7. PENSION SCHEME

The Firemen's Pension Scheme Order, 1948

1948 No. 604

Made - - - -	*23rd March,* 1948
Laid before Parliament	*24th March,* 1948
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 order, with the approval of the Treasury and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, that the Pension Scheme set out in the Appendix to this Order shall come into operation, as respects England, on the first day of April, 1948, and, as respects Scotland, on the sixteenth day of May, 1948.

This Order may be cited as the Firemen's Pension Scheme Order, 1948, 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,

R. J. Taylor,
C. James Simmons,
Two of the Lords Commissioners of His Majesty's Treasury.

23rd March, 1948.

APPENDIX
THE FIREMEN'S PENSION SCHEME
ARRANGEMENT OF ARTICLES

PART I

PENSIONS, GRATUITIES AND ALLOWANCES

1. Fireman's ordinary pension.
2. Fireman's short service award.
3. Fireman's ill-health award.
4. Widow's ordinary benefit.
5. Child's ordinary allowance.
6. Fireman's special pension.
7. Widow's special pension.
8. Child's special allowance.
9. Gratuities for dependants other than widows and children.
10. Injury or disease attributable to war service.
11. General rules as to pensions, allowances and gratuities.
12. Change of brigade with consent of fire authority.
13. Allocation of superannuation benefits.

(a) 10 & 11 Geo. 6. c. 41.

PART II

COUNTING OF SERVICE

14. Pensionable service on and after the appointed day.
15. Service before the appointed day.
16. Service before the appointed day of persons in the armed forces on that day.
17. Service before the appointed day of persons who have been cadets or probationers.
18. Service before the appointed day in certain special cases.
19. Discontinuous service, and service in two or more brigades.

PART III

CONTRIBUTIONS

20. Payment of contributions by the fireman.
21. Repayment of contributions generally.
22. Repayment of balance of contributions in certain cases.

PART IV

MEMBERS OF A FIRE BRIGADE WHO ARE NOT FIREMEN

23. Part-time members of a fire brigade.
24. Whole-time members of a fire brigade who are not firemen.

PART V

CANCELLATION, REVISION, REDUCTION AND WITHDRAWAL OF BENEFIT

25. Cancellation of pensions.
26. Revision of fireman's special pension.
27. Reduction of pensions where incapacity due to misconduct.
28. Withdrawal of pensions and allowances for misconduct.
29. Withdrawal of pensions on re-employment.
30. Effect of withdrawal.

PART VI

DETERMINATION OF QUESTIONS

31. General functions of fire authority.
32. Appeal against opinion of fire authority's medical practitioner.
33. Appeal against decision of fire authority.

PART VII

PAYMENT AND ASSIGNMENT OF BENEFIT

34. Payment generally.
35. Payment in certain special cases.
36. Assignment.

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

37. Special provisions as to persons called up for service on or after the appointed day.
38. Reduction of benefits and contributions in certain cases.
39. Exercise of options under principal Act.
40. Exclusion of workmen's compensation rights.
41. Right of fire authority to receive payments in respect of previous service.
42. Expenses and receipts of fire authorities.
43. Fireman defined.
44. Aggregate contributions defined.
45. Total and partial disablement.
46. Pensionable pay and annual pensionable pay.
47. Posthumous children.
48. Interpretation.
49. Citation.

SCHEDULES

FIRST SCHEDULE—Firemen's Ordinary Pensions.
SECOND SCHEDULE—Short Service Awards and Ill-health Awards.
THIRD SCHEDULE—Widows' Ordinary Pensions.
FOURTH SCHEDULE—Widows' Ordinary Gratuities.
FIFTH SCHEDULE—Children's Ordinary Allowances.
SIXTH SCHEDULE—Minimum Injury Award.
SEVENTH SCHEDULE—Widows' Special Pensions.
EIGHTH SCHEDULE—Children's Special Allowances.
NINTH SCHEDULE—Pensions and Allowances in case of Death or Incapacity Attributable to War Service.
Part I—Widow's Pension.
Part II—Child's Allowance.
Part III—Pensions in case of incapacity.
TENTH SCHEDULE—General Rules as to Pensions, Allowances and Gratuities.
ELEVENTH SCHEDULE—Payments in respect of Service before the Appointed Day.
TWELFTH SCHEDULE—Supplementary Provisions as to Counting of Service before the Appointed Day.
THIRTEENTH SCHEDULE—Appeals to Medical Referees.
FOURTEENTH SCHEDULE—Reduction of Firemen's Ordinary Pensions and of Short Service and Ill-Health Pensions where the Pensioner has attained the age of sixty-five years.

PART I

PENSIONS, GRATUITIES AND ALLOWANCES

Fireman's ordinary pension.

1.—(1) Every fireman who retires on or after completing twenty-five years' pensionable service shall be entitled to receive a fireman's ordinary pension.

(2) The amount of the said pension shall be determined in accordance with the First Schedule to this Scheme.

(3) Where a chief officer or a firemaster retires before attaining the age of fifty-five years, he shall not be entitled to a pension under this Article unless his notice of retirement was given with the permission of the fire authority.

Fireman's short service award.

2.—(1) Where a fireman retires on reaching the age prescribed for retirement by his conditions of service, and he is not entitled to an ordinary pension under Article 1 of this Scheme, he shall be entitled to receive a fireman's short service award.

(2) If the fireman has not, at the time when he so retires, completed ten years' pensionable service, the said award shall be a gratuity. Save as aforesaid, the award shall be a pension (hereinafter referred to as a " short service pension ").

(3) The amount of a short service award shall be determined in accordance with the Second Schedule to this Scheme.

Fireman's ill-health award.

