1973. No. 310 **[C]**

FIRE SERVICES

Transfer of Officers

SCHEME, DATED 5TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 16B OF THE FIRE SERVICES ACT (NORTHERN IRELAND) 1969.

The Ministry of Home Affairs hereinafter referred to as the Ministry on behalf of the Secretary of State and in exercise of its powers under Section 16B of the Fire Services Act (Northern Ireland) 1969(a) hereinafter referred to as the Act and of every other power enabling it in that behalf, hereby makes the following Scheme:—

Title and commencement

1. This Scheme may be cited as the Fire Services (Transfer of Officers) Scheme (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Transfer of Officers

2.—(1) Any fire officer or other officer or servant employed on 30th September 1973 by the Northern Ireland Fire Authority or by the Belfast County Borough Council wholly or mainly for the purposes of its functions as a fire authority and any retained fireman serving with the Northern Ireland Fire Authority on 30th September 1973 shall subject to this Article be transferred to the Fire Authority for Northern Ireland on 1st October 1973.

(2) This Scheme shall not apply to any person whose employment is to be terminated on 30th September 1973 otherwise than by virtue of the cessation of the Northern Ireland Fire Authority or the Belfast County Borough Council as fire authorities under the Fire Services (Northern Ireland) Order 1973(b).

(3) An officer who has elected to be subject to the provisions of Article 3 of the Superannuation (Northern Ireland) Order 1973(c) shall not be transferred under this Scheme.

(4) The Northern Ireland Fire Authority and Belfast County Borough Council shall ensure that each officer is informed of his treatment under Section 16B of the Act(d) and this Scheme.

(5) The statement of new terms and conditions of employment referred to in Section 16B(2) of the Act shall contain information as to how any unresolved question shall be determined and the department to which any unresolved question should be reported in accordance with Article 3.

(a) 1969 c. 13 (N.I.).
(b) S.I. 1973 No. 601 (N.I. 9).
(c) S.I. 1973 No. 962 (N.I. 13).
(d) See that section as inserted in the Act by Article 6 of S.I. 1973 No. 601 (N.I. 9).

Determination of questions as to duties or conditions of service

3. Any question in relation to a person transferred by or under Article 2 which cannot be resolved between him and the Fire Authority for Northern Ireland as to whether for the purposes of Section 16B(3):

(*a*) he is engaged in duties which are reasonably comparable; or

(*b*) his other terms and conditions of service taken as a whole are less favourable;

may be reported to the Ministry of Health and Social Services and if it is not otherwise disposed of, that Ministry may refer it for determination by a Tribunal appointed for the purpose. Such reports shall be made within 28 days of the date on which the officer is served with the written statement of his new terms and conditions of service required by Section 16B(2) of the Act.

Superannuation

4. For the purposes of—

(*a*) the Firemen's Pension Scheme Order (Northern Ireland) 1971(e);

(*b*) any pension scheme established by the Belfast County Borough Council from time to time in force and applicable to persons wholly or mainly employed on 30th September 1973 by the said Council for the purposes of its functions as a fire authority; and

(*c*) the Local Government (Superannuation) Regulations (Northern Ireland) 1962(f):

a person transferred by or under Article 2 shall not be regarded as having ceased to be employed by an employing authority.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 5th day of September 1973.

(L.S.)

E. N. Barry,
Assistant Secretary.

EXPLANATORY NOTE

(*This note is not part of the Scheme but is intended to indicate its general purport.*)

This Scheme provides for the transfer of fire service personnel employed by the Belfast County Borough Council and the Northern Ireland Fire Authority to the Fire Authority for Northern Ireland from its inception on 1st October 1973.

(e) S.R. & O. (N.I.) 1971 No. 33. (f) S.R. & O. (N.I.) 1962 No. 210.