(2) SCOTLAND

The Fire Services (Grant) (Scotland) Regulations, 1948

1948 No. 1752 (S. 150)

Made - - - -	*26th July*, 1948
Laid before Parliament	*27th July*, 1948
Coming into Operation	*28th July*, 1948

In exercise of the powers conferred on me by section twenty-five as read with subsection (17) of section thirty-six of the Fire Services Act, 1947(a), I hereby, with the consent of the Treasury, make the following Regulations:—

1. These Regulations may be cited as the Fire Services (Grant) (Scotland) Regulations, 1948, and shall come into operation on the twenty-eighth day of July, 1948.

2.—(1) In these Regulations—

(*a*) " the Act " means the Fire Services Act, 1947(a);

(*b*) " authority " means the council of a county or large burgh or any joint committee constituted in accordance with subsection (4) of section thirty-six of the Act;

(*c*) " year ", in relation to any authority, means the financial year of that authority.

(2) In these Regulations any reference to expenditure incurred by the Secretary of State under any provision of section twenty-three of the Act shall be construed as a reference to the net expenditure incurred by him thereunder after the deduction from the gross expenditure so incurred by him of any sums received by him, the receipt of which is attributable to his functions under the said provision.

(3) The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Subject to the provisions of these Regulations, there shall be payable by the Secretary of State to each authority in Scotland in respect of each year a grant equal to twenty-five per cent. of the net approved expenditure incurred by that authority in respect of that year.

(2) For the purposes of these Regulations no expenditure shall be treated as approved expenditure unless it was in the determination of the Secretary of State incurred in connection with the provision of fire services, and in reckoning for the said purposes the net approved expenditure incurred by an authority in respect of each year the following provisions shall have effect, that is to say:—

(*a*) no expenditure shall be reckoned unless it was incurred with the prior approval of the Secretary of State, or is expenditure either of a class in respect of which, or incurred in circumstances in which, the Secretary of State has dispensed with the need of obtaining such approval;

(*b*) if the amount of any item of expenditure is in the determination of the Secretary of State excessive, the excess of that amount over the amount determined by the Secretary of State to be reasonable shall not be reckoned; and

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(a) 10 & 11 Geo. 6. c. 41. (b) 52 & 53 Vict. c. 63.

(*c*) from the gross amount of the expenditure reckoned in accordance with the preceding provisions of this paragraph there shall be deducted such amount as in the determination of the Secretary of State ought to be deducted in respect of that year having regard to the sums which were, or ought to have been, received by that authority in connection with the provision of fire services.

4. The amount of the grant finally payable to an authority in pursuance of these Regulations in respect of any year shall be determined in accordance with the provisions of paragraph (2) of Regulation 3 of these Regulations by the Secretary of State after examination of such audited financial statements and such books, records, documents and accounts relating thereto as he may require, and the payment of the grant shall be dependent upon the Secretary of State being satisfied that the following conditions are fulfilled, that is to say:—

(*a*) that the authority have complied with any requirements imposed upon them by or under the Act;

(*b*) that efficient provision of fire services is made in the area of the authority;

(*c*) that the authority have submitted to the Secretary of State at such time and in such form as he may have required estimates of the expenditure to be incurred, and the amount to be received, by them in that year in connection with the provision of fire services;

and, if the Secretary of State is not satisfied as aforesaid, he may withhold the grant in whole or in part permanently or for such time as he may determine.

5. There may be apportioned in respect of each year to an authority to whom grants are payable under these Regulations a fraction, calculated in accordance with the appropriate provisions of the Schedule to these Regulations, of the expenditure incurred by the Secretary of State in respect of that year under paragraph (*a*) of subsection (1) of section twenty-three of the Act (which paragraph relates to the establishment and maintenance of a central training institution), and a fraction, calculated as aforesaid, of the expenditure incurred by the Secretary of State in respect of that year under paragraph (*b*) of the said subsection (1) (which paragraph relates to the establishment and maintenance of local training centres); and an amount equal to the sum of the two said fractions may be deducted from the grant payable under these Regulations to that authority in respect of that year.

6.—(1) The payment of any grant to an authority in pursuance of these Regulations shall be made at such times and in such manner as the Secretary of State may determine, and, pending the final determination of the grant payable to an authority in respect of any year, payments on account of the estimated amount thereof may be made from time to time to the authority by the Secretary of State.

(2) Where payments on account have been made as aforesaid, any balance found after such final determination to be due by or to the Secretary of State in account with any authority shall be paid to or recovered from the authority, and, without prejudice to any other method of recovery by the Secretary of State, recovery may be effected by deduction from any payments made under these Regulations in respect of a later year.

(3) The inclusion by the Secretary of State of the amount of any expenditure in a calculation of the amount of any payment on account shall not be

deemed to constitute an approval of the Secretary of State, for the purposes of paragraph (2) of Regulation 3 of these Regulations, of the incurring of any item of that expenditure.

