1958 No. 953 (S. 43)

The Fire Services (Appointments and Promotion) (Scotland) Regulations, 1958

Made - - - -	*9th June*, 1958
Laid before Parliament	*19th June*, 1958
Coming into Operation	*1st July*, 1958

In exercise of the powers conferred on me by subsection (1) of section eighteen of the Fire Services Act, 1947(a), I hereby make the following Regulations:—

1. These Regulations may be cited as the Fire Services (Appointments and Promotion) (Scotland) Regulations, 1958, and shall come into operation on the 1st day of July, 1958.

2.—(1) In these Regulations—

the expression "auxiliary fireman" means a member of a fire brigade who is enrolled for service therein which is restricted except in a war emergency to such duties as are desirable for training;

the expression "brigade" means a fire brigade maintained by a fire authority in Scotland under the provisions of the Fire Services Act, 1947;

the expression "control room or watchroom duties" means duties in connection with the reception, transmission and recording of calls for the assistance of a brigade and with the transmission of instructions regarding the provision of such assistance by a brigade as may be required in any case and performed by a person appointed on a contract under which he may not be required to engage in fire-fighting;

the expression "ill-health pension which has been cancelled" means an ill-health pension within the meaning of the Firemen's Pension Scheme set out in the Appendix to the Firemen's Pension Scheme Order, 1948(b), which has been cancelled under Article 25 of that scheme, or an ill-health pension within the meaning of the Firemen's Pension Scheme set out in the Appendix to the Firemen's Pension Scheme Order, 1952(c), which has been cancelled under Article 25 of that scheme, or an ill-health pension within the meaning of the Firemen's Pension Scheme set out in the Appendix to the Firemen's Pension Scheme Order, 1956(d), which has been cancelled under Article 6 of that scheme;

the expression "the Institution of Fire Engineers" means the limited company incorporated by that name on the twenty-fifth day of July, 1924;

the expression "operational service", in relation to any person means whole-time service, as a member of a brigade, of a fire brigade maintained by a fire authority in England and Wales under the Fire Services Act, 1947, or of the National Fire Service, during any period in which that person in the course of his duty, as a member of a brigade, of such said fire brigade or of the National Fire Service was under an obligation to attend at fires;

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1948/604 (Rev. VII, p. 776: 1948 I, p. 1091).
(c) S.I. 1952/944 (1952 I, p. 1003). (d) S.I. 1956/1022 (1956 I, p. 953).

the expression "promotion" does not include promotion which is expressed to be temporary only.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to an Act of Parliament.

3. The method of appointment of a firemaster of a brigade shall be as follows, that is to say—

(*a*) the fire authority maintaining the brigade shall advertise, in newspapers or otherwise, in such manner as to secure that members of brigades may have, a reasonable time before the date on which it is proposed that applications for the appointment are to be considered, an opportunity of knowing that the appointment is to be made and the said date;

(*b*) the said authority shall consider all applications for the appointment received by them before the said date;

(*c*) the said authority shall interview such of the persons making such applications as they consider necessary;

(*d*) the said authority before appointing any person shall obtain the approval of the Secretary of State to the appointment of that person.

4.—(1) Subject as provided in paragraphs (2) and (3) of this Regulation, the qualifications for appointment to a brigade in the case of a male person who is to be appointed thereto as a whole-time member thereof holding the rank of fireman on terms under which he is or may be required to engage in fire-fighting shall be as follows, that is to say, such person at the time of his appointment—

(*a*) must be a British subject;

(*b*) must be of good character;

(*c*) must be not less than twenty years of age nor more than thirty-one years of age, or, in the case of a person who, having undertaken a fixed period of voluntary service in Her Majesty's armed forces has completed that period of service, thirty-four years;

(*d*) must, save for special reasons approved by the fire authority, be at least five feet seven inches in height with a chest measurement expanded of at least thirty-seven inches;

(*e*) must have satisfied a duly qualified medical practitioner selected by the fire authority maintaining the brigade that he is fit to undertake fire fighting duties and that he possesses no physical abnormality and is not suffering from any disease which in either case would be likely to incapacitate him temporarily or permanently for the performance of the said duties;

(*f*) must have satisfied the firemaster of the brigade of his ability to pass the following test of strength, that is to say, a test of his ability to carry a man weighing between ten and twelve stones a distance of one hundred yards in a time not exceeding sixty seconds; and

(*g*) must have passed such examination in educational subjects as the fire authority may require, being either an examination set by that authority or another examination, and being in either case such an examination as necessitates a reasonable standard of proficiency in reading, writing, arithmetic and such other subjects, if any, as the authority may require.

