STATUTORY INSTRUMENTS

1973 No. 1814

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) (No. 2) Order 1973

Made - - - -	*26th October* 1973
Laid before Parliament	*9th November* 1973
Coming into Operation	*1st December* 1973

In exercise of the powers conferred on me by section 26 of the Fire Services Act 1947(a), as amended and extended by section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b) and sections 12 and 16 of the Superannuation Act 1972(c), I hereby, with the approval of the Minister for the Civil Service(d) and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, make the following Order:—

PART I

CITATION, OPERATION AND INTERPRETATION

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) (No. 2) Order 1973.

2. This Order shall come into operation on 1st December 1973.

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

"the Scheme of 1973" means the Firemen's Pension Scheme 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order 1973(e);

"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), and in so far as it continues to have effect(h);

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

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

(a) 1947 c. 41.
(b) 1951 c. 65.
(c) 1972 c. 11.
(d) Formerly the Treasury; *see* S.I. 1968/1656 (1968 III, p. 4485).
(e) S.I. 1973/966 (1973 II, p. 2906).
(f) S.I. 1971/145 (1971 I, p. 320).
(g) The relevant amending instruments are S.I. 1971/1329, 1972/1643 (1971 II, p. 3801; 1972 III, p. 4833).
(h) *See* S.I. 1973/966 (1973 II, p. 2906).
(i) S.I. 1966/1045 (1966 II, p. 2504).
(j) The relevant amending instruments are S.I. 1968/157, 1971/1329, 1972/1643 (1968 I, p. 386; 1971 II, p. 3801; 1972 III, p. 4833).
(k) *See* S.I. 1971/145 (1971 I, p. 320).
(l) S.I. 1964/1148 (1964 II, p. 2574).
(m) The relevant amending instruments are S.I. 1971/1329, 1972/1643 (1971 II, p. 3801; 1972 III, p. 4833).
(n) *See* S.I. 1966/1045 (1966 II, p. 2504).

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

"the Scheme of 1952" means the Firemen's Pension Scheme 1952, set out in Appendix 1 to the Firemen's Pension Scheme Order 1952(d), as amended(e) and in so far as it continues to have effect(f), 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(g), as amended(h) and in so far as it continues to have effect(i).

PART II

AMENDMENTS OF ARTICLES RELATING TO AWARDS ON DEATH OF SERVICEMEN

4.—(1) This Article shall have effect for the purposes of the amendment of the following Articles, namely:—

Article 74 of the Scheme of 1973;

Article 65 of the Scheme of 1971;

Article 53 of the Scheme of 1966;

Article 51 of the Scheme of 1964;

Article 46 of the Scheme of 1956.

(2) For paragraph (4)(*a*) of each of the said Articles there shall be substituted the following provision:—

"(*a*) pay to the widow, in lieu of a gratuity, a pension at the rate of £179·46 a year, and".

5.—(1) This Article shall have effect for the purposes of the amendment of the following Articles, namely:—

Article 37B of the Scheme of 1952;

Article 37B of the Scheme of 1948.

(2) For paragraph (4)(*a*) of each of the said Articles there shall be substituted the following provision:—

"(*a*) pay to the widow, in lieu of a gratuity, a pension at the rate of £134·60 a year, and".

6.—(1) This Article shall have effect for the purposes of the amendment of the following Articles, namely:—

Article 10 of the Scheme of 1952;

Article 10 of the Scheme of 1948.

(a) S.I. 1956/1022 (1956 I, p. 953).
(b) The relevant amending instruments are S.I. 1959/802, 1972/1643 (1959 I, p. 1282; 1972 III, p. 4833).
(c) *See* S.I. 1964/1148 (1964 II, p. 2574).
(d) S.I. 1952/944 (1952 I, p. 1003).
(e) The relevant amending instruments are S.I. 1952/2166, 1972/1643 (1952 I, p. 1047; 1972 III, p. 4833).
(f) *See* S.I. 1956/1022 (1956 I, p. 953).
(g) S.I. 1948/604 (1948 I, p. 1091).
(h) The relevant amending instruments are S.I. 1952/944, 2166; 1972/1643 (1952 I, p. 1003; I, p. 1047; 1972 III, p. 4833).
(i) *See* S.I. 1952/944 (1952 I, p. 1003).

(2) For the proviso to paragraph (2)(i) of each of the said Articles there shall be substituted the following proviso:—

"Provided that where the said pension, after taking account of any increase provided for by or under the Pensions (Increase) Act 1971, is payable at a rate less than that of £134·60 a year, it shall be paid at the rate of £134·60 a year,".

PART III

AMENDMENTS OF ARTICLES RELATING TO AWARDS TO OR IN RESPECT OF PART-TIME FIREMEN

7.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Article 55(3) of the Scheme of 1956;

Article 23A(2) of the Scheme of 1952.

(2) For the rates specified in sub-paragraphs (*a*) and (*b*) of each of the said provisions there shall be substituted, respectively, the rates of £6·63 a week and of £4·45 a week.

