1955 No. 1828 (S. 143)

The Fire Services (Conditions of Service) (Scotland) Amendment No. 2 Regulations, 1955

Made - - - -	*2nd December*, 1955
Laid before Parliament	*8th December*, 1955
Coming into Operation	*9th December*, 1955

In exercise of the powers conferred on me by subsection (1) of section 17 of the Fire Services Act, 1947(a), I hereby make the following Regulations :—

1. After Regulation 3 of the Fire Services (Conditions of Service) (Scotland) No. 2 Regulations, 1954(b), there shall be inserted the following Regulation :—

" *Compulsory retirement on grounds of incapacity*

3A.—(1) Where it appears to the fire authority that a pensionable member of a brigade ought to retire on the grounds that he is incapacitated for the performance of his duty by infirmity of mind or body and the incapacity is likely to be permanent, he may be required to retire on the date on which the fire authority determine that he ought to retire :

Provided that if the fire authority, after the determination of the medical question under the Firemen's Pension Scheme, decide for the purposes of that Scheme that he is not so incapacitated, the retirement shall be void.

(2) In this Regulation the expression " pensionable member of a brigade " means a member of a brigade of a class prescribed for the purposes of section two of the Fire Services Act, 1951(c)."

2. For sub-paragraph (*c*) of paragraph (1) of Regulation 4 of the said Regulations of 1954 (which relates to the prohibition of outside employment) there shall be substituted the following sub-paragraph :—

" (*c*) is engaged in operational duties and whose normal weekly hours of duty are sixty or less,".

3. For Regulation 5 of the said Regulations of 1954 (which relates to periods of duty of whole-time members of brigades) there shall be substituted the following Regulations :—

" *Normal weekly hours of duty*

5. The normal weekly hours of duty of a whole-time member of a brigade of a rank below that of station officer or assistant group officer shall be in accordance with the First Schedule to these Regulations.

Time off in respect of periods of overtime

5A.—(1) A whole-time member of a brigade of a rank below that of station officer engaged in operational duties who performs overtime duty in any month shall, subject to the exigencies of duty, be granted in respect thereof an equal period of time off before the end of the month next following.

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1954/1154 (1954 I, p. 874). (c) 14 & 15 Geo. 6. c. 27.

(2) In this Regulation 'overtime duty' means duty performed by a member of a brigade during a period when he should, according to the duty system applicable in his case, be off duty, not being duty in respect of which an allowance is payable under paragraph 22 or 28 of the Fourth Schedule to these Regulations.".

4. In paragraph (1) of Regulation 11 of the said Regulations of 1954, after the definition of "Firemen's Pension Scheme", there shall be inserted the following definitions:—

"'normal weekly hours of duty' has the meaning assigned to it by paragraph 3 of the First Schedule to these Regulations;

'operational duties' means duties which include fire-fighting;".

5. For the First Schedule to the said Regulations of 1954 (which relates to periods of duty) there shall be substituted the Schedule set out in the First Appendix to these Regulations.

6.—(1) In sub-paragraph (1) of paragraph 4 of the Third Schedule to the said Regulations of 1954 (which relates to sick leave), for the words "paragraphs 3, 4 and 5 of this Part" there shall be substituted the words "paragraphs 6, 7 and 8".

(2) In paragraph 5 of the said Schedule for the words "Subject to the provisions of the subsequent paragraphs of this Part" there shall be substituted the words "Subject to the provisions of paragraphs 6, 7 and 8"; and for the words "paragraph 1 of this Part" there shall be substituted the words "paragraph 4".

(3) In sub-paragraph (2) of paragraph 7 of the said Schedule for the words "paragraph 1 (1) of this Part" there shall be substituted the words "paragraph 4 (1)".

7. For the Fourth Schedule to the said Regulations of 1954, as amended by the Fire Services (Nomenclature) (Scotland) Regulations, 1954(**a**), and the Fire Services (Conditions of Service) (Scotland) Regulations, 1955(**b**), and the Fire Services (Conditions of Service) (Scotland) Amendment Regulations, 1955(**c**) (which relates to the emoluments of whole-time members of brigades, there shall be substituted the Schedule set out in the Second Appendix to these Regulations.

8. The Fire Services (Conditions of Service) (Scotland) Regulations, 1955, and the Fire Services (Conditions of Service) (Scotland) Amendment Regulations, 1955, are hereby revoked.

9. These Regulations may be cited as the Fire Services (Conditions of Service) (Scotland) Amendment No. 2 Regulations, 1955, and shall come into operation on the ninth day of December, 1955.

Dated this 2nd day of December, 1955.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) S.I. 1954/1628 (1954 I, p. 900). (b) S.I. 1955/394. (c) S.I. 1955/674.

FIRST APPENDIX

FIRST SCHEDULE

Regulation 5.

