging Order.
- 2.2 This considered including a new category to allow English Fire & Rescue Authorities to charge for the provision of back office functions to the newly formed Local Authority Controlled Companies that are being created to manage the Regional Control Centres.
- 2.3 The consultation closed on 30th May 2007 and the findings from this are attached. The amending Statutory Instrument adding the new category will come into force on 31 October 2007.

3.0 Further Information

- 3.1 If you require any further information regarding the findings and the consultations please contact:-

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