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

Provided that if he is temporarily promoted to any such rank and subsequently reverts to the rank he held before such promotion, he shall after such reversion receive the allowance to which he would be entitled under this paragraph had he not been so promoted."

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

St. Andrew's House,
Edinburgh, 1.

26th March, 1953.

EXPLANATORY NOTE

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

These Regulations provide for increases in the pay of members of fire brigades below the rank of Assistant Firemaster and make certain consequential provisions.

1953 No. 1316 (S. 104)

The Fire Services (Conditions of Service) (Scotland) Amendment Regulations, 1953

Made - - - -	*24th August,* 1953
Laid before Parliament	*27th August,* 1953
Coming into Operation	*1st September,* 1953

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

1. These Regulations may be cited as the Fire Services (Conditions of Service) (Scotland) Amendment Regulations, 1953, and shall come into operation on the 1st day of September, 1953.

2. For Part II of the First Schedule to the Fire Services (Conditions of Service) (Scotland) Regulations, 1948(b) (which relates to the periods of duty of members of a brigade employed on control-room duties), there shall be substituted the following Part:—

"PART II

Control-room duties

1. The system of duty for a whole-time member of a brigade employed on control-room duties, other than a member in charge of the control-room system, shall be designed to secure that the average of the periods of duty of each such member shall not exceed forty-eight hours a week.

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1948/941; Rev. VII, p. 853; 1948 I, p. 1158.

2. The system of duty for a whole-time member of a brigade in charge of the control-room system shall be designed to secure that the average of his periods of duty shall not exceed sixty hours a week ".

3.—(1) Such of the provisions of the Third Schedule to the said Regulations as amended by Regulation 1 of the Fire Services (Conditions of Service) (Scotland) (Amendment) Regulations, 1948(**a**), as relate to sick leave shall cease to have effect and accordingly in the said Third Schedule—

(*a*) for the words " paragraphs 3 and 4 " in paragraph 1 there shall be substituted the words " paragraph 4 of this Part ";

(*b*) sub-paragraph (*a*) of paragraph 1, paragraphs 2 and 3 and the words " paid sick leave and " in paragraph 4 are hereby revoked.

(2) At the end of the said Third Schedule there shall be added the Part set out in the Schedule hereto.

4. For paragraph 17 of the Fourth Schedule to the said Regulations as amended by the Fire Services (Conditions of Service) (Scotland) (Amendment) Regulations, 1950(**b**) (which paragraph relates to the allowance for travelling expenses), there shall be substituted the following paragraph:—

" 17. Where a member of a fire brigade has been appointed or transferred to a station which is so situated that the expense 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 ".

Dated this 24th day of August, 1953.

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

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

Regulation 3 (2)

PART II

Sick Leave

1.—(1) Subject to the provisions of paragraphs 3, 4 and 5 of this Part of this Schedule a whole-time member of a brigade whose duties include a liability to engage in fire-fighting duties shall, without prejudice to the provisions of paragraph 1 of the Second Schedule to these Regulations (which relates to annual leave), be entitled to sick leave on full pay so long as he is unfit for duty and has not ceased to be a member of the brigade:

Provided that—

(i) if at any time after twelve months' continuous sick leave a registered medical practitioner selected by the fire authority is unable to certify that a member is likely to be fit in the future to return to duty, the member shall no longer be entitled to sick leave on full pay, but may, if the fire authority so decide, be granted such further period of sick leave on full pay or on half pay as they think fit;

(ii) a member shall only be entitled to such paid sick leave in respect of any infirmity which, in the opinion of the fire authority acting on medical advice, is wholly attributable to his holding any other office or employment for hire or gain or carrying on a trade or business as the fire authority may determine

(**a**) S.I. 1948/1499; Rev. VII, p. 853; 1948 I, p. 1176.
(**b**) S.I. 1950/887; 1950 I, p. 706.

(2) A whole-time member as aforesaid whose sick leave includes any public holiday or local holiday within the meaning of paragraph 2 of the Second Schedule to these Regulations shall be deemed not to be on sick leave on such a day but such sick leave shall, notwithstanding this provision, be deemed to be continuous for the purpose of proviso (i) to sub-paragraph (1) of this paragraph.

2. Subject to the provisions of the subsequent paragraphs of this Part of this Schedule, a whole-time member of a brigade other than a whole-time member referred to in paragraph 1 of this Part of this Schedule shall be granted such sick leave on full pay or on half pay as the fire authority may determine.