NORMAL HOURS OF DUTY OF WHOLE-TIME MEMBERS OF A BRIGADE BELOW THE RANK OF STATION OFFICER OR ASSISTANT GROUP OFFICER

Operational duties

1.—(1) The normal weekly hours of duty of a whole-time member of a brigade of a rank below that of station officer engaged in operational duties shall be such as the fire authority determine to be appropriate at the station which is his usual place of duty, so however that the normal weekly hours of duty so determined—

(*a*) shall not be lower than fifty-six hours;

(*b*) subject to sub-paragraph (2) of this paragraph, shall not be higher than sixty hours or, where the lowest normal weekly hours of duty which have prevailed at the station on or after the ninth day of December, 1955, exceed sixty hours, shall not be higher than those hours of duty; and

(*c*) shall not in any case be higher than eighty hours.

(2) The normal weekly hours of duty so determined may, with the agreement of the accredited representatives of the members of the brigade, exceed the limit specified in sub-paragraph (1) (*b*) of this paragraph, but, where with such agreement the normal weekly hours of duty exceed that limit, they shall be redetermined by the fire authority in accordance with the foregoing provisions of this paragraph upon six months' notice in that behalf given by the said representatives.

(3) Until otherwise determined in accordance with the foregoing provisions of this paragraph, the normal weekly hours of duty of such a member as is mentioned in those provisions shall be such as prevailed on the eighth day of December, 1955, at the station which is his usual place of duty.

(4) Nothing in this paragraph shall be construed as preventing a member of a brigade whose usual place of duty is a station which is manned for operational duties for some part only of each day from voluntarily accepting in respect of periods which would not be periods of duty according to the duty system applicable in his case obligations similar to those of a retained member of a brigade specified in sub-paragraphs (1) (*b*) and (1) (*c*) of paragraph 8 of the Fifth Schedule to these Regulations.

Control-room duties.

2.—(1) The normal weekly hours of duty of a whole-time member of a brigade of a rank below that of station officer or assistant group officer who is in charge of the control-room system shall be not more than sixty hours.

(2) The normal weekly hours of duty of any other whole-time member of a brigade of a rank below that of station officer or assistant group officer who is engaged in control-room duties shall be not more than forty-eight hours.

Interpretation

3. In this Schedule the expression "normal weekly hours of duty" means, in relation to any member of a brigade, the average weekly hours of duty calculated, according to the duty system applicable in his case, over the period after the completion of which his rota of duties repeats itself.

SECOND APPENDIX

Regulation 8 (1).

FOURTH SCHEDULE

EMOLUMENTS OF WHOLE-TIME MEMBERS OF A BRIGADE

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PART I

Pay

Pay of firemaster and assistant firemaster

1. The rate of pay of a firemaster or an assistant firemaster shall be such as is determined in each case by the fire authority with the approval of the Secretary of State.

Pay of male members below the rank of assistant firemaster

2. Subject to the following provisions of this Part of this Schedule, the rate of pay of a member of a brigade holding one of the ranks set out in the subjoined Table shall be in accordance with the scale which begins with the rate set opposite, in the second column of the said Table, to the rank he holds and increases on the completion of each year of service in that rank by the increment set opposite thereto, in the third column of the said Table, until the maximum rate set opposite thereto, in the fourth column of the said Table, is reached, so however that in the application of the scale for the rank of fireman service rendered before attaining the age of twenty years shall be disregarded:—

TABLE

Rank	Minimum rate	Increment	Maximum rate
Divisional Officer (Grade I) ...	£1,082 a year	£20 a year	£1,182 a year
Divisional Officer (Grade II) ...	£952 a year	£15 a year	£1,027 a year
Divisional Officer (Grade III) ...	£877 a year	£15 a year	£952 a year
Assistant Divisional Officer ...	£822 a year	£10 a year	£872 a year
Station Officer	£722 a year	£10 a year	£772 a year
Sub-Officer	226s. a week	4s. a week	242s. a week
Leading Fireman	202s. a week	3s. a week	217s. a week
Fireman	177s. a week	3s. a week	207s. a week

Special pay provisions for leading firemen

3.—(1) A fireman who is promoted to leading fireman on or after the ninth day of December, 1955, and who immediately before such promotion was in receipt of pay as a fireman under paragraph 2 of this Schedule at the rate of 201s. or more a week shall on promotion be entitled to pay as a leading fireman at the rate in the scale described in that paragraph next above the rate of pay as a fireman of which he was so in receipt, and he shall receive his first increment on the date on which he first completes after his promotion a period consisting of one or more years of service from the date on which he last received an increment in his pay as a fireman and thereafter shall receive an increment on the completion of each year of service.

(2) A leading fireman who was promoted to that rank before the ninth day of December, 1955, shall have the rate of pay in the scale described in paragraph 2 of this Schedule attributable to that number of years of service in the rank of leading fireman to which his rate of pay immediately before the said date in the scale then in force was attributable; and he shall receive his annual increments on the dates on which he would have received them had Regulation 7 of the Fire Services (Conditions of Service) (Scotland) Amendment No. 2 Regulations, 1955, not been made.

