The Fire Services (Conditions of Service) (Scotland) Regulations, 1948

1948 No. 941 (S. 64)

Made - - - -	1*st May*, 1948
Laid before Parliament	4*th May*, 1948
Coming into Operation	16*th May*, 1948

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

Citation and commencement

1. These Regulations may be cited as the Fire Services (Conditions of Service) (Scotland) Regulations, 1948, shall come into operation on the sixteenth day of May, 1948, and shall apply only to Scotland.

Interpretation.

2.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" the Act " means the Fire Services Act, 1947;

" brigade " means fire brigade maintained under the provisions of the Act;

" fire authority " means a fire authority administering a fire brigade;

" Firemen's Pension Scheme " means the scheme made under section twenty-six of the Act;

" offence against discipline " means an offence against discipline as defined in any Regulations made by the Secretary of State under paragraphs (*c*) and (*d*) of subsection (1) of section seventeen of the Act;

" retained member " in relation to a brigade has the meaning assigned to it by paragraph 12 of the Fifth Schedule to these Regulations.

(2) Except where the context otherwise requires, words importing the masculine gender shall include females.

Age of compulsory retirement.

3.—(1) Subject to the provisions of this Regulation retirement shall be compulsory for male whole-time members of a brigade—

(*a*) of the rank of senior company officer or any higher rank on attaining the age of sixty, and

(*b*) of the rank of company officer or any lower rank on attaining the age of fifty-five,

except that in special cases the fire authority may extend any such member's service for a further period on being satisfied that such extension would be in the interests of efficiency.

(2) Subject to the provisions of this Regulation retirement shall also be compulsory for any male whole-time member of a brigade who has

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

completed twenty-five years' pensionable service if he is required to retire by the fire authority on the grounds that his retention in the brigade would not be in the general interests of its efficiency.

(3) In this Regulation the expressions "pensionable pay" and "pensionable service" have the same meanings as in the Firemen's Pension Scheme.

(4) Nothing in this Regulation shall apply to a member of a brigade employed on a contract under which his duties do not include fire-fighting.

(5) (*a*) Nothing in this Regulation shall authorise the compulsory retirement of any member of a fire brigade to whom this paragraph applies at a date earlier than a date on which he could have been compelled to retire under the statutory provisions or regulations applicable to him immediately before the eighteenth day of August, 1941.

(*b*) This paragraph shall apply to a member of a fire brigade in whose case any regulations made for the purposes set out in paragraph 7 of the Schedule to the Fire Services (Emergency Provisions) Act, 1941, had effect immediately before the 16th May, 1948. 4 & 5 Geo. 6. c. 22.

Prohibition of outside employment.

4.—(1) A whole-time member of a brigade who—

(*a*) is of the rank of company officer, assistant group officer or any higher rank, or

(*b*) is wholly or mainly engaged in control-room duties, or

(*c*) is engaged in duties subject to the normal duty system described in the First Schedule to these Regulations,

shall not hold any other office or employment for hire or gain or carry on any trade or business:

Provided that the fire authority on the recommendation of the fire-master may, in their absolute discretion, permit such a member to hold such an office or employment or to carry on a trade or business on such conditions and subject to such restrictions as they think fit.

(2) A whole-time member of a brigade not being such a member as is described in sub-paragraph (*a*), (*b*) or (*c*) of paragraph (1) of this Regulation shall not hold any other office or employment for hire or gain or carry on any trade or business without the approval of the fire authority, which shall not be withheld unless the holding of such other office or employment or the carrying on of the trade or business would, in their opinion, interfere with his efficiency.

The approval of the fire authority under this paragraph may be given either generally or in relation to particular individuals or classes or descriptions of individuals and on such conditions and subject to such restrictions as they think fit.

Periods of duty of whole-time members.

5. The periods of operational duties and control-room duties of whole time members of a brigade of a rank below that of company officer or assistant group officer shall be in accordance with the provisions of the First Schedule to these Regulations.

Annual leave of whole-time members.

6. The annual leave of a whole-time member of a brigade shall be in accordance with the provisions of the Second Schedule to these Regulations.

Sick leave of whole-time members and medical attendance.

7. The sick leave to be allowed to a whole-time member of a brigade and the medical attendance and treatment to which he is entitled shall be in accordance with the provisions of the Third Schedule to these Regulations.

Emoluments of whole-time members.

8. Subject to the provisions of Regulation 10 of these Regulations, the emoluments of a whole-time member of a brigade shall be in accordance with the provisions of the Fourth Schedule to these Regulations.

Emoluments of part-time members.

9. Subject to the provisions of Regulation 10 of these Regulations, the emoluments of a part-time member of a brigade shall be in accordance with the provisions of the Fifth Schedule to these Regulations.

Exceptional emoluments.

10. Emoluments not in accordance with the provisions of the Fourth and Fifth Schedules to these Regulations shall not be paid to a member of a brigade unless on application by the fire authority in consideration of individual circumstances of a temporary nature the Secretary of State has approved them:

Provided that this Regulation shall not prevent a fire authority providing members of a brigade while on duty at a fire or other occurrence with such lodging, meals or refreshments as are necessary in the interests of efficiency.

11.—(1) The firemaster, if it appears to him that a member of a brigade has committed an offence against discipline or a criminal offence, may suspend him from duty, and any member of a brigade who is in legal custody shall be deemed to have been so suspended.

