

1996 No. 2918
FIRE SERVICES

The Bedfordshire Fire Services (Combination Scheme) Order **1996**

Made 19th November **1996**
Coming into 20th November **1996**
force

As amended by The Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire and Cheshire) Order 2008

Whereas it appears to the Secretary of State that it is expedient in the interests of efficiency that a combination scheme should be made for the areas of the fire authorities referred to in paragraph 3 of the scheme set out in the Schedule hereto ("the scheme"), and a scheme has not been submitted to him by those authorities; And whereas notice of the general nature of the scheme has been given in accordance with section 6(2) of the Fire Services Act 1947 ("the 1947 Act"); And whereas the Secretary of State has been notified by the fire authorities concerned of their assent to the scheme; And whereas a draft of the Order containing the draft scheme has been laid before Parliament for a period of forty days pursuant to section 6 of the Statutory Instruments Act 1946, and that period has expired without either House resolving that the Order be not made; Now, therefore, in exercise of the powers conferred upon him by sections 6, 8 and 10 of the 1947 Act and section 7(2) of the Fire Services Act 1959, the Secretary of State hereby makes the following Order:

Citation

1. This Order may be cited as the Bedfordshire Fire Services (Combination Scheme) Order **1996** and shall come into force on the day after the day on which it is made.

Combination Scheme

2. The combination scheme set out in the Schedule to this Order, which shall be known as the Bedfordshire Fire Services Combination Scheme, shall have effect.

Blatch

Minister of State
Home Office

19th November 1996

SCHEDULE
THE BEDFORDSHIRE FIRE SERVICES COMBINATION SCHEME

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. This scheme may be cited as the Bedfordshire Fire Services Combination Scheme and shall come into force
 - (a) for the purposes of constituting an authority as the fire authority for the combined area constituted by the scheme, and the performance by that authority of any functions necessary for bringing the scheme into full operation on 1st April 1997, on the day on which the Bedfordshire Fire Services (Combination Scheme) Order 1996 comes into force, and
 - (b) for all other purposes, on 1st April 1997.

Interpretation

2. In this scheme any reference to a paragraph or a Part is a reference to a paragraph or a Part of this scheme, and
 - "the Authority" means the fire authority constituted for the combined area by virtue of paragraph 4;
 - "the combined area" means the fire authority area comprising the areas referred to in paragraph 3;
 - "the combined fire service fund" means the combined fire service fund established by virtue of paragraph 6;
 - "constituent authority" means a council referred to in paragraph 3;and
 - "the fire brigade" means, unless otherwise indicated, the fire brigade established for the combined area by virtue of paragraph 5.

PART II

GENERAL

The combined area

3. The areas of the following councils, namely *Luton Borough Council, Bedford Borough Council and Central Bedfordshire Council* shall be combined and shall become the combined area.

As amended by The Local Government (Structural Changes)
Areas and Membership of Public Bodies in Bedfordshire and
Cheshire) Order 2008

Combined Fire Authority

- 4.-- (1) There shall be constituted as the fire authority for the combined area an authority to be known as the Bedfordshire and Luton Combined Fire Authority.

(2) The Authority shall be constituted in accordance with the provisions of Part III.

Fire brigade for combined area

5.- (1) There shall be established a fire brigade for the combined area which shall be known as the Bedfordshire and Luton Fire and Rescue Service, or by such other name as the Authority may determine.

(2) The first chief officer of the fire brigade shall be P. M. Holland Esq.

(3) The Authority shall submit an establishment scheme for their area to the Secretary of State in accordance with section 7 of the Fire Services Act 1959.

Financial provisions etc.

6.-- (1) The expenses of the Authority shall be paid out of a combined fire service fund [*constituted and administered in accordance with the provisions of Part IV.*]

(Repealed by Local Government Act 2003)

(2) Contributions shall be paid into the combined fire service fund by constituent authorities [*in accordance with the said provisions.*]

(Repealed by Local Government Act 2003)

7. The Authority shall appoint a treasurer of the combined fire service fund.

Officers and employees

8. The provisions of Part V shall have effect with respect to officers and employees of the Authority.

9. The Authority may appoint such other officers and employees as they think necessary for the efficient discharge of their functions.

10. The Authority may make arrangements with any constituent authority for the use by the Authority of the services of officers and employees of the constituent authority and for the making of contracts and payments on behalf of the Authority by the constituent authority.

