

LC1516

Subordinate Legislation Committee Report

The Fire and Rescue National Framework (Wales) 2005 (Revisions) Order 2007

This Order makes revisions to the Fire and Rescue National Framework for Wales, which was published in 2005. The Order was made under the Executive procedure on 28 March 2007 and came into effect on 29 March 2007. It is considered by the Committee under Standing Order 15.2 by virtue of article 2(4) of The Government of Wales Act 2006 (Transitional Provisions) (Assembly General Subordinate Legislation) Order 2007.

Standing Order 15.2

The following points have been identified for reporting under Standing Order 15.2. The power to make revisions to the Framework is contained in section 21(3) of the Fire and Rescue Services Act 2004, and given effect by an order made under section 21(6). This Order sets out the amendments to the Framework rather than referring to a revised edition of it. It is therefore considered that section 21(3) should also have been cited as a power relied upon to make this Order. The recital refers to the consultation with "such persons as it considers appropriate in accordance with section 21(5) of that Act". However, that is only one element of the consultation required by that subsection. Section 21(5)(a) requires consultation with fire and rescue authorities or their representatives and section 21(5)(b) requires consultation with representatives of employees of those authorities. There is no indication on the face of the Order that such further consultation has taken place, though supporting documentation provided to the Committee shows that authorities were consulted. No evidence has been provided in relation to the requirement to consult employee representatives. The recital of the fact of such consultation is intended to avoid doubt as to the validity of the legislation. The title of the Framework that is being amended is given in article 2 and is consistent with the title referred to in the Order that gave force to the original Framework. However, the published version is entitled "Fire and Rescue National Framework for Wales". Consistency between the legislation and the publication would have been helpful. Article 2 refers to amendments in accordance with "the Schedule" to the Order. The Schedule is, however, headed "Schedule 1" even though there are no other schedules. Again, consistency would have been helpful. Paragraph 1 of the Schedule changes "Community Fire Safety Committee" to "Community Safety Committee". The heading above paragraph 1.7 of the Framework should have been amended accordingly. Paragraph 5 of the Schedule purports to make a substitution in a number of paragraphs of the Framework, including 2.39, 2.40 and 6.16. However, paragraphs 2.39 and 2.40 are deleted by paragraph 11 of the Schedule, and paragraph 6.16 by paragraph 22 of the Schedule. The purported substitutions are therefore of no effect, and should have been omitted. Paragraph 20 of the Schedule inserts a substitute paragraph 6.12 of the Framework, but the first line of the English text refers to 12%, whilst the Welsh text refers to 2%. As this is purely narrative, rather than guidance, the error is not fatal, but it is nevertheless important to avoid such inconsistencies. These are all minor drafting or typographical errors that would have been appropriate for correction by means of a Memorandum of Corrections procedure in use during the Second Assembly.

Dr Dai Lloyd AM

Chair, Legislation Committee

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