Pay of female members

4.—(1) Subject to the following provisions of this Part of this Schedule, the rate of pay of a member of a brigade holding one of the ranks set out in the subjoined Table shall be the rate of pay set opposite in the second column of the said Table, to the rank she holds:—

TABLE

Rank	Rate
Group Officer	£562 a year
Assistant Group Officer	£492 a year
Senior Leading Firewoman	£450 a year
Leading Firewoman	£405 a year

(2) Subject to the following provisions of this Part of this Schedule, the rate of pay of a firewoman who has attained the age of twenty years shall be in accordance with the following scale, but in applying that scale service rendered before attaining that age shall be disregarded except in the case of a firewoman who attained the age of twenty years before the eighth day of October, 1951:—

During the 1st year of service after appointment ...	£340 a year
During the 2nd year of service after appointment ...	£355 a year
During the 3rd year of service after appointment ...	£365 a year
During the 4th year of service after appointment ...	£375 a year
During the 5th and any subsequent year of service after appointment	£385 a year

(3) Subject to the following provisions of this Part of this Schedule, the rate of pay of a firewoman who has not attained the age of twenty years, shall be in accordance with the following scale:—

Before attaining the age of 17 years	£235 a year
During the 18th year of age	£250 a year
During the 19th year of age	£265 a year
During the 20th year of age	£280 a year

The reckoning of certain previous service by members above the rank of fireman

5.—(1) A member of a brigade who—

(*a*) on the fifteenth day of May, 1949, held one of the following ranks, namely, divisional officer, column officer, senior company officer, company officer, section leader or leading fireman,

(*b*) holds the same rank that he held on that date, or a corresponding rank,

(*c*) served in the National Fire Service until the fifteenth day of May, 1948, and entered a brigade on the sixteenth day of May, 1948, and

(*d*) has since the sixteenth day of May, 1948, served continuously in one brigade,

shall, for the purpose of reckoning his period of service under the scales of pay in paragraph 2 of this Schedule, be entitled to reckon any period or periods during which he held in the National Fire Service a rank higher than or equivalent to the rank which he holds.

(2) Subject to sub-paragraph (*a*) of paragraph 7 of this Schedule, if such a member on the fifteenth day of May, 1949, held a rank on a temporary promotion thereto or thereafter has been or is temporarily promoted this paragraph shall not apply to him.

(3) A member of a brigade who either in the National Fire Service or since the sixteenth day of May, 1948, is or has been reduced in rank as a punishment shall not be entitled to reckon under this paragraph any period of service before the date of such reduction save in the rank to which he was reduced.

(4) For the purposes of this paragraph each of the ranks in the National Fire Service referred to in head (*a*) of sub-paragraph (1) of this paragraph shall be deemed to be the equivalent of the rank in the National Fire Service bearing the same title except in the case of Assistant Firemaster where the equivalent rank shall be that of Assistant Fire Force Commander.

(5) A member of a brigade to whom sub-paragraph (1) of this paragraph applies and who ceased to perform service within the meaning of sub-paragraph (*a*) of paragraph 6 of this Schedule and within four weeks of so ceasing began a period of war service within the meaning of the Reinstatement in Civil Employment Act, 1944(a), and within five weeks of the end of such service, or any longer period which the Secretary of State may have in any particular case allowed, applied to join or rejoin the National Fire Service, shall, for the purpose of the said sub-paragraph (1), be entitled to reckon any period of such war service after the seventeenth day of August, 1941, as if it were service in the rank he held on so joining or rejoining the National Fire Service.

(a) 7 & 8 Geo. 6. c. 15.

The reckoning by firemen and firewomen of certain previous service

6. In reckoning service in the brigade of a fireman or firewoman who either was transferred thereto from the National Fire Service or who having been discharged from the National Fire Service joined the brigade before the sixteenth day of June, 1948, there shall for the purposes of paragraph 2 or 4 of this Schedule, as the case may be, be included the following service and in the case of a fireman or firewoman who having been discharged from the National Fire Service joins the brigade on or after the sixteenth day of June, 1948, there may if the fire authority think fit be included for the purposes of the said paragraph 2 or 4 the whole or any part of the following service:—

(*a*) whole-time paid service of one or more of the following descriptions:—

(i) service as a member of a fire brigade being either the London Fire Brigade or a brigade maintained under the Fire Brigades Act, 1938(**a**), by a local authority;

(ii) service as a member of the Auxiliary Fire Service or any Women's Auxiliary Fire Service, membership of which did not involve membership of the Auxiliary Fire Service;

(iii) service as a fireman in the National Fire Service;

(iv) service with the Auxiliary Fire Service in the service of the Crown, by virtue of the National Service Act, 1941(**b**); and

(*b*) in relation to any person who ceased to perform service within the meaning of sub-paragraph (*a*) of this paragraph and within four weeks of so ceasing began a period of war service within the meaning of the Reinstatement in Civil Employment Act, 1944, and within five weeks of the end of such service or any longer period which the Secretary of State may have in any particular case allowed, applied to join or rejoin the National Fire Service, any period of such war service after the thirty-first day of August, 1939.