(3) For the rate specified in sub-paragraph (*c*) of Article 55(3) of the Scheme of 1956 there shall be substituted the rate of £3·47 a week.

8.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Article 75(3) of the Scheme of 1971;

Article 63(3) of the Scheme of 1966;

Article 61(3) of the Scheme of 1964;

Article 56(1) of the Scheme of 1956;

Article 23B(1) of the Scheme of 1952.

(2) For the rates specified in sub-paragraphs (*a*), (*b*) and (*c*) of each of the said provisions there shall be substituted, respectively, the rates of £2·46 a week, £3·69 a week and £5·55 a week.

9.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Article 76(3) of the Scheme of 1971;

Article 64(3) of the Scheme of 1966;

Article 62(3) of the Scheme of 1964;

Article 57(1) of the Scheme of 1956.

(2) For the rate specified in sub-paragraph (*a*) of each of the said provisions there shall be substituted the rate of £1·33 a week.

(3) For the rates first and last specified in sub-paragrapn (*b*) of each of the said provisions there shall be substituted, respectively, the rates of £1·01 a week and of £1·33 a week.

10. For the rate specified in Article 23C(1) of the Scheme of 1952 there shall be substituted the rate of £1·33 a week.

PART IV

AMENDMENTS OF SCHEDULES RELATING TO WIDOWS' ORDINARY PENSIONS

11.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Part I of Schedule 2 to the Scheme of 1973;

Part I of Schedule 2 to the Scheme of 1971;

Part I of Schedule 2 to the Scheme of 1966.

(2) For paragraph 2 of each of the said provisions there shall be substituted the following paragraph:—

"2.—(1) Where in respect of any period a widow so elects, then, subject to sub-paragraph (2), the annual rate of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a regular fireman—

(*a*) held a rank not higher than that of sub-officer, £179·46 a year;

(*b*) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I), £233·71 a year;

(*c*) held a rank higher than that of divisional officer (Grade I), £280·66 a year.

(2) Where the husband was entitled to reckon at least 10 years' pensionable service, the preceding sub-paragraph shall have effect as if for the rates of £179·46, £233·71, and £280·66 a year there were substituted, respectively, the rates of £192·51, £246·76 and £293·71 a year,".

12.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Part II of Schedule 2 to the Scheme of 1971;

Part II of Schedule 2 to the Scheme of 1966;

Part I of Schedule 2 to the Scheme of 1964;

Part I of Schedule 2 to the Scheme of 1956.

(2) For Scheme I of each of the said provisions there shall be substituted the following Scheme:—

"SCHEME I

The pension shall be of such amount that the rate of payment is—

(*a*) where the husband's last rank was not higher than that of sub-officer, £179·46 a year;

(*b*) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £233·71 a year;

(*c*) where the husband's last rank was higher that that of divisional officer (Grade I), £280·66 a year.".

13.—(1) This Article shall have effect for the purposes of the amendment of the following Schedules, namely:—

Schedule 3 to the Scheme of 1952;

Schedule 3 to the Scheme of 1948.

(2) Subject in the case of the Scheme of 1948 to the following paragraph, for Scheme I of each of the said Schedules there shall be substituted the following Scheme:—

"SCHEME I

The pension shall be of such amount that the rate of payment is—

(a) where the husband's last rank was not higher than that of sub-officer £134·60 a year;

(*b*) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £175.29 a year;

(*c*) where the husband's last rank was higher than that of divisional officer (Grade I), £214·71 a year.".

(3) At the end of Scheme I of Schedule 3 to the Scheme of 1948, as set out in the preceding paragraph there shall be added the following proviso:—

"Providing that where the husband died before 5th July 1948, or the widow is not entitled in right of her husband's insurance to widow's benefit or a retirement pension under the National Insurance Act 1965**(a)** but would have been so entitled had her husband not failed to satisfy the contribution conditions therefor (otherwise than by defaulting in the payment of contributions), this Scheme shall have effect as if for the rates of £134·60, £175·29 and £214·71 a year there were substituted, respectively, the rates of £179·46, £233·71 and £280·66.".

PART V

AMENDMENT OF SCHEDULE RELATING TO WIDOWS' ACCRUED PENSIONS

14. For paragraph 3 of Part IV of Schedule 2 to the Scheme of 1973 there shall be substituted the following paragraph:—

"3. Where in respect of any period a widow so elects, then the annual rate of her accrued pension in respect of that period shall be, if her husband at the time when he ceased to be a regular fireman—

(*a*) held a rank not higher than that of sub-officer, £179·46 a year;

(*b*) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I), £233·71 a year;

(*c*) held a rank higher than that of divisional officer (Grade I), £280·66 a year.".

PART VI

AMENDMENTS OF SCHEDULES RELATING TO CHILDREN'S ALLOWANCES

15.—(1) For paragraph 1(4) of Part I of Schedule 3 to the Scheme of 1973 there shall be substituted the following provision:—

"(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period the allowance shall be payable as hereinafter provided, that is to say—

(*a*) where the father's last rank was not higher than that of sub-officer, at the rate of £50·61 a year;

(a) 1965 c. 51.

