STATUTORY INSTRUMENTS

1965 No. 1905

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) (No. 2) Order 1965

Made - - - -	*2nd November* 1965
Laid before Parliament	*9th November* 1965
Coming into Operation	*15th November* 1965

In exercise of the powers conferred on me by section 26 of the Fire Services Act 1947(a), as amended and extended by section 8 of the Fire Services Act 1959(b), 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. For Article 42 of the principal Scheme (which relates to the repayment of contributions on dismissal) there shall be substituted the following Article:—

"*Repayment of contributions on dismissal*

42.—(1) Where a regular fireman is dismissed from the brigade otherwise than for one of the offences mentioned in paragraph (3), the fire authority shall repay to him his aggregate contributions.

(2) Where a regular fireman is dismissed from the brigade for one of the offences mentioned in paragraph (3), the fire authority may in their discretion—

(*a*) repay to him his aggregate contributions wholly or in part;

(*b*) apply his aggregate contributions wholly or in part for the benefit of his dependants;

(*c*) retain his aggregate contributions wholly or in part.

(3) The offences referred to in paragraphs (1) and (2) are the following disciplinary offences:—

(*a*) by carelessness or neglect suffering any loss, damage or injury to occur to any person or property (which offence is specified in paragraph (4)(*b*) of the code of disciplinary offences set out in the Schedule to the Fire Services (Discipline) Regulations 1948(c) and in the Schedule to the Fire Services (Discipline) (Scotland) Regulations 1953(d));

(*b*) failing to account for, or to make a true return of, any money or property which comes into the fireman's possession in the course of his duties (which offence is specified in paragraph (7)(*b*) of the said code), and

(*c*) wilfully or negligently damaging any article of clothing or personal equipment with which the fireman has been provided or entrusted or failing to take proper care thereof (which offence is specified in paragraph (9)(*a*) of the said code).".

(a) 10 & 11 Geo. 6. c. 41. (b) 7 & 8 Eliz. 2. c. 44.
(c) S.I. 1948/545 (Rev. VII, p. 757: 1948 I, p. 1059). (d) S.I. 1953/1086 (1953 I, p. 766).

2. For Article 66 of the principal Scheme (which provides for the modification of the Scheme in relation to certain persons serving on 10th July 1956) there shall be substituted the following Article :—

"*Modification of Scheme*

66—(1) Subject to paragraph (3), this Article shall apply in the case of a person who—

(*a*) was, on 10th July 1956, a regular fireman or a serviceman performing relevant service in the armed forces ; or

(*b*) was, on 10th July 1956, in receipt of an ill-health pension and subsequently, but before 1st August 1964, resumed service in his brigade in the circumstances and within the period mentioned in Article 6(3),

not being a person who exercised his right of election under Article 60 of the Firemen's Pension Scheme 1956(a) or to whom that Article ceased to apply.

(2) In the case of a person to whom this Article applies this Scheme shall have effect subject to the modifications set out in Schedule 9.

(3) Where a person to whom this Article applies has ceased to serve as a regular fireman in any particular brigade, this Article shall not apply to him in relation to any subsequent period during which he serves as a regular fireman in the same or another brigade, beginning on or after 1st August 1964, unless he becomes entitled under Article 31(1) or (3) to reckon as pensionable service the period which is so reckonable on his ceasing to serve.".

3.—(1) In Article 71(1) of the principal Scheme (which relates to the age of compulsory retirement) for the words "paragraph (2)" there shall be substituted the words "paragraphs (1A) and (2)".

(2) After the said Article 71(1) there shall be inserted the following paragraph :—

"(1A) Without prejudice to the extension under paragraph (1) of the service of such a member of a brigade as is therein mentioned, in the case of a regular fireman of the rank of station officer or any lower rank, if the fireman so elects by notice in writing to the fire authority, that authority may extend his service by such period, if any, not exceeding 6 months from his attaining the age of 55 years as is requisite to enable him to reckon—

(*a*) an additional completed year of pensionable service, in the case of a member who will be entitled to reckon less than 20 years' pensionable service on attaining that age, or

(*b*) an additional completed half year of pensionable service, in any other case.".

4. After paragraph 5 of Schedule 9 to the principal Scheme (which modifies the Scheme in its application to certain firemen serving on 10th July 1956) there shall be inserted the following paragraph :—

"5A. In Article 71(1A) for sub-paragraphs (*a*) and (*b*) there shall be substituted the words 'an additional completed year of pensionable service'.".

(a) *See* S.I. 1956/1022 (1956 I, p. 953).

5. In this Order any reference to the principal Scheme is a reference to the Firemen's Pension Scheme 1964 (set out in Appendix 2 to the Firemen's Pension Scheme Order 1964(**a**), as amended(**b**)).

6. This Order may be cited as the Firemen's Pension Scheme (Amendment) (No. 2) Order 1965 and shall come into operation on 15th November 1965.

Frank Soskice,
One of Her Majesty's Principal Secretaries of State.

29th October, 1965.

We approve,

J. McCann,

G. H. R. Rogers,
Two of the Lords Commissioners of Her Majesty's Treasury.

2nd November 1965.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Firemen's Pension Scheme 1964 (set out in Appendix 2 to the Firemen's Pension Scheme Order 1964).

Article 1 provides that a regular fireman who is dismissed, otherwise than for one of three specified disciplinary offences, shall be entitled to have his pension contributions repaid to him. The existing discretion of the fire authority to repay the contributions is preserved in the case of a regular fireman dismissed for one of the specified offences.

Article 2 redefines the cases in which the Scheme of 1964 applies subject to the modifications set out in Schedule 9 thereto.

Articles 3 and 4 provide that a fire authority may, in certain circumstances and at the request of the person concerned, extend the service of a fireman of, or below, the rank of station officer by a period not exceeding 6 months from his attaining the age of 55 years and becoming liable to compulsory retirement on account of age.

(**a**) S.I. 1964/1148 (1964 II, p. 2574).
(**b**) There is no amendment which relates to the subject matter of this Order.