The Firemen's Pension Scheme (No. 2) Order, 1949

1949 No. 1469

Made - - - -	*28th July*, 1949
Laid before Parliament	*29th July*, 1949
Coming into Operation	*On the day after the Order is laid before Parliament.*

In exercise of the powers conferred on me by section twenty-six of the Fire Services Act, 1947(a), and of all other powers enabling me in that behalf, 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. In sub-paragraph (*a*) (iii) of paragraph (2) of Article 6 of the Firemen's Pension Scheme, 1948, set out in the Appendix to the Firemen's Pension Scheme Order, 1948(b), after the words "National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941" there shall be inserted the words "(all of which Regulations are hereafter in this Scheme referred to as the 'Preservation of Pensions Regulations')".

2. For paragraph (1) of Article 7 of the said Scheme there shall be substituted the following paragraph:—

"(1) Where a fireman dies from the effects of an injury received without his own default in the execution of his duties—

(*a*) as a fireman,

(*b*) as a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925(c), whether or not a member of the London Fire Brigade, or as a member of a police force employed whole-time on fire brigade duties within the meaning of the Fire Brigades Act, 1938(d), or

(*c*) as a whole-time member of the National Fire Service to whom any of the Preservation of Pensions Regulations applied,

or where a person who has been a fireman and who retired as a result of such an injury as aforesaid, dies from its effects, his widow shall be entitled to a widow's special pension."

3. For paragraph (1) of Article 8 of the said Scheme there shall be substituted the following paragraph:—

"(1) Where a fireman dies from the effects of an injury received without his own default in the execution of his duties—

(*a*) as a fireman,

(*b*) as a professional fireman within the meaning of the Fire Brigade Pensions Act, 1925, whether or not a member of the London Fire Brigade, or as a member of a police force employed whole-time on fire brigade duties within the meaning of the Fire Brigades Act, 1938, or

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(a) 10 & 11 Geo. 6. c. 41.
(b) S.I. 1948 (No. 604) I, p. 1091 ; and *see* S.I. 1949 No. 396, p. 1660 above.
(c) 15 & 16 Geo. 5. c. 47.
(d) 1 & 2 Geo. 6. c. 72.

(*c*) as a whole-time member of the National Fire Service to whom any of the Preservation of Pensions Regulations applied,

or where a person who has been a fireman and who retired as a result of such an injury as aforesaid, dies from its effects, any child of his who has not attained the prescribed age at the date of the death shall be entitled to a child's special allowance."

4.—(1) In paragraph (4) of Article 15 of the said Scheme, for the words " he pays to the fire authority by whom he is employed as a fireman on the appointed day such sum as is prescribed in his case by the Eleventh Schedule to this Scheme " there shall be substituted the words " within two years of the appointed day he undertakes to make payments in accordance with the Eleventh Schedule to this Scheme ".

(2) In paragraph (5) of the said Article for the words " he pays to the fire authority by whom he is employed as a fireman on the appointed day such sum as is prescribed in his case by the Eleventh Schedule to this Scheme " there shall be substituted the words " within two years of the appointed day he undertakes to make payments in accordance with the Eleventh Schedule to this Scheme ".

(3) In paragraph (7) of the said Article for the words " have effect as if the words ' three-quarters of ' were omitted therefrom " there shall be substituted the words " and in relation to the whole or that part of the period of service specified in the direction, have effect as if for the words ' three-quarters of the period of service ' there were substituted the words ' the period of service or such fraction thereof, not being less than three-quarters, as the Secretary of State may direct ' ".

5. In paragraph (1) of Article 16 of the said Scheme for the words " he pays to the fire authority by whom he is first employed as a fireman such sum as is prescribed in his case by the Eleventh Schedule to this Scheme " there shall be substituted the words " within six months of his first being employed as a fireman or within two years of the appointed day, whichever is later, he undertakes to make payments in accordance with the Eleventh Schedule to this Scheme ".

6.—(1) In paragraph (1) of Article 17 of the said Scheme the words " on the appointed day " shall be omitted.