(a) 52 & 53 Vict. c. 63.

(2) Nothing in paragraph (1) of this Regulation shall apply with respect to—

(*a*) the appointment of a person if, at the time when he applies for the appointment, he is a whole-time member of another brigade or of a fire brigade maintained by a fire authority in England and Wales under the provisions of the Fire Services Act, 1947, serving therein on terms under which he is or may be required to engage in fire-fighting, not being a person who is serving in that other brigade or that fire brigade on terms under which his employment therein is temporary only ; or

(*b*) the re-appointment to a brigade of a person who has previously retired therefrom and been in receipt of an ill-health pension which has been cancelled.

(3) Sub-paragraphs (*c*) and (*g*) of paragraph (1) of this Regulation shall not apply with respect to the appointment of a person to a brigade who has previously retired from the same or another brigade or from a fire brigade maintained by a fire authority in England and Wales under the provisions of the Fire Services Act, 1947, and was, immediately before his retirement, serving therein as a whole-time member on terms under which he was or might have been required to engage in fire-fighting, not being a person who was serving on terms under which his employment therein was temporary only.

5.—(1) Nothing in this Regulation shall apply in relation to the promotion of any person who is an auxiliary fireman, or a part-time member of a brigade or is serving in a brigade on terms under which he is solely engaged on control room or watchroom duties, but save as aforesaid the provisions of paragraphs (2), (3), (4), (5) or (6) of this Regulation shall apply with respect to the qualifications for promotion of any member of a brigade to the ranks respectively therein specified.

(2) For promotion to the rank of leading fireman the qualifications of a member of a brigade shall be as follows, that is to say, he shall have had not less than two years' operational service, shall be qualified in first aid to the injured and shall—

(*a*) have passed the educational examination specified in Part I of the First Schedule to these Regulations, or be, to the satisfaction of the fire authority maintaining the brigade, of an educational standard at least as high as that required to pass the said examination ;

(*b*) after having had not less than two years' operational service, have passed the technical examination specified in Part II of the said Schedule ; and

(*c*) before having passed the technical examination specified in Part II of the said Schedule, have passed the practical examination specified in Part III of the said Schedule.

(3) For promotion to the rank of sub-officer the qualifications of a member of a brigade shall be as follows, that is to say, he shall have had not less than four years' operational service, shall be qualified in first aid to the injured and shall—

(*a*) unless he was already a leading fireman on 1st June, 1950, and has subsequently continuously held that rank, have passed the examinations specified in the First Schedule to these Regulations ;

(*b*) unless he has passed the graduateship examination of the Institution of Fire Engineers, have passed the technical examination specified in Part I of the Second Schedule to these Regulations ; and

(*c*) before having passed the technical examination specified in Part I of the said Schedule, have passed the practical examination specified in Part II of the said Schedule.

(4) For promotion to the rank of station officer the qualifications of a member of a brigade shall be as follows, that is to say, he shall have had not less than five years' operational service, shall be qualified in first aid to the injured, and shall—

(*a*) unless he was already a sub-officer on 1st June, 1950, and has subsequently continuously held that rank, have passed the examinations specified in Parts I and II of the Second Schedule ; and

(*b*) have passed the technical examination specified in the Third Schedule to these Regulations.

(5) The condition with regard to qualification in first aid to the injured, for the purposes specified in paragraphs (2), (3) and (4) of this Regulation shall be regarded as being met if a member of a brigade produces proof of such qualification at the time he takes the examinations qualifying him for promotion to the rank concerned.

(6) For promotion to any rank above that of station officer the qualification of a member of a brigade shall be that he is of a rank not lower than that of station officer.

