CHAPTER lix.

An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State in pursuance of section twenty-two of the Police Act, 1890, relating to the Superannuation of the Members of the Fire Brigade of the City of Manchester. [3rd July 1891.]

A.D. 1891.

WHEREAS the Right Honourable Henry Matthews, one of Her Majesty's Principal Secretaries of State, has made the Provisional Order set out in the schedule to this Act in pursuance of section twenty-two of the Police Act, 1890:

53 & 54 Vict. c. 45.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Order in schedule confirmed.

1. The Order set out in the schedule to this Act is hereby confirmed.

Short title.

2. This Act may be cited as the Fire Brigade Superannuation (Manchester) Provisional Order Confirmation Act, 1891.

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SCHEDULE.

Provisional Order made in pursuance of Section Twenty-two of the Police Act, 1890.

To the Mayor, Aldermen, and Citizens of the City of Manchester, and to all others whom it may concern.

Whereas it is provided by section twenty-two of the Police Act, 1890, that—

(3.) Where a local Act provides for the payment to members of a special force in any police area of the same pension, superannuation, or other allowances or gratuities as are by that local Act provided for the police force of the area, the authority controlling the special force may apply to the Secretary of State, and thereupon the Secretary of State may frame and submit to Parliament for confirmation a Provisional Order providing—

(i.) For the adjustment of any financial relations existing at the commencement of the Police Act, 1890, between the police force and the special force as regards the payment of pensions, allowances, and gratuities to members of those forces respectively; and

(ii.) For applying with or without modification all or any of the provisions of the Police Act, 1890, to the special force:

And in the same section the expression "special force" is defined to mean a fire brigade, fire police, or other like force:

And whereas the city of Manchester is a county borough under the government, for municipal and other purposes, of the mayor, aldermen, and citizens acting by the council, and has a separate court of quarter sessions, and a separate police force:

And whereas the watch committee of the council are the police authority for the borough for the purposes of the Police Act, 1890:

16 & 17 Vict. ch. xci.

And whereas provision was made under sections fifty-eight to seventy-five, both inclusive, of the Manchester New Streets Act, 1853, for the regulation of the then existing Police Relief and Superannuation Fund in the city of Manchester, and for the payment of allowances, pensions, and gratuities to members of the Manchester police force:

35 & 36 Vict. ch. xxxi. 38 & 39 Vict. ch. clxi. 16 & 17 Vict. ch. xci.

And whereas by virtue of section thirty-three of the Manchester Corporation Waterworks and Improvement Act, 1872, as amended by section forty-five of the Manchester Corporation Waterworks and Improvement Act, 1875, the provisions contained in the said sections fifty-eight to seventy-five, both inclusive, of the Manchester New Streets Act, 1853, were extended and applied to the fire police and members of the fire brigade for the city (herein-after called the fire brigade), but the monthly or weekly sum to be deducted from the pay

of members of the fire brigade was to be at the rate of three pounds per centum per annum on the weekly pay, instead of at the rate specified by the Manchester New Streets Act, 1853, for the police force:

16 & 17 Vict. ch. xci.

And whereas in pursuance of the recited enactments the contributions of members of the fire brigade have been paid to the Police Relief and Superannuation Fund, and allowances, pensions, and gratuities have been paid to them out of that fund:

And whereas on the first day of April one thousand eight hundred and ninety-one, being the date of the commencement of the Police Act, 1890, the estimated market value of the several investments of the Police Relief and Superannuation Fund, together with the moneys standing to the credit of the same, amounted to the sum of twenty-seven thousand six hundred and thirty-two pounds, and of that sum, having regard to the number and contributions of the members of the fire brigade, the sum of two thousand nine hundred and sixty pounds may justly be taken to be the share of the fire brigade in the said fund:

And whereas the fire brigade is under the control of the watch committee of the council, and that committee have applied to me, the Right Honourable Henry Matthews, one of Her Majesty's Principal Secretaries of State, to make a Provisional Order effecting such financial adjustment in respect of the police relief and superannuation fund, and such application of the Police Act, 1890, to the fire brigade as herein-after appears:

Now, therefore, in pursuance of the powers given to me by section twenty-two of the Police Act, 1890, and by any other enactments in that behalf, I do hereby order that from and after the date of the Act of Parliament confirming this Order the following provisions shall take effect:—

53 & 54 Vict. c. 45.

Financial adjustment.

Art. I.—(1.) The investments of the police relief and superannuation fund, and the moneys standing to the credit of such fund on the first day of April one thousand eight hundred and ninety-one, shall, as from that date, be divided into two shares, which are hereafter referred to respectively as the fire brigade share and the police share.