(2) In paragraph (2) of the said Article the words " on the appointed day " shall be omitted.

7.—(1) In paragraph (1) of Article 18 of the said Scheme the words " on that day " shall be omitted.

(2) In paragraph (2) of the said Article the words " on the appointed day " shall be omitted.

8. In paragraph (3) of Article 18A(**a**) of the said Scheme after the words " paragraphs (2), (3) and (6) of Article 15 " there shall be inserted the words " paragraphs (2) and (3) of Article 18C ", and for the words " the said Article 15 " there shall be substituted the words " the said Articles ".

9.—(1) In paragraph (2) of Article 18B(**a**) of the said Scheme for the words " if he pays to the fire authority by whom he is first employed as a fireman such sum as is prescribed in his case by the Eleventh Schedule to this Scheme " there shall be substituted the words " within two years of the appointed day he undertakes to make payments in accordance with the Eleventh Schedule to this Scheme ".

(2) In paragraph (3) of the said Article the word " first " shall be omitted.

(**a**) *See* S.I. 1949 No. 396, p. 1660 above.

10. After Article 18B of the said Scheme there shall be inserted the following Article:—

"Service before the appointed day of persons to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941, applied.

18C.—(1) This Article shall have effect in the case of a person who became a fireman on the appointed day and who immediately before that day was serving in a permanent capacity in the National Fire Service.

(2) If the said person is a person—

(*a*) to whom, immediately before the appointed day, the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941(**a**), applied;

(*b*) who before he became a member of a police force was employed in a fire brigade and was subject to the Fire Brigade Pensions Act, 1925(**b**), and retired from that fire brigade without a pension,

then the fire authority by whom he is employed may at their discretion permit the period of service which counted in his case as a period of approved service for the purposes of the said Act of 1925 at the time that he retired from the said fire brigade, to be reckoned in his case as pensionable service for the purpose of this Scheme, provided that he pays to them the sum specified in paragraph (3) of this Article.

(3) The sum shall be an amount equal to the amount of any award by way of return of rateable deductions or of any gratuity granted to him on retiring from the said fire brigade."

11.—(1) At the end of paragraph (2) of Article 19 of the said Scheme there shall be added the words " and subject to his undertaking to pay, in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme, a sum equal to the amount of the balance of any sum he had undertaken to pay in accordance with the said Schedule outstanding immediately before the end of the first of the two periods ".

(2) At the end of the proviso to paragraph (3) of the said Article there shall be added the words " and upon his undertaking to pay, in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme, a sum equal to the amount of the balance of any sum he had undertaken to pay in accordance with the said Schedule outstanding immediately before the end of the first of the two periods ".

12. In paragraph (2) of Article 38(**c**) of the said Scheme after the words " National Fire Service " there shall be inserted the words " and who became a fireman on that day ".

13.—(1) In paragraph (1) of Article 41(**d**) of the said Scheme for the words " a scale approved for the purposes of this paragraph by the Secretary of State " there shall be substituted the words " the Fifteenth Schedule to this Scheme ".

(2) For paragraphs (2), (3) and (4) of the said Article there shall be substituted the following paragraphs:—

" (2) Where in the case of any person a period of service is treated as a period of pensionable service by virtue of an undertaking made under paragraph (4) or paragraph (5) of Article 15 of this Scheme, or under Article 16 of this Scheme, or under paragraph (2) of Article 18B of this

(a) S.R. & O. 1941 (No. 1271) I, p. 328.
(b) 15 & 16 Geo. 5. c. 47.
(c) *See* S.I. 1948 (No. 1094) I, p. 1126.
(d) *See* S.I. 1949 No. 396, p. 1660 above.

Scheme, the Secretary of State shall pay to the authority by whom that person is employed when he gives the said undertaking such sum as is prescribed by the Fifteenth Schedule to this Scheme.

(3) Where a period of service is included in a person's pensionable service by virtue of Article 17 of this Scheme and the authority in whose fire brigade he was last employed before he became a fireman on the appointed day is not the authority by whom he is employed when he pays the sum prescribed in the said Article, the first-mentioned authority shall pay to the second-mentioned authority such sum as is prescribed by the Fifteenth Schedule to this Scheme."

