the expression " reduction of pensionable emoluments ", in the case of a person to whom Regulation 2 or 3 of these Regulations applies, means any reduction of pensionable emoluments suffered by him of which account is to be taken for the purposes of these Regulations, determined in accordance with the provisions of paragraph (3) of Regulation 5 of these Regulations.

EXPLANATORY NOTE

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

These Regulations provide for the payment under certain conditions of compensation (a) to persons who by reason of the formation of the National Fire Service in 1941 suffered a loss of emoluments, (b) to former professional firemen who have been in the National Fire Service and, by reason of the transfer of the fire service to the new authorities administering fire brigades, suffer a reduction of emoluments and (c) to certain other persons formerly employed by local authorities who have been employed for the purposes of the National Fire Service otherwise than as members thereof, and who on again becoming employed under a local authority suffer a reduction of emoluments. Compensation will be by way of periodical payments, subject to commutation in certain cases. The annual rate of the payments to be made to a person before retirement will be assessed with regard to the total emoluments lost, and the annual rate of the payments to be made to a person after retirement on pension will be assessed with regard to any loss of pensionable emoluments. Provision is made for appeal to a tribunal and for review of the rate at which periodical payments have been assessed. The appropriate new authority receives and considers claims, makes the assessments and pays any person entitled, and the authorities responsible for bearing the cost of payments are, as to three-quarters, the Secretary of State, and as to one-quarter, the appropriate new fire brigade authority.

4. DISCIPLINE

(1) *England.* | (2) *Scotland*, p. 1064.

(1) ENGLAND

The Fire Services (Discipline) Regulations, 1948

1948 No. 545

Made - - - -	18*th March*, 1948
Laid before Parliament	19*th March*, 1948
Coming into Operation	1*st April*, 1948

In pursuance of the powers conferred on me by paragraphs (*c*) and (*d*) of 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.

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

2.—(1) The chief officer, 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.

3.—(1) The accused shall be ordered to state in writing whether he admits or denies the charge and shall be allowed to give to the chief officer any explanation he may wish.

(2) The accused shall be allowed to state the names and addresses of any witness to relevant facts whom he may desire to give evidence at the hearing of the case.

(3) Any such witness who is a member of the fire brigade shall be ordered to attend at the hearing of the case and any other witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

4.—(1) If the accused denies the charge, he shall, unless the chief officer is satisfied with any explanation which he has offered, be ordered to appear at the hearing of the case.

(2) The accused shall be entitled at the hearing to hear the evidence against him and have an opportunity of cross-examining the witnesses and of calling witnesses, giving evidence and making representations in his defence.

5.—(1) The fire authority may direct that any class or description of case shall be heard by them, but subject to any such direction the chief officer may decide either to hear the case himself or order the case to be heard by a tribunal consisting of one or more officers not being below the rank of Divisional Officer, Grade III.

(2) If the chief officer decides to hear the case himself, he may order an officer or officers of the fire brigade to assist him to hear the case as assessors.

(3) The chief officer or the officer or officers ordered by him to hear the case are hereafter in these Regulations referred to as the disciplinary tribunal.

(4) The disciplinary tribunal may at any time before the hearing is concluded refer the case for hearing, if the disciplinary tribunal is the chief officer, to the fire authority and, if the disciplinary tribunal is not the chief officer, to the chief officer.

(5) Where any case is referred for hearing under paragraph (4) of this Regulation the hearing shall be recommenced.

6. The disciplinary tribunal or, if the case is heard by the fire authority, the fire authority shall as soon as possible after the hearing of the case cause its decision to be notified in writing to the accused.

7. If the disciplinary tribunal is not the chief officer it shall only have power to impose a punishment of stoppage of pay, reprimand or caution.

8.—(1) If the disciplinary tribunal is not the chief officer and its decision is to impose a punishment of stoppage of pay or reprimand, its decision shall have no effect unless it is confirmed by the chief officer.

(2) If the disciplinary tribunal is the chief officer and his decision is to impose a punishment of dismissal, requirement to resign as an alternative to dismissal or reduction in rank, his decision shall have no effect unless it is confirmed by the fire authority.

(3) Any decision which requires confirmation may be confirmed with a reduction in the punishment.

(4) Where a decision is confirmed under the preceding paragraphs of this Regulation, it shall have effect from the date of the confirmation.

(5) The accused may, within three days of the notification to him of a decision of the disciplinary tribunal to impose a punishment other than a caution, appeal to the fire authority by giving notice in writing to that effect to the chief officer, and, where the decision is one which under paragraph (1) or (2) of this Regulation would have required confirmation, it shall, subject to such appeal, have effect without confirmation.

9.—(1) An appeal under paragraph (5) of Regulation 8 of these Regulations shall be heard by the fire authority.

(2) Any such appeal shall be by way of re-hearing, and paragraph (2) of Regulation 4 of these Regulations shall apply as it applies to the hearing of the case.

(3) After hearing an appeal the fire authority may either allow the appeal or dismiss the appeal with or without an increase or reduction in the punishment.

(4) If the fire authority increase the punishment, they may direct that the punishment shall take effect from a date later than that on which it took effect under the decision of the disciplinary tribunal and, if they do so, may give such directions as they think fit with respect to the period between those dates.

10. The fire authority shall as soon as possible after they have heard an appeal cause their decision to be notified in writing to the accused.

11. If the accused refuses or without sufficient cause fails to attend at the time and place appointed for hearing the case or, as the case may be, for hearing an appeal or is in legal custody, the hearing of the case or the appeal may be proceeded with and concluded in his absence.

