(2) SCOTLAND

The Fire Services (Pensionable Employment) (Scotland) Regulations, 1948

1948 No. 1608 (S. 142)

Made - - - -	*7th July*, 1948
Laid before Parliament	*12th July*, 1948
Coming into Operation	*13th July*, 1948

In exercise 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 may be cited as the Fire Services (Pensionable Employment) (Scotland) Regulations, 1948, shall come into operation on the thirteenth day of July, 1948, and shall apply to Scotland only.

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

" the appointed day " means the sixteenth day of May, 1948;

" contributing service " has the same meaning as in the Local Government Superannuation (Scotland) Act, 1937(b);

" local Act authority " and " local Act scheme " have the same meaning as in the Local Government Superannuation (Scotland) Act, 1937(b);

" local Act scheme service " in relation to any person means service reckonable as service, or as a period of contribution, for the purpose of calculating his superannuation allowance under the local Act scheme;

" local authority " has the same meaning as in the Local Government Superannuation (Scotland) Act, 1937(b).

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

3. Regulation 5 of the Fire Services (Pensionable Employment) Regulations, 1948(d) (which Regulation enables a former professional fireman who has entered the civil service of the Crown to reckon his fire brigade service as pensionable service for the purpose of the Superannuation Acts, 1834 to 1936) and so much of Regulations 10 and 12 thereof (which relate respectively to the payment of transfer values in the case of such firemen as aforesaid and to the interpretation of the said Regulations) as is related to the said Regulation 5 shall extend to Scotland and shall have effect in relation to any person otherwise qualified under the said Regulation 5 notwithstanding that his entry upon employment in the civil service of the Crown takes place more than one month after the appointed day as defined in the said Regulations, if the said person is designated in that behalf by the Secretary of State.

4.—(1) Where any person who—

(*a*) was employed in the National Fire Service;

(*b*) is not a person to whom any Regulations made under paragraph 7 of the Schedule to the Fire Services (Emergency Provisions) Act, 1941(e), applied immediately before he ceased to be employed in the National Fire Service; and

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(a) 10 & 11 Geo. 6. c. 41.
(b) 1 Edw. 8 & 1 Geo. 6. c. 69.
(c) 52 & 53 Vict. c. 63.
(d) S.I. 1948 No. 581, p. 1076 above.
(e) 4 & 5 Geo. 6. c. 22.

(*c*) is one of a class of fireman in whose case, by reason that they were expected to enter upon pensionable employment as members of fire brigades, deductions were by direction of the Secretary of State made from the pay received by them in respect of their employment in the National Fire Service;

entered on the appointed day upon employment under a local authority otherwise than as a member of a fire brigade, he shall, if he makes to the authority maintaining the appropriate superannuation fund in relation to the employment upon which he entered the payment provided for in paragraph (2) of this Regulation, be entitled to reckon all service performed by him in his employment in the National Fire Service after the fifteenth day of May, 1946, as contributing service under the said authority if that authority are not a local Act authority, or as local Act scheme service under the said authority if that authority are a local Act authority.

(2) The payment referred to in paragraph (1) of this Regulation is a payment equal to the following amount, that is to say, six per cent. of the total amount of pay received by him in his employment in the National Fire Service in respect of the period commencing on the sixteenth day of May, 1946, but in reckoning the said total amount, if that person was, for any period, holding a rank to which his promotion had by virtue of paragraph (3) of Regulation 7 of the National Fire Service (General) Regulations, 1944(**a**), been expressed to be temporary only, his pay during the last-mentioned period shall be deemed to have been the pay which he would have received if the said promotion had not been made.

(3) In this Regulation " pay " in relation to any person means pay actually received by that person and does not include the value of free quarters or of fuel or light supplied without charge nor allowances towards rent or towards the cost of lodgings, fuel or light, nor allowances to meet expenses on subsistence, travelling or the cost of uniform or boots, nor other like allowances.

(4) Where any person is, by virtue of this Regulation, entitled to reckon any service as contributing service or as local Act scheme service, the payment made by him by virtue of this Regulation shall be deemed to have been made by him by way of contributions made in respect of contributing service for the purposes of the Local Government Superannuation (Scotland) Act, 1937(**b**), or, as the case may be, in respect of local Act scheme service for the purposes of the local Act scheme, to the authority maintaining the appropriate superannuation fund in relation to the employment upon which he entered as aforesaid.

(5) Where any person on the appointed day entered upon employment under a local authority and is, by virtue of this Regulation, entitled to reckon any service as contributing service or as local Act scheme service, there shall be payable by the Secretary of State to the authority maintaining the appropriate superannuation fund in relation to the employment on which that person entered a sum in respect of that person determined in accordance with the succeeding provisions of this Regulation.

(6) In determining the said sum, subsection (1) of section twenty-four of the Local Government Superannuation (Scotland) Act, 1937(**b**), and paragraph (1) of Regulation 3 of, and the First Schedule to, the Local Government Superannuation (Transfer Value) (Scotland) Regulations, 1939(**c**), (which provide for the payment of transfer values in certain cases where employees of a local authority cease to be employed by them and become

(**a**) S.R. & O. 1944 (No. 1077) I, p. 107.
(**b**) 1 Edw. 8 & 1 Geo. 6. c. 69.
(**c**) S.R. & O. 1939 (No. 559) II, p. 2614.

employed by another local authority) shall apply as if a transfer value were being calculated thereunder and—

(*a*) as if the Crown were a local authority maintaining a superannuation fund within the meaning of the said Act and as if the person in respect of whom the sum is payable had immediately before the appointed day been a contributory employee employed by such authority, and had then ceased to hold his employment under them;

(*b*) as if all the service which that person is entitled to reckon as aforesaid had been contributing service under such authority; and

(*c*) as if in paragraph 1 of the First Schedule to the said Regulations for the definition of " remuneration " there were substituted the following definition—" ' remuneration ' in relation to any employee means the pay computed at an annual rate which he was entitled to receive in his employment in the National Fire Service on the material date, so however that if he was then holding a rank to which his promotion had by virtue of paragraph (3) of Regulation 7 of the National Fire Service (General) Regulations, 1944(a), been expressed to be temporary only the pay which he was entitled to receive as aforesaid shall be deemed to have been that which he would have been entitled to receive if the said promotion had not been made and for the purposes of this definition the expression ' pay ' means pay actually receivable and does not include the value of free quarters or of fuel or light supplied without charge nor allowances towards rent or towards the cost of lodging, fuel or light nor allowances to meet expenses on subsistence, travelling or the cost of uniform or boots, nor other like allowances."

(7) From the amount of the value so ascertained there shall be deducted an amount equal to the amount paid under this Regulation by the person entering upon employment and the resulting amount shall be the sum payable by the Secretary of State as aforesaid to the authority maintaining the appropriate superannuation fund in relation to the employment upon which that person entered.

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

St. Andrew's House,
Edinburgh, 1.
7th July, 1948.

EXPLANATORY NOTE

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

Under these Regulations a former pensionable member of a fire brigade is enabled on entering the civil service to reckon for the purposes of the Superannuation Acts service which he was entitled to reckon under his former pension enactments, and provision is made for a transfer value payment by his former authority to the Secretary of State. Persons who served in the National Fire Service but had no past pensionable service and who entered local government service are on making prescribed payments enabled to reckon part of their fire service for the purposes of the relevant enactments, and provision is made for a transfer value payment by the Secretary of State to the authority maintaining the appropriate superannuation fund.

(a) S.R. & O. 1944 (No. 1077) I, p. 107.