

WG24-05

FIRE AND RESCUE SERVICES, WALES

The South Wales Fire and Rescue Authority (Exercise of Functions) (Wales) Directions 2024

Made 5 February 2024

*Coming into force at 5.00 p.m. on 6 February
2024*

The Welsh Ministers give the following Directions in exercise of the powers conferred on them by section 29(5) and (6) of the Local Government (Wales) Measure 2009⁽¹⁾.

Title and coming into force

1.—(1) The title of these Directions is the South Wales Fire and Rescue Authority (Exercise of Functions) (Wales) Directions 2024.

(2) These Directions come into force at 5.00 p.m. on 6 February 2024.

Interpretation

2. In these Directions—

“nominees” (“*enwebeion*”) means the persons referred to in Direction 3(a) who may also be referred to as “commissioners”;

“South Wales Fire and Rescue Authority” (“*Awdurdod Tân ac Achub De Cymru*”) means the body established by paragraph 4 of the Schedule to the South Wales Fire Services (Combination Scheme) Order 1995⁽²⁾;

(1) 2009 nawm 2. The application of the Local Government (Wales) Measure 2009 to fire and rescue authorities is subject to the omissions set out at section 168(1) of the Local Government and Elections (Wales) Act 2021 (asc. 1) and subject to repeal by section 170 of that Act. Neither section 168(1) nor section 170 have been brought into force.

(2) S.I. 1995/3230.

“the authority” (“*yr awdurdod*”) means South Wales Fire and Rescue Authority;

“the authority’s functions” (“*swyddogaethau’r awdurdod*”) means those specified in direction 4.

Directions to nominate persons to exercise functions of South Wales Fire and Rescue Authority

3. The Welsh Ministers direct that—

- (a) the authority’s functions must only be exercised by the following persons (“the nominees”), as identified by the Welsh Ministers, for the period beginning at 5pm on 6 February 2024 and ending on such date as the Welsh Ministers specify by further direction—
 - (i) Carl Jason Foulkes QPM (former Chief Constable of North Wales Police),
 - (ii) Vijith Randeniya OBE (former Chief Fire Officer for the West Midlands Fire and Rescue Service),
 - (iii) The Baroness Wilcox of Newport (former Leader of Newport City Council and of the WLGA),
 - (iv) Victoria Kirstyn Williams CBE (former Member of the Senedd), and
 - (v) any other person specified for this purpose by further direction of the Welsh Ministers;
- (b) the authority must comply with any instructions of the nominees in relation to the exercise of the authority’s functions;
- (c) the authority must provide such assistance as the nominees may require for the purpose of exercising the authority’s functions, including, but not limited to—
 - (i) providing administrative and secretarial support to the nominees;
 - (ii) allowing the nominees access at any reasonable time to—
 - (aa) any premises maintained by the authority,
 - (bb) any document within the authority’s possession,
 - (cc) any information and communications technology system maintained by the authority, or to which the authority or its employees have access, and
 - (dd) any employee or member of the authority;

- (iii) reimbursing expenses reasonably incurred by the nominees in the exercise of the authority's functions;
- (iv) remunerating the nominees for all reasonable work undertaken by each of them in relation to the exercise of the authority's functions at the rate of £550 per day.

Functions subject to directions

4. The functions of the authority which are subject to direction 3 are all of the functions which are the responsibility of the authority in accordance with any enactment, including but not limited to—

- (a) Part 1 (local arrangements for civil protection) and Part 2 (emergency powers) of the Civil Contingencies Act 2004⁽¹⁾;
- (b) section 5A (powers of certain fire and rescue authorities) and Part 2 (functions of fire and rescue authorities) of the Fire and Rescue Services Act 2004⁽²⁾;
- (c) Part 1 (local government improvement) of the Local Government (Wales) Measure 2009;
- (d) Parts 3 (enforcement) and 4 (offences and appeals) of the Regulatory Reform (Fire Safety) Order 2005⁽³⁾;
- (e) the Fire and Rescue Services (Emergencies) (Wales) Order 2007⁽⁴⁾.

Data protection

5. Nothing in these Directions requires the authority to do anything contrary to data protection legislation.

Hannah Blythyn

Deputy Minister for Social Partnership, under the authority of the Minister for Social Justice and Chief Whip, one of the Welsh Ministers

5 February 2024

(1) 2004 c. 36. S.I. 2018/644 amended sections 2 to 6, 9, 10, 13, 15, 15A, 16, 17, and Schedule 1, and added new sections 8A, 11A, 14B, 15B, and new Parts 2A and 5 of Schedule 1 to the Civil Contingencies Act 2004.

(2) 2004 c. 21. Section 5A was inserted by section 9 of the Localism Act 2011 (c. 20). Part 2 was amended by section 10 of the Localism Act 2011.

(3) S.I. 2005/1541, amended by paragraphs 88 and 89 of Schedule 12 to the Energy Act 2013 (c. 32), section 12 of the Policing and Crime Act 2017 (c. 3), section 156 of the Building Safety Act 2022 (c. 30), S.I. 2006/484, S.I. 2008/960, S.I. 2015/51 and S.I. 2015/1682.

(4) S.I. 2007/3193 (W. 280), amended by S.I. 2017/168 (W. 49).