STATUTORY INSTRUMENTS

1965 No. 604

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) Order 1965

Made - - - -	23*rd March* 1965
Laid before Parliament	31*st March* 1965
Coming into Operation	1*st April* 1965

In exercise of the powers conferred on me by section 26 of the Fire Services Act 1947(a), 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 69 of the Firemen's Pension Scheme 1964, set out in Appendix 2 to the Firemen's Pension Scheme Order 1964(b), (which relates to the application of the Scheme in cases of compulsory transfer) there shall be substituted the following Article:—

"*Application of Scheme to persons affected by local government reorganisation or a combination scheme*

69.—(1) In relation to a member of a fire brigade who is transferred to, or otherwise becomes a member of, another fire brigade by virtue of an instrument mentioned in paragraph (3)—

(*a*) this Scheme shall apply as though the brigade of which he becomes a member and the authority maintaining that brigade were, respectively, the same brigade and authority as the brigade first mentioned in this paragraph and the authority maintaining that brigade;

(*b*) where he held the rank of assistant divisional officer or any higher rank in the brigade first mentioned in this paragraph but suffers reduction in rank attributable to the provisions of such an instrument, Article 71 shall apply as though he had not suffered such reduction in rank, unless he elects otherwise by notice in writing to the fire authority.

(2) In relation to a member of a fire brigade who suffers loss of employment as a regular fireman which is attributable to the provisions of an instrument mentioned in paragraph (3)—

(*a*) this Scheme shall apply as though he had retired from the brigade after having given due notice of retirement to the fire authority and, if the fire authority so agree, as though the notice of retirement had been given with their permission, and

(*b*) where he becomes a regular fireman in another brigade before the end of his resettlement period, Article 30 shall apply as though he had become a member of that other brigade immediately after ceasing to be a member of the brigade first mentioned in this paragraph.

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1964/1148 (1964 II, p. 2574).

(3) The references in paragraphs (1) and (2) to an instrument mentioned in this paragraph are references to—

(*a*) an order under Part VI of the Local Government Act 1933(**a**), Part II of the Local Government Act 1958(**b**) or section 85 of the London Government Act 1963(**c**), or

(*b*) a scheme under section 5, 6 or 9 of the principal Act or, in Scotland, an order under section 36(8) of that Act;

and the reference in paragraph (2) to a person's resettlement period is a reference to the period of 13 weeks next succeeding the week in which he ceased to be a member of the brigade first mentioned in that paragraph or, in the case of a person who has attained the age of 45 years, the said 13 weeks extended by an additional week for every year of his age after attaining the age of 45 years and before he ceased to be a member of that brigade, subject to a maximum extension of 13 such weeks.".

2. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order 1965 and shall come into operation on 1st April 1965.

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

22nd March 1965.

We approve,

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

23rd March 1965.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

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

It makes further provision as to the application of the 1964 Scheme in the case of a person affected by local government reorganisation or a fire services combination scheme. If such a person suffers reduction in rank, he is entitled to retain the age of compulsory retirement applicable to his former rank. If he suffers loss of employment as a fireman, he is treated as having retired after giving due notice and, where he joins another brigade within a prescribed period, provision is made for the reckoning of that period as pensionable service.

(a) 23 & 24 Geo. 5. c. 51. (b) 6 & 7 Eliz. 2. c. 55.
(c) 1963 c. 33.