STATUTORY INSTRUMENTS

1968 No. 1745 (S. 159)

FIRE SERVICES

The Fire Services (Appointments and Promotion) (Scotland) Regulations 1968

Made - - - -	28*th October* 1968
Laid before Parliament	11*th November* 1968
Coming into Operation	1*st December* 1968

In exercise of the powers conferred on me by section 18(1) of the Fire Services Act 1947(**a**), as amended by section 6 of the Fire Services Act 1959(**b**), and after consultation with the Scottish Central Fire Brigades Advisory Council, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Fire Services (Appointments and Promotion) (Scotland) Regulations 1968 and shall come into operation on 1st December 1968.

Interpretation

2.—(1) In these regulations—

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

(*b*) 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;

(*c*) 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(**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 1952(**d**), 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(**e**), which has been cancelled under Article 6 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 1964(**f**), which has been cancelled under Article 6 of that scheme, or an ill-health pension within the meaning of the Firemen's Scheme set out in the Appendix to the Firemen's Pension Scheme Order 1966(**g**), which has been cancelled under Article 6 of that scheme;

(**a**) 1947. c. 41. (**b**) 1959. c. 44.
(**c**) S.I. 1948/604 (Rev. VII, p. 776: 1948 I, p. 1091).
(**d**) S.I. 1952/944 (1952 I, p. 1003). (**e**) S.I. 1956/1022 (1956 I, p. 953).
(**f**) S.I. 1964/1148 (1964 II, p. 2574). (**g**) S.I. 1966/1045 (1966 II, p. 2504).

(*d*) the expression "the Institution of Fire Engineers" means the limited company incorporated by that name on 25th July 1924;

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

(*f*) the expression "promotion" does not include promotion which is expressed to be temporary only.

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

Appointment of firemaster

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 and

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

Appointment in the rank of junior fireman

4.—(1) The qualifications for appointment in the rank of junior fireman in a brigade, in the case of a male person, shall be as follows, that is to say, the person concerned at the time of his appointment—

(*a*) shall be a British subject or a citizen of the Republic of Ireland;

(*b*) shall be of good character;

(*c*) shall have attained the age of 16 years and, subject to paragraph (2), shall not have attained the age of 17 years and

(*d*) shall have satisfied the firemaster of the brigade that he is likely, on attaining the age of 18 years, to be able to satisfy the qualifications for promotion to the rank of fireman mentioned in regulation 5(1)(*d*), (*e*), (*f*) and (*g*).

(2) A person who has attained the age of 17 years but has not attained the age of 17 years 3 months may be appointed in the rank of junior fireman in a brigade if, after considering the circumstances of his case, the fire authority decide that this paragraph shall have effect in his case.

(a) 1889 c. 63.

Promotion to, or appointment in, the rank of fireman

5.—(1) The qualifications for promotion to, or, subject as provided in paragraphs (2) and (3) of this regulation, appointment in the rank of fireman in a brigade, in the case of a male person who is to serve therein as a whole-time member thereof 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 promotion or appointment—

(*a*) must be a British subject or a citizen of the Republic of Ireland ;

(*b*) must be of good character ;

(*c*) must be not less than 18 years of age nor more than 31 years of age, or, in the case of a person who, having undertaken a fixed period of voluntary service in the regular armed forces of the Crown or of any part of the Commonwealth or of the Republic of Ireland has completed that period of service, 34 years ;

(*d*) subject to paragraph (4) of this regulation must, save for special reasons approved by the fire authority, be at least 5 feet 6 inches in height with a chest measurement expanded of at least 37 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 10 and 12 stones a distance of 100 yards in a time not exceeding 60 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.

(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 serving as 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, in a rank higher than that of junior fireman, or as a person employed whole-time by the Northern Ireland Fire Authority as a fire officer or fireman and is so serving on terms under which he is or may be required to engage in fire-fighting and whose engagement as such a member or person is not expressed to be 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 to a brigade of a person who has previously served as a whole-time member of the same or 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, in a rank higher than that of a junior fireman, or as a person employed whole-time by the Northern

Ireland Fire Authority as a fire officer or fireman and was, immediately before his retirement, so serving on terms under which he was or might be required to engage in fire-fighting and whose engagement as such a member or person was not expressed to be temporary only.