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), at the rate of £60·00 a year; or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), at the rate of £73·56 a year.".

(2) For paragraph 2(4) of the said Part I there shall be substituted the following provision:—

"(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be payable as hereinafter provided, that is to say—

(*a*) where the father's last rank was not higher than that of sub-officer, at the rate of £74·60 a year or such higher rate not exceeding £98·08 a year as the fire authority may from time to time determine;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), at the rate of £88·69 a year or such higher rate not exceeding £117·90 a year as the fire authority may from time to time determine; or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), at the rate of £110·08 a year or such higher rate not exceeding £146·59 a year as the fire authority may from time to time determine.".

16.—(1) For each of the following provisions, namely:—

Part I of Schedule 3 to the Scheme of 1971;

Part I of Schedule 3 to the Scheme of 1966;

Part I of Schedule 3 to the Scheme of 1964;

Part I of Schedule 3 to the Scheme of 1956;

Part I of Schedule 5 to the Scheme of 1952,

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

(2) Subject in the case of the Scheme of 1952 to the following paragraph, the provisions referred to in the preceding paragraph shall be as follows:—

" PART I

CHILD'S ORDINARY ALLOWANCE

1. Subject to Part III of this Schedule, where the mother of the child is alive the child's ordinary allowance shall be of such amount that the rate of payment is—

(*a*) where the father's last rank was not higher than that of sub-officer, £50·61 a year;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £60·00 a year;

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), £73·56 a year.

2. Subject to Part III of this Schedule, where the father was the only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be of such amount that the rate of payment is—

(*a*) where the father's last rank was not higher than that of sub-officer,

£74·60 a year or such higher rate not exceeding £98·08 as the fire authority may from time to time determine;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £88·69 a year or such higher rate not exceeding £117·90 as the fire authority may from time to time determine, or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), £110·08 a year or such higher rate not exceeding £146·59 as the fire authority may from time to time determine.".

(3) In Part I of Schedule 5 to the Scheme of 1952, as set out in the preceding paragraph, for the words "Part III of this Schedule", in both places where they occur, there shall be substituted the words "Schedule 8A to this Scheme".

PART VII

AMENDMENTS OF SCHEDULES RELATING TO FIREMEN SERVING ON 10TH JULY 1956

17.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Schedule 10 to the Scheme of 1973;

Schedule 10 to the Scheme of 1971;

Schedule 10 to the Scheme of 1966;

Schedule 9 to the Scheme of 1964;

Schedule 8 to the Scheme of 1956.

(2) In paragraph 16 of Schedule 10 to the Scheme of 1973 and in paragraph 5 of each of the other said provisions for the rates £163·81 and £123·12 a year there shall be substituted, respectively, the rates £179·46 and £134·60 a year.

(3) In paragraph 22 of Schedule 10 to the Scheme of 1973 and in paragraph 9 of each of the other said provisions, for Scheme I, as set out therein, there shall be substituted the following Scheme:—

"SCHEME I

1. The pension shall be of such amount that the rate of payment is—

(*a*) where the husband's last rank was not higher than that of sub-officer, £134·60 a year;

(*b*) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £175·29 a year; or

(*c*) where the husband's last rank was higher than that of divisional officer (Grade I), £214·71 a year.".

(4) For paragraph 24 of Schedule 10 to the Scheme of 1973 and, subject to paragraph (5) of this Article, for paragraph 10 of each of the other said provisions there shall be substituted the following paragraph:—

"24. For Part I of Schedule 3 there shall be substituted the following Part:—

"PART I

1. Subject to Part IV of this Schedule, where the mother of the child is alive the child's ordinary or accrued allowance shall be payable at the following rate:—

(*a*) where the father's last rank was not higher than that of sub-officer, £50·61 a year;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £60·00 a year;

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), £73·56 a year.

2. Subject to Part IV of this Schedule, where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary or accrued allowance shall be payable at the following rate:—

(*a*) where the father's last rank was not higher than that of sub-officer, £74·60 a year or such higher rate not exceeding £98·08 a year as the fire authority may from time to time determine;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £88·69 a year or such higher rate not exceeding £117·90 a year as the fire authority may from time to time determine; or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), £110·08 a year, or such higher rate not exceeding £146·59 a year as the fire authority may from time to time determine."."

(5) Except in the case of the Scheme of 1973, the paragraph substituted by paragraph (4) of this Article shall have effect as if it were numbered 10, the references therein to Part IV were references to Part III and the words "or accrued" were omitted in both places where they occur.

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

25th October 1973.

Approval of the Minister for the Civil Service given under his Official Seal on 26th October 1973.

(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 1973, 1971, 1966, 1964, 1956, 1952 and 1948. It comes into operation on 1st December 1973 (the date from which increases authorised by the Pensions Increase (Annual Review) Order 1973—S.I. 1973/1370—are payable).

Under the Schemes the amounts of certain awards are determined by reference to specified flat-rates which do not qualify for increases under the Pensions (Increase) Act 1971 (c. 56). The Order increases these flat-rates.

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