12.—(1) At the hearing of a case the accused shall be entitled to have the assistance in presenting his defence of a person selected by himself who shall be a member of the fire brigade or, if the fire authority so permit, a member of another fire brigade:

Provided that if the disciplinary tribunal is not the chief officer the person so selected by the accused shall not be of a rank equal or superior to that of any member of the tribunal.

(2) At any appeal under the preceding provisions of these Regulations the accused shall be entitled to the assistance in presenting his appeal of a person selected by himself who need not be a member of a fire brigade.

PART II

Punishments

13. An offence may be punished by—

(*a*) dismissal;
(*b*) being required to resign as an alternative to dismissal forthwith or at such later date as may be specified;
(*c*) reduction in rank;
(*d*) stoppage of pay;
(*e*) reprimand;
(*f*) caution:

Provided that a stoppage of pay in respect of any one offence shall not continue after the expiration of three months from the date on which the imposition of the punishment takes effect and the amount of any stoppages (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the offender.

PART III

Appeals to the Secretary of State

14.—(1) Where the punishment imposed is dismissal, requirement to resign as an alternative to dismissal or reduction to a rank other than the rank in the brigade immediately below the one from which he was reduced, the accused shall, if he gives notice in writing to the fire authority within seven days of their decision being notified to him, be entitled to appeal to the Secretary of State against the decision.

(2) The Secretary of State shall, unless it appears to him that the case is of such a nature that it can properly be determined without taking oral evidence, and may, in any case, appoint one or more persons to hold an inquiry and report to him and shall after considering, where an inquiry has been held, the report of the person or persons who held the inquiry, either allow the appeal or dismiss the appeal with or without an increase or reduction in the punishment:

Provided that the Secretary of State may at any time remit a case for further consideration by the fire authority or, if an inquiry has been held, for further investigation by the person or persons who held the inquiry.

(3) Any inquiry held under this Regulation shall be by way of re-hearing and the procedure thereat shall, subject to the provisions of these Regulations and to any directions given by the Secretary of State, be such as the person holding the inquiry, or if there are two or more persons holding the inquiry the person presiding at the inquiry, may determine, and in particular any such inquiry may be held in private.

15. If the accused having been given not less than seven days' notice of the time and place fixed for the holding of an inquiry under the preceding Regulation does not appear at the time and place appointed or is in legal custody, the inquiry may proceed and be concluded in his absence.

16. At an inquiry held under this Part of these Regulations the accused shall be entitled to have the assistance in presenting his appeal of a person selected by himself who need not be a member of a fire brigade.

17. If the Secretary of State dismisses the appeal with an increase in the punishment, he may direct that the punishment shall take effect from a date later than that on which it took effect under the decision of the fire authority and, if he does so, may give such directions as he thinks fit with respect to the period between those dates.

PART IV

General

18.—(1) The fire authority may direct that their functions under the preceding provisions of these Regulations shall be exercised by a committee and, if they so direct, any reference in those provisions to the fire authority shall be construed as a reference to the committee.

(2) The fire authority may from time to time revoke any such directions and issue fresh directions.

19.—(1) Any reference in these Regulations to a chief officer shall be taken to include a reference to the deputy chief officer when exercising the functions of the chief officer.

(2) In these Regulations words importing the masculine gender shall include the feminine gender.

20.—(1) These Regulations may be cited as the Fire Services (Discipline) Regulations, 1948, and shall come into operation on the first day of April, 1948.

(2) These Regulations shall not apply to a fire brigade maintained by a Scottish fire authority.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
18th March, 1948.

SCHEDULE

Code of Offences against Discipline

A member of a fire brigade commits an offence against discipline if he is guilty of—

(1) Disobedience to orders, that is to say, if he disobeys, or without sufficient cause fails to carry out, any lawful order, whether in writing or not;

(2) Insubordination, that is to say, if he is insubordinate by word, act or demeanour;

(3) Abuse of authority, that is to say, if he abuses his authority by oppressive conduct;

(4) Neglect of duty, that is to say, if he—
- (*a*) without sufficient cause fails to attend to, or carry out, his duty promptly and diligently; or
- (*b*) by carelessness or neglect suffers any loss, damage or injury to occur to any person or property; or
- (*c*) without permission or sufficient cause leaves his station or place of duty; or
- (*d*) fails to report any matter which it is his duty to report; or
- (*e*) fails to make an entry, which it is his duty to make, in any book or document;

(5) Falsehood, that is to say, if he—
- (*a*) knowingly makes any false or misleading statement, whether in writing or not, in the course of his functions as a member of the fire brigade; or
- (*b*) without sufficient cause, destroys or mutilates any official book or document or alters or erases any entry therein;

(6) Breach of confidence, that is to say, if he divulges any matter which it is his duty to keep secret;

(7) Corrupt practice, that is to say, if he—
- (*a*) improperly uses his position as a member of the fire brigade for his private advantage; or
- (*b*) fails to account for, or to make a prompt and true return of, any money or property which comes into his possession in the course of his duties;

(8) Absence from duty, that is to say, if he, without reasonable excuse, is absent from duty or is late for any parade, drill or other attendance ;

(9) Damage to clothing or personal equipment, that is to say, if he—
- (*a*) wilfully or negligently damages any article of clothing or personal equipment with which he has been provided or entrusted or fails to take proper care thereof; or
- (*b*) fails to report any damage to or loss of any article of clothing or personal equipment, however caused;

(10) Drunkenness, that is to say, if, when on duty or liable to be called upon for duty, he is unfit for duty through drink; or

(11) Discreditable or disorderly conduct, that is to say, if he—
- (*a*) acts in a disorderly manner or in any manner prejudicial to discipline; or
- (*b*) while on duty or while off duty in uniform in a public place, is without reasonable excuse dirty or untidy in his person, clothing or personal equipment; or
- (*c*) acts in a manner likely to bring discredit on the reputation of the fire brigade.