3. While a member of a brigade is on sick leave on full pay or half pay, his pay shall be reduced by the amount—

(*a*) of any sickness benefit to which he may be entitled under the National Insurance Acts, 1946 to 1953(**a**);

(*b*) of any injury benefit to which he may be entitled under the National Insurance (Industrial Injuries) Acts, 1946 to 1953(**b**);

(*c*) of any weekly payments he receives under the Workmen's Compensation Acts, 1925 to 1945(**c**), by way of compensation for the injury or sickness causing the infirmity;

(*d*) of any increase in any allowance to which he is entitled in respect of any period during which he receives approved treatment under any of the following instruments, namely, any statutory rule, order or instrument under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939(**d**), as amended by the Pensions (Mercantile Marine) Act, 1942(**e**), or under the Personal Injuries (Emergency Provisions) Act, 1939(**f**), any Order in Council under the Naval and Marine Pay and Pensions Act, 1865(**g**), any order under section two of the Air Force (Constitution) Act, 1917(**h**), or any royal warrant concerning pensions and other grants for members of the military forces, and of the nursing and auxiliary forces thereof, disabled in consequence of services either during the 1914-18 war or after the second day of September, 1939.

4. If a member of a brigade refuses or neglects to submit himself to any medical examination required by the fire authority or if, in the opinion of the fire authority acting on medical advice, a member of a brigade has—

(*a*) caused or substantially aggravated any infirmity by neglect or default, or

(*b*) has refused or neglected fully to co-operate in any medical treatment which the fire authority consider necessary in his case,

his rights to paid sick leave shall forthwith cease unless and until the fire authority determine to restore them or any of them.

5.—(1) A member of a brigade who is absent being unfit for duty as a result of an accident shall not be entitled to sick leave on full pay if a claim for damages lies against a third party in respect of the accident, but the fire authority may, having regard to the circumstances of the case, advance to the member sums amounting to not more than the pay provided under the foregoing paragraphs of this Part of this Schedule, if the member undertakes to refund to the fire authority the total amount of the sums so advanced, or the proportion thereof represented in the amount of damages received.

(2) Any period of absence in such a case shall, if a refund of the sums advanced is made in full, be ignored for the purpose of paragraph 1 (1) of this Part of this Schedule, or, if a refund is made in part only, shall be taken into account for those purposes to such extent, if any, as the fire authority may think fit to determine.

(**a**) *See* section 14 of 1 & 2 Eliz. 2. c. 29.
(**b**) *See* section 9 of 1 & 2 Eliz. 2. c. 43
(**c**) *See* section 2 of 9 & 10 Geo. 6. c. 16.
(**d**) 2 & 3 Geo. 6. c. 83.
(**e**) 5 & 6 Geo. 6. c. 26.
(**f**) 2 & 3 Geo. 6. c. 82.
(**g**) 28 & 29 Vict. c. 73.
(**h**) 7 & 8 Geo. 5. c. 51.

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) Regulations, 1948. Regulation 2 makes special provision for the hours of duty of the member of a fire brigade in charge of the control-room system. Regulation 3 together with the Schedule replaces with amendments the existing provisions relating to sick leave. It entitles a whole-time member of a brigade required to engage in fire-fighting duties to sick leave on full pay so long as he remains a member except where the sickness is attributable to employment undertaken in his off-duty time. After twelve months continuous sick leave paid sick leave becomes in certain circumstances discretionary. Other whole-time members of a brigade may be granted such paid sick leave as the fire authority determine. In addition to the existing list of deductions from the sick pay of a member of a brigade any increase in any allowance in respect of war injuries may also be deducted. Provision is also made for repayment to a fire authority of any sums in lieu of sick pay advanced to a fireman who receives damages from a third party consequent on an accident resulting in a fireman's absence on sick leave. Regulation 4 makes fresh provision for the payment of travelling expenses.

1953 No. 1086 (S. 90)

The Fire Services (Discipline) (Scotland) Regulations, 1953

Made - - - -	*6th July*, 1953
Laid before Parliament	*14th July*, 1953
Coming into Operation	*1st September*, 1953

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

PART I

Discipline

1. A member of a fire brigade commits an offence against discipline (hereafter in these Regulations referred to as an " offence ") if he commits one or more of the offences set out in the Schedule hereto.

2.—(1) The firemaster, if he decides that a member of the fire brigade shall be charged with an offence, shall as soon as possible cause him to be informed in writing of the charge together with such particulars as will leave the accused under no misapprehension as to the precise nature of the allegations on which the charge is based.

(2) The accused shall also be given as soon as possible copies of any report, complaint, or other written allegation on which the charge may be founded and any reports thereon, notwithstanding that they may be confidential.

(a) 10 & 11 Geo. 6. c. 41.