(2) SCOTLAND

The Fire Services (Discipline) (Scotland) Regulations, 1949

1949 No. 2254 (S. 156)

Made - - - -	30*th November*, 1949
Laid before Parliament	5*th December*, 1949
Coming into Operation	6*th December*, 1949

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. For paragraph (2) of Regulation 16 of the Fire Services (Discipline) (Scotland) Regulations, 1948(b), there shall be substituted the following paragraphs:—

"(2) These Regulations shall not apply in relation to a member of a fire brigade who is an auxiliary fireman.

(3) In these Regulations the expression "auxiliary fireman" means a member of a fire brigade who is enrolled for service therein which is restricted except in a war emergency to such duties as are desirable for training.

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

2. These Regulations may be cited as the Fire Services (Discipline) (Scotland) Regulations, 1949, and shall come into operation on the 6th day of December, 1949.

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

St. Andrew's House,
Edinburgh, 1.
30th November, 1949.

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3. PENSIONABLE EMPLOYMENT

The Fire Services (Pensionable Employment) Regulations, 1949

1949 No. 71

Made - - - -	19*th January*, 1949
Laid before Parliament	20*th January*, 1949
Coming into Operation	27*th January*, 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.—(1) Where the total amount of the pay reckoned in accordance with paragraph (2) of Regulation 8 of the Fire Services (Pensionable Employment) Regulations, 1948(d), received by a person to whom the said Regulation 8 applies in his employment in the National Fire Service in respect of the period commencing on the first day of April, 1946, and ending on the thirty-

(a) 10 & 11 Geo. 6. c. 41.
(b) S.I. 1948 (No. 942) I, p. 1064.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1948 (No. 581) I, p. 1076.

first day of March, 1948, was greater than his comparable remuneration under a local authority, then, notwithstanding anything in the said paragraph (2), the payment referred to in paragraph (1) of the said Regulation 8 to be made by him shall be an amount equal to six per cent. of his said comparable remuneration under a local authority.

(2) In this Regulation, in relation to any person, the expression "his comparable remuneration under a local authority" means the total amount of the remuneration as defined in sub-section (1) of section forty of the Local Government Superannuation Act, 1937(a), which he would be entitled to receive in respect of the employment under a local authority upon which he entered on the first day of April, 1948, and in respect of—

(*a*) in the case of a person whose period of continuous service in the National Fire Service immediately before the first day of April, 1948, commenced on or before the first day of April, 1946, a period of two years commencing on the first day of April, 1948, and

(*b*) in the case of any other person, a period commencing on the first day of April, 1948, and continuing for a time equal to the period of his continuous service in the National Fire Service immediately before the said first day of April, 1948,

if in either case he continued throughout that period to be in the said employment and remunerated at a rate the same as that to which he became entitled on the said first day of April, 1948.

2. Where the payment referred to in paragraph (1) of Regulation 8 of the Fire Services (Pensionable Employment) Regulations, 1948, to be made by any person is determined in accordance with Regulation 1 of these Regulations instead of in accordance with paragraph (2) of the said Regulation 8, then, for the purpose of determining the sum payable under Regulation 11 of the said Fire Services (Pensionable Employment) Regulations, 1948, by the Secretary of State in respect of that person, the said Regulation 11 shall have effect as if—

(*a*) the definition substituted by sub-paragraph (*c*) of paragraph (2) thereof for the definition of "remuneration" contained in paragraph 1 of the First Schedule to the Local Government Superannuation (Transfer Value) Regulations, 1939(b), were as follows, that is to say:—

"'remuneration', in relation to any employee, means the remuneration, as defined in subsection (1) of section forty of the Act, to which he became entitled on first entering upon employment under a local authority after the material date;", and

(*b*) the reference in paragraph (3) thereof to the amount paid under Regulation 8 of the said Fire Services (Pensionable Employment) Regulations, 1948, were a reference to the amount paid under the said Regulation as modified by Regulation 1 of these Regulations.

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

4. These Regulations may be cited as the Fire Services (Pensionable Employment) Regulations, 1949, and shall come into operation on the twenty-seventh day of January, 1949.

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

Home Office,
Whitehall.
19th January, 1949.

(a) 1 Edw. 8. & 1 Geo. 6. c. 68. (b) S.R. & O. 1939 (No. 329) II, p. 2604.
(c) 52 & 53 Vict. c. 63.

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.