General provisions for reckoning service

7. For the purpose of reckoning service under the preceding provisions of this Schedule

(*a*) where a member of a brigade at the end of a period of temporary promotion reverts to the rank which he held immediately before that period he shall thereafter be deemed to have held during that period the rank to which he so reverts;

(*b*) where a member of a brigade has been or is promoted he shall, for the purpose of reckoning his service in the rank to which he is promoted, be entitled notwithstanding the provisions of the foregoing sub-paragraph to reckon any previous period or periods of service in that rank in that brigade during a temporary promotion thereto;

(*c*) no account shall be taken of any period of unpaid leave unless the fire authority otherwise determine.

The reckoning of discontinuous service and service in two or more brigades

8.—(1) After transfer from one brigade to another a member of a brigade shall, for the purposes of the preceding provisions of this Schedule, be entitled to reckon, in addition to the service he is entitled to reckon under those provisions in the new brigade, the service that he was entitled to reckon for the purposes of pay in his old brigade immediately before the date of transfer, and for the purposes of sub-paragraph (1) (*d*) of paragraph 5 of this Schedule he shall be deemed to have served continuously in one brigade.

(2) Where a member of a brigade before joining the brigade, otherwise than by way of transfer, has retired from the same or another brigade, then, for the purposes of the preceding provisions of this Schedule, the fire authority may, if they think fit, allow the member to reckon, in addition to the service he is entitled to reckon under those provisions in the new brigade, the service that he was entitled to reckon for the purposes of pay in his old brigade immediately

(**a**) 1 & 2 Geo. 6. c. 72. (**b**) 4 & 5 Geo. 6. c. 15.

before he retired, and for the purposes of sub-paragraph (1) (*d*) of paragraph 5 of this Schedule he may, if the fire authority think fit, be deemed to have served continuously in one brigade.

(3) In this paragraph a reference to the transfer of a member of a brigade from one brigade to another is a reference to his retirement from the one brigade for the purpose of joining the other with the written consent of the fire authority maintaining the brigade from which he retires, and such consent may be given after he has left that brigade, but only if he has applied therefor while still a member of the brigade.

The reckoning of service in the armed forces

9.—(1) This paragraph shall apply in the case of a person who—

(*a*) immediately before undertaking such service in the armed forces of the Crown as is mentioned in sub-paragraph (3) of this paragraph was a member of a brigade ; and

(*b*) within one month of the end of such service resumes service in his brigade or joins another brigade.

(2) A person in whose case this paragraph applies shall be entitled on resuming service or on joining the brigade to reckon for the purposes of pay the service he was so entitled to reckon immediately before undertaking service in the armed forces of the Crown together with his service in those forces, and for the purposes of sub-paragraph (1) (*d*) of paragraph 5 of this Schedule he shall be deemed to have served continuously in one brigade.

(3) The service in the armed forces of the Crown referred to in this paragraph is that specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(a), other than that specified in sub-paragraph (*b*) of paragraph 5 thereof.

The reckoning of employment on duties connected with the provision of fire services

10.—(1) This paragraph shall apply in the case of a person who—

(*a*) immediately before entering such temporary employment on duties connected with the provision of fire services as is mentioned in sub-paragraph (3) of this paragraph was a member of a brigade ; and

(*b*) within one month of leaving such employment resumes service in his brigade or joins another brigade.

(2) A person in whose case this paragraph applies shall be entitled on resuming service or on joining the brigade to reckon for the purposes of pay the service he was so entitled to reckon immediately before entering the said temporary employment together with his service in that employment, and for the purposes of sub-paragraph (1) (*d*) of paragraph 5 of this Schedule he shall be deemed to have served continuously in one brigade.

(3) The temporary employment on duties connected with the provision of fire services referred to in this paragraph is—

(*a*) employment as an instructor at a training institution or centre established by the Secretary of State under section twenty-three of the Act ;

(*b*) employment as an inspector, assistant inspector or other officer appointed under section twenty-four of the Act ;

(*c*) employment entered upon in pursuance of arrangements made by the Secretary of State in connection with the training in fire-fighting of members of the armed forces of the Crown ; or

(*d*) employment entered upon in pursuance of arrangements made by the Secretary of State in connection with the training and organisation of fire-fighting forces in a colony, protectorate, protected state or trust territory.

(a) 14 & 15 Geo. 6, c. 65.

Transitional provision as to reckoning of service

11. Without prejudice to the preceding paragraphs of this Schedule, on the coming into operation of these Regulations a member of a brigade shall be entitled to reckon for the purposes of pay the service he was so entitled to reckon immediately theretofore.

Unpaid Leave

12. Notwithstanding anything in this Part of this Schedule a fire authority may on the request of a member of a brigade grant him unpaid leave and in respect of such a period of unpaid leave he shall not be entitled to any pay.