3.—(1) If at any time a fireman is incapacitated for the performance of his duty by infirmity of mind or body, and he retires on that account, he shall be entitled on so retiring to receive an ill-health award:

Provided that he shall not be entitled to receive such an award unless it appears that the incapacity is likely to be permanent.

(2) If the fireman has not, at the time when he so retires, completed ten years' pensionable service, the said award shall be a gratuity, unless the incapacity is occasioned by an injury received in the execution of the fireman's duty without his own default.

(3) Save as provided in paragraph (2) of this Article, an ill-health award shall be a pension (hereinafter referred to as an " ill-health pension ").

(4) The amount of an ill-health award shall be determined in accordance with the Second Schedule to this Scheme.

(5) Where a fireman retires in circumstances in which he is entitled to an ill-health award, Articles 1 and 2 of this Scheme shall not apply in respect of his said retirement.

Widow's ordinary benefit.

4.—(1) Where any person who has completed three years' pensionable service—

(*a*) dies while serving as a fireman; or
(*b*) dies while in receipt of a pension under this Scheme; or
(*c*) retires on account of any disease or injury and subsequently (without any intervening period of service as a fireman) dies in consequence of that disease or injury,

his widow shall be entitled to a widow's ordinary pension.

The amount of the said pension shall be determined in accordance with the Third Schedule to this Scheme.

(2) Where a person dies while serving as a fireman and his widow is not entitled to a pension under this Article, she shall be entitled to a widow's ordinary gratuity.

The amount of the said gratuity shall be determined in accordance with the Fourth Schedule to this Scheme.

(3) Where a widow is entitled to a pension under this Article, and the fire authority are satisfied that there are sufficient reasons for granting her a gratuity in lieu of a pension, they may in their discretion and with her consent commute the pension for a gratuity.

Child's ordinary allowance.

5.—(1) Where any person—

(*a*) dies while serving as a fireman; or
(*b*) having served as a fireman, dies while in receipt of a pension under this Scheme; or
(*c*) retires on account of any disease or injury and subsequently (without any intervening period of service as a fireman) dies in consequence of that disease or injury,

any child of his who has not attained the prescribed age at the date of the death shall be entitled to a child's ordinary allowance.

The amount of the said allowance shall be determined in accordance with Part I of the Fifth Schedule to this Scheme; but the provisions of this Article and of the said Part I shall have effect subject to the provisions of Part II of that Schedule.

(2) For the purposes of this Scheme the prescribed age is the age of sixteen years:

Provided that if on attaining the age of sixteen years the child is in receipt of full-time education, the prescribed age in his case shall be the age which he attains on whichever is the earlier of the following dates:—

(*a*) the date on which he first ceases to receive full-time education after attaining the age of sixteen years;
(*b*) the thirty-first day of July next following the date on which he attains the age of sixteen years.

(3) Where a child is entitled to an allowance under this Article, and the fire authority are satisfied that there are sufficient reasons for the grant of a gratuity in lieu of an allowance, they may in their discretion and with the consent of the child's guardian commute the allowance for a gratuity.

Fireman's special pension.

6.—(1) Where an ill-health pension is payable to any person on the ground that he has been incapacitated for the performance of his duty by infirmity of mind or body, and that pension, when increased by the amount

of such additional benefit, if any, as is payable to him, is less than the minimum injury award appropriate to his case, he shall be entitled to receive from the fire authority by which the ill-health pension is payable a special pension equal to the deficiency.

The minimum injury award appropriate to any particular case shall be determined in accordance with the Sixth Schedule to this Scheme.

(2) A special pension shall not be payable under this Article unless either—

(*a*) the infirmity of mind or body was occasioned by an injury received by the fireman in the execution of his duties as a fireman without his own default; or

(*b*) the infirmity of mind or body, though not occasioned by such an injury, has been so substantially aggravated by such an injury that, if the man had not received that injury, he would not have had to retire at the time when he in fact retired.

(3) In this Article the expression "additional benefit" means:—

(*a*) any injury benefit or disablement pension payable under the National Insurance (Industrial Injuries) Act, 1946(a); and

(*b*) any sickness benefit payable under the National Insurance Act 1946(b).

(4) For the purposes of this Article no account shall be taken of so much of a disablement pension as represents an increase payable under section fifteen of the National Insurance (Industrial Injuries) Act, 1946.

(5) Where a person is entitled to an ill-health pension on his retirement, and his retirement is attributable to any injury or disease in respect of which he receives a disablement gratuity under the National Insurance (Industrial Injuries) Act, 1946, this Article shall apply with respect to that ill-health pension as if he were entitled during the relevant period to a disablement pension under that Act of such amount as would be produced by converting the gratuity into an annuity for that period.

In this paragraph the expression "the relevant period" means the period taken into account, in accordance with section twelve of the said Act of 1946, for the purpose of making the assessment by reference to which the gratuity became payable.

Widow's special pension.

7.—(1) Where a fireman dies from the effects of an injury received in the execution of his duties as a fireman without his own default, or where a person, having 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.

(2) The amount of a widow's special pension shall be determined in accordance with the Seventh Schedule to this Scheme.

(3) Where a widow is entitled to a pension under this Article, she shall not be entitled under this Scheme to a widow's ordinary pension or a widow's ordinary gratuity in respect of the death of the same person.

(4) Where a widow is entitled to a pension under this Article, and the fire authority are satisfied that there are sufficient reasons for granting her a gratuity in lieu of a pension, they may in their discretion and with her consent commute the pension for a gratuity.

Child's special allowance.

8.—(1) Where a fireman dies from the effects of an injury received in the execution of his duties as a fireman without his own default, or where a person, having 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.

(2) The amount of a child's special allowance shall be determined in accordance with Part I of the Eighth Schedule to this Scheme; but the provisions of this Article and of the said Part I shall have effect subject to the provisions of Part II of that Schedule.