(2) The period of any suspension under this Regulation and the rights to emoluments during that period of a member of a brigade who is suspended shall be in accordance with the provisions of the Sixth Schedule to these Regulations.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
1st May, 1948.

Regulation 5.

FIRST SCHEDULE

PERIODS OF DUTY OF WHOLE-TIME MEMBERS OF A BRIGADE BELOW THE RANK OF COMPANY OFFICER

PART I

Operational duties

1.—(1) The normal duty system shall:

(*a*) be based on a cycle of such number of whole weeks as the fire authority may determine;

(*b*) provide for the division of each period of twenty-four hours into a day shift and a night shift of which the latter shall be not less than twelve hours;

(*c*) secure that on an average over each cycle the time spent by any member on duty shall not exceed sixty hours per week;

(*d*) secure that no member is on duty for more than ten consecutive night shifts in any cycle;

(*e*) secure that on an average over each cycle every member shall be free of all duty for two continuous periods each of twenty-four hours per week.

(2) The normal duty system shall, subject to the provisions of this Schedule, apply to those members of a fire brigade to whom Regulation 5 applies and who are employed on operational duties at a fire station which must be manned continuously.

2. At a station which need be manned for operational duties for a part only of each day the system of operational duties shall, subject to the provisions of this Schedule, be designed to secure that the average time spent on duty by each member stationed there to whom Regulation 5 applies and who is employed on such duties shall not exceed sixty hours per week.

3. So long as owing to shortage of manpower it is impracticable to introduce at a station either of the systems described in paragraphs 1 and 2 of this Part of this Schedule the fire authority may maintain at that station the system of operational duties which was in force thereat immediately before the sixteenth day of May, 1948.

4.—(1) A member of a brigade whose usual place of duty is at a station to which this paragraph applies may volunteer to accept, in respect of periods when he would otherwise be off duty, obligations similar to those of a retained member of the brigade which are set out in sub-paragraph (1) (*b*) and (*c*) of paragraph 8 of the Fifth Schedule to these Regulations.

(2) This paragraph applies to a station at which the system of operational duties described in paragraph 2 of this Part of this Schedule either has been in force since before the sixteenth day of May, 1948, or has on or after that date been introduced by the fire authority after consultation with the accredited representatives of the members of the brigade whose usual place of duty is at the station.

5. In this Part of this Schedule "operational duties" means duties which include fire-fighting.

Part II

Control-room duties

The system of duty of a whole-time member of a brigade employed on control-room duties 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.

SECOND SCHEDULE

Annual Leave of Whole-time Members of a Brigade

Regulation 6.

Every member of a brigade shall, in each calendar year, so far as the exigencies of duty permit, be granted that number of days paid leave of absence set opposite in the subjoined Table to the rank which he holds:—

Table

Men

Firemaster, Assistant Firemaster	35 days
Divisional Officer	28 ,,
Column Officer	26 ,,
Senior Company Officer	26 ,,
Company Officer	24 ,,
Section Leader	21 ,,
Leading Fireman	21 ,,
Fireman	21 ,,

Women

Group Officer	26 days
Assistant Group Officer	24 ,,
Senior Leading Firewoman	21 ,,
Leading Firewoman	21 ,,
Firewoman	21 ,,

THIRD SCHEDULE

Regulation 7.

SICK LEAVE AND MEDICAL ATTENDANCE AND TREATMENT

1. Subject to the provisions of paragraphs 3 and 4 of this Schedule, a whole-time pensionable member of a brigade shall be entitled—

(*a*) to such periods of sick leave on full pay as the fire authority may consider necessary in his case in addition to the annual leave provided for in the Second Schedule to these Regulations, and

(*b*) to free medical attendance and treatment, including hospital treatment, dental treatment, and provision of dentures and spectacles and any special treatment:

Provided that a fire authority shall not be under any obligation to provide any medical attendance or treatment to which the member concerned may be otherwise entitled.

2. Subject to the provisions of the subsequent paragraphs of this Schedule, a whole-time member of a brigade other than a pensionable member may be granted any paid sick leave that would be granted in a corresponding case to employees of the council who are the fire authority or, where the fire authority is a joint committee constituted by an administration scheme, to any of the employees of any of the constituent authorities.

3. While a member of a brigade is on sick leave on full pay, his pay shall be reduced by the amount of any weekly payments that he receives under the Workmen's Compensation Acts, 1925 to 1943, by way of compensation for the injury or sickness causing the infirmity, and in the case of a member who is insured or treated as insured under the National Health Insurance Acts, 1936 to 1941, otherwise than as a voluntary contributor, by the amount of any sum that he receives or is entitled to claim under the last-mentioned Acts in respect of the incapacity caused by the infirmity, and by the amount of any payments that he receives or is entitled to claim under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939(a).

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 and medical attendance and treatment shall forthwith cease unless and until the fire authority determine to restore them or any of them.

5. In this Schedule a reference to a pensionable member of a brigade is a reference to a member of a brigade who, under the Firemen's Pension Scheme, is or is to be treated as a " fireman " for the purposes of that Scheme.

(a) 2 & 3 Geo. 6. c. 82.

FOURTH SCHEDULE

EMOLUMENTS OF WHOLE-TIME MEMBERS

Regulation 8.

