
WELSH STATUTORY INSTRUMENTS

2017 No. 168 (W. 49)

FIRE AND RESCUE SERVICES, WALES

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

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| <i>Made</i> | - - - - | <i>15 February 2017</i> |
| <i>Laid before the National Assembly for Wales</i> | - - | <i>20 February 2017</i> |
| <i>Coming into force</i> | - - | <i>1 April 2017</i> |

The Welsh Ministers, in exercise of the powers conferred by sections 9 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—

“Rescue and protection in case of flooding and inland water emergencies

3A.—(1) A fire and rescue authority must make provision in its area, to the extent that it considers it reasonable to do so, for the purpose of—

(1) [2004 c. 21](#).

(2) The power of the Secretary of State under section 9 was, 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 Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) [S.I. 2007/3193 \(W. 280\)](#).

- (a) rescuing people, or protecting them from serious harm in the event of an emergency involving flooding; and
 - (b) rescuing people in the event of an emergency involving inland water.
- (2) The duty within paragraph (1) applies to an emergency falling within section 58(a) of the Fire and Rescue Services Act 2004.
- (3) In this article—
- “flooding” (“*llifogydd*”) means any case where land not normally covered by water becomes covered by water;
 - “inland water” (“*dyfroedd mewndirol*”) means—
 - (a) rivers, streams and canals; and
 - (b) lakes, reservoirs and water-filled quarries.”
- (3) In article 4—
- (a) in the introductory words, for “or 3” substitute “, 3 or 3A”;
 - (b) in paragraph (a) after “services” insert “, equipment”.

15 February 2017

Carl Sargeant
Cabinet Secretary for Communities and
Children, one of the Welsh Ministers

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 radio-active contaminants; emergencies involving structural collapse; and emergencies involving trains, trams or aircrafts.

This Order amends the 2007 Order. Article 2(2) of this Order specifies functions in relation to fire and rescue authorities in Wales in connection with emergencies involving flooding and inland water. Article 2(3) extends article 4(a) of the 2007 Order, which specifies the things that fire and rescue authorities must do in making provision for emergencies detailed in the 2007 Order. In future, as part of making provision for those emergencies, fire and rescue authorities will be required to secure the provision of equipment.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Fire Services Branch, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ or by calling 0300 0628226.