PART II

Allowances and other emoluments

Provision of accommodation or rent allowance for firemaster

13. A firemaster shall be provided by the fire authority with residential accommodation free of rent and rates or shall be paid a rent allowance of an amount determined with the approval of the Secretary of State by the fire authority. Where residential accommodation is provided the fire authority may provide fuel and light freely or otherwise.

Provision of accommodation or rent allowance for other ranks

14.—(1) A fire authority may provide residential accommodation for members of the brigade below the rank of firemaster on such terms as to payment as may be determined in the circumstances of each case by the fire authority and where such accommodation is provided may provide fuel and light freely or otherwise.

(2) A member of a brigade of a rank above that of sub-officer and below that of assistant firemaster—

(*a*) whose normal weekly hours of duty during which he is required to be available to attend at his station or at a fire or other occurrence in response to a call are not less than 120, and

(*b*) who is not provided with residential accommodation under the preceding sub-paragraph,

may be paid a rent allowance of an amount determined, with the approval of the Secretary of State, by the fire authority.

Lodging allowance

15.—(1) Subject to the provisions of this paragraph, a lodging allowance shall be paid to a member of a brigade to whom this paragraph applies, that is to say, who—

(*a*) is a fireman or firewoman and joined the brigade in that rank or is of any rank and has been transferred, otherwise than at his own request, from one place of duty to another during service in the National Fire Service or by order of the fire authority ;

(*b*) is and before the said transfer or so joining, as the case may be, was—

(i) a married man,

(ii) a single man or a single woman with a dependent child, parent, brother or sister, or

(iii) a married woman with a husband, child, parent, brother or sister wholly or mainly dependent on her ;

(*c*) immediately before the said transfer or so joining, as the case may be, was living with his family and is living apart from his family in lodgings or on brigade premises ; and

(*d*) satisfies the firemaster that the only reason why he is so living apart is that he is unable to find suitable accommodation for his family at a reasonable cost within a reasonable distance of his place of duty.

(2) A fire authority may provide a member of the brigade to whom this paragraph applies with free accommodation on brigade premises other than residential accommodation.

(3) Subject to the provisions of sub-paragraph (5) of this paragraph, the amount of the lodging allowance to be paid to a member holding the rank of leading fireman, fireman, leading firewoman or firewoman shall be 24s. 6d. weekly unless the member in question is provided with accommodation under sub-paragraph (2) of this paragraph in which case the amount of the lodging allowance shall be 17s. 6d. weekly.

(4) Subject to the provisions of sub-paragraph (5) of this paragraph, the amount of the lodging allowance to be paid to a member holding a rank higher than that of leading fireman or leading firewoman shall be an amount equal to the actual cost incurred by the member in question on board and lodging less a deduction of 2s. a day subject to a maximum and a minimum (varying according to whether he is or is not provided with accommodation under sub-paragraph (2) of this paragraph) of the amounts set opposite in the subjoined Table to the rank which he holds:—

TABLE

Rank	If not provided with accommodation under sub-paragraph (2)		If provided with accommodation under sub-paragraph (2)	
	Maximum	Minimum	Maximum	Minimum
Divisional Officer (Grade II) or officer of higher rank	s. d. 47 0 weekly	s. d. 24 6 weekly	s. d. 33 0 weekly	s. d. 17 6 weekly
Divisional Officer (Grade III) Assistant Divisional Officer	45 6 weekly	24 6 weekly	32 0 weekly	17 6 weekly
Station Officer Group Officer Assistant Group Officer	38 6 weekly	24 6 weekly	27 6 weekly	17 6 weekly
Sub-Officer Senior Leading Firewoman	31 6 weekly	24 6 weekly	22 6 weekly	17 6 weekly

(5) A fire authority may reduce or suspend payment of the lodging allowance of a member of a brigade who is temporarily absent from his lodgings.

(6) Where a member of a brigade who is not subject to a duty system involving off-duty periods of less than twenty-four hours satisfies the firemaster that he would, if he were subject to such a system, be unable to live with his family and in that event would be a person to whom this paragraph applies, the fire authority may, in their discretion, pay him the travelling expenses incurred in travelling to and from his family.

(7) For the purposes of this paragraph the expression "child" means a child who is under sixteen years of age or who is receiving full-time education.

Allowance for travelling expenses

16. Where a member of a brigade has been appointed or transferred to a station which is so situated that the expenses he necessarily incurs in travelling between the station and his home are in the opinion of the fire authority unduly heavy, the fire authority may reimburse so much of the expenses actually incurred as they think fit.

Provision of accommodation at training centres

17.—(1) A fire authority may, for the purposes of such attendance or appointment, provide a student attending at, or an instructor appointed to, a local training centre with free board and lodging.

(2) Where a student attending the central training institution or a student attending at, or an instructor appointed to, a local training centre, is for the purposes of such attendance or appointment, provided with free board and lodging he shall not be entitled to a lodging allowance under paragraph 15 of this Schedule.