PART I

Pay

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

2.—(1) The rate of pay of an officer holding one of the ranks set out in the subjoined Table shall be the amount set opposite in the Table to the rank that he holds:—

TABLE

Assistant Firemaster	£845 a year
Divisional Officer	£740 ,, ,,
Column Officer	£635 ,, ,,
Senior Company Officer	£530 ,, ,,
Company Officer	£475 ,, ,,

(2) The rate of pay of a group officer shall be £370 a year and the rate of pay of an assistant group officer shall be £300 a year.

3.—(1) The scale of pay for a section leader shall be as follows:—

	s.	d.	
During the 1st year of service after promotion ...	150	0	weekly
,, ,, 2nd ,, ,, ,, ...	153	0	,,
,, ,, 3rd ,, ,, ,, ...	156	0	,,
,, ,, 4th ,, ,, ,, ...	159	0	,,
,, ,, 5th ,, ,, ,, ...	162	0	,,
,, ,, 6th and subsequent years of service after promotion	165	0	,,

(2) The rate of pay of a senior leading firewoman shall be 110s. weekly.

4.—(1) The scale of pay for a leading fireman shall be as follows:—

	s.	d.	
During the 1st year of service after promotion ...	127	0	weekly
,, ,, 2nd ,, ,, ,, ...	130	0	,,
,, ,, 3rd ,, ,, ,, ...	133	0	,,
,, ,, 4th ,, ,, ,, ...	136	0	,,
,, ,, 5th ,, ,, ,, ...	139	0	,,
,, ,, 6th ,, ,, ,, ...	142	0	,,
,, ,, 7th and subsequent years of service after promotion	145	0	,,

Provided that where a fireman immediately before his promotion to leading fireman was in receipt of pay at a rate of 126s. weekly or any higher rate in the scale set out in paragraph 6 of this Part of this Schedule, he shall immediately on promotion be entitled to pay at the rate in the scale in this paragraph next above the rate of which he was so in receipt and shall thereafter receive an increment in the last-mentioned scale on each anniversary of the date on which he last received an increment in the first-mentioned scale.

(2) The rate of pay of a leading firewoman shall be 95s. weekly.

5. For the purpose of reckoning the period of service after promotion under the scales in paragraphs 3 and 4 of this Part of this Schedule of a member of a brigade who—

(*a*) on the sixteenth day of May, 1948, holds the rank of section leader or leading fireman,

(*b*) either has been transferred to the brigade from the National Fire Service or, having been discharged from that Service on the fifteenth day of May, 1948, has joined the brigade on the sixteenth day of May, 1948, and

(*c*) held a rank in the National Fire Service equivalent to or higher than the rank he holds on the sixteenth day of May, 1948, and continued to hold such equivalent or higher rank either up to the fifteenth day of May, 1948, or till he was reduced to a lower rank otherwise than as a punishment,

the said period of service after promotion shall be deemed to include the period during which he held such an equivalent or higher rank in the National Fire Service.

6.—(1) The pay of a fireman who has attained the age of twenty years shall be according to the following scale, but in applying that scale any service before attaining that age shall be disregarded:—

	s.	d.	
During the 1st and 2nd years of service	105	0	weekly
,, ,, 3rd year of service	108	0	,,
,, ,, 4th ,, ,, ...	111	0	,,
,, ,, 5th ,, ,, ...	114	0	,,
,, ,, 6th ,, ,, ...	117	0	,,
,, ,, 7th ,, ,, ...	120	0	,,
,, ,, 8th ,, ,, ...	123	0	,,
,, ,, 9th ,, ,, ...	126	0	,,
,, ,, 10th ,, ,, ...	129	0	,,
,, ,, 11th and subsequent years of service	132	0	,,

(2) The pay of a firewoman who has attained the age of twenty years shall be according to the following scale:—

	s.	d.	
During the 1st year of service	72	6	weekly
,, ,, 2nd ,, ,, ...	75	0	,,
,, ,, 3rd ,, ,, ...	77	6	,,
,, ,, 4th ,, ,, ...	80	0	,,
,, ,, 5th ,, ,, ...	82	6	,,
,, ,, 6th ,, ,, ...	85	0	,,
,, ,, 7th ,, ,, ...	87	6	,,
,, ,, 8th ,, ,, ...	90	0	,,

7.—(1) Subject to the provisions of sub-paragraph (5) of this paragraph, a fireman who has performed seventeen years of service may be granted a long service increment of 4s. a week in his pay if the firemaster is satisfied that he has shown zeal and proficiency in the performance of his duties and is well conducted.

(2) Subject as aforesaid, a fireman who has performed twenty-two years of service may be granted in lieu of the long service increment (if any) granted to him under sub-paragraph (1) of this paragraph a long service increment of 8s. a week in his pay if the firemaster is satisfied as aforesaid.

(3) As soon as a fireman has performed seventeen or, as the case may be, twenty-two years of service, the firemaster shall consider whether a long service increment shall be granted to him under sub-paragraph (1) or, as the case may be, sub-paragraph (2) of this paragraph.

(4) If the firemaster is of opinion that a fireman in receipt of a long service increment under this paragraph is not showing zeal or proficiency in the performance of his duties or that he is not well conducted, the

fireman shall be given a written warning of the opinion of the firemaster, and if at the end of a period of two months from the date of the warning or of such longer period as may be specified in the warning the firemaster is of the same opinion, the increment shall be withdrawn:

Provided that if after the last grant of an increment under this paragraph to a fireman—

(*a*) the fireman is guilty of an offence against discipline for which he is punished by a stoppage of pay amounting in the aggregate to 10s. or any greater punishment,

(*b*) the fireman is guilty during any period of twelve months of two offences against discipline for which he is punished, or

(*c*) the fireman is guilty of more than three offences against discipline for which he is punished,

the increment may be withdrawn without notice.