(4) A junior fireman may be promoted to the rank of fireman in a brigade notwithstanding that he does not possess some or all of the qualifications mentioned in paragraph (1)(*d*) and (*f*) of this regulation if, after considering the circumstances of his case, the fire authority—

(*a*) decide that this paragraph shall have effect in his case, and

(*b*) draw the attention of the medical practitioner selected for the purpose of paragraph (1)(*e*) to the fact that he does not possess some or all of the said qualifications.

Promotion to a rank higher than that of fireman

6.—(1) Nothing in this regulation shall apply in relation to the promotion to a rank higher than that of fireman of any person who is 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), (6) or (7) of this regulation shall apply with respect to the qualifications for promotion of any member of a brigade to the ranks respectively therein specified, provided that a person may with approval of the Secretary of State be promoted to such a rank to perform in that rank particular duties for which special qualifications are required if he possesses these qualifications notwithstanding that he does not possess the qualifications required under this regulation for promotion to that rank.

(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 2 years' operational service, shall be qualified in first aid to the injured and shall have passed the 3 examinations specified in Parts I, II and III of Schedule 1 to these regulations, provided that—

(*a*) he may be exempted by his fire authority from the educational examination specified in Part I, on the grounds that he is of an educational standard at least as high as that required to pass the said examination ;

(*b*) he may not take the practical examination specified in Part III until he has passed the written examinations specified in Part I and Part II ;

(*c*) he may not sit the technical examination specified in Part II unless he has had at least 2 years' operational service.

(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 4 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 Schedule 1 to these regulations ;

(*b*) unless before 30th June 1964 he had passed the graduateship examination of the Institution of Fire Engineers, have passed the technical examination specified in Part I of Schedule 2 to these regulations ; and

(*c*) before having passed the practical examination specified in Part II of Schedule 2, have passed the technical examination specified in Part I thereof.

(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 5 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 Schedule 2 to these regulations ; and

(*b*)(i) have passed the technical examination specified in Schedule 3 to these regulations, or

(ii) be a graduate or associate of the Institution of Fire Engineers, having passed the graduateship or associateship examination of the said Institution during or after the year 1963, if he was immediately before he took the said graduateship or associateship examination eligible to enter the said technical examination.

(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 qualifications 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.

(7) A member of a brigade shall not be eligible—

(*a*) to enter for the examinations specified in Schedule 2 to these regulations unless he has passed, or is exempted from having to pass, the examinations specified in Schedule 1 to these regulations ;

(*b*) to enter for the examination specified in Schedule 3 to these regulations unless he has passed, or is exempted from having to pass the examinations specified in the said Schedule 2.

Temporary promotion

7. A member of a brigade who is required to perform the duties of a higher rank may be promoted temporarily to that rank.

Appointment in a rank higher than that of fireman

8.—(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 qualification as would be required under regulation 6 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 5 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 qualification as would be required under regulation 6 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 5 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 5.

(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 section 18(1) 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 6 of these regulations for promotion to the respective rank in a brigade.

(3) For the purposes of this regulation employment by the Northern Ireland Fire Authority as a fire officer or fireman shall be deemed to be membership of a brigade and any person possessing such qualifications as may be required for promotion into a rank set out in column 1 of the subjoined Table shall be deemed to possess the qualifications required under regulation 6 of these regulations for promotion into the rank set opposite thereto in column 2 of the said Table:

TABLE

(1) Northern Ireland Ranks	(2) Scottish Ranks
Fireman	Fireman
Leading Fireman	Leading Fireman
Section Leader	Sub-Officer
Company Officer	Station Officer or any higher rank

9.—(1) The general educational examination specified in Part I of Schedule 1 to these regulations, the technical examinations specified in Part II of Schedule 1, Part I of Schedule 2 and Schedule 3 to these regulations and the practical examinations specified in Part III of Schedule 1 and Part II of Schedule 2 shall be conducted in accordance with the Scheme set out in Schedule 4 to these regulations.

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

Revocations

10.—(1) The regulations listed in Schedule 5 to these regulations are hereby revoked.

(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.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

28th October 1968.

SCHEDULE 1

Regulation 6(2)

QUALIFICATIONS FOR THE RANK OF LEADING FIREMEN

PART I

GENERAL EDUCATION EXAMINATION

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

(*a*) English;
(*b*) Calculations.

PART II

TECHNICAL SUBJECTS EXAMINATION

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

(*a*) buildings, their construction and fire protection;
(*b*) practical firemanship;
(*c*) knowledge of standard appliances and equipment; and
(*d*) proficiency in watchroom work.