PART III

CONSTITUTION OF COMBINED FIRE AUTHORITY

11 -(1) The Authority shall consist of not more than 25 members save that, where the minimum number of members of the Authority resulting from the operation of paragraph 12 would be greater than 25, the Authority shall consist of that number of members.

(2) Each member of the Authority shall be appointed by a constituent authority from its own members in accordance, with this Part.

12. Each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in the other constituent authority's area.

13. A member of the Authority shall come into office on the date of his appointment and shall, subject to paragraphs 14 to 16, hold office for such period or periods as shall be determined by the constituent authority which appoints him.

14. A member of the Authority may resign his membership by giving notice in writing to that effect to the officer of the Authority whose function it is to receive such notice.

15. (1) A member of the Authority who ceases to be a member of the council which appointed him shall cease to be a member of the Authority.

(2) A person shall be disqualified from being a member of the Authority if he holds any paid office or employment (other than the office of chairman or vice-chairman), appointments to which are or may be made or confirmed by the Authority, by any committee or subcommittee of the Authority, or by a joint committee or board on which the Authority are represented.

16.(1) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of his period of office, the council which appointed him shall appoint a representative to replace him, who shall come into office on the date of his appointment and, unless he resigns, becomes disqualified or otherwise ceases to be a member of the Authority, shall hold office for the remainder of the period for which his predecessor would have held office had he not resigned, become disqualified or otherwise ceased to be a member of the Authority.

(2) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11.

17.--- (1) The Authority shall elect a chairman, and may elect a vice chairman, from among its members.

(2) The chairman and, if a vice-chairman is elected, the vice chairman, shall, subject to paragraphs 13 to 16, hold office for a period of one year from the date of their election.

(3) Sub-paragraph (2) shall not prevent a person who holds or has

held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.

(4) On a casual vacancy occurring in the office of chairman or, if a vice-chairman has been elected, the vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.

(5) The election to replace the chairman under sub-paragraph (4) shall take place not later than the next following ordinary meeting of the Authority.

18. The first meeting of the Authority shall be held as soon as it is practicable to do so and shall be convened by the Chief Executive of Bedfordshire County Council, and subsequent meetings shall be convened in such a manner as the Authority shall determine.

19. At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine, including at least one representative from each constituent authority.

20 (1) The following provisions of the Local Government Act 1972, namely sections 82(1), 94 to 98, 101 to 106, 99 and Part VI of Schedule 12 shall, subject to sub-paragraph (2), apply to the Authority and its members as if references in those provisions to a principal council or to a local authority, other than references to a parish council, were references to the Authority.

(2) [Section 101(6) of the Local Government Act 1972 shall have effect, by virtue of sub paragraph (1), as if the words "levying, or issuing a precept for, a rate" there were substituted the words "assessing or varying the contributions to be paid into the combined fire service fund by the constituent authorities".]

(Repealed by Local Government Act 2003)

PART IV

COMBINED FIRE SERVICE FUND

21- (Repealed by Local Government Act 2003)

22. The Authority shall have the power to pay out of the combined fire service fund compensation to persons employed by Bedfordshire County Council who in consequence of this scheme, or anything done thereunder, suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments.

PART V

OFFICERS AND EMPLOYEES OF THE AUTHORITY

23. There shall be transferred

- (a) to the fire brigade members of the fire brigade maintained by Bedfordshire County Council, and (b) to employment by the Authority persons employed by that council wholly or mainly for the purposes of the fire brigade maintained by that council.

24. The following provisions of the Local Government Act 1972, namely sections 114, 115, 116, 117(1), (2) and (3), 118 and 119, shall apply to the officers and employees of the Authority as if references in those provisions to a local authority, other than references to a parish council, were references to the Authority.

PART VI

PROPERTY, RIGHTS AND LIABILITIES

25. There shall be transferred from Bedfordshire County Council to the Authority any property which is held by that council solely in connection with the provision of fire services, and rights and liabilities held or incurred by that council in respect of

- (a) any contract of employment with a person transferred in accordance with paragraph 23;
- (b) the Firemen's Pension Scheme as set out in Schedule 2 to the Firemen's Pension Scheme Order 1992; and
- (c) any contract for the provision of services or the delivery of goods solely in connection with the provision of fire services.