(5) No long service increment shall be granted under this paragraph to a fireman from whom a long service increment has been withdrawn under sub-paragraph (4) of this paragraph until a period of one year has elapsed from the date of withdrawal.

(6) The withholding or withdrawal of any increment under this paragraph shall be subject to confirmation by the fire authority.

8. In reckoning service in the brigade of a fireman or firewoman who either was transferred thereto from the National Fire Service or having been discharged from the National Fire Service joins the brigade before the sixteenth day of June, 1948, for the purposes of paragraphs 6 and 7 of this Part of this Schedule there shall be included—

(*a*) 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 in any rank 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),

but in calculating such service there shall be disregarded any period of service which was not whole-time paid service; 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(c), 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 re-join the National Fire Service, also any period of such war service after the thirty-first day of August, 1939.

9.—(1) The rate of pay for a fireman who has not attained the age of twenty years shall be as set out in the subjoined Table:—

TABLE	s.	d.	
During the 19th year of age	60	0	weekly
,, ,, 20th ,, ,, ,, ...	80	0	,,

(a) 1 & 2 Geo. 6. c. 72. (b) 4 & 5 Geo. 6. c. 15.
(c) 7 & 8 Geo. 6. c. 15.

(2) The rate of pay for a firewoman who has not attained the age of twenty years shall be as set out in the subjoined Table:—

TABLE

	s.	d.	
Before attaining the age of 17 years	40	0	weekly
During the 18th year of age	47	6	,,
,, ,, 19th ,, ,, ,, ...	55	0	,,
,, ,, 20th ,, ,, ,, ...	61	0	,,

10.—(1) A member of a brigade who has transferred thereto from another brigade shall, for any purpose for which service is to be reckoned under the preceding provisions of this Schedule, be entitled to count, in addition to his service in the brigade of which he is now a member, any service which he was entitled to count immediately before he so transferred.

(2) Where a member of a brigade has before joining the brigade retired from another brigade, the fire authority may, if they think fit, allow the whole or any part of the service which he was entitled to reckon immediately before so retiring to count for any purpose for which service is to be reckoned under the preceding provisions of this Schedule.

11. The rate of pay of a member of a brigade who is required, in addition to his ordinary duties, to act as assistant to an officer of higher rank may be increased by an amount determined, with the approval of the Secretary of State, by the fire authority.

PART II

Allowances

1. A fire authority shall provide the firemaster with a house or quarters free of rent and rates or shall pay him a rent allowance of an amount determined with the approval of the Secretary of State by the fire authority.

2.—(1) Subject to sub-paragraph (4) of this paragraph, a fire authority shall pay a male member of the brigade other than the firemaster a supplementary allowance in accordance with the provisions of this paragraph.

(2) The supplementary allowance shall be—

(*a*) a flat rate allowance for married men above the rank of section leader and for single men of any rank; and

(*b*) a maximum limit allowance for married men of the rank of section leader, leading fireman or fireman equal to the actual amount paid in rent and rates in each case if the accommodation is unfurnished and, if it is furnished, whatever amount the fire authority consider would be paid for similar unfurnished accommodation, subject to a limit equal to that fixed for the purposes of rent allowance under the Police (Scotland) Regulations(a), for married men in the corresponding ranks of the police force in the police area in which the member of the brigade is serving:

Provided that if a member of the brigade—

(i) is not living with his family, and

(ii) satisfies the firemaster that the only reason why he is not living with his family is that he is unable to find suitable accommodation for his family at a reasonable cost within a distance from his usual place of duty such that he can reasonably travel to his home for his off-duty periods

the maximum limit shall be that fixed in the police area in which his family resides.

For the purpose of this sub-paragraph the corresponding rank in a police force to that of fireman and leading fireman shall be the rank of constable and the corresponding rank to that of section leader shall be that of sergeant.

(a) S.R. & O. 1920 (No. 2113) II, p. 548, as amended.

(3) The flat rate allowance shall be that set opposite in the subjoined Table to the rank that the member in question holds:—

TABLE

Rank	Married	Single
Assistant Firemaster	£75 a year	£37 10s. 0d. a year
Divisional Officer	£75 ,,	£37 10s. 0d. ,,
Column Officer	£60 ,,	£30 ,,
Senior Company Officer	£50 ,,	£25 ,,
Company Officer	£50 ,,	£25 ,,
Section Leader		7s. 6d. weekly
Leading Fireman		5s. 0d. ,,
Fireman		5s. 0d. ,,

(4) Nothing in this paragraph shall entitle any member of a brigade to a supplementary allowance in respect of any period during which he is provided by the fire authority with free residential accommodation.

(5) For the purposes of this paragraph a member of a brigade shall be treated—

(*a*) as a married man, although he is divorced, if he is contributing regularly to the support of his former wife or that of a child of the marriage or, although he is a widower, if he has a dependent child;

(*b*) as a single man, although married, if he is legally separated or living apart from his wife and not contributing regularly to the support of his wife or that of a child of the marriage.

3.—(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—

(i) a married man, or

(ii) a single man or 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;

(*b*) is living apart from his family in lodgings or in sleeping accommodation on brigade premises; and

(*c*) satisfies the firemaster that the only reason why he is living apart from his family is that he is unable to find suitable accommodation for his family at a reasonable cost within a distance from his usual place of duty such that he can reasonably travel there for his off-duty periods.

