EXPLANATORY NOTE

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

Under Regulation 8 of the Fire Services (Pensionable Employment) Regulations, 1948, certain persons formerly in the National Fire Service who became employed under local authorities otherwise than as members of fire brigades are entitled to reckon their time in the National Fire Service up to two years for the purposes of local government superannuation if they pay to the local authority a percentage of the pay received by them in the National Fire Service during that time, and, under Regulation 11, in such cases there is payable by the Secretary of State to the authorities maintaining the appropriate superannuation funds sums based on the National Fire Service pay of those persons. Under these Regulations in any case where the National Fire Service pay of any such person over the relevant period was at a rate higher than that to which he first became entitled under the local authority, the payments to be made both by him and by the Secretary of State will be based on his rate of pay under the local authority instead of on the National Fire Service rate.

The Fire Services (Pensionable Employment) (No. 2) Regulations, 1949

1949 No. 2216

Made - - - -	*28th November,* 1949
Laid before Parliament	*29th November,* 1949
Coming into Operation	*30th November,* 1949

In pursuance of the powers conferred on me by section twenty-eight of the Fire Services Act, 1947(**a**), I hereby make the following Regulations:—

1. These Regulations shall apply in the case of a person who, ceasing to be a pensionable member of a fire brigade in order to enter on employment as a civil servant—

(*a*) is not granted an award other than a gratuity or award by way of return of contributions under the Firemen's Pension Scheme, 1948(**b**); and

(*b*) enters on such employment.

2. If such a person as is referred to in Regulation 1 of these Regulations within three months after the date on which he enters on employment as a civil servant—

(*a*) notifies the Department in which he is then employed that he desires these Regulations to apply to him,

(*b*) pays to the fire authority an amount equal to the amount of any gratuity or award by way of return of contributions made to him on ceasing to be a pensionable member of a fire brigade, and

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(a) 10 & 11 Geo. 6. c. 41. (b) *See* S.I. 1948 (No. 604) I, p. 1091.

(*c*) agrees to pay to the Treasury a sum equal to the amount of the balance of any sum he had undertaken to pay in accordance with the Eleventh Schedule to the Firemen's Pension Scheme, 1948(a), outstanding immediately before he ceased to be a pensionable member of a fire brigade,

then he shall be entitled to reckon, for the purposes of the Superannuation Acts, 1834 to 1949, a period equal to the period of pensionable service he was entitled to reckon immediately before he ceased to be a pensionable member of a fire brigade, increased by one-third, as if it had been a period of service as a civil servant continuous with his period of actual service as such.

3.—(1) Where a person is entitled to reckon service under the provisions of Regulation 2 of these Regulations, the fire authority shall pay to the Treasury a transfer value calculated in accordance with paragraph (2) of this Regulation.

(2) The transfer value shall be of a like amount to the transfer value which would have been payable under section twenty-nine of the Local Government Superannuation Act, 1937(b), had the person's service as a pensionable member of a fire brigade been service as a contributory employee of a local authority within the meaning of the said Act and had he within twelve months of ceasing to be so employed become such a contributory employee under another local authority, and for the purposes of calculating the said transfer value—

(*a*) the person shall be treated as though he had been employed as an officer;

(*b*) a reference to a period of contributing service shall be construed as a reference to a period equal to the period of pensionable service which the person was entitled to count immediately before he ceased to be a pensionable member of a fire brigade, increased by one-third;

(*c*) a reference to remuneration shall be construed as a reference to annual pensionable pay within the meaning of the Firemen's Pension Scheme, 1948:

Provided that, where he has given an undertaking to make payments in accordance with the Eleventh Schedule to the Firemen's Pension Scheme, 1948, the transfer value first mentioned in this paragraph shall be reduced by an amount equal to the balance outstanding under the said undertaking immediately before he ceased to be a pensionable member of a fire brigade.

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

"civil servant" means a person serving in an established capacity in the permanent civil service of the State who holds his appointment directly from the Crown or has been admitted into the civil service with a certificate from the Civil Service Commissioners;

"pensionable member of a fire brigade" means a person who is a fireman within the meaning of the Firemen's Pension Scheme, 1948, or who is treated as such for the purposes of that Scheme;

"pensionable service" has the meaning assigned to it in the Firemen's Pension Scheme, 1948.

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

(a) *See* S.I. 1949 No. 396, p. 1660 below and S.I. 1949 No. 1469, p. 1666 below.
(b) 1 Edw. 8 & 1 Geo. 6. c. 68.
(c) 52 & 53 Vict. c. 63.

6.—(1) These Regulations may be cited as the Fire Services (Pensionable Employment) (No. 2) Regulations, 1949, and shall come into operation on the thirtieth day of November, 1949.

(2) These Regulations shall not extend to Scotland.

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

Home Office,
Whitehall.
28th November, 1949.

EXPLANATORY NOTE

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

These Regulations provide in the case of a person transferring from the fire service to the civil service for the reckoning of pensionable service as a fireman as service for the purposes of the Superannuation Acts, 1834 to 1949.

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4. PENSION SCHEME

The Firemen's Pension Scheme Order, 1949

1949 No. 396

Made - - - -	*7th March,* 1949
Laid before Parliament	*9th March,* 1949
Coming into Operation	*On the day after the Order is laid before Parliament*

In exercise of the powers conferred on me by section twenty-six of the Fire Services Act, 1947(**a**), and of all other powers enabling me in that behalf, I hereby, with the approval of the Treasury and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, make the following Order:—

1.—(1) For sub-paragraph (*a*) of paragraph (2) of Article 6 of the Firemen's Pension Scheme, 1948, set out in the Appendix to the Firemen's Pension Scheme Order, 1948(**b**), there shall be substituted the following sub-paragraph:—

"(*a*) the infirmity of mind or body was occasioned by an injury received without his own default in the execution of his duties—

(i) as a fireman,

(ii) as a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925(**c**), whether or not a member of the London Fire Brigade, or as a member of a police force employed wholetime on fire brigade duties within the meaning of the Fire Brigades Act, 1938(**d**), or

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(**a**) 10 & 11 Geo. 6. c. 41.
(**b**) S.I. 1948 (No. 604) I, p. 1091.
(**c**) 15 & 16 Geo. 5. c. 47.
(**d**) 1 & 2 Geo. 6. c. 72.