Subsistence allowance

18. A member of a brigade who is absent on duty from his home and his usual place of duty and necessarily incurs additional expense in obtaining food or lodgings or both, may be paid subsistence allowance at such reasonable rates as the fire authority may determine.

Removal expenses allowance

19.—(1) Where a member of a brigade moves from one home to another in consequence of an order given by the fire authority otherwise than on his promotion, he shall be paid a removal expenses allowance equal to the cost of removal calculated in accordance with sub-paragraph (3) of this paragraph.

(2) Where a person moves from one home to another—

(*a*) in consequence of his promotion ; or

(*b*) in consequence of his appointment to a brigade, having, for the purpose of joining the brigade, retired from another brigade,

he may be paid a removal expenses allowance of an amount not exceeding the cost of removal calculated in accordance with sub-paragraph (3) of this paragraph.

(3) For the purposes of sub-paragraphs (1) and (2) of this paragraph the fire authority may require the submission of not more than three tenders by contractors, and the cost of removal shall be the actual expense of the removal or, where tenders are required, the actual expense or the amount of the tender approved by the fire authority, whichever is the less.

(4) A fire authority may pay grants of amounts not exceeding those approved by the Secretary of State in respect of any expenses incidental to such a removal as is referred to in sub-paragraph (1) or (2) of this paragraph, other than the cost of removal.

Uniform allowance

20. A member of a brigade above the rank of sub-officer or senior leading firewoman who is not supplied with uniform by the fire authority shall be paid in lieu of such uniform an allowance at a rate calculated to cover the cost of supplying and maintaining the necessary uniform.

Lodging, meals and refreshments

21.—(1) Where the duty system applicable to a member of a brigade of a rank below that of station officer engaged in operational duties provides for regular duty periods ordinarily comprising twenty-four hours, he may be provided with free meals—

(*a*) if he is on duty for a period of not less than twelve hours, to a value of 2s. ;

(*b*) if he is on duty for a period of more than twenty-four hours, in respect of each complete period of twenty-four hours after the first, to a value of 3s.

(2) Where a member of a brigade of the rank of station officer or assistant group officer or any higher rank was immediately before the sixteenth day of May, 1948, in receipt of free meals he shall be entitled to the provision of free meals on the scale set out in the preceding sub-paragraph as long as the duty system which governed his hours of duty immediately before the sixteenth day of May, 1948, continues to govern his hours of duty.

(3) A member of a brigade while on duty at a fire or other occurrence may be provided with such lodging, meals or refreshments as are necessary in the interests of efficiency.

Turn-out and other fees for certain members

22.—(1) A member of a brigade of a rank below that of station officer—

(*a*) who is engaged in operational duties;

(*b*) whose usual place of duty is a station which is manned for operational duties for some part only of each day; and

(*c*) who has voluntarily accepted, in respect of periods which would not be periods of duty according to the duty system applicable in his case, obligations similar to those of a retained member of a brigade specified in sub-paragraphs (1) (*b*) and (1) (*c*) of paragraph 8 of the Fifth Schedule to these Regulations,

shall be paid by way of allowance, in respect of duty performed in pursuance of those obligations, the emoluments described in paragraphs 3, 4 and 5 of the Fifth Schedule to these Regulations and, save where he is entitled to an extra duty allowance under paragraph 24 of this Schedule, a retaining fee—

(i) in the case of a sub-officer, at the rate of £20 a year;

(ii) in the case of a leading fireman, at the rate of £18 a year; or

(iii) in the case of a fireman, at the rate of £15 a year.

Overtime allowance

23.—(1) A member of a brigade of a rank below that of station officer who is engaged in operational duties and has performed overtime duty in any month in respect of which he has not, owing to the exigencies of duty, been granted an equal period of time off before the end of the month next following, shall be paid an overtime allowance in respect of the aggregate period of such duty—

(*a*) in the case of a sub-officer, at the rate of 6s. for each completed hour with the addition of 3s. for any period of thirty minutes or more but less than one hour; or

(*b*) in any other case, at the rate of 5s. for each completed hour with the addition of 2s. 6d. for any period of thirty minutes or more but less than one hour.

(2) In this paragraph the expression " overtime duty " means duty performed by a member of a brigade during a period when he should, according to the duty system applicable in his case, be off duty, not being duty in respect of which an allowance is payable under paragraph 22 or 28 of this Schedule.

Extra duty allowance

24.—(1) Where the duty system applicable in the case of a member of a brigade of a rank below that of station officer who is engaged in operational

duties provides for regular duty periods ordinarily comprising twenty-four hours, he shall be paid an extra duty allowance—

(*a*) if his normal weekly hours of duty are eighty, at the rate of 30s. a week; or

(*b*) if his normal weekly hours of duty are less than 80 but in excess of 60 at a proportionate rate calculated by reference to the extent of the said excess.