(2) Subject to the provisions of sub-paragraph (4) 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 sleeping accommodation by the fire authority, in which case the amount of the lodging allowance shall be 17s. 6d. weekly.

(3) Subject to the provisions of sub-paragraph (4) 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 equal to the actual cost incurred by the member in question on board and lodging less a deduction of 1s. a day if his pay is £4 10s. a week or less, 1s. 6d. a day if his pay is greater than £4 10s. a week but not more than £375 per annum, and 2s. a day if his pay is more than £375 per annum, subject to a maximum and a minimum (varying according to whether he is or is

not provided with free sleeping accommodation by the fire authority) of the amounts set opposite in the subjoined Table to the rank that he holds:—

TABLE

Rank	If not provided with free sleeping accommodation by the fire authority		If provided with free sleeping accommodation by the fire authority	
	Maximum	Minimum	Maximum	Minimum
	s. d.	s. d.	s. d.	s. d.
Divisional Officer or officer of higher rank	47 0 wkly.	24 6 wkly.	33 0 wkly.	17 6 wkly.
Column Officer ... Senior Company Officer	45 6 ,,	24 6 ,,	32 0 ,,	17 6 ,,
Company Officer ... Group Officer ... ... Assistant Group Officer Section Leader ... Senior Leading Firewoman	38 6 ,,	24 6 ,,	27 6 ,,	17 6 ,,
	31 6 ,,	24 6 ,,	22 6 ,,	17 6 ,,

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

(5) 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.

4.—(1) A member of a brigade who, not being entitled to a lodging allowance under paragraph 3 of this Part of this Schedule and not being in receipt of a payment under sub-paragraph (5) of the said paragraph 3, has been transferred from his original station to another station and is thereby put to expense in travelling between that other station and his home in his off-duty periods additional to the expense of travelling between the original station and his home in such periods, may be paid the amount of such additional expense.

(2) In this paragraph the expression " original station " in relation to—

(*a*) a member of the brigade who became such a member on the sixteenth day of May, 1948, by virtue of any Regulations made by the Secretary of State under the Fifth Schedule to the Act or would have become such a member if he had not been discharged from the National Fire Service on the fifteenth day of May, 1948, means the first station at which he was stationed while a member of the National Fire Service, and

(*b*) any other member of the brigade means the first station at which he was stationed while a member of the brigade.

5.—(1) A member of a brigade who is absent on duty from his home and his usual place of duty for seven hours or more and necessarily incurs additional expense in obtaining food or lodging or both shall be paid a subsistence allowance in accordance with the provisions of this paragraph.

(2) The subsistence allowance shall be—

(*a*) at the night rate in respect of each time during such an absence it is necessary for him to procure sleeping accommodation;

(*b*) at the day rate in respect of—

(i) an absence of less than twenty-four hours if during such absence it is not necessary for him to procure sleeping accommodation;

(ii) any part of an absence of more than twenty-four hours which is left over after deducting from the total period of absence as many complete consecutive periods of twenty-four hours as possible if the part so left over is seven hours or more and during that part it is not necessary for him to procure sleeping accommodation;

and the amounts of the day rate and the night rate and their respective variations in respect of differing periods shall be those set opposite in the subjoined Table to the rank that the member in question holds:—

TABLE

Rank	Short Term (Rates per night)		Long Term (Rates per night)		Day Rates	
	11 nights or less in one place		28 nights or less in one place			
	First 7 nights	Thereafter	First 5 nights	Next 23 nights	10 hours or more	7 to 9 hours
Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)	Col. (6)	Col. (7)
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Divisional Officer or officer of higher rank	30 0	25 6	30 0	16 6	7 6	3 0
Column Officer Senior Company Officer	24 0	18 0	24 0	12 0	6 0	3 0
Company Officer Group Officer Assistant Group Officer	21 0	15 0	21 0	10 6	5 0	2 6
Section Leader Senior Leading Firewoman	17 6	12 6	17 6	7 6	4 0	2 3
Leading Fireman Fireman Leading Firewoman Firewoman	15 0	10 0	15 0	7 6	3 6	2 0

(3) If a member of a brigade is so absent for a continuous period exceeding twenty-eight days at one place, he shall, if he is such a person as is described in sub-paragraph (1) (*a*) of paragraph 3 of this Part of this Schedule, be paid a lodging allowance in respect of such excess period of absence of the amount specified in paragraph 3 of this Part of this Schedule.

(4) Where a member of a brigade is originally instructed to be so absent for a period of more than eleven days or, having been absent for less than eleven days, is instructed to prolong his absence for a period of more than eleven days, subsistence allowance shall be payable to him at the long term rates set out in the Table subjoined to sub-paragraph (2) of this paragraph, if he was originally instructed to be so absent, from the beginning of his absence or, if he was instructed to prolong his absence, from the third day after he received the instruction or the end of the eleventh day of his absence, whichever is the earlier.

(5) For the purpose of applying the Table subjoined to sub-paragraph (2) of this paragraph absence from the place to which a member of a brigade is originally sent from his usual place of duty for two days or less on duty or for any period on leave shall be disregarded.

(6) If it is necessary for the purpose of duty for a member of a brigade to lodge in the same lodging as another member of his brigade entitled to a higher rate of subsistence allowance, the member first mentioned may, while so lodging, be paid subsistence allowance at the rate next above that to which he would otherwise be entitled.