(a) 9 & 10 Geo. 6. c. 62. (b) 9 & 10 Geo. 6. c. 67.

(3) Where a child is entitled to an allowance under this Article, he shall not be entitled to a child's ordinary allowance under this Scheme in respect of the death of the same person.

(4) Where a child is entitled to an allowance under this Article, and the fire authority are satisfied that there are sufficient reasons for the grant of a gratuity in lieu of an allowance, they may in their discretion and with the consent of the child's guardian commute the allowance for a gratuity.

Gratuities for dependants other than widows and children.

9. Where a person dies while serving as a fireman, or, having served as a fireman, dies while in receipt of a pension under this Scheme, the fire authority may, if they think fit, grant a gratuity to any of his relatives who was substantially dependent on him at the time of his death, and who is not entitled to any pension, gratuity or allowance under any other provision of this Scheme.

Injury or disease attributable to war service.

10.—(1) Where any person who becomes a fireman—

(*a*) has, before becoming a fireman, received or contracted any injury or disease while serving in His Majesty's forces or while engaged in war work; and

(*b*) was, at the time when he received the injury or contracted the disease, a person to whom section one of the Police and Firemen (War Service) Act, 1939(a), applied,

the following provisions of this Article shall have effect in his case.

(2) If he dies in consequence of the injury or disease—

(*a*) while serving as a fireman; or

(*b*) while in receipt of a pension under this Scheme; or

(*c*) after having retired on account of the injury or disease,

the fire authority may—

(i) where on his death a gratuity becomes payable to his widow under any other provision of this Scheme, pay to her, in lieu of the gratuity, a pension at such rate, not exceeding the marginal rate specified in Part I of the Ninth Schedule to this Scheme, as the fire authority may determine;

(ii) where on his death a pension becomes payable to his widow under any other provision of this Scheme, and the rate at which the pension is payable is less than the marginal rate specified in the said Part I, pay the pension at such increased rate, not exceeding the marginal rate so specified, as the fire authority may determine;

(iii) where on his death an allowance becomes payable to any child of his under any other provision of this Scheme, and the rate at which the allowance is payable is less than the marginal rate specified in Part II of the Ninth Schedule to this Scheme, pay the allowance at such increased rate, not exceeding the marginal rate so specified, as the fire authority may determine:

Provided that where in the exercise of their discretion under this paragraph the fire authority decide to pay a pension to a widow in lieu of a gratuity, and the marginal rate specified in Part I of the Ninth Schedule to this Scheme is in that case less than £30 a year, the pension shall be paid at the rate of £30 a year.

(3) If he dies in consequence of the injury or disease after having retired on account of the injury or disease, and he is survived by a relative of his, not being his widow or child, and the said relative was substantially dependent on him at the time of his death, the fire authority may (without prejudice to their powers under any other provision of this Scheme) pay a gratuity to that relative.

(a) 2 & 3 Geo. 6. c. 103.

(4) If he becomes incapacitated for the performance of his duties as a fireman in consequence of the injury or disease and retires on that account, then—

(a) where on his retirement a gratuity becomes payable to him under any other provision of this Scheme, the fire authority may pay to him, in lieu of the gratuity, a pension at such rate, not exceeding the marginal rate specified in Part III of the Ninth Schedule to this Scheme, as the fire authority may determine; and

(b) where on his retirement a pension becomes payable to him under any other provision of this Scheme, and the rate at which the pension is payable is less that the marginal rate specified in the said Part III, the fire authority may pay the pension at such increased rate, not exceeding the marginal rate so specified, as the fire authority may determine:

Provided that where in the exercise of their discretion under this paragraph the fire authority decide to pay a pension to any person in lieu of a gratuity, and the marginal rate specified in the said Part III is in his case less than one-twelfth of his pensionable pay, the pension shall be paid at the rate of one-twelfth of his pensionable pay.

General rules as to pensions, allowances and gratuities.

11. The provisions of this Scheme with respect to pensions, allowances and gratuities shall have effect subject to the general rules set out in the Tenth Schedule to this Scheme.

Change of brigade with consent of fire authority.

12.—(1) Where a fireman retires from the brigade in which he is employed in order to become a fireman in another brigade, and he retires from the first-mentioned brigade with the written consent of the fire authority by whom that brigade is maintained, no pension or gratuity shall be payable to him on his retiring from that brigade.

(2) For the purposes of this Article consent to a fireman's retiring from a brigade may be given after he has left the brigade, but only if he has applied to the fire authority for such consent while still a member of the brigade.

Allocation of superannuation benefits.

13.—(1) If before retiring with a fireman's ordinary pension a fireman—

(a) gives notice to the fire authority by whom the pension will be payable of his intention to surrender a portion of the pension not exceeding one-third thereof;

(b) nominates the person in whose favour the surrender is to take effect; and

(c) provides the fire authority with such evidence of his good health as the authority consider satisfactory,

the pension shall be reduced accordingly, and after his death the fire authority shall pay to the person so nominated, if that person survives him, a pension of such amount as, according to tables from time to time prepared by the Government Actuary, is actuarially equivalent, as at the time when the fireman's ordinary pension first became payable, to that part of the pension which he has surrendered.

(2) A fireman shall not be entitled under this Article to surrender a part of his pension in favour of any person other than his wife unless the fire authority are satisfied that that person is substantially dependent on him when he gives notice of his desire to surrender.

Part II

Counting of Service

Pensionable service on and after the appointed day.

14.—(1) Subject as hereinafter provided, the expression "pensionable service" in this Scheme means whole-time service as a fireman.

(2) There shall not be included in a person's period of pensionable service—

(a) any period during which he is absent from duty as a fireman as a result of sickness or injury which is certified by a duly qualified medical practitioner to be due to his own misconduct or vicious habits;

(b) any period during which he is suspended from such duty as a result of misconduct.