14. In paragraph (1) of Article 48 of the said Scheme after the definition of the expression "prescribed age" there shall be inserted the following words:—

" 'Preservation of Pensions Regulations' has the meaning assigned to it by Article 6 of this Scheme; ".

15.—(1) In paragraph 1 of the Eleventh Schedule (a) to the said Scheme after the words "by the fireman" there shall be inserted the words "under an undertaking given under paragraph (4) or paragraph (5) of Article 15 of this Scheme, or under Article 16 of this Scheme, or under paragraph (2) of Article 18B of this Scheme".

(2) In paragraph 2 of the said Schedule after the words "the fireman must" there shall be inserted the words "undertake to".

(3) In paragraph 3 of the said Schedule after the words "the fireman must" there shall be inserted the words "undertake to".

(4) At the end of the said Schedule there shall be added the following paragraphs:—

"4. Where a fireman undertakes to make payments in accordance with this Schedule, he shall pay by regular instalments of such an amount that the payment will be completed within a period of five years and before he reaches the age prescribed for retirement by his conditions of service:

Provided that—

(i) he may on giving the said undertaking or at any later date discharge his liability thereunder by paying the whole sum or the balance of the sum then outstanding, as the case may be;

(ii) if he retires without such consent as is mentioned in Article 12 of this Scheme and is not entitled to an award other than one of an amount equal to his aggregate contributions, or dies, all further liability under the said undertaking shall cease;

(iii) if he retires before his liability under the said undertaking is discharged and his liability does not cease in accordance with the provisions of proviso (ii) to this paragraph, the fire authority shall be empowered to deduct the balance of the sum then outstanding from payments of any award payable to him.

5. Where a fireman undertakes to make payments in accordance with this Schedule, he shall make payment to the authority by whom he is employed when that payment or instalment of a payment falls due and, without prejudice to any other method of payment, this liability may be discharged by way of a deduction by the said authority from his pay."

(a) *See* S.I. 1949 No. 396, p. 1660 above.

16. After the Fourteenth Schedule to the said Scheme there shall be added the following Schedule:—

"*Article 41.* FIFTEENTH SCHEDULE

PAYMENTS IN RESPECT OF PREVIOUS SERVICE

1.—(1) The sum to be paid by a fire authority under paragraph (1) of Article 41 of this Scheme shall be ascertained in accordance with the provisions of this paragraph.

(2) The amounts shown in the second and third columns of the sub-joined Table in relation to an age which corresponds with that of the fireman are to be multiplied respectively by the number of completed years and number of completed months aggregating less than one year, which the fireman is entitled to count in his period of pensionable service, immediately before he ceases to be employed by the said authority:

Provided that in calculating the number of completed years and completed months which he is entitled to count in his period of pensionable service—

(i) any period by which his period of pensionable service exceeds twenty years but does not exceed thirty years shall be counted twice;

(ii) any period by which his period of pensionable service exceeds thirty years shall be ignored.

(3) The sum of the two products aforesaid is an amount appropriate in respect of £100 of annual pensionable pay.

(4) The total sum referred to in sub-paragraph (1) of this paragraph is to be calculated proportionately by reference to the annual pensionable pay of the fireman immediately before he ceases to be employed by the authority.

TABLE

Age	Amount for £100 of annual pensionable pay in respect of each completed	
	Year	Month
	£ s. d.	£ s. d.
Under 35	18 4 0	1 10 0
35 and under 36	18 6 0	1 11 0
36 „ „ 37	18 9 0	1 11 0
37 „ „ 38	18 13 0	1 11 0
38 „ „ 39	18 18 0	1 12 0
39 „ „ 40	19 4 0	1 12 0
40 „ „ 41	19 9 0	1 12 0
41 „ „ 42	19 15 0	1 13 0
42 „ „ 43	20 1 0	1 13 0
43 „ „ 44	20 8 0	1 14 0
44 „ „ 45	20 15 0	1 15 0
45 „ „ 46	21 2 0	1 15 0
46 „ „ 47	21 9 0	1 16 0
47 „ „ 48	21 16 0	1 16 0
48 „ „ 49	22 3 0	1 17 0
49 „ „ 50	22 10 0	1 18 0
50 „ „ 51	22 17 0	1 18 0
51 „ „ 52	23 4 0	1 19 0
52 „ „ 53	23 12 0	1 19 0
53 „ „ 54	24 1 0	2 0 0
54 „ „ 55	24 12 0	2 1 0
55 and over	25 4 0	2 2 0