(7) Where a member of a brigade is required to report to the same place on a series of occasions to which this sub-paragraph applies, subsistence allowance shall be payable to him in respect of the seventh and succeeding of such occasions at half the rate set out in the Table subjoined to sub-paragraph (2) of this paragraph.

This sub-paragraph applies to a series of occasions each of which is separated from the previous one by a period of not more than three days and in respect of each of which the member would be entitled, but for this sub-paragraph, to subsistence allowance at the day rate.

(8) If a member of a brigade is so absent but is provided with free board or free lodging or both out of public funds, the fire authority may reduce the subsistence allowance or abrogate it.

(9) Nothing in this paragraph shall entitle a member of a brigade to subsistence allowance in respect of an absence from his usual place of duty for the purpose of attendance at a fire or other occurrence or at an exercise.

6. A fire authority may pay grants in circumstances and of amounts approved by the Secretary of State in respect of expenses incurred by members of brigades in taking up duty in consequence of their transfer to the brigade from the National Fire Service.

7. A fire authority shall repay to a member of a brigade above the rank of section leader or senior leading firewoman who is not supplied with uniform by the fire authority the cost of supplying and maintaining the necessary uniform within such maximum amounts as the fire authority, with the approval of the Secretary of State shall determine.

8. A member of a brigade of a rank below that of company officer or assistant group officer who is employed on a duty system maintained under paragraph 3 of Part I of the First Schedule to these Regulations which comprises duty periods of twelve hours or more may be provided with free meals—

(*a*) if the period of duty is not less than twelve but not more than twenty-four hours, to a value of 1s.;

(*b*) if the period of duty exceeds twenty-four hours, in respect of each complete period of twenty-four hours after the first, to a value of 1s. 6d.

9. Where a member of a brigade of the rank of company officer or assistant group officer or any higher rank was immediately before the sixteenth day of May, 1948, in receipt of free meals in accordance with the scale in paragraph 7 of this Part of this Schedule, he shall be entitled to the provision of free meals on that scale 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.

10.—(1) A member of a brigade whose usual place of duty is a station which it is necessary should be manned for operational duties for some part only of each day who undertakes the obligations of a retained member of the brigade set out in sub-paragraph (1) (*b*) and (*c*) of paragraph 8 of the Fifth Schedule to these Regulations in respect of periods when he would

otherwise be off duty shall be paid in respect of the performance of those obligations—

(*a*) annual retaining fees,
(*b*) turn-out fees, and
(*c*) attendance fees,

in accordance with the provisions of this paragraph.

(2) the annual retaining fee shall be that set opposite in the subjoined Table to the rank that he holds:—

TABLE

Section Leader	£12
Leading Fireman	£10
Fireman	£8

(3) The turn-out fee shall be payable if while he is on retained duty an appliance leaves the station in consequence of a fire or other occurrence and he is required either to attend the fire or other occurrence, to stand by at another station or to do telephone duties, and shall be that set opposite in the subjoined Table to the rank that he holds:—

TABLE

Section Leader	14s.
Leading Fireman	12s.
Fireman	10s.

(4) The attendance fee shall be payable if, in pursuance of retained duty, he attends at his station in response to a call within what the officer in charge considers to be a reasonable time and is not entitled in respect of that attendance to a turn-out fee, and shall be that set opposite in the subjoined Table to the rank that he holds:—

TABLE

Section Leader	7s.
Leading Fireman	6s.
Fireman	5s.

(5) Where the member has become entitled to a turn-out fee or to an attendance fee and remains on retained duty on that occasion for more than two hours from the time at which he first attended at the station in response to the call, he shall be paid in respect of each hour of retained duty after the first two hours of retained duty the amount set opposite in the subjoined Table to the rank that he holds:—

TABLE

Section Leader	4s.
Leading Fireman	3s.
Fireman	3s.

Any period over and above a complete number of hours and exceeding fifteen minutes shall for the purposes of this sub-paragraph be reckoned as a complete hour.

(6) In this paragraph " retained duty " means duty solely due to the obligations which he has undertaken in accordance with sub-paragraph (1) of this paragraph, and in computing for the purposes of this paragraph any period of retained duty any period during which he would have been on duty if he had not undertaken the said obligations shall be ignored.

11. A fire authority may, if they think fit, provide a member of a brigade with residential accommodation or a sleeping or living-place, whether freely or otherwise, and may, where any such provision is made, provide the occupants of any such accommodation or place with fuel and light whether freely or otherwise.

12. In this Part of this Schedule the expression " child or children " shall only refer to a child or children who are under sixteen years of age or receiving full time education.

FIFTH SCHEDULE

Regulation 9.

EMOLUMENTS OF PART-TIME MEMBERS

1. A retained member of a brigade shall be paid the following remuneration:—

(*a*) annual retaining fees,

(*b*) turn-out fees, and

(*c*) attendance fees,

in accordance with the provisions of this Schedule:

Provided that a female retained member shall not be entitled to turn-out fees.

2.—(1) The payment of a retaining fee shall be subject to the satisfactory fulfilment of the obligations set out in paragraph 8 of this Schedule and the satisfactory performance of the duties to which those obligations relate.