Where a person is suspended from duty pending the investigation of a charge of misconduct against him, then, if misconduct is established, his suspension pending the investigation shall be treated for the purposes of this paragraph as suspension as a result of misconduct, but if misconduct is not established, his said suspension shall not be treated for the purposes of this paragraph as suspension as a result of misconduct.

(3) Where a fireman is absent from service without pay and the provisions of the last preceding paragraph do not apply, the fire authority may, at any time while he is a fireman in their service, resolve that the whole or any part of the period of absence shall be included in his period of pensionable service for the purposes of this Scheme.

Subject to any such resolution, no period of absence without pay shall be counted as a period of pensionable service for the purposes of this Scheme.

(4) Where by virtue of any such resolution as aforesaid any period falls to be counted as a period of pensionable service, the fireman shall become liable to pay to the fire authority the contributions which would have been payable by him for that period if he had been paid at the rate applicable to his case.

(5) Where a person serves as a fireman before attaining the age of twenty years, his service before attaining that age shall not be counted as pensionable service:

Provided that if a fireman who has not attained that age dies or is incapacitated for the performance of his duty in consequence of an injury received in the execution of his duty without his own default, the like pensions, gratuities and allowances shall be payable in respect of the death as would have been payable if the whole of his service as a fireman had been pensionable service.

Service before the appointed day.

15.—(1) The provisions of this Article shall have effect in the case of any person who becomes 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 was, immediately before the appointed day, subject to the Fire Brigade Pensions Act, 1925(a), his pensionable service for the purposes of this Scheme shall include the period of service which would have counted in his case as a period of approved service for the purposes of the said Act of 1925 if he had retired immediately before the appointed day.

Where the said person has been employed by a local authority before the appointed day in service which would have been approved service for the purposes of the said Act of 1925, if a certificate had been duly given with respect thereto under section six of that Act, and the said local authority are satisfied that the said service was diligent and faithful service, the authority may certify accordingly, and any such certificate shall, for the purposes of this paragraph, have the like effect as a certificate duly given in accordance with the said section six.

(3) If the said person was, immediately before the appointed day, subject to any such arrangements as are mentioned in paragraph (*a*) of subsection (2) of section twenty-seven of the principal Act, his pensionable service for the purposes of this Scheme shall include the period of service which would have counted in his case for the purposes of the said arrangements if he had retired immediately before the appointed day.

Where the said person has been employed by a local or police authority before the appointed day in service which would have been pensionable service for the purposes of any such arrangements as aforesaid if a certificate

(a) 15 & 16 Geo. 5. c. 47.

had been duly given with respect to that service in accordance with any provision in that behalf contained in the arrangements, and the local or police authority are satisfied that the said service was diligent and faithful service, they may certify accordingly, and any such certificate shall, for the purposes of this paragraph, have the like effect as a certificate duly given in accordance with the said provision.

This paragraph shall not apply to a person who was, immediately before the appointed day, subject to any such arrangements as aforesaid by reason of having been a member of a police force, unless his duty as a member of that force, at the time when he was last employed therein before the appointed day, was or included the duty of serving as a fireman.

(4) If the said person is not a person to whom paragraph (2) or paragraph (3) of this Article applies, the period ending with the appointed day during which he has been continuously employed as a permanent employee in whole-time service in the National Fire Service shall be treated as a period of pensionable service for the purposes of this Scheme, if 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:

Provided that for the purposes of this paragraph no account shall be taken of any period during which he has served before attaining the age of twenty years.

(5) If the said person is not a person to whom paragraph (2) or paragraph (3) of this Article applies, but he has, on or after the third day of September, nineteen hundred and thirty-nine, been employed in whole-time service in a fire brigade maintained by a local authority under the Fire Brigades Act, 1938(a), or in the Auxiliary Fire Service, or in the National Fire Service, one-half of the period during which he has been so employed shall be treated as a period of pensionable service for the purposes of this Scheme, if 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:

Provided that for the purposes of this paragraph no account shall be taken of any period during which he has served before attaining the age of twenty years or of any period during which he was permanently employed in the National Fire Service.

(6) If the said person was, immediately before the appointed day, pensionable in respect of his service in the National Fire Service by virtue of the Local Government Staffs (War Service) Act, 1939(b), paragraphs (3), (4) and (5) of this Article shall not apply in his case, but his pensionable service for the purposes of this Scheme shall include three-quarters of the period of service which would have counted in his case for the purpose of the appropriate pension arrangements if he had retired immediately before the appointed day.

In this paragraph the expression "appropriate pension arrangements" means any arrangements for the payment of pensions in respect of service in any such civil capacity as is specified in the first column of the Schedule to the said Act of 1939.

(7) The Secretary of State may, after consultation with any local authority with whom it appears to him to be desirable to consult, direct that paragraph (6) of this Article shall, in its application to any particular person specified in the direction, have effect as if the words " three-quarters of " were omitted therefrom.

(8) If the said person was, immediately before the appointed day, pensionable in respect of his service in the National Fire Service by virtue of the Teachers Superannuation (War Service) Act, 1939(c), or of the

(a) 1 & 2 Geo. 6. c. 72. (b) 2 & 3 Geo. 6. c. 94.
(c) 2 & 3 Geo. 6. c. 95.

Education (Scotland) (War Service Superannuation) Act, 1939(a), paragraphs (4) and (5) of this Article shall not apply in his case, but his pensionable service for the purposes of this Scheme shall include three-quarters of the period of service which would have counted in his case for the purposes of Part II of the Teachers (Superannuation) Act, 1925(b), or of any scheme made under section twenty-one of the said Act of 1925, or for the purposes of the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or of any Act amending those Acts, or of any scheme made under those Acts or any of them, if he had retired immediately before the appointed day.

