

SL(6)792 – The Fire and Rescue Services (National Framework and Variation of Combination Schemes) (Wales) Order 2026

Background and Purpose

This Order brings into effect a revised Fire and Rescue National Framework for Wales. The new version published on 3 March takes effect from 30 March 2026.

Articles 3 to 5 of this Order vary the following:

- The North Wales Fire Services Combination Scheme (article 3);
- The Mid and West Wales Fire Services Combination Scheme (article 4); and
- The South Wales Fire Services Combination Scheme (article 5).

The Order varies the above schemes (“the Schemes”) to make changes to the constitution of the fire and rescue authorities in Wales. These make changes in respect of membership, varying the number of members and providing for the appointment of members for the executive of the constituent authorities, and for the appointment of one third of the membership by the Welsh Ministers.

The combined fire service fund provisions of the Schemes are also varied to require the Authority (defined in the Schemes) to consult with the constituent authorities, with the view of reaching agreement, on the Authority’s net expenses estimate and amount of contribution to be paid by each constituent authority. The Authority is required to provide a statement to the constituent authorities on how its net expenses estimate will best promote the economic, efficient and effective discharge of its functions.

Procedure

Senedd annulment procedure.

This Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

Technical Scrutiny

The following six points are identified for reporting under Standing Order 21.2 in respect of this instrument.

- 1. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation.**



In article 2, in the Welsh text, the title of the Fire and Rescue National Framework prepared by the Welsh Ministers and published on 3 March 2026 is noted as “Fframwaith **Cenedlaethol** Tân ac Achub Cymru 2026”. However, this is slightly different from the Welsh title of that Framework document which is published on the Welsh Government’s website and entitled “Fframwaith Tân ac Achub **Cenedlaethol** Cymru 2026”. In addition, it would be helpful for the reader in identifying the document if there was a footnote with the ISBN number of the Fire and Rescue National Framework for Wales 2026 and the website address where it can be obtained.

2. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation

Articles 3 to 5 amend the three Schemes which contain pre-existing gender specific language when referring to a member of the Authority. Where provisions of each instrument are amended by this Order, the drafting that has been included is gender neutral. As such, the Order itself does not introduce any gendered language. However, the interaction between the new gender neutral language and the original gendered text of the provisions could be confusing to the reader. For example, articles 3(9), 4(9) and 5(9) make changes to paragraph 16 of the Schedule to each of the Schemes. In each case, the existing drafting of 16(1) refers to a member by reference to “his” and “him”. A new 16(1A)-(1C) is then inserted in each case by the Order, which refers to them/they/their appropriately. Then, in the existing drafting in 16(2), references are again made to “his” and “him”. This could be confusing to the reader, particularly when these references are inconsistent within the same paragraph of the relevant Schedule. It is unclear why each Scheme was not amended by the Order to reflect consistent gender neutral language, especially given that some references to gendered language are removed by the changes being made by this Order.

3. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation.

In articles 3(5), 4(5) and 5(5), a new paragraph 12A is inserted in each of the Fire Services Combined Schemes. However, the new paragraph 12A includes a numbered sub-paragraph (1) but there is no subsequent sub-paragraph (2). It is unclear if the addition of a 12(2) was intended. If there is no text missing from that amendment, it should be structured as a new paragraph 12A without any numbered sub-paragraphs.

4. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation.

In articles 3(8)(a), 4(8)(a) and 5(8)(a), an amendment is made to paragraph 15(1) of each of the Fire Services Combined Schemes so that it will note on each occasion, “A member of the Authority who ceases to be a member **of the executive** of the council which appointed him shall cease to be a member of the Authority.” However, the term “the executive” is not defined or used in the existing Combined Schemes although it is defined with a meaning in section 11 of the Local Government Act 2000. Could the Welsh Government clarify whether it



is intended to have the same meaning as found in section 11 of the 2000 Act? Otherwise, was the intention to amend paragraph 15(1) to note "A member of the Authority who ceases to be **an executive member** of the council which appointed him shall cease to be a member of the Authority"? In this regard, "executive members" is a new term which is defined as a member of the executive of a local authority appointed in accordance with section 11 of the Local Government Act 2000 which has been inserted in each of the Schemes by this Order.

5. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation.

In articles 3(9)(b), 4(9)(b) and 5(9)(b), a new sub-paragraph (1B) is inserted in paragraph 16 of the Schedule to each of the Schemes. In the new sub-paragraph (1B), the verb "will" is repeated on several occasions in phrases such as "will come into office", "will hold office" and "as will be determined by the Welsh Ministers". However, this approach should be avoided and "must" should instead be used for obligations and the present indicative for declaratory provisions. Therefore, it would appear more appropriate to note "comes into office", "holds office" and "**as determined** by the Welsh Ministers" if making a declaratory statement in the new sub-paragraph (1B).

6. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation.

In article 4(1), in the English text, the title of the Mid and West Wales Fire Services (Combination Scheme) Order 1995 is incorrect because it notes "Servies" rather than "Services".

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 March 2026