(2.) The fire brigade share shall consist of such of the investments of the Police Relief and Superannuation Fund as the watch committee shall select, being of not less market value on the first day of April one thousand eight hundred and ninety-one than two thousand five hundred pounds, and of such balance of the moneys standing on that day to the credit of the said fund as shall make up the total value of two thousand nine hundred and sixty pounds.

(3.) The police share shall consist of the remainder of the investments of the said fund and of the remainder of the moneys standing to its credit.

Police pension fund.

Art. II. The police share shall, for the purposes of the Police Act, 1890, be deemed to have been the existing pension fund of the Manchester city police force on the first day of April one thousand eight hundred and ninety-one.

Fire brigade pension fund.

Art. III.—(1.) The fire brigade share shall be carried to and form a separate fund, to be called the fire brigade pension fund.

(2.) The fire brigade pension fund shall be held by the same persons and be dealt with in the same manner as the police pension fund, and shall

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accordingly be transferred by the persons holding the same in the same manner as if it was an existing pension fund within the meaning of section thirty of the Police Act, 1890.

(3.) The monthly or weekly sums deducted from the pay of members of the fire brigade shall, as from the first day of April one thousand eight hundred and ninety-one, be credited to the said fund.

(4.) All pensions, allowances, and gratuities granted to members of the fire brigade under the above-recited Acts shall, as from the first day of April one thousand eight hundred and ninety-one, be paid from the said fund.

Application of provisions of Police Act, 1890, to fire brigade.

Art. IV. The following provisions of the Police Act, 1890, namely, those contained in—

Sections one to fifteen both inclusive;

Section sixteen, except paragraphs (*b*), (*c*), (*h*) and (*k*);

Section eighteen;

Sub-section one of section nineteen;

Section twenty;

Sub-sections five to nine both inclusive of section thirty;

shall apply to the fire brigade, with the following modifications:—

(1.) A member of the fire brigade shall be substituted for a constable;

(2.) Service in the fire brigade shall be substituted for service in the police;

(3.) The fire brigade shall be substituted for the police force;

(4.) The chief officer for the time being of the fire brigade shall be substituted for the chief officer of the police;

(5.) The fire brigade pension fund shall be substituted for the pension fund;

(6.) The provisions of section fourteen shall apply to a person who has served both in a police force and in the fire brigade;

(7.) The fund and rate out of which the expenses of the fire brigade are paid shall be substituted for the police fund and the rate levied for the police fund;

(8.) The first day of January one thousand eight hundred and ninety-two shall be substituted in section three for the first day of January one thousand eight hundred and ninety-one as the date before which a copy of the pension scale shall be sent to the Secretary of State;

(9.) The pension scale for the fire brigade adopted under this Order and the enactments thereby applied shall come into operation on the first day of April one thousand eight hundred and ninety-two;

(10.) The deductions from the pay of a member of the fire brigade made under section fifteen shall be at the rate of three per centum per annum on his pay;

(11.) The first day of April one thousand eight hundred and ninety-two shall be substituted wherever "the commencement of this Act" or "the date of the commencement of this Act" is mentioned in any provision of the Police Act, 1890, hereby applied.

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Art. V. The following enactments are hereby repealed from the first day of April one thousand eight hundred and ninety-two, namely : Repeal.

Sections fifty-seven to seventy-five of the Manchester New Streets Act, 1853 :

Section thirty-three of the Manchester Corporation Waterworks and Improvement Act, 1872 :

Section forty-five of the Manchester Corporation Waterworks and Improvement Act, 1875 :

Provided that—

(1.) This repeal shall not affect the right of the council or watch committee to grant any pension or superannuation or other allowance or gratuity to any existing member of the fire brigade to whom this Order or the enactments applied thereby do not apply, or to the widow and child of any member of the fire brigade or either of them, and shall not affect the right of any such member of the fire brigade, widow, or child to claim such pension or superannuation or other allowance or gratuity, and any such pension, superannuation, allowance, or gratuity may be claimed and granted accordingly, and the claim shall be allowed as if this Order had not been made, but the pension, superannuation allowance, or gratuity shall be paid out of the fire brigade pension fund.

(2.) This repeal shall not prevent any member of the fire brigade from reckoning any service which he is entitled under any enactment hereby repealed to reckon towards pension or superannuation.

Art. VI. This Order may be cited as the Fire Brigade Superannuation (Manchester) Order, 1891. Short title.

Given under my hand this fifth day of May one thousand eight hundred and ninety-one.

HENRY MATTHEWS,
One of Her Majesty's Principal
Secretaries of State.

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