2. In the case of a fireman who has undertaken to make payments in accordance with the Eleventh Schedule to this Scheme, the sum to be paid by a fire authority under paragraph (1) of Article 41 of this Scheme, ascertained in accordance with the preceding provisions of this Schedule, shall be reduced by the amount of the sum he has undertaken to pay outstanding immediately before he ceases to be employed by that authority.

3.—(1) In the case of a fireman to whom the provisions for the reduction of awards, contained in Article 38 of this Scheme, apply, the sum to be paid by a fire authority under paragraph (1) of Article 41 of this Scheme, ascertained in accordance with the preceding provisions of this Schedule, shall be reduced by an amount to be ascertained in accordance with the provisions of this paragraph.

(2) The amount shown in the second column of the subjoined Table in relation to an age which corresponds with that of the fireman immediately before he ceases to be employed by the authority is the amount of the reduction in respect of each £1 by which the annual value of his pension would be reduced on his attaining the age of sixty-five years, if he had retired immediately before he ceased to be employed by the authority and had been entitled to a pension.

(3) The total reduction is to be calculated proportionately by reference to the amount by which the annual value of such a pension would be so reduced.

TABLE

Age	Amount of the reduction in respect of each £1 by which the annual value of a pension would be reduced
	£ s. d.
Under 25	1 14 0
25 and under 26	1 16 0
26 „ „ 27	1 18 0
27 „ „ 28	2 0 0
28 „ „ 29	2 2 0
29 „ „ 30	2 4 0
30 „ „ 31	2 7 0
31 „ „ 32	2 9 0
32 „ „ 33	2 11 0
33 „ „ 34	2 13 0
34 „ „ 35	2 15 0
35 „ „ 36	2 18 0
36 „ „ 37	3 0 0
37 „ „ 38	3 2 0
38 „ „ 39	3 5 0
39 „ „ 40	3 7 0

Age	Amount of the reduction in respect of each £1 by which the annual value of a pension would be reduced
	£ s. d.
40 and under 41	3 10 0
41 „ „ 42	3 13 0
42 „ „ 43	3 15 0
43 „ „ 44	3 18 0
44 „ „ 45	4 1 0
45 „ „ 46	4 4 0
46 „ „ 47	4 7 0
47 „ „ 48	4 10 0
48 „ „ 49	4 14 0
49 „ „ 50	4 18 0
50 „ „ 51	5 1 0
51 „ „ 52	5 5 0
52 „ „ 53	5 9 0
53 „ „ 54	5 13 0
54 „ „ 55	5 17 0
55 „ „ 56	6 2 0
56 „ „ 57	6 8 0
57 „ „ 58	6 14 0
58 and over	7 0 0

4.—(1) The sum to be paid under paragraphs (2) and (3) of Article 41 of this Scheme shall be ascertained in accordance with the provisions of this paragraph.

(2) The amounts shown in the second and third columns of the subjoined Table in relation to an age which corresponds with that of the fireman when he first becomes such on or after the appointed day are to be multiplied respectively by the number of completed years and number of completed months aggregating less than one year, which the fireman is entitled to count in his period of pensionable service by virtue of the provisions of paragraph (4) or paragraph (5) of Article 15 of this Scheme, or of Article 16 or Article 17 of this Scheme or of paragraph (2) of Article 18B of this Scheme, as the case may be.

(3) The sum of the two products aforesaid is an amount appropriate in respect of £100 of annual pensionable pay.