(2) The annual retaining fee shall—

(*a*) in the case of a male retained member of a brigade, be that set opposite in the subjoined Table to the rank that he holds:—

TABLE

Company Officer or officer of higher rank	£45
Section Leader	£24
Leading Fireman	£18
Fireman	£15; and

(*b*) in the case of a female retained member of a brigade, be £10:

Provided that—

(i) the annual retaining fee for a section leader in charge of a station shall be £36 and for a leading fireman in charge of a station £24;

(ii) if a retained member has enrolled on conditions requiring his attendance only during limited periods the retaining fee shall be proportionately reduced.

3.—(1) A turn-out fee shall be paid to a retained member if, while he is on duty, whether in response to a call or otherwise, an appliance leaves the station in consequence of a fire or other occurrence and he is required either to attend the fire or other occurrence, to stand by at another station or to do telephone duties.

For the purpose of this sub-paragraph the expression "fire or other occurrence" includes a training incident.

(2) The turn-out fee shall be that set opposite in the subjoined Table to the rank held by the retained member in question:—

TABLE

Company Officer or officer of higher rank	16s.
Section Leader	14s.
Leading Fireman	12s.
Fireman	10s.

4.—(1) An attendance fee shall be paid to a male retained member of a brigade who attends at his station in response to a call within what the officer in charge considers to be a reasonable time and is not entitled in respect of that attendance to a turn-out fee.

(2) An attendance fee shall be paid to a female retained member of a brigade who attends at her station in response to a call within what the officer in charge considers to be a reasonable time and performs watch-room duties.

(3) The attendance fee shall—

(*a*) in the case of a male retained member of a brigade, be the amount set opposite in the subjoined Table to the rank that he holds:—

TABLE

Company Officer or officer of higher rank	8s.
Section Leader	7s.
Leading Fireman	6s.
Fireman	5s.; and

(*b*) in the case of a female retained member of a brigade, be 5s.

5. Where a retained member of a brigade has become entitled to a turn-out fee or to an attendance fee and remains on duty on that occasion for more than two hours from the time, if he attended in response to a call, of his first attendance at the station, or from the time, if he was already on duty at the station when the fire or other occurrence was notified at the station, of such notification, he shall be paid in respect of each hour after the first two hours—

(*a*) in the case of a male retained member, the amount set opposite in the subjoined Table to the rank that he holds:—

TABLE

Company Officer or officer of higher rank	4s.
Section Leader	4s.
Leading Fireman	3s.
Fireman	3s.; and

(*b*) in the case of a female retained member, 2s.

Any period of such retention over and above a complete number of hours and exceeding fifteen minutes shall for the purposes of this paragraph be reckoned as a complete hour.

6. Where a retained member of a brigade undertakes in addition to his obligations as such to perform work in connection with the functions of the fire authority he may be paid at a rate of 3s. an hour while engaged on such work:

Provided that neither a turn-out fee nor an attendance fee shall be paid in connection with the performance of the said work.

Any period of time exceeding fifteen minutes over and above any continuous period of complete hours shall for the purposes of this paragraph be reckoned as a complete hour.

7. Nothing in this Schedule shall prevent a fire authority, with the consent of the Secretary of State, arranging to make special payments to a retained member of a brigade in compensation for wages lost where by reason of the peculiar circumstances of the member's ordinary occupation his retention on duty beyond a certain time involves a loss of remuneration disproportionate to the time during which he is so retained on duty.

8.—(1) The obligations of a male retained member of a brigade shall include an obligation—

(*a*) to attend at the station to which he is attached for training and maintenance duties for an average of two hours each week or such less time as the officer in charge of the station subject to any orders of the firemaster considers necessary;

(*b*) to attend promptly at the said station in response to a call at any time;

(*c*) to attend at any fire or other occurrence or to attend any other station for reserve or stand-by duties in accordance with the orders that he receives:

Provided that the said obligations may be limited either be pre-arrangement or with the sanction of any senior officer so as to provide that during specified periods he is not required to be available.

(2) The obligations of a female retained member of a brigade shall include an obligation—

(*a*) to attend at the station to which she is attached for maintenance and clerical duties for an average of two hours each month;

(*b*) to attend promptly at the said station in response to a call at any time and perform watch-room duties:

Provided that the said obligations may be limited either be pre-arrangement or with the sanction of any senior officer so as to provide that during specified periods she is not required to be available.

9.—(1) A volunteer member of a brigade shall be entitled to compensation for remuneration lost in his private employment by reason of the performance of the duties that he may have undertaken to perform.

(2) The said compensation shall be equal to whichever is the lesser of the two following amounts, namely, the amount of the said loss or the amount of the pay in respect of the period for which the loss is incurred appropriate to a whole-time member of a brigade holding the same rank as himself and, if that pay is prescribed by a scale, the minimum of that scale.

10. A volunteer member of a brigade who attends at his station or at a fire or other occurrence in response to a call, or attends at his station in pursuance of any obligation that he has undertaken to attend thereat at regular stated times for duties other than training, shall be entitled in respect of the tour of duty performed on each such attendance to a subsistence allowance of an amount in accordance with the subjoined Table:—

TABLE

Length of authorised tour of duty performed	Provision authorised
A tour of duty of less than 4 hours	9d.
A tour of duty of 4 hours or more but of less than 8 hours	1s. 6d.
A tour of duty of 8 hours or more but not exceeding 12 hours	3s. 0d.
A tour of duty exceeding 12 hours but not exceeding 18 hours	4s. 6d.
A tour of duty exceeding 18 hours but not exceeding 24 hours	6s. 0d.