6.—(1) The qualifications for appointment to any rank in a brigade, other than the rank of firemaster or the rank of fireman, of a male person who is not a member of the brigade and who is to serve therein as a whole-time member thereof on terms under which he will not be solely engaged on control room or watchroom duties shall be as follows, that is to say, he shall, at the time when it is decided to appoint him to the said rank, be—

(*a*) a whole-time member of another brigade, serving therein on terms under which he is or may be required to engage in fire-fighting, not being a person who is serving in that other brigade on terms under which his employment therein is temporary only, and either holding a rank not lower than the rank to which he is to be appointed or possessing such qualifications as would be required under Regulation 5 of these Regulations for promotion to that rank in such other brigade, or

(*b*) a person who is such a person as is mentioned in sub-paragraph (*b*) of paragraph (2) or in paragraph (3) of Regulation 4 of these Regulations and who immediately before his retirement either held a rank not lower than the rank to which he is to be appointed or possessed such qualifications as would be required under Regulation 5 of these Regulations for promotion to that rank:

Provided that a person who is such a person as is mentioned in paragraph (3) of the said Regulation 4 must also satisfy the qualifications for appointment as a whole-time member of a brigade specified in sub-paragraphs (*a*), (*b*), (*d*), (*e*) and (*f*) of paragraph (1) of the said Regulation 4.

(2) For the purposes of this Regulation membership of a fire brigade maintained by a fire authority in England and Wales under the Fire Services Act, 1947, shall be deemed to be membership of a brigade, and any person possessing such qualifications as may be required under any Regulations made under subsection (1) of section eighteen of the said Act of 1947, for promotion to any rank in such a fire brigade shall be deemed to possess the qualifications required under Regulation 5 of these Regulations for promotion to the respective rank in a brigade.

7.—(1) The educational examination specified in Part I of the First Schedule to these Regulations, the technical examinations specified in Part II of the First Schedule, Part I of the Second Schedule and the Third Schedule to these Regulations and the practical examinations specified in Part III of the First Schedule and Part II of the Second Schedule shall be conducted in accordance with the Scheme set out in the Fourth Schedule to these Regulations.

(2) Failure to pass an examination shall not disqualify a candidate from presenting himself at a future examination.

8.—(1) A fire authority shall secure that any vacancy in the rank of leading fireman, sub-officer or station officer for a whole-time male member who is to serve in the brigade maintained by that authority on terms under which he will not be solely engaged on control room or watchroom duties shall be advertised in newspapers or otherwise in such manner as to secure that members of brigades maintained by all fire authorities whose areas are contiguous with the area of the first mentioned authority may have a reasonable opportunity of applying therefor.

(2) A fire authority shall secure that any vacancy in the ranks of assistant divisional officer, divisional officer (Grade III), divisional officer (Grade II), divisional officer (Grade I), or assistant firemaster for a whole-time member who is to serve on such terms as aforesaid in the brigade maintained by that authority shall be advertised in newspapers or otherwise in such manner as to secure that members of other brigades may have a reasonable opportunity of applying therefor.

9.—(1) The Fire Services (Appointments and Promotion) (Scotland) Regulations, 1953(**a**), are hereby revoked; and the Fire Services (Nomenclature) (Scotland) Regulations, 1954(**b**), are hereby revoked in so far as they amend the Fire Services (Appointments and Promotion) (Scotland) Regulations, 1953.

(2) Any appointment, promotion or application made, or test or examination passed, or advertisement published, or notice given, or other thing done, under any provision of the Regulations revoked by paragraph (1) of this Regulation, or under any provision of any Regulations revoked by those Regulations, shall not be invalidated by such revocation, but in so far as it could have been made, passed, published, given or done under any provision of these Regulations shall have effect as if it had been made, passed, published, given or done under that provision.

(3) Any reference in any document to the Regulations revoked by paragraph (1) of this Regulation or to any provision of those Regulations shall, unless the context otherwise requires, be construed as a reference to these Regulations or to the corresponding provision of these Regulations.

Dated this 9th day of June, 1958.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) S.I. 1953/530 (1953 I, p. 753). (b) S.I. 1954/1628 (1954 I, p. 900).

Regulation 5 (2) FIRST SCHEDULE

QUALIFICATIONS FOR THE RANK OF LEADING FIREMAN

PART I

Educational Examination

A written examination in the following subjects, that is to say:—

(*a*) arithmetic, comprising the first four rules, simple and compound, Imperial weights and measures and simple fractions;

(*b*) English, comprising dictation and a short composition designed to test handwriting, spelling, punctuation and understanding of, and ability to use, English; and

(*c*) general knowledge and intelligence.

PART II

Technical Examination

A written examination in the following subjects, that is to say:—

(*a*) knowledge of standard appliances and equipment;

(*b*) practical firemanship;

(*c*) elementary building construction;

(*d*) proficiency in watchroom work; and

(*e*) topography of the fireground area of the station where the candidate is stationed.

