STATUTORY INSTRUMENTS

1977 No. 1118

FIRE SERVICES

SUPERANNUATION

The Contracted-out Employment (Fire Services) Regulations 1977

Made - - - -	*4th July* 1977
Laid before Parliament	*13th July* 1977
Coming into Operation	*1st October* 1977

In exercise of the powers conferred on me by section 52 of, and paragraphs 8 and 9 of Schedule 2 to, the Social Security Pensions Act 1975**(a)**, and after consulting the Occupational Pensions Board in accordance with section 61(2) of the said Act of 1975 and such bodies as appear to me fairly to represent the interests of fire authorities and members of fire brigades constituted and maintained in pursuance of the Fire Services Act 1947**(b)** (and of persons treated as such members in pursuance of section 26(2) thereof) in accordance with paragraph 8(2) of Schedule 2 to the said Act of 1975, I hereby make the following Regulations:—

1. These Regulations may be cited as the Contracted-out Employment (Fire Services) Regulations 1977 and shall come into operation on 1st October 1977.

2.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Social Security Pensions Act 1975;

"contracting-out certificate" means such a certificate within the meaning of section 31 of the Act;

"injury benefit" means benefit granted to a person under the Firemen's Pension Scheme on the ground of an injury or disease received or contracted in the execution of his duty or of disablement which is, or is deemed by that Scheme to be, occasioned by such an injury or disease;

"the Firemen's Pension Scheme" means the scheme for the time being in force under section 26 of the Fire Services Act 1947.

(2) Any reference in these Regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(a) 1975 c. 60. **(b)** 1947 c. 41.

(3) The Interpretation Act 1889**(a)** shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. These Regulations shall apply to employment in Great Britain in which a person's service qualifies him for benefit under the Firemen's Pension Scheme otherwise than by way only of injury benefit.

4.—(1) Without prejudice to Regulation 14 of the Occupational Pension Schemes (Certification of Employments) Regulations 1975**(b)** (public service pensions schemes), in relation to employment to which these Regulations apply—

(*a*) elections with a view to the issue, variation or surrender of contracting-out certificates shall be made and revoked by the Secretary of State instead of by the employer;

(*b*) any reference in section 31(3) or (4) of the Act to the employer shall be construed as a reference to the Secretary of State;

(*c*) the reference in section 43(4) of the Act to any contracting-out certificate held by the employer shall be construed as a reference to any such certificate held by the Secretary of State, and

(*d*) those things which under any of the provisions specified in paragraph (2), below, are required or authorised to be done by or to an employer shall be done instead by or to the Secretary of State.

(2) The provisions referred to in paragraph (1)(*d*), above, are those of—

(*a*) the Occupational Pension Schemes (Certification of Employments) Regulations 1975, and

(*b*) the Occupational Pensions Board (Determinations and Review Procedure) Regulations 1976**(c)**.

5. All employment to which these Regulations apply shall be treated as employment under a single employer different from the employer in any other employment for the purposes of—

(*a*) section 42(1) and (2) of the Act (premium on termination of contracted-out employment), and

(*b*) Regulation 10(3) of the Occupational Pension Schemes (Contracting-out) Regulations 1975**(d)** (termination of periods of contracted-out employment).

6. In relation to employment to which these Regulations apply—

(*a*) the reference in Regulation 2(5) of the Contracted-out Employment (Notifications, Premium Payment and Miscellaneous Provisions) Regulations 1976**(e)** (furnishing of information) to an employer to whom a contracting-out certificate has been issued or the trustees of the scheme to which the certificate relates, and

(*b*) the reference in Regulation 3(1) of those Regulations (liability for payment of state scheme premiums) to the trustees of the scheme,

shall be construed as a reference to the fire authority or government department which, by virtue of Regulation 3(2)(*a*) of those Regulations, is, for specified

(a) 1889 c. 63.
(b) S.I. 1975/1927 (1975 III, p. 7163).
(c) S.I. 1976/185 (1976 I, p. 473).
(d) S.I. 1975/2101 (1975 III, p. 7879).
(e) S.I. 1976/143 (1976 I, p. 411).

purposes, treated as the employer; and Regulation 3(2) of those Regulations shall have effect as if sub-paragraph (*c*) thereof were omitted.

Merlyn Rees,
One of Her Majesty's Principal Secretaries of State.

Home Office,
4th July 1977.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

Part III of the Social Security Pensions Act 1975 contains provisions for contracting-out from full contributions and benefits under that Act.

These Regulations relate to the operation and administration of Part III in the case of persons subject to the Firemen's Pension Scheme in force under the Fire Services Act 1947, other than persons entitled thereunder only to injury benefit or employed outside Great Britain (Regulation 3).

Regulation 4 provides that certain powers, duties and functions normally falling on the employer shall, instead, fall on the Secretary of State. In particular, elections with a view to the issue, variation or surrender of contracting-out certificates are to be made or revoked by him.

Regulation 5 provides that, so far as concerns the termination of periods of contracted-out employment and the state scheme premium payable thereon, all employment to which the Regulations apply shall be treated as employment under a single employer.

Regulation 6 provides that certain duties to furnish information and liabilities to pay state scheme premiums normally falling on the employer to whom a contracting-out certificate has been issued or on the trustees of the relevant superannuation scheme shall fall on the fire authority (or, in certain cases, government department) concerned, by whom social security contributions are payable.

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