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

We consent,

R. J. Taylor,
Wm. Hannan,
Two of the Lords Commissioners of His Majesty's Treasury.

26th July, 1948.

Regulation 5.

SCHEDULE

Apportionment of Expenditure Under Section 23 (1) (a)

1. The fraction of the expenditure incurred in respect of any year by the Secretary of State under paragraph (*a*) of subsection (1) of section twenty-three of the Act which may be apportioned to an authority in respect of that year shall be such fraction of the said expenditure as bears to the relevant part, as defined in paragraph 2 of this Schedule, of that expenditure the same proportion as, at the commencement of that year, the authorised strength of that authority bears to the total authorised strength in Scotland.

2. The relevant part referred to in paragraph 1 of this Schedule of the said expenditure is one-half of that part of the said expenditure which bears the same proportion to the total thereof as, at the commencement of the year in which the expenditure is incurred, the total authorised strength in Scotland bears to the total authorised strength in Great Britain.

Apportionment of Expenditure Under Section 23 (1) (b)

3. The fraction of the expenditure incurred in respect of any year by the Secretary of State under paragraph (*b*) of subsection (1) of section twenty-three of the Act which may be apportioned to an authority in respect of that year shall be three-fourths of such fraction of the said expenditure as bears to the said expenditure the same proportion as at the commencement of the year the authorised strength of that authority bears to the total authorised strength in Scotland.

Interpretation

4. In this Schedule—

(*a*) subject to the provisions of paragraph 5 of this Schedule " authorised strength," in relation to an authority at any time, means the number of members which, in accordance with the provisions of the establishment scheme, or, as the case may be, the administration scheme in force under the Act at that time in relation to that authority, is determined as the establishment of members of the fire brigade maintained by them;

(*b*) the expression " total authorised strength in Scotland " in relation to any time, means the sum of the numbers, determined in accordance with the provisions of paragraph 5 of this Schedule, of members which, in accordance with the provisions of the establishment schemes and administration schemes in force under the Act at that time in Scotland, are determined as the establishments of members of fire brigades maintained in pursuance of the Act in Scotland;

(*c*) the expression " total authorised strength in Great Britain," in relation to any time, means the sum of the numbers, determined in accordance with the provisions of paragraph 5 of this Schedule, of members which, in accordance with the provisions of the establishment schemes, combination schemes and administration schemes in force under the Act at that time in Great Britain are determined as the establishments of members of fire brigades maintained in pursuance of the Act in Great Britain.

Computation of Numbers

5.—(1) In computing for the purposes of paragraphs 1 and 2 of this Schedule the number of members which, in accordance with any such scheme as aforesaid, is determined as the establishment of members of a fire brigade—

(*a*) five retained members thereof, as defined in paragraph 12 of the Fifth Schedule to the Fire Services (Ranks and Conditions of Service) Regulations, 1948(a), or, as the case may be, in paragraph 12 of the Fifth Schedule to the Fire Services (Conditions of Service) (Scotland) Regulations, 1948(b) (that is to say, part-time members who have undertaken certain obligations in return for certain emoluments) shall be reckoned together as one member only of the brigade and not otherwise, and in a case where the number of such retained members in a brigade is not exactly divisible by five the odd number shall be disregarded; and

(*b*) any volunteer members thereof as defined in the said provisions (that is to say, part-time members who have undertaken obligations otherwise than as retained members) shall be disregarded.

(2) In computing for the purposes of paragraph 3 of this Schedule the number of members which, in accordance with any such scheme as aforesaid, is determined as the establishment of members of a fire brigade any members thereof being retained members or volunteer members within the meaning of sub-paragraph (1) of this paragraph shall be disregarded.

EXPLANATORY NOTE

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

These Regulations provide for the making of grants to fire authorities in Scotland in respect of their expenditure in connection with the provision of fire services. The payment of grant is dependent on the fulfilment of certain conditions and, subject to a certain deduction, the grant is equal to twenty-five per cent. of the net expenditure as reckoned in the manner specified in paragraph (2) of Regulation 3. The conditions are specified in Regulation 4 and include the condition that the fire authority has complied with any requirements imposed by or under the Fire Service Act, 1947. The deduction, which is provided for in Regulation 5 and the Schedule, is a sum equal to the authority's share of the net expenses incurred by the Secretary of State in providing and maintaining a central training institution and a local training centre. This share is computed, in respect of the central training institution, on the basis of the authorised strengths of whole-time and retained members of fire brigades throughout Great Britain, five retained members counting as one whole-time member, and, in respect of the local training centre, on the basis of the authorised strengths of whole-time members of fire brigades in Scotland.

(a) S.I. 1948 No. 546, p. 1127 below. (b) S.I. 1948 No. 941, p. 1158 below.