(2) A member of a brigade of a rank below that of station officer who is engaged in operational duties and whose usual place of duty is a station which is manned for operational duties for some part only of each day shall be paid an extra duty allowance—

(*a*) if his normal weekly hours of duty are eighty, at the rate of 25s. a week; or

(*b*) if his normal weekly hours of duty are less than 80 but in excess of 60 at a proportionate rate calculated by reference to the extent of the said excess.

Allowance for acting as an assistant

25. A member of a brigade who is required in addition to his ordinary duties to act as an assistant to an officer of higher rank may be paid an allowance of an amount determined, with the approval of the Secretary of State, by the fire authority.

Allowance for performing the duties of a higher rank

26.—(1) A member of a brigade who—

(*a*) has performed the duties of another member of the brigade of higher rank for a continuous period of twenty-eight days or for an aggregate period of twenty-eight days, comprising continuous periods exceeding three days; and

(*b*) thereafter performs such duties for a continuous period exceeding three days,

shall be entitled to an allowance in respect of the last-mentioned period.

(2) The allowance to which a member of a brigade is entitled under the preceding sub-paragraph shall be at a rate equal to half the difference between the minimum of the rate of pay for the rank he holds and the minimum of the rate of pay for the rank held by the member whose duties he is required to perform:

Provided that the rate of the allowance shall be such that the combined rate of the allowance and the pay to which he is entitled is not less than the minimum nor greater than the maximum rate of pay for the rank held by the member whose duties he is required to perform.

(3) Where the rate of pay of a member of a brigade who is temporarily promoted for the purpose of performing the duties of another member of the brigade of higher rank is less than would have been the combined rate of his pay and his allowance under sub-paragraph (1) of this paragraph if he—

(*a*) had not been promoted; and

(*b*) had become entitled to such an allowance,

he shall be entitled to an allowance at a rate equal to the difference between his rate of pay and the said combined rate.

(4) This paragraph shall apply only where the member of the brigade of a higher rank whose duties are performed is on sick leave or is temporarily posted to other duties and shall not apply to a member of the brigade who is appointed deputy firemaster.

Allowance for additional responsibilities

27. A member of a brigade whose ordinary duties involve responsibilities additional to those normally attaching to his rank, may be paid an allowance of an amount determined, with the approval of the Secretary of State, by the fire authority:

Provided that an allowance shall not be payable under this paragraph in respect of any period for which he is in receipt of an allowance under either of the two last preceding paragraphs.

Instructor's allowance

28.—(1) A member of a brigade who gives instruction to auxiliary firemen or instruction in any form of civil defence to part-time members of a brigade when he would otherwise be off duty may be paid an allowance in accordance with the provisions of sub-paragraph (2) of this paragraph.

(2) The said allowance may include—

(*a*) in respect of each period of such instruction of one hour's duration a fee not exceeding 10s. 6d. and

(*b*) in respect of each occasion on which he gives such instruction a sum in respect of his travelling expenses reasonably incurred for the purpose of giving such instruction of an amount approved by the Secretary of State.

(3) A member of a brigade whose normal weekly hours of duty exceed sixty who gives instruction to auxiliary firemen or instruction in any form of civil defence to part-time members of a brigade during his periods of duty may be paid an allowance not exceeding 10s. 6d. in respect of each period of such instruction of one hour.

Compensatory grant

29.—(1) In any year commencing on the sixth day of April and ending on the following fifth day of April a member of a brigade who has, during the preceding year, paid income tax in respect of a rent allowance or any compensatory grant paid or made to him in respect of his service in the brigade shall be paid a compensatory grant.

(2) The amount of compensatory grant shall be equal to the amount by which the income tax in fact deducted during the preceding year according to the tax tables prepared or prescribed by the Commissioners of Inland Revenue from the said member's emoluments in respect of his service in the brigade is increased by virtue of the inclusion in such emoluments of a rent allowance or any compensatory grant paid or made to him.

(3) The compensatory grant may, except in the circumstances described in sub-paragraph (4) of this paragraph, be paid by such instalments throughout the year in which it is payable as the fire authority may determine.

(4) Where a member of a brigade leaves the brigade or dies whilst serving in the brigade, he or his personal representatives, as the case may be, shall be paid the whole of the compensatory grant due to the said member during that year and, in addition, shall be paid a further compensatory grant equal to the amount by which the income tax in fact deducted between the beginning of the year and the date on which he leaves the brigade or dies, according to the tax tables prepared or prescribed by the Commissioners of Inland Revenue,

from the said member's emoluments in respect of his service in the brigade during that period is increased by virtue of the inclusion in such emoluments of a rent allowance or any compensatory grant paid or made to him.

(5) In this paragraph a reference to compensatory grant or a rent allowance is a reference to such grant or such an allowance under these Regulations granted on or after the eighteenth day of March, 1955.

