

2016 No. (W.)

**FIRE AND RESCUE
SERVICES, WALES**

The Fire and Rescue Services
(Emergencies) (Wales)
(Amendment) Order 2017

EXPLANATORY NOTE

(This note is not part of the Order)

The core functions of fire and rescue authorities are set out in sections 6 to 8 of the Fire and Rescue Services Act 2004 (“the Act”). These are the functions in connection with fire safety, fire-fighting and road traffic accidents. Section 9 of the Act allows the Welsh Ministers to specify by order other core functions relating to emergencies for which fire and rescue authorities in Wales must make provision. Emergencies are defined in section 58 of the Act.

The Fire and Rescue Services (Emergencies) (Wales) Order 2007 (S.I. 2007/3193 (W. 280) (“the 2007 Order”) specified functions in relation to fire and rescue authorities in Wales in connection with emergencies involving chemical, biological or radioactive contaminants; emergencies involving structural collapse; and emergencies involving trains, trams or aircrafts.

This Order amends the 2007 Order. Article 2 of this Order specifies functions in relation to fire and rescue authorities in Wales in connection with emergencies involving flooding and inland water.

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(Emergencies) (Wales)
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Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers in exercise of the powers conferred by sections 9, 60 and 62 of the Fire and Rescue Services Act 2004⁽¹⁾ on the National Assembly for Wales and now vested in them⁽²⁾, and having consulted such persons as they consider appropriate in accordance with section 9(5) of that Act, make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Fire and Rescue Services (Emergencies) (Wales) (Amendment) Order 2017.

(2) This Order comes into force on 1 April 2017.

(3) This Order applies in relation to fire and rescue authorities in Wales.

Amendment of Order

2.—(1) The Fire and Rescue Services (Emergencies) (Wales) Order 2007⁽³⁾ is amended as follows.

(2) After article 3 insert—

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- (1) 2004 c. 21.
(2) The power of the Secretary of State is, in relation to Wales exercisable by the National Assembly for Wales by virtue of section 62. That power is now vested in the Welsh Ministers by paragraph 30 of Scheduled 11 to the Government of Wales Act 2006 (c. 32).
(3) S.I. 2007/3193 (W.280).

“Rescue and protection in case of flooding and water emergencies

3A.—(1) A fire and rescue authority must (to the extent that it considers it reasonable to do so) make provision—

- (a) for the purpose of rescuing people, or protecting them from serious harm in the event of flooding in its area; and
- (b) for the purpose of rescuing people from inland water in its area,

where the event or situation is likely to cause one of more individuals to die, be seriously injured or become seriously ill.

(2) In this article—

“flooding” (“*xx*”) includes any case where land not normally covered by water becomes covered by water;

“inland water” (“*xx*”) means—

- (a) rivers, streams and canals; and
- (b) lakes, reservoirs and water-filled quarries.”

3. In article 4, for “or 3” substitute “,or 3 or 3A”.

Name

Title of Minister, one of the Welsh Ministers

Date