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.

SCHEDULE 2

Regulation 6(3)

QUALIFICATIONS FOR THE RANK OF SUB-OFFICER

PART I

TECHNICAL EXAMINATION

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

(*a*) elementary fire prevention;
(*b*) practical firemanship and taking charge of a fire situation;
(*c*) general technical knowledge of appliances and equipment; and
(*d*) station administration and management.

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 fireground procedure.

SCHEDULE 3

Regulation 6(4)

QUALIFICATIONS FOR THE RANK OF STATION OFFICER

TECHNICAL EXAMINATION

A written examination in the subjects specified in Part I of Schedule 2 to these regulations, 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.

SCHEDULE 4

Regulation 8(1)

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 8 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 under this regulation the Board shall be constituted in accordance with the following provisions of this Schedule.

2. The Board shall consist of 18 members, of whom 2 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 4 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 3 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 each year on such days and at such centre or centres as the Board may decide.

5. On or before such dates in each year 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 been so submitted.

6. A candidate shall not be entitled to sit the written examination in the subjects specified in Part II of Schedule 1 unless he has completed or is due to complete 2 years' operational service by the date of the commencement of the examination. On the first occasion of such a candidate giving notification of his intention to sit this examination the firemaster of his brigade shall provide a certificate to that effect to the Board.

7. A candidate desirous of sitting the practical examination in the subjects specified in Part III of Schedule 1 shall have passed satisfactorily a written examination in the subjects specified in Parts I and II of Schedule 1, and a candidate desirous of sitting the practical examination in the subjects specified in Part II of Schedule 2 shall have passed satisfactorily a written examination in the subjects specified in Part I of Schedule 2.

8. On or before such dates in each year as the Board may intimate, a candidate desirous of sitting the written examination 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 Schedule 1 without this condition applying.

9. The written examinations shall be in the subjects specified in Parts I and II of Schedule 1, Part I of Schedule 2 and Schedule 3 to these regulations, and the Board shall issue an examination syllabus and may from time to time revise the syllabus and issue revised editions of it.

10. The general educational examination in Part I and the technical subjects examination in Part II of Schedule 1 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 8 weeks before the date of a written examination, arrange for the preparation of examination papers in the subjects in Part I of Schedule 1 and shall send to the Board not later than 14 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 Schedule 1 and the examination papers in subjects in Part I of Schedule 2 and Schedule 3.

13. Examination papers shall be distributed by the Board to examining centres not less than 3 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 Schedule 1 and Part II of Schedule 2 shall be held on such dates in each year as the Board shall decide. The practical examinations on the subjects specified in Part III of Schedule 1 shall be conducted by fire authorities under the direction of the Board. The practical examinations on the subjects specified in Part II of Schedule 2 shall be held by the Board at such centre or centres as the Board may determine. 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 specified in Part II of Schedule 2 the Board may appoint annually an examining panel or panels of fire brigade officers, the senior member of which shall be a firemaster, an assistant firemaster or a deputy firemaster of not less rank than divisional officer (Grade II).

17. The fire authority, in the case of examinations specified in Part III of Schedule 1, and the examining panel, in the case of examinations specified in Part II of Schedule 2, shall supply to the Board within 7 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.

SCHEDULE 5

Regulation 10

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The Fire Services (Appointments and Promotion) (Scotland) Regulations 1965	S.I. 1965/1742 (1965 III p. 4921)	The whole regulations
The Fire Services (Appointments and Promotion) (Scotland) Regulations 1967	S.I. 1967/1515 (1967 III p. 4231)	The whole regulations

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the Fire Services (Appointments and Promotion) (Scotland) Regulations 1965 and the amending Regulations of 1967, in force under section 18(1) of the Fire Services Act 1947, which provide for the procedure and qualifications for appointment to, and promotion in, fire brigades in Scotland.

The principal changes are as follows :—

References to "auxiliary firemen" in Regulations 2(1) and 6(1) have been deleted because, by reason of the Civil Defence (Fire Services) (Scotland) Amendment Regulations 1968, it is no longer the function of fire authorities to enrol auxiliary firemen.

Schedules 1, 2 and 3 are substantially revised and topography is no longer included in the examinations' syllabuses.

Schedule 4 is amended to dispense with the requirement that candidates for the practical examinations for leading firemen and sub-officers must have passed the relevant written examinations within the previous 2 years.