Allowance consequent on the consolidation of rates of pay

30.—(1) Where immediately before the first day of June, 1950 (hereafter in this paragraph referred to as "the material date"), the rate of the emoluments of a male member of a brigade below the rank of firemaster calculated in accordance with sub-paragraph (2) of this paragraph was greater than his rate of pay on the material date, that member shall receive an allowance, at a rate equal to the difference between the said rates, until the allowance is terminated or varied in accordance with sub-paragraph (3) of this paragraph.

(2) For the purposes of the preceding sub-paragraph, the rate of the emoluments of a member of a brigade immediately before the material date shall be the aggregate of—

(*a*) his rate of pay immediately before the material date;

(*b*) (i) if immediately before the material date he was in receipt of a supplementary allowance, the supplementary allowance to which he was entitled immediately before such date computed at an annual or weekly rate, according to whether his pay was at an annual or weekly rate, or

(ii) if immediately before the material date he was provided with free residential accommodation, the value of that accommodation as determined by the fire authority computed at an annual or weekly rate according to whether his pay was at an annual or weekly rate;

(*c*) the compensatory grant payable in the year commencing the sixth day of April, 1950, together with any further compensatory grant paid in the year commencing the sixth day of April, 1949, but disregarding any further compensatory grant payable in the year commencing the sixth day of April, 1950.

(3) (*a*) Where a member of a brigade who on the material date held a rank to which he had been temporarily promoted, subsequently reverted to the rank he held before such temporary promotion, then, for the purpose of calculating after such reversion the allowance referred to in sub-paragraph (1) of this paragraph, for the rate of his emoluments and rate of pay immediately before and on the material date there shall be substituted the rate of emoluments and rate of pay to which he would have been entitled immediately before and on the material date had he not been temporarily promoted.

(*b*) Where a member of a brigade is or after the material date has been promoted to the rank of firemaster, the allowance referred to in sub-paragraph (1) of this paragraph shall not be payable.

(*c*) Where a member of a brigade is or after the material date has been promoted to the rank of company officer or corresponding rank or to any higher rank below that of firemaster, then, from the rate of the allowance calculated in accordance with the preceding sub-paragraphs of this paragraph there shall be subtracted—

(i) the difference between the rate of pay to which the member was entitled immediately before promotion and the rate of pay to which he is, or was, entitled, as the case may be, immediately after promotion, and

(ii) the amounts by which his rate of pay after promotion was, or is, increased from time to time by way of annual increments.

(*d*) Notwithstanding the preceding provisions of this sub-paragraph in the case of a member being temporarily promoted to the rank of company officer or corresponding rank or any higher rank and subsequently reverting to the rank held before such promotion, the member shall after so reverting receive the allowance to which he would be entitled under this paragraph had he not been so promoted.

(*e*) Where, during any period, a member of a brigade is in receipt of a rent allowance then for that period the rate of the allowance, calculated in accordance with the preceding sub-paragraphs of this paragraph, shall be reduced by the rate at which the rent allowance is payable and, where that rate exceeds the rate of the allowance calculated in accordance with the preceding sub-paragraphs of this paragraph, the rate of allowance shall be reduced to nothing.

(4) For the purposes of this paragraph—

(*a*) in the computation of an annual or weekly rate, the weekly rate shall be deemed to be the annual rate divided by fifty-two and one-seventh ;

(*b*) " rate of pay " means the rate of pay to which a member of a brigade is or was, at the times specified in this paragraph, entitled, calculated in accordance with the regulations made under subsection (1) of section seventeen of the Act then in force, and for the purposes of this calculation a member shall be treated as entitled to pay notwithstanding the grant of unpaid sick leave and no account shall be taken of any additional pay to which he may have been entitled before the thirteenth day of September, 1954, for acting as an assistant to an officer of higher rank or for performing the duties of another member of the brigade of higher rank ;

(*c*) " supplementary allowance " means such an allowance to which a member of a brigade was, at the time specified in this paragraph, entitled, calculated in accordance with the regulations made under subsection (1) of section seventeen of the Act then in force ; and

(*d*) " compensatory grant " and " further compensatory grant " mean such grants to which a member of a brigade was, during the periods specified in this paragraph, entitled, calculated in accordance with the regulations made under subsection (1) of section seventeen of the Act then in force.

EXPLANATORY NOTE

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

These Regulations amend the Fire Services (Conditions of Service) (Scotland) No. 2 Regulations, 1954, and (Regulation 7 and Second Appendix) substitute a consolidated Fourth Schedule relating to the emoluments of whole-time firemen for the Fourth Schedule to those Regulations and the existing amendments made thereto.

The principal amendments made by the present Regulations relate to the compulsory retirement of a pensionable fireman who is incapacitated (Regulation 1) ; to normal working hours of duty (Regulations 3, 5 and First Appendix) ; to time off in respect of periods of overtime (Regulation 3) or an allowance in lieu (paragraph 23 of the Schedule set out in the Second Appendix) ; and to extra duty allowances where the normal weekly hours of duty exceed 60 (paragraph 24 of the Schedule set out in the Second Appendix). Minor errors in the Third Schedule to the Regulations of 1954 are corrected by Regulation 6.