STATUTORY INSTRUMENTS

1969 No. 1001

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) Order 1969

Made - - -	*22nd July* 1969
Laid before Parliament	*30th July* 1969
Coming into Operation	*1st August* 1969

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 sections 1 and 2(1) of the Fire Services Act 1951(c), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(d) and section 8 of the Fire Services Act 1959(e), 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:—

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order 1969 and shall come into operation on 1st August 1969.

2. In this Order the expression "the principal Scheme" means the Firemen's Pension Scheme 1966 set out in Appendix 2 to the Firemen's Pension Scheme Order 1966(f), as amended(g).

3. For Article 9(1) of the principal Scheme (which relates to the commutation of pensions) there shall be substituted the following provision:—

"(1) A regular fireman may in accordance with the provisions of this Article commute for a lump sum a portion of any ordinary, ill-health or short service pension to which he is or may become entitled, provided in the case of an ordinary pension—

(*a*) that he retires when entitled to reckon at least 30 years' pensionable service; or

(*b*) that he is required to retire on account of age; or

(*c*) that the notice of commutation referred to in paragraph (2) is given with the consent of the fire authority and that he retires when entitled to reckon at least 25 years' pensionable service and on or after attaining the age of 55 years.".

(a) 1947 c. 41.
(b) S.I. 1968/1656 (1968 III, p. 4485).
(c) 1951 c. 27.
(d) 1951 c. 65.
(e) 1959 c. 44.
(f) S.I. 1966/1045 (1966 II, p. 2504).
(g) The relevant amending instruments are S.I. 1967/1230, 1968/157 (1967 II, p. 3586; 1968 I, p. 386).

4. For Article 11A(1) of the principal Scheme (which relates to the circumstances in which the widow of a regular fireman is entitled to an augmented award where her husband's death results from an injury received in saving life) there shall be substituted the following provision :—

"(1) This Article shall apply to a widow of a regular fireman who dies on or after 19th February 1968 from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such an injury, where the injury was received in the execution of duties which, in the opinion of the fire authority, were performed by the fireman—

(*a*) for the immediate purpose of saving the life of another person or of preventing loss of human life and, where his death occurred before 1st August 1969, for fire-fighting purposes, and

(*b*) in circumstances in which there was an intrinsic likelihood of the fireman receiving a fatal injury.".

5. For Article 27 of the principal Scheme (which relates to awards not payable in cases of transfer) there shall be substituted the following Article :—

"**27.**—(1) Where a regular fireman retires from a brigade in pursuance of a written notice to the fire authority of his intention to retire for the purpose of joining another brigade, then, notwithstanding anything in Article 1(1) or Article 43(1), he shall not, on the occasion of that retirement, be entitled to an award under either of those provisions.

(2) Where paragraph (1) does not apply but a regular fireman retires or has retired from a brigade and after again becoming such a fireman in that or another brigade becomes entitled under Article 31(1) or (4) to reckon as pensionable service the period of pensionable service he was entitled to reckon on retiring, then, subject to paragraph (4), any award to which he has become entitled on the occasion of that retirement shall cease to be payable.

(3) Where a regular fireman retires or has retired from a brigade and enters other pensionable employment in such circumstances that a transfer value becomes payable by the fire authority in respect of him under rules made by virtue of section 9 of the Fire Services Act 1959 or regulations made under section 67 of the National Health Service Act 1946(**a**) or section 66 of the National Health Service (Scotland) Act 1947(**b**), then, subject to paragraph (4), any award to which he has become entitled on the occasion of that retirement shall cease to be payable.

(4) Where an award under Article 43(1) ceases to be payable under paragraph (2) or (3), there shall continue to be payable—

(*a*) where the award ceases to be payable under paragraph (2) or (3), so much of the award as is unpaid and represents a return of additional contributions paid under Article 40, and

(*b*) where the award ceases to be payable under paragraph (3), and the regular fireman concerned paid pension contributions at a rate related to 6% of his pensionable pay, so much of the award as is unpaid and would not have been payable had he paid such contributions at a rate related to 5% of his pensionable pay.".

(**a**) 1946 c. 81. (**b**) 1947 c. 27.

6. For Article 31(1) of the principal Scheme (which relates to the reckoning of previous service in a fire brigade) there shall be substituted the following provision :—

"(1) Subject to paragraph (2), where a regular fireman—

(*a*) retires or has retired from a brigade without a pension and without a transfer value becoming payable under rules made by virtue of section 9 of the Fire Services Act 1959 or regulations made under section 67 of the National Health Service Act 1946 or section 66 of the National Health Service (Scotland) Act 1947, and

(*b*) within twelve months of so retiring and without any intervening service as a regular fireman rejoins or has rejoined that brigade or joins or has joined another brigade,

he shall be entitled to reckon as pensionable service the period of pensionable service he was entitled to reckon on so retiring, but subject to his undertaking, within 6 months of rejoining or, as the case may be, joining the brigade or within such longer period as the fire authority may in his case allow, to pay in accordance with Schedule 5 the sum, if any, equal to the aggregate of—

(i) any sum paid to him by way of gratuity or return of aggregate contributions on retirement less so much of such sum, if any, as represents a return of additional contributions paid under Article 40 ; and

(ii) the balance of any sum he had undertaken to pay in accordance with Schedule 5 to this Scheme, Schedule 5 to the Firemen's Pension Scheme 1964(**a**) or Schedule 5 to the Firemen's Pension Scheme 1956(**b**) which was outstanding immediately before his retirement.".

7. In Article 40 of the principal Scheme (which relates to additional contributions) after the words "or retires" there shall be inserted the words "otherwise than in pursuance of a written notice to the fire authority of his intention to retire for the purpose of joining another fire brigade".

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

17th July 1969.

Approval of the Minister for the Civil Service given under his Official Seal on 22nd July 1969.

(L.S.)

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

(**a**) *See* S.I. 1964/1148 (1964 II, p. 2574). (**b**) *See* S.I. 1956/1022 (1956 I, p. 953).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Firemen's Pension Scheme 1966.

Article 9 of the 1966 Scheme allows a regular fireman to commute for a lump sum a part of his ordinary pension in two cases, namely, where he retires with 30 years' pensionable service and where he is required to retire on account of age. Article 3 of the present Order allows such commutation, subject to the consent of the fire authority, in a third case, namely where, the fireman retires with 25 years' pensionable service on or after attaining the age of 55 years.

Article 11A of the 1966 Scheme provides for an augmented award to the widow of a regular fireman whose death results from an injury received while saving life, subject to certain conditions being fulfilled. One of these conditions is that the injury must have been received in the performance of fire-fighting duties. Article 4 of the present Order removes this condition (except where the fireman's death occurred before the coming into operation of the Order).

Articles 5 and 6 of the present Order make amendments which take account, first, of the statutory provisions for the payment of transfer values on transfer to the National Health Service and, secondly, of the amendment made by Article 7. This provides that a regular fireman who elected to pay additional contributions (instead of to suffer a reduction in his eventual pension), on the occasion of the coming into operation of the 1966 Scheme and the provisions thereof for higher widows' pensions, may continue to enjoy the benefit of his election notwithstanding that he transfers to another fire brigade.