(9) The supplementary provisions contained in the Twelfth Schedule to this Scheme shall have effect with respect to the counting of service before the appointed day in the case of persons to whom this Article applies.

Service before the appointed day of persons in the armed forces on that day.

16.—(1) Where any person, having been employed in employment to which this Article applies, has, before the appointed day, ceased to be employed in such employment in order to become a member of the armed forces of the Crown, then if—

(*a*) he is a member of those forces on the appointed day; and

(*b*) his service in those forces between his so ceasing as aforesaid and the appointed day has not been subject to any interruption; and

(*c*) he next ceases to be a member of those forces within one year from the appointed day; and

(*d*) within three months after next ceasing to be a member of those forces, he becomes a fireman without any intervening period of service in any other capacity,

one-half of the period during which he has been employed in employment to which this Article applies shall be treated as a period of pensionable service for the purposes of this Scheme, 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.

(2) The employment to which this Article applies is employment in a temporary capacity, on or after the third day of September, nineteen hundred and thirty-nine, and before the appointed day, in a fire brigade maintained by a local authority under the Fire Brigades Act, 1938(c), or in the Auxiliary Fire Service, or in the National Fire Service:

Provided that for the purposes of this Article no account shall be taken of any period during which a person has been employed before attaining the age of twenty years.

Service before the appointed day of persons who have been cadets or probationers.

17.—(1) Where any person has ceased, on or after the third day of September, nineteen hundred and thirty-nine, and before the appointed day, to be a member of a fire brigade maintained by a local authority in order to serve in His Majesty's forces, or in order to be engaged in war work, and, at the time when he so ceased he was not a professional fireman as defined by paragraph (2) of section twenty-three of the Fire Brigade Pensions Act, 1925(d), and had not attained the age of twenty years, and was not subject to the provisions of any pension scheme in respect of his service in the brigade, then, if he is a member of the National Fire Service immediately before the appointed day and becomes a fireman on that day, there shall be included in his period of pensionable service for the purposes of this Scheme the whole of any period after he has attained the age of twenty years and before the appointed day during which he has served in the armed forces of the Crown or has been engaged in war work, but subject to his paying to the fire authority by which he is employed as a fireman on the appointed day a sum equal to the total amount of the rateable deductions which would have been made from his pay in respect

(a) 2 & 3 Geo. 6. c. 96.
(b) 15 & 16 Geo. 5. c. 59.
(c) 1 & 2 Geo. 6. c. 72.
(d) 15 & 16 Geo. 5. c. 47.

of the last-mentioned period if, throughout that period, he had been a professional fireman as defined by the Fire Brigade Pensions Act, 1925, and had been paid as such at the rate at which ordinary firemen were, immediately before the eighteenth day of August, nineteen hundred and forty-one, paid by the local authority in whose fire brigade he last served before the appointed day.

(2) Where on the establishment of the National Fire Service any person serving as a probationer in a fire brigade maintained by a local authority ceased so to serve in order to become a member of the National Fire Service, and he was not, at the time when he so ceased, subject to the provisions of any pension scheme in respect of his service in the fire brigade maintained by the local authority, then, if he is serving in a permanent capacity in the National Fire Service immediately before the appointed day and becomes a fireman on that day, Article 15 of this Scheme shall not apply in his case, but there shall be included in his period of pensionable service for the purposes of this Scheme the whole of the period during which he has served after attaining the age of twenty years in the National Fire Service, but subject to his paying to the fire authority by which he is employed as a fireman on the appointed day a sum equal to the total amount of the rateable deductions which would have been made from his pay in respect of the last-mentioned period if, throughout that period, he had been a professional fireman as defined by the Fire Brigade Pensions Act, 1925, and had been paid as such at the rate at which ordinary firemen were, immediately before the eighteenth day of August, nineteen hundred and forty-one, paid by the local authority in whose fire brigade he was serving immediately before that day.

Service before the appointed day in certain special cases.

18—(1) Where a person who becomes a fireman on the appointed day has, before that day, been engaged in service as a member of a police force or as a servant of the Crown, but that service cannot be counted as pensionable service for the purposes of this Scheme by virtue of any other provision of this Scheme, the fire authority by whom he is employed on that day may, subject to his paying to them such sum as they may direct, permit the whole or any part of that service to be reckoned in his case as pensionable service for the purposes of this Scheme:

Provided that a fire authority shall not exercise the powers conferred by this paragraph without the approval of the Secretary of State.

(2) Where in the case of any person service in a police force is reckoned as pensionable service by virtue of this Article, the authority by whom he was employed in that service may make in respect thereof to the fire authority by whom he is employed on the appointed day such payments as may be approved by the Secretary of State.

Discontinuous service, and service in two or more brigades.

19.—(1) Where a person ceases to serve as a fireman in any particular brigade, the period of pensionable service which he has then completed (including any period of service before the appointed day which counts or might count in his case as a period of pensionable service for the purposes of this Scheme) shall not, except in so far as is expressly provided by this Scheme, be taken into account for the purpose of applying this Scheme in relation to any subsequent period during which he serves as a fireman in the same or another brigade.

(2) Where a fireman retires without a pension and subsequently (without any intervening period of service as a fireman) serves as a fireman for a further period in the brigade from which he so retired, the period of pensionable service which he was entitled to reckon for the purposes of this Scheme on so retiring shall be taken into account for the purpose of applying this Scheme in relation to the said further period, but subject to his repaying to the fire authority any sum which became payable to him at the end of the first of the two periods by way of gratuity or return of aggregate contributions.