(4) The total sum is to be calculated proportionately by reference to the annual pensionable pay of the fireman when he first becomes such on or after the appointed day but is to be reduced by the amount of the sum the fireman undertakes to pay for the purposes of paragraph (4) or paragraph (5) of Article 15, of Article 16 or of paragraph (2) of Article 18B of this Scheme, as the case may be, or by the amount of the sum the fireman pays for the purposes of Article 17 of this Scheme, as the case may be.

TABLE

Age	Amount for £100 of annual pensionable pay in respect of each completed	
	Year	Month
	£ s. d.	£ s. d.
Under 35	22 11 0	1 18 0
35 and under 36	22 12 0	1 18 0
36 „ „ 37	22 14 0	1 18 0
37 „ „ 38	22 16 0	1 18 0
38 „ „ 39	22 18 0	1 18 0
39 „ „ 40	23 0 0	1 18 0
40 „ „ 41	23 2 0	1 19 0
41 „ „ 42	23 4 0	1 19 0
42 „ „ 43	23 6 0	1 19 0
43 „ „ 44	23 8 0	1 19 0
44 „ „ 45	23 11 0	1 19 0
45 „ „ 46	23 14 0	2 0 0
46 „ „ 47	23 18 0	2 0 0
47 „ „ 48	24 3 0	2 0 0
48 „ „ 49	24 9 0	2 1 0
49 „ „ 50	24 15 0	2 1 0
50 „ „ 51	24 19 0	2 2 0
51 „ „ 52	25 1 0	2 2 0
52 „ „ 53	25 2 0	2 2 0
53 „ „ 54	25 3 0	2 2 0
54 and over	25 4 0	2 2 0."

17. Section thirty-eight of the Interpretation Act, 1889(a), shall apply as if this Order were an Act of Parliament and as if the provisions of the said Scheme which are amended, or for which fresh provisions are substituted, by this Order were Acts of Parliament repealed by an Act of Parliament.

18. This Order may be cited as the Firemen's Pension Scheme (No. 2) Order, 1949, and shall come into operation on the day after the day on which it shall have been laid before both Houses of Parliament.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State.

We approve,

Joseph Henderson,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

28th July, 1949.

(a) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

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

Articles 2 and 3 extend the entitlement of a widow or child to a special pension or allowance where the fireman dies as the result of an injury received before the appointed day. The amendments contained in paragraphs (1) and (2) of Article 4, and Articles 5, 9, 11 and 15 provide that certain back service shall count for pension purposes on the fireman undertaking within a prescribed period to make prescribed payments instead of under the existing scheme on his making those payments. Paragraph (3) of Article 4 widens the discretion of the Secretary of State to include as pensionable service more than three-quarters of the back service of a fireman to whom paragraph (6) of Article 15 of the Firemen's Pension Scheme, 1948, applies; and Articles 8 and 10 allow a fire authority to count certain back service in the case of a fireman to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941, applied. Article 12 secures a reduction in the pension award in all cases where reduced contributions are payable. Article 16 adds a Fifteenth Schedule providing for the calculation of sums payable by the Secretary of State and fire authorities in respect of previous service. Articles 1, 6, 7, 13 and 14 are consequential and drafting amendments.

The Firemen's Pension Scheme (No. 3) Order, 1949

1949 No. 2160

Made - - - -	*21st November,* 1949
Laid before Parliament	*23rd November,* 1949
Coming into Operation	*On the day after the Order is laid before Parliament.*

In exercise of the powers conferred on me by section twenty-six of the Fire Services Act, 1947(a), and of all other powers enabling me in that behalf, 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. After Article 48 of the Firemen's Pension Scheme, 1948, set out in the Appendix to the Firemen's Pension Scheme Order, 1948(b), there shall be inserted the following Article:—

"48A.—(1) This Scheme shall not apply in relation to a member of a fire brigade who is an auxiliary fireman.

(2) In this Article the expression 'auxiliary fireman' means a member of a fire brigade who is enrolled for service therein which is restricted except in a war emergency to such duties as are desirable for training."

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1948 (No. 604) I, p. 1091.