Where a tour of duty exceeds twenty-four hours the subsistence allowance in respect of the excess period shall be of the amount appropriate if the tour had begun at the end of the first twenty-four hours:

Provided that the fire authority may instead of paying a subsistence allowance provide food and drink to a value of two-thirds of the appropriate subsistence allowance.

11.—(1) Where any part-time member of a brigade in consequence of injury or disease without his own default caused by or arising out of the performance of his duty as such loses remuneration in his private employment he shall be paid for so long as he continues to lose such remuneration or for a period of thirteen weeks, whichever is the less, compensation for such loss of remuneration at a rate equal to the loss or the pay appropriate to a whole-time member of a brigade holding the same rank

as himself and, if that pay is prescribed by a scale, the minimum of that scale, whichever is the less.

(2) In the case of a part-time member who is transferred from the National Fire Service to a brigade and, at the time of transfer, is in receipt of payments in respect of injury or disease caused by or arising out of the performance of his duty as a member of the National Fire Service the reference in sub-paragraph (1) of this paragraph to the performance of his duty as a member of the brigade shall include a reference to the performance of his duty as a member of the National Fire Service and in computing the period of thirteen weeks mentioned in the said sub-paragraph (1) there shall be included the period during which he was in receipt of the payments above-mentioned while a member of the National Fire Service.

(3) In computing loss of remuneration for the purposes of this paragraph there shall be deducted from such loss—

(*a*) any weekly payments that he receives under the Workmen's Compensation Acts, 1925 to 1943, by way of compensation for the injury or sickness causing the infirmity;

(*b*) in the case of a member who is insured or treated as insured under the National Health Insurance Acts, 1936 to 1941, otherwise than as a voluntary contributor, any sums that he receives or is entitled to claim under those Acts in respect of the incapacity caused by the infirmity, and

(*c*) any payments that he receives or is entitled to claim under any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939(a).

(4) Any payment under this paragraph shall cease at the date on which the member is discharged from the brigade with a pension under the Firemen's Pension Scheme.

12. In this Schedule the expression " retained member " in relation to a brigade means a part-time member of the brigade who has undertaken the obligations set out in paragraph 8 of this Schedule in return for the emoluments specified in paragraphs 1 to 7 of this Schedule, and the expression " volunteer member " in relation to a brigade means a part-time member of the brigade who has undertaken obligations as such a part-time member otherwise than as a retained member of the brigade.

SIXTH SCHEDULE

Suspension

Regulation 11.

1. Where a member of a brigade is suspended on the ground of absence from duty, the period of suspension shall, if the firemaster so directs, begin with the date which appears to him to be the date on which the absence commenced.

2. The period of suspension of a member of a brigade shall continue until either it is terminated by the firemaster or terminated by discharge from the brigade or until any disciplinary proceedings against the member of the brigade concerned have been concluded, whichever first happens:

Provided that where disciplinary proceedings have been contemplated but it has been decided that no such proceedings shall be taken, the firemaster shall forthwith terminate the suspension.

3. A member of a brigade who has been suspended shall not be entitled in respect of the period of suspension to any pay, but shall be paid—

(a) 2 & 3 Geo. 6. c. 82.

(*a*) if he has been suspended on the ground of absence from duty, such suspension allowance, if any, as may from time to time be directed by the firemaster;

(*b*) in any other case such suspension allowance not being less than half his pay as may from time to time be so directed:

Provided that—

(i) if the suspension of a member of a brigade terminates without his having been found guilty of an offence against discipline or a criminal offence, he shall receive in respect of the period of suspension the pay which he would, but for the suspension, have received less the amount of any suspension allowance paid to him;

(ii) where a member of a brigade is found guilty of an offence against discipline, the award in respect of the offence may contain a direction that the member shall be treated as having been suspended only for a specified part of the period of his suspension, and where a member is found guilty of a criminal offence the firemaster may give a similar direction, and where such a direction is given the member shall receive in respect of the remainder of that period of suspension the sum which he would have received in respect thereof if he had not been found guilty;

(iii) no suspension allowance shall be paid in respect of any period during which a member of a brigade is in legal custody following on a sentence of a court.

The Fire Services (Conditions of Service) (Scotland) (Amendment) Regulations, 1948

1948 No. 1499 (S. 133)

Made - - - -	*29th June*, 1948
Laid before Parliament	*1st July*, 1948
Coming into operation	*5th July*, 1948

In exercise of the powers conferred on me by paragraphs (*a*) and (*b*) of 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, 1948, and shall come into operation on the fifth day of July, 1948.

2. In the Third Schedule to the Fire Services (Conditions of Service) (Scotland) Regulations, 1948(**b**), (hereinafter referred to as "the principal Regulations") for paragraph 3 there shall be substituted the following paragraph:

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

(i) any sickness benefit to which he may be entitled under the National Insurance Act, 1946(**c**),

(ii) any injury benefit to which he may be entitled under the National Insurance (Industrial Injuries) Act, 1946(**d**),

(iii) any weekly payments which he may be entitled to receive under the Workmen's Compensation Acts, 1925 to 1943, as continued by subsection (1) of section eighty nine of the National Insurance (Industrial Injuries) Act, 1946(**d**), by way of compensation for the sickness or injury causing the infirmity, and

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(**a**) 10 & 11 Geo. 6. c. 41.
(**b**) S.I. 1948 No. 941, p. 1158 above.
(**c**) 9 & 10 Geo. 6. c. 67.
(**d**) 9 & 10 Geo. 6. c. 62.