(3) Where a fireman retires without a pension and subsequently (without any intervening period of service as a fireman) serves as a fireman for a further period in any brigade other than that from which he so retired, the period of pensionable service which he was entitled to reckon for the purposes of this Scheme on so retiring shall be taken into account for the purpose of applying this Scheme in relation to the said further period:

Provided that the foregoing provisions of this paragraph shall not have effect unless the fire authority by whom he is employed during the said further period so allow; and the operation of the said provisions shall be conditional upon his paying to that authority any sum which became payable to him at the end of the first of the two periods by way of gratuity or return of aggregate contributions.

(4) Where, with such consent as is mentioned in Article 12 of this Scheme, a fireman retires from the brigade in which he is employed in order to become a fireman in another brigade, the period of pensionable service which he would have been entitled to reckon for the purposes of this Scheme on the occasion of his retirement from the first-mentioned brigade if he had retired from it without such consent as aforesaid shall be taken into account for the purpose of applying this Scheme in relation to his next subsequent period of pensionable service.

PART III

CONTRIBUTIONS

Payment of contributions by the fireman.

20.—(1) Subject to the provisions of this Scheme, every fireman who has attained the age of twenty years shall pay contributions to the fire authority at the following rate, that is to say:—

(*a*) in the case of a person who has served before the appointed day in a fire brigade maintained by a local authority or in the National Fire Service, and who becomes a fireman on that day, twopence a week less than five per cent. of his pensionable pay; and

(*b*) in any other case, one shilling and twopence a week less than five per cent. of his pensionable pay.

(2) The contribution upon each instalment of pay shall fall due at the same time as that instalment, and may, without prejudice to any other method of payment, be discharged by way of a rateable deduction made by the authority from the said instalment.

(3) Where any person who has served before the appointed day in a fire brigade maintained by a local authority or in the National Fire Service—

(*a*) is, on the appointed day, a member of His Majesty's forces, and

(*b*) after next ceasing to be a member of those forces, becomes a fireman without any intervening period of service in another capacity,

the provisions of paragraph (1) of this Article shall apply in his case as if for the reference therein to the appointed day there were substituted a reference to the first day on which he becomes a fireman.

Repayment of contributions generally.

21.—(1) Where a fireman retires without a pension or gratuity, the fire authority shall repay to him his aggregate contributions:

Provided that where with such consent as is mentioned in Article 12 of this Scheme the fireman retires in order to become a fireman in another brigade, his aggregate contributions shall not be repaid to him on his so retiring.

(2) Where a fireman dies while serving as such, and no pension, allowance or gratuity is payable under this Scheme on his death, the fire authority shall pay his aggregate contributions to his personal representatives, to be dealt with as part of his estate.

(3) Where a fireman is dismissed from the fire brigade, the fire authority may in their discretion—

(*a*) repay to him his aggregate contributions wholly or in part;

(*b*) apply his aggregate contributions wholly or in part for the benefit of his dependants;

(*c*) retain his aggregate contributions wholly or in part.

Repayment of balance of contributions in certain cases.

22. Where a fireman retires with an ill-health pension, and the pension is subsequently cancelled, but he does not within one month from the cancellation thereof resume service as a fireman in the brigade from which he retired with the pension, then, if the aggregate amount paid to him in respect of the pension is less than his aggregate contributions, the fire authority shall pay to him the difference.

Part IV

Members of a Fire Brigade who are not Firemen

Part-time members of a fire brigade.

23.—(1) Where, without his own default, a part-time member of a fire brigade suffers any injury in the execution of his duties as a member of the brigade, or contracts any disease in the execution of his said duties, the provisions of this Article shall have effect in his case.

(2) If he retires in consequence of the injury or disease, the fire authority shall pay to him such pension or gratuity, if any, as, subject to subsection (3) of section twenty-six of the principal Act, may be approved by the Secretary of State.

(3) If he dies from the effects of the injury or disease, either while still a member of the brigade or after retiring therefrom, the fire authority shall pay to any relative of his who survives him such pension, allowance or gratuity, if any, as, subject to subsection (3) of section twenty-six of the principal Act, may be approved by the Secretary of State.

(4) In this Article the expression "fire brigade" means a fire brigade maintained under the principal Act.

Whole-time members of a fire brigade who are not firemen.

24.—(1) Where, while in attendance at a fire and without his own default, a whole-time member of a fire brigade who is not a fireman suffers any injury in the execution of his duties as a member of the brigade, or contracts any disease in the execution of his said duties, the provisions of this Article shall have effect in his case.

(2) If he retires in consequence of the injury or disease, the fire authority may pay to him such pension, if any, as the fire authority think fit:

Provided that the said pension shall not, when added to such additional benefit, if any, as is payable to him, exceed the minimum injury award which would have been appropriate to his case if—

(*a*) he had been a fireman at the time when he suffered the injury or contracted the disease; and

(*b*) the injury or disease had been suffered or contracted in the execution of his duties as a fireman without his own default; and

(*c*) he had at the time of his retirement been entitled to count ten years' pensionable service for the purposes of this Scheme; and

(*d*) his pay as a fireman immediately before his retirement had been the pay appropriate to an ordinary fireman in the brigade in question, exclusive of increments.

(3) If he dies from the effects of the injury or disease, either while still a member of the brigade or after retiring therefrom, and he is survived by any relative of his to whom a pension or allowance would have been

payable under this Scheme on his death if the prescribed conditions had been fulfilled, the fire authority may pay a pension, or, as the case may be, an allowance to that relative:

Provided that the pension or allowance paid to any person under this paragraph shall not, when increased by such additional benefit, if any, as is paid to that person, exceed the pension or allowance which would have been payable to that person under this Scheme if the prescribed conditions had been fulfilled.

For the purposes of this paragraph the prescribed conditions are:—.