PART III

Practical Examination

A practical examination of ability to conduct standard drills and instruct crews in the standard methods of using appliances and equipment.

Regulation 5 (3) SECOND SCHEDULE

QUALIFICATIONS FOR THE RANK OF SUB-OFFICER

PART I

Technical Examination

A written examination in the following subjects, that is to say:—

(*a*) general technical knowledge of appliances and equipment;

(*b*) practical firemanship;

(*c*) elementary fire prevention;

(*d*) topography of the fire ground area of the station where the candidate is stationed;

(*e*) station administration and management; and

(*f*) taking charge of a fire situation.

PART II

Practical Examination

A practical examination in the following subjects, that is to say:—

(*a*) a practical examination of ability to conduct standard drills and instruct crews in the standard methods of using appliances and equipment; and

(*b*) a practical examination of fire ground procedure.

Regulation 5 (4) THIRD SCHEDULE

QUALIFICATIONS FOR THE RANK OF STATION OFFICER

Technical Examination

A written examination in the subjects specified in Part I of the Second Schedule to these Regulations, other than the subject specified in paragraph (*d*) thereof, in the organisation and administration of fire services and in such aspects as are relevant to fire service matters of the following subjects, that is to say:—

(*a*) hydraulics;

(*b*) chemistry;

(*c*) electricity; and

(*d*) law.

Regulation 7 (1) FOURTH SCHEDULE

Scheme for the Conduct of Qualifying Examinations for the Ranks of Leading Fireman, Sub-Officer and Station Officer

1.—(1) The examinations to be held in terms of Regulation 7 of these Regulations shall be conducted by an Examinations Board (hereafter in this Schedule referred to as "the Board").

(2) For the purposes of any examination to be held before 1st January, 1959, the Board shall consist of those persons who immediately before the coming into operation of these Regulations were members of the Examinations Board appointed in pursuance of the Fourth Schedule to the Fire Services (Appointments and Promotion) (Scotland) Regulations, 1953, and for the purposes of any examination to be held after the said 1st January shall be constituted in accordance with the following provisions of this Schedule.

2. The Board shall consist of nine members, of whom one each shall be appointed by the Association of County Councils in Scotland; the Convention of Royal Burghs; the Association of Counties of Cities; the Chief Fire Officers' Association; the National Association of Fire Officers; the Fire Brigades Union; the Institution of Fire Engineers; and two by the Secretary of State.

The Chairman of the Board shall be appointed by the Board from among its own members.

3. The members of the Board appointed shall hold office for three years and shall be eligible for re-appointment. Any casual vacancy may be filled by an appointment made by the body or by the Secretary of State as the case may be by whom the member who ceases to hold office was appointed. Each body and the Secretary of State may nominate a substitute member and any substitute member may attend any meeting of the Board in place of an appointed member. Five members present at any meeting of the Board shall form a quorum.

4. Written examinations shall be held in 1959 and in each year thereafter on such days in April or May as the Board shall decide and at such other times as the Board shall determine, if, in the opinion of the Board, the number of candidates renders it desirable to hold additional examinations. The written examinations shall be held at such centre or centres as the Board may determine.

5. On or before the first day of March in each year, and at such other dates as the Board may intimate, firemasters shall submit to the Board a list of all candidates who have notified them that they desire to sit the written examinations and no candidate shall be examined whose name has not so been submitted.

6. A candidate shall not be entitled to sit the written examination in the subjects specified in Part II of the First Schedule unless he has completed or

is due to complete two years' operational service by the date of the commencement of the examination, and on the first occasion of such a candidate giving notification of his intention to sit the examination the firemaster of his brigade shall provide a certificate to that effect to the Board.

7. A candidate desirous of sitting the written examination in the subjects specified in Part II of the First Schedule shall have passed satisfactorily within the previous two years a practical examination in the subjects specified in Part III of the First Schedule, and a candidate desirous of sitting the written examination in the subjects specified in Part I of the Second Schedule shall have passed satisfactorily within the previous two years a practical examination in the subjects specified in Part II of the Second Schedule.

