STATUTORY INSTRUMENTS

1973 No. 318

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) Order 1973

Made - - - -	*27th February* 1973
Laid before Parliament	*9th March* 1973
Coming into Operation	*5th April* 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**), section 8 of the Fire Services Act 1959(**c**), and sections 12 and 16 of the Superannuation Act 1972(**d**), I hereby, with the approval of the Minister for the Civil Service(**e**) 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 1973.

2. This Order shall come into operation on 5th April 1973 and shall have effect—

(*a*) for the purposes of Articles 4 and 5 thereof, as from 1st April 1972;

(*b*) for the purposes of Articles 6 and 7 thereof, as from 6th April 1973.

3. In this Order any reference to the principal Scheme is a reference to the Firemen's Pension Scheme 1971(**f**), as amended(**g**).

4.—(1) Nothing in this Article shall affect the determination of the benefits payable under the principal Scheme to or in respect of a regular fireman who retired or otherwise ceased to be a member of a fire brigade before 1st April 1972, including benefits payable on the death of such a regular fireman on or after the said date.

For the purposes of this paragraph a regular fireman shall be taken to retire immediately following his last day of service.

(2) Subject as aforesaid, the principal Scheme shall have effect as if for Article 51 thereof (pensionable pay and average pensionable pay) there were substituted the Article set out in Schedule 1 to this Order.

(**a**) 1947 c. 41. (**b**) 1951 c. 65.
(**c**) 1959 c. 44. (**d**) 1972 c. 11.
(**e**) Formerly the Treasury; *see* S.I. 1968/1656 (1968 III, p. 4485).
(**f**) *See* S.I. 1971/145 (1971 I, p. 320).
(**g**) The amending instruments are not relevant to the subject matter of this Order.

5. For Article 52(1) and (2) of the principal Scheme (rate of payment of pension contributions) there shall be substituted the provisions set out in Schedule 2 to this Order.

6. After Article 56 of the principal Scheme (repayment of pension contributions) there shall be inserted the Article set out in Schedule 3 to this Order.

7. After Article 61 of the principal Scheme (payment of awards in special cases) there shall be inserted the Article set out in Schedule 4 to this Order.

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

26th February 1973.

Approval of the Minister for the Civil Service given under his Official Seal on 27th February 1973.

(L.S.)

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

SCHEDULE 1

ARTICLE SUBSTITUTED FOR ARTICLE 51 OF THE PRINCIPAL SCHEME

Pensionable pay and average pensionable pay

51.—(1) In this Scheme the expression "pensionable pay" means the pay of a regular fireman as determined in relation to his rank or, in the case of a chief officer or an assistant chief officer or, in Scotland, a firemaster or an assistant firemaster, his pay as determined for the post.

(2) For the purpose of determining the benefits payable under this Scheme on the death or retirement of a regular fireman—

(*a*) the expression "average annual pensionable pay" means, subject to paragraphs (3) and (4), the aggregate of his pensionable pay during the period of a year ending with the relevant date:

Provided that where he was in receipt of pensionable pay for part only of that period, the said aggregate shall be multiplied by the reciprocal of the fraction of the year for which he was in receipt of pensionable pay; and

(*b*) the expression "average pensionable pay" means the average annual pensionable pay divided by $52\frac{1}{8}$.

(3) Where the amount of a fireman's average annual pensionable pay, determined in accordance with paragraph (2), is less than the amount it would have been had he not suffered a reduction of pay during sick leave or a stoppage of pay by way of punishment, it shall be increased by the difference between the two said amounts.

(4) Where the amount of a fireman's average annual pensionable pay, determined in accordance with paragraphs (2) and (3), is less than the amount it would have been had the relevant date been the corresponding date in one of the two preceding years (whichever year yields the higher amount), it shall be increased by the difference between the two said amounts.

(5) Where an award is made to or in respect of a regular fireman the relevant date for the purpose of determining his average annual pensionable pay shall be the date of his last day of service as such a fireman.

SCHEDULE 2

PROVISIONS SUBSTITUTED FOR ARTICLE 52(1) AND (2) OF THE PRINCIPAL SCHEME

Rate of payment of pension contributions

52.—(1) Subject to the provisions of this Scheme, a regular fireman shall pay pension contributions to the fire authority at the rate of 6p a week less than 6·75% of his pensionable pay.

(2) Where Article 80 applied in the case of a person immediately before 1st April 1972 then, unless by written notice given to the fire authority he elects that, as from 1st April 1972, this paragraph shall not apply in his case, he shall in respect of any period during which he is a regular fireman and Article 80 applies in his case pay such contributions at the rate of 6p a week less than 5% of his pensionable pay.

SCHEDULE 3

NEW ARTICLE 56A INSERTED IN THE PRINCIPAL SCHEME

Restrictions on Articles 55 *and* 56

56A. Notwithstanding anything in Article 55 or 56, a regular fireman—

(*a*) who ceases to be such on or after 6th April 1973, and

(*b*) whose annual pensionable pay has at any time exceeded £5,000,

shall not be entitled to an award under Article 55(1) and, where he is dismissed, his aggregate contribution shall not be repaid or applied as mentioned in Article 56(2).

SCHEDULE 4

NEW ARTICLE 61A INSERTED IN THE PRINCIPAL SCHEME

Taxation of certain awards

61A.—(1) This Article shall apply to any payment on account of an award made to a member of a fire brigade during his lifetime which constitutes a repayment of contributions within the meaning of paragraph 2 of Part II of Schedule 5 to the Finance Act 1970(a).

(2) The fire authority may deduct from any payment to which this Article applies the tax for the time being chargeable thereon under paragraph 2 of the said Part II.

(a) 1970 c. 24.

EXPLANATORY NOTE

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

This Order amends the Firemen's Pension Scheme 1971. Articles 4 and 5 have have effect as from 1st April 1972 (restrospective effect is authorised by sections 12 and 16 of the Superannuation Act 1972) and Articles 6 and 7 as from 6th April 1973.

Article 4 provides that, except in the case of firemen who ceased to serve before 1st April 1972, for the purpose of determining benefits under the Scheme by reference to average pensionable pay, the averaging period shall normally be the last year, instead of the last three years, of service.

Article 5 increases the normal rate of pension contributions from 6% to 6·75%.

Article 6 precludes a return of pension contributions in the case of a firemen whose annual pensionable pay has exceeded £5,000.

Article 7 makes provision for the deduction of tax from any repayment of contributions which is chargeable to tax under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970.

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