(*a*) that the deceased was a fireman at the time when he suffered the injury or contracted the disease; and

(*b*) that the injury or disease was suffered or contracted in the execution of his duties as a fireman without his own default; and

(*c*) that his pay as a fireman immediately before his death or retirement was the pay appropriate to an ordinary fireman in the brigade in question, exclusive of increments.

(4) In this Article—

(*a*) the expression " additional benefit " means any periodical payments, of whatever nature, which, apart from the provisions of this Article, are made by the fire authority or by any Minister of the Crown; and

(*b*) the expression " fire brigade " means a fire brigade maintained under the principal Act.

PART V

CANCELLATION, REVISION, REDUCTION AND WITHDRAWAL OF BENEFIT

Cancellation of pensions.

25.—(1) Where a person is in receipt of an ill-health pension, the fire authority shall, at such reasonable intervals as they think proper, consider whether he has become capable of performing the duties of a fireman, and, if he has become capable of performing those duties, the authority may cancel the pension:

Provided that the powers and duties of a fire authority under this paragraph shall not be exercisable in the case of any person who, at the time when he retired with the ill-health pension, was entitled to reckon for the purposes of this Scheme a period of pensionable service of twenty-five years or more, and shall cease to be exercisable in the case of any person after the time when, if he had continued to serve as a fireman in the brigade, he would have been entitled to retire and receive an ordinary pension or would have reached the age prescribed for his retirement by his conditions of service.

(2) Where a person's pension is cancelled under this Article, the fire authority shall, if he presents himself for service in the brigade at any time before the expiration of one month from the cancellation of the pension, permit him to resume service in the brigade forthwith in a rank not lower than that which he held when he retired with the pension; and if the fire authority fail to comply with the requirements of this paragraph the cancellation shall be void and shall be deemed never to have taken effect.

(3) Where on the cancellation of his ill-health pension under this Article a person resumes service as a fireman in the brigade from which he retired with the pension, the period of pensionable service taken into account for the purposes of this Scheme on his next ceasing to serve as a fireman in that brigade shall be increased by the period of pensionable service which he was entitled to reckon for the purposes of this Scheme when he retired with the ill-health pension.

Revision of fireman's special pension.

26.—(1) Subject as hereinafter provided, where a special pension is payable under Article 6 of this Scheme the fire authority shall, at such reasonable intervals as they think proper, consider whether the extent of the pensioner's disablement has altered: and if after such consideration the fire authority find that the extent of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

(2) Paragraph (1) of this Article shall cease to have effect with respect to a pension if, at any time after the expiration of five years from the time when the pension first became payable, the fire authority so resolve.

Reduction of pensions where incapacity due to misconduct.

27. Where a fireman retires on account of infirmity of mind or body, and he has brought about or contributed to the infirmity by his own default or his vicious habits, the fire authority may reduce the amount of any pension or gratuity payable to him on his retirement by an amount not exceeding one half of that to which he would otherwise be entitled.

Withdrawal of pensions and allowances for misconduct.

28. Where any person to whom a pension or allowance is payable under this Scheme—

(*a*) is sentenced for any offence to penal servitude or to imprisonment for a term exceeding twelve months, or

(*b*) becomes or continues to be engaged in any business, occupation or employment which is illegal,

the fire authority may withdraw the pension or allowance either wholly or in part and either temporarily or permanently; and so much of any pension or allowance as is withdrawn under this Article may, to such extent as the authority think fit, be applied by the authority for the benefit of any dependant of the person to whom it would otherwise have been payable.

Withdrawal of pensions on re-employment.

29. A fire authority by whom a pension is payable under this Scheme may in their discretion withdraw the whole or any part of the pension for any period during which the pensioner is employed in any capacity by a local authority.

Effect of withdrawal.

30. To the extent to which a pension or allowance is withdrawn under any power conferred by the preceding provisions of this Scheme, the fire authority shall be discharged from all actual or contingent liability in respect thereof.

Part VI

Determination of Questions

General functions of fire authority.

31.—(1) Subject as hereinafter provided, the question whether a person is entitled to any and if so what benefits under this Scheme shall be determined in the first instance by the fire authority.

(2) Subject to the provisions of this Scheme, the fire authority shall consider the evidence of at least one duly qualified medical practitioner selected by the authority before determining for the purposes of this Scheme—

(*a*) whether a person has been incapacitated for the performance of his duty as a fireman by infirmity of mind or body;

(*b*) whether any such incapacity is likely to be permanent;

(*c*) whether a person's incapacity has been occasioned by an injury received in the execution of his duties as a fireman without his own default;

(*d*) whether a person has become capable of performing the duties of a fireman;

(*e*) the extent to which a person has been disabled;

(*f*) any other question which ought to be determined on medical grounds:

Provided that where an authority are unable to obtain such evidence by reason of the refusal or the wilful or negligent failure of any person to submit to medical examination by a duly qualified medical practitioner selected by the authority, the authority may dispense with such evidence and may give such decision on the question at issue as they may in their discretion choose to give, either without medical evidence or upon such medical evidence as they think fit.

Appeal against opinion of fire authority's medical practitioner.

32.—(1) Where for the purposes of any decision which falls to be made by a fire authority under this Scheme any person is medically examined by a medical practitioner selected by the authority, the opinion of the practitioner shall be given in writing to the authority.

(2) If within fourteen days of being informed by the fire authority of the decision the said person applies to the authority for a copy of the opinion, the authority shall supply him with a copy thereof.

(3) If he is dissatisfied with the opinion of which a copy has been so supplied to him, he may, subject to and in accordance with the provisions of the Thirteenth Schedule to this Scheme, appeal against the opinion to an independent person nominated by the Secretary of State (hereinafter referred to as a " medical referee ").

