1958 No. 540 (S. 25)

The Fire Services (Pensionable Employment) (Scotland) Regulations, 1958

Made - - - -	*26th March*, 1958
Laid before Parliament	*2nd April*, 1958
Coming into Operation	*14th April*, 1958

In exercise of the powers conferred on me by section 28 of the Fire Services Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Fire Services (Pensionable Employment) (Scotland) Regulations, 1958, and shall come into operation on the 14th day of April, 1958.

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

"Firemen's Pension Scheme" means the scheme for the time being in operation under section 26 of the Fire Services Act, 1947;

"local Act scheme" has the meaning assigned to it in the Local Government Superannuation (Scotland) Act, 1937(b);

"pensionable employment" means employment under a local authority which is pensionable under the Local Government Superannuation (Scotland) Act, 1937, or a local Act scheme;

"pensionable service" has the meaning assigned to it in the Firemen's Pension Scheme;

"regular fireman" means a member of a fire brigade in Scotland of a class prescribed by the Firemen's Pension Scheme for the purpose of section 2 of the Fire Services Act, 1951(c).

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

3. These regulations shall apply in the case of a person who, ceasing to be a regular fireman in order to enter on pensionable employment under a local authority—

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

(*b*) enters on pensionable employment.

4. If such a person as is referred to in Regulation 3 of these regulations, within three months after the date on which he enters on pensionable employment—

(*a*) notifies the local authority maintaining the superannuation fund to which he is then a contributor that he desires these regulations to apply to him;

(a) 10 & 11 Geo. 6. c. 41. (b) 1 Edw. 8 & 1 Geo. 6. c. 69. (c) 14 & 15 Geo. 6. c. 27. (d) 52 & 53 Vict. c. 63.

(*b*) pays to that 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 regular fireman ; and

(*c*) agrees to pay a sum equal to the amount of the balance of any sum he had undertaken to pay by regular instalments in accordance with the provisions of the Firemen's Pension Scheme, which was outstanding immediately before he ceased to be a regular fireman, as though the said sum were payable in accordance with the regulations for the time being in force under subsection (3) of section 2 of the Local Government Superannuation Act, 1953(a), or, where he is subject to a local Act scheme, in accordance with the provisions thereof,

then he shall be entitled to reckon a period equal to the period of pensionable service he was entitled to reckon immediately before he ceased to be a regular fireman increased by one-third—

(i) for the purposes of the Local Government Superannuation (Scotland) Acts, 1937 to 1953(**b**), and any regulations made thereunder, as if it had been a period of contributing service, or

(ii) for the purposes of a local Act scheme, as if it had been a period of service or contribution within the meaning of that scheme, as the case may be,

and his aggregate contributions, within the meaning of the Firemen's Pension Scheme, in respect of the said period of pensionable service shall be deemed to have been contributions in respect of contributing service for the purposes of the Local Government Superannuation (Scotland) Acts, 1937 to 1953, and any regulations made thereunder or, as the case may be, in respect of service for the purposes of a local Act scheme, made upon his entry on pensionable employment to the superannuation fund to which he is a contributor.

5.—(1) Where a person is entitled to reckon service under the provisions of Regulation 4 of these regulations, the fire authority shall pay to the local authority maintaining the superannuation fund to which he is a contributor a transfer value calculated in accordance with paragraph (2) of this regulation.

(2) The transfer value shall be of an amount equal to the amount of the transfer value which would have been payable under section 24 of the Local Government Superannuation (Scotland) Act, 1937, and the regulations made thereunder and for the time being in force, had the person's service as a regular fireman been pensionable employment and had he within twelve months of ceasing to be so employed entered on pensionable employment 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 in the said regulations 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 regular fireman, increased by one-third ; and

(*c*) any reference in the said regulations to remuneration shall be construed as a reference to the annual value of the person's pensionable pay,

(**a**) 1 & 2 Eliz. 2. c. 25. (**b**) 1 Edw. 8 & 1 Geo. 6. c. 69 ; 2 & 3 Geo. 6. c. 18 ; 1 & 2 Eliz. 2. c. 25.

within the meaning of the Firemen's Pension Scheme, immediately before he ceased to be a regular fireman, any retrospective increase therein granted after that time being ignored:

Provided that the transfer value first mentioned in this paragraph shall be reduced—

(i) by an amount equal to any sum which the fire authority may become liable to pay by way of income tax in respect of the transfer value;

(ii) by 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 regular fireman; and

(iii) where the person has given an undertaking to pay a sum by regular instalments in accordance with the provisions of the Firemen's Pension Scheme, by an amount equal to the balance outstanding under the said undertaking immediately before he ceased to be a regular fireman.

6. In the application of these regulations to a person who enters on pensionable employment in England or Wales, for any reference to the Local Government Superannuation (Scotland) Act, 1937, or the Local Government Superannuation (Scotland) Acts, 1937 to 1953, there shall be substituted a reference to the Local Government Superannuation Act, 1937(**a**), or as the case may be, to the Local Government Superannuation Acts, 1937 to 1953(**b**).

7. The Fire Services (Pensionable Employment) (Scotland) Regulations, 1953(**c**), are hereby revoked save in their application to a person who ceased to be a regular fireman before the coming into operation of these regulations.

Dated this 26th day of March, 1958.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

These regulations reproduce the provisions of the Fire Services (Pensionable Employment) (Scotland) Regulations, 1953 (which are revoked by Regulation 7) with amendments which take account of changes in Fire Service and Local Government pension arrangements. They provide that where a regular fireman enters other pensionable employment under a local authority he shall be enabled to reckon his pensionable service in the fire brigade for pension purposes in his new employment and that in such case the fire authority shall pay a transfer value.

(a) 1 Edw. 8 & 1 Geo. 6. c. 68. 1 & 2 Eliz. 2. c. 25. (b) 1 Edw. 8 & 1 Geo. 6. c. 68; 2 & 3 Geo. 6. c. 18; (c) S.I. 1953/446 (1953 I, p. 782).