8. On or before the first day of March in each year, and at such other dates as the Board may intimate, a candidate desirous of sitting the written examinations shall submit to the firemaster of his brigade for transmission to the Board a current certificate of competency in first aid to the injured issued by a first aid organisation recognised for this purpose by the Board, except that a candidate may take the educational examination specified in Part I of the First Schedule without this condition applying.

9. The written examinations shall be in the subjects specified in Parts I and II of the First Schedule, Part I of the Second Schedule and the Third Schedule to these Regulations, and the Board shall issue an examination syllabus and may from time to time revise the syllabus and make fresh issues of it.

10. The educational examination in Part I and the technical examination in Part II of the First Schedule may be taken by a candidate at one and the same examination or at separate examinations. A candidate who takes the educational examination and the technical examination at the same examination and fails in one of them will be required to re-take only that one in which he has failed.

11. The Secretary of State shall, on request by the Board not later than eight weeks before the date of a written examination, arrange for the preparation of examination papers in the subjects in Part I of the First Schedule and shall send to the Board not later than fourteen days before the date of the examination such number of copies of the papers as the Board may specify.

12. The Board shall prepare, or arrange for the preparation of, the examination papers in subjects in Part II of the First Schedule and the examination papers in subjects in Part I of the Second Schedule and the Third Schedule with the exception of subject (*e*) in Part II of the First Schedule and subject (*d*) in Part I of the Second Schedule. The firemaster of the area in which the candidate is serving shall prepare the examination papers in subject (*e*) in Part II of the First Schedule and subject (*d*) in Part I of the Second Schedule, and shall send to the Board not later than fourteen days before the date of the examinations such numbers of copies of the papers as the Board may specify.

13. Examination papers shall be distributed by the Board to examining centres not less than three days before the date fixed for the opening of the examination.

14. Candidates' papers shall be sent by the person conducting the examination to the Board who shall arrange for the papers to be marked and returned to the Board.

15. Practical examinations on the subjects specified in Part III of the First Schedule and Part II of the Second Schedule shall be held between the months of October, 1958, and March, 1959, and subsequently between the months of April or May and December in each year as the Board shall decide. The practical examinations shall be held at such centre or centres as the Board may determine, and, except with the express approval of the Board, no candidate may present himself for a practical examination more than once in any examination period.

16. For the purpose of conducting the practical examinations referred to in paragraph 15 of this Schedule the Board may appoint annually an examining panel or panels of fire brigade officers, the senior member of which shall be of not less rank than assistant firemaster or divisional officer (Grade I), if he is also a deputy firemaster.

17. The examining panel shall supply to the Board within seven days after each practical examination a written report on each candidate presenting himself for the examination, stating whether he has passed or failed and, where the candidate has failed, the reasons or reason why he has failed.

18. The written and practical examinations shall be conducted, in accordance with rules to be made by the Board, by the firemaster, or a brigade officer of such other rank as the Board may determine, of the area in which the examination is being held, or in special cases with the approval of the Board by a person who is not a member of a brigade.

19. The Board shall intimate to the firemasters concerned the results of the examinations, stating in the case of each candidate whether he has passed or failed: every candidate shall be informed by the firemaster of his brigade whether he has passed or failed an examination.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations re-enact with amendments the Fire Services (Appointments and Promotion) (Scotland) Regulations, 1953, which made provision as to the procedure and qualifications for appointment to, and promotion in, fire brigades in Scotland.

The principal changes are as follows :—

All members of fire brigades are required before promotion to the rank of leading fireman, sub-officer or station officer to be qualified in first-aid to the injured (paragraphs (2), (3), (4) and (5) of Regulation 5 and paragraph 8 of the Fourth Schedule).

The practical examinations for promotion to the rank of leading fireman or sub-officer, and the technical examination for promotion to leading fireman, have been extended (Parts II and III of the First Schedule and Part II of the Second Schedule).

Candidates for promotion to the rank of sub-officer or station officer are required to have passed the examinations for the rank below. There is, however, a saving for candidates who have continuously held the rank of leading fireman or sub-officer respectively on and from 1st June, 1950 (paragraphs (3) and (4) of Regulation 5).

Candidates who are required to pass a practical examination must do so before passing the written examination (paragraphs (2) (*c*) and (3) (*c*) of Regulation 5 and paragraph 7 of the Fourth Schedule).

Changes in the date of appointment of the Fire Services (Scotland) Central Examinations Board and in the date of the practical examinations have been made (paragraphs 1 (2) and 15 of the Fourth Schedule).