1971 No. 1468

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) (No. 2) Order 1971

Made - - -	*2nd September* 1971
Laid before Parliament	*14th September* 1971
Coming into Operation	*20th September* 1971

In exercise of the powers conferred on me by section 26 of the Fire Services Act 1947(a), (read with Article 2(1) of the Minister for the Civil Service Order 1968(b)) as amended and extended by section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c) and paragraph 3(1) of Schedule 6 to the National Insurance Act 1971(d), I hereby, with the approval of the Minister for the Civil Service and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, make the following Order in consequence of section 3 of the said Act of 1971 and section 13A of the National Insurance (Industrial Injuries) Act 1965(e):—

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) (No. 2) Order 1971.

2. This Order shall come into operation on 20th September 1971.

3. In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Scheme of 1971" means the Firemen's Pension Scheme 1971, set out in Appendix 2 to the Firemen's Pension Scheme Order 1971(f), as amended(g);

"the Scheme of 1966" means the Firemen's Pension Scheme 1966, set out in Appendix 2 to the Firemen's Pension Scheme Order 1966(h), as amended(i) and in so far as it continues to have effect(j);

"the Scheme of 1964" means the Firemen's Pension Scheme 1964, set out in Appendix 2 to the Firemen's Pension Scheme Order 1964(k), as amended(l) and in so far as it continues to have effect(m);

"the Scheme of 1956" means the Firemen's Pension Scheme 1956, set out in the Appendix to the Firemen's Pension Scheme Order 1956(n), as amended(l) and in so far as it continues to have effect(o);

(a) 1947 c. 41.
(b) S.I. 1968/1656 (1968 III, p. 4485).
(c) 1951 c. 65.
(d) 1971 c. 50.
(e) 1965 c. 52.
(f) S.I. 1971/145 (1971 I, p. 320).
(g) The amending instrument is not relevant to the subject matter of this Order.
(h) S.I. 1966/1045 (1966 II, p. 2504).
(i) The relevant amending instrument is S.I. 1966/1142 (1966 III, p. 2739).
(j) *See* S.I. 1971/145 (1971 I, p. 320).
(k) S.I. 1964/1148 (1964 II, p. 2574).
(l) The amending instruments are not relevant to the subject matter of this Order.
(m) *See* S.I. 1966/1045 (1966 II, p. 2504).
(n) S.I. 1956/1022 (1956 I, p. 953).
(o) *See* S.I. 1964/1148 (1964 II, p. 2574).

"the Scheme of 1952" means the Firemen's Pension Scheme 1952, set out in Appendix 1 to the Firemen's Pension Scheme Order 1952(a) as amended(b) and in so far as it continues to have effect(c), and

"the Scheme of 1948" means the Firemen's Pension Scheme 1948, set out in the Appendix to the Firemen's Pension Scheme Order 1948(d), as amended(e) and in so far as it continues to have effect(f).

4.—(1) Subject in the case of the Schemes of 1964, 1956, 1952 and 1948 to Article 5 of this Order, for each of the following provisions (fireman's special pension), namely:—

Article 15(2)(*b*) and (*c*) of the Scheme of 1971;

Article 4(2)(*b*) and (*c*) of the Scheme of 1966;

Article 4(2)(*b*) and (*c*) of the Scheme of 1964;

Article 4(2)(*b*) and (*c*) of the Scheme of 1956;

Article 6(3)(*b*) and (*c*) of the Scheme of 1952;

Article 6(3)(*b*) and (*c*) of the Scheme of 1948;

there shall be substituted the provisions set out in the following paragraph.

(2) The provisions referred to in the preceding paragraph shall be as follows:—

"(*b*) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act 1965 in respect of the qualifying injury at the rate mentioned in that section or so much of any such pension as relates to that injury, together with—

(i) any increase in such pension by way of unemployability supplement under section 13 of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury so, however, that where he is entitled to an unemployability supplement which is increased under section 13A of the said Act, the unemployability supplement shall be deemed not to have been so increased;

(ii) any increase in such pension payable on account of special hardship or in respect of children or adult dependants under section 14, 17 or 18 of the said Act or, subject as hereinafter provided, so much of any such increase as is proportionate to that part of the said pension which relates to that injury;

(iii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury, any increase in such pension payable under section 16 of the said Act or in respect of children or adult dependants under section 17 or 18 of the said Act;

(*c*) until the first day after his retirement which is not, or is deemed not to be, a day of incapacity for work under section 20 of the National Insurance Act 1965(g) or regulations made thereunder—

(i) any sickness benefit payable under the said Act of 1965, together with any supplement thereto payable under section 2 of the National Insurance Act 1966(h), or

(ii) any invalidity pension payable under the said Act of 1965.".

(a) S.I. 1952/944 (1952 I, p. 1003).
(b) The amending instruments are not relevant to the subject matter of this Order.
(c) *See* S.I. 1956/1022 (1956 I, p. 953).
(d) S.I. 1948/604 (Rev. VII p. 776; 1948 I, p. 1091).
(e) The relevant amending instrument is S.I. 1951/158 (1951 I, p. 692).
(f) *See* S.I. 1952/944 (1952 I, p. 1003). (g) 1965 c. 51. (h) 1966 c. 6.

5. In the case of the Schemes of 1964, 1956, 1952 and 1948 Article 4 of this Order shall have effect as if the words "together with any supplement thereto payable under section 2 of the National Insurance Act 1966" were omitted from sub-paragraph (*c*)(i) of the provisions set out in paragraph (2) thereof.

R. Maudling,
One of Her Majesty's Principal Secretaries of State.

2nd September 1971.

Approval of the Minister for the Civil Service given under his Official Seal on 2nd September 1971.

(L.S.)

K. H. McNeill,
Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order contains amendments to the Firemen's Pension Schemes of 1971, 1966, 1964, 1956, 1952 and 1948 consequential on the National Insurance Act 1971. It comes into operation on 20th September 1971 (the date on which the relevant provisions of that Act come into force).

The Schemes provide that, for the purpose of calculating a fireman's special pension, account shall be taken of certain national insurance benefits affected by the Act of 1971, namely, disablement pension (including unemployability supplement) and sickness benefit. This Order provides that, for this purpose, no account shall be taken of an increase in an unemployability supplement under section 13A of the National Insurance (Industrial Injuries) Act 1965 (as amended by section 9 of the Act of 1971) but that account shall be taken of an invalidity pension under section 3 of the Act of 1971 to the like extent as the sickness benefit it replaces.