(4) A fire authority shall be bound by any decision on a medical question duly given on any such appeal.

Appeal against decision of fire authority.

33.—(1) Where any person claims that he is entitled to a pension, allowance or gratuity under this Scheme, or to any payment an account of any such pension, allowance or gratuity, and the fire authority do not admit the claim at all, or do not admit the claim to the full extent thereof, the person aggrieved may apply to the fire authority for a reconsideration of the case, and, if aggrieved by the decision on such reconsideration, may appeal to the next practicable court of quarter sessions for any county or borough which constitutes, or is wholly or partly included in, the area of the fire authority.

(2) Subject as hereinafter provided, a court of quarter sessions may, on an appeal under paragraph (1) of this Article, make such order or declaration as appears to the court to be just.

(3) Nothing in this Article shall authorise a court of quarter sessions—

(*a*) to make an order or declaration controlling or restricting the exercise of any discretion which by this Scheme is vested in a fire authority; or

(*b*) to reopen any decision on a medical question which has been given on an appeal under Article 32 of this Scheme.

(4) Subject to and in accordance with rules of court, an appeal on a point of law from a decision of a court of quarter sessions under this Article shall lie to the High Court.

(5) In the application of this Article to Scotland, for any reference to a court of quarter sessions there shall be substituted a reference to the sheriff having jurisdiction in the place where the person concerned last served as a fireman, and for any reference to the High Court there shall be substituted a reference to the Court of Session.

PART VII

PAYMENT AND ASSIGNMENT OF BENEFIT

Payment generally.

34.—(1) Subject to the provisions of this Scheme, every pension or allowance payable thereunder shall, subject to such delay as may be necessary for the purpose of determining any question as to the liability of the fire authority in respect thereof, be discharged by payments in advance at such reasonable intervals as the fire authority may determine.

(2) Where a person dies after receiving a sum paid in advance on account of a pension or allowance under this Scheme, no claim for repayment shall be entertained on the ground that the said sum or any part thereof is referable to a period after his death.

(3) Where a widow remarries after receiving a sum paid in advance on account of a pension under this Scheme, no claim for repayment shall be entertained on the ground that the said sum or any part thereof is referable to a period after her remarriage.

(4) Every gratuity payable under this Scheme shall be paid in one sum:

Provided that where a fire authority are satisfied that it would be for the advantage of the beneficiary to pay a gratuity in instalments, they may pay it in instalments of such reasonable amounts and over such reasonable period as they think fit.

Payment in certain special cases.

35—(1) Where any sum is due on account of a pension, and any debt is due to the fire authority from the pensioner, so much of the said sum as does not exceed the debt may be applied by the authority in or towards the satisfaction of the debt.

(2) If it appears to the fire authority that a pensioner is insane or otherwise incapable of managing his affairs, the authority may in their discretion pay the pension or any part thereof to any institution or person having the care of the pensioner, and, in so far as they do not dispose of the pension in that manner, may apply it in such manner as they think fit for the benefit of the pensioner or his dependants.

(3) On the death of a pensioner to whom a sum not exceeding £100 is due on account of a pension, the fire authority may, without probate, confirmation or any other formality or proof of title, pay the said sum to the persons appearing to the authority to be beneficially entitled to the personal estate of the deceased, or, as the authority think fit, pay the said sum to one or more of those persons or distribute it among all or any of those persons in such proportions as the authority may determine.

(4) Where any sum is payable to a minor on account of a pension, the authority may, if they think fit, in lieu of paying the said sum to the minor, pay it to such other person as they may determine.

A person who receives any sum paid under this paragraph shall, subject to and in accordance with any directions of the fire authority, apply the said sum for the minor's benefit.

In the application of this paragraph to Scotland, as well as in its application to England, the expression "minor" means a person who has not attained the age of twenty-one years.

(5) Subject as hereinafter provided, in this Article the expression "pension" means a pension payable under this Scheme and the expression "pensioner" means a person to whom a pension is payable.

(6) This Article shall apply with respect to allowances and gratuities payable under this Scheme as it applies with respect to pensions, and accordingly any reference in this Article to a pension shall be construed as including a reference to any such allowance or gratuity, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any such allowance or gratuity is payable.

(7) A fire authority shall obtain a good discharge by applying or paying any sum in the manner provided by this Article.

Assignment.

36—(1) Every assignment of or charge on a pension, allowance or gratuity payable under this Scheme shall be void:

Provided that nothing in this paragraph shall invalidate any assignment or charge in favour of a single assignee or chargee who is a relative of the person to whom the pension, allowance or gratuity is payable, or in favour of two or more assignees or chargees all of whom are relatives of the said person.

(2) Where any pension, allowance or gratuity is payable under this Scheme to a person who is bankrupt, any sums which are paid or payable to him on account of the pension, allowance or gratuity while he is bankrupt shall not pass to his trustee in bankruptcy or to any other person acting on behalf of his creditors.

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Special provisions as to persons called up for service on or after the appointed day.

37.—(1) Where a person ceases to serve as a fireman in a particular brigade by reason of being called up for service in the armed forces of the Crown under the National Service Acts, 1939 to 1946, or under the National Service Act, 1947(a), then, subject as hereinafter provided, this Scheme shall apply with respect to him as if he had not so ceased, but had continued without interruption to serve as a fireman in that brigade until the time when he next ceases to be a member of the armed forces of the Crown:

Provided that if the period of his service in the said forces which terminates at that time (hereafter in this Article referred to as " the said period ") is brought to an end by his death, then, whatever the cause of his death, this Scheme shall apply with respect to him as if the death were not attributable to an injury or disease received or contracted in the execution of his duties.

(2) Subject to the following provisions of this Article, if the said period is brought to an end otherwise than by his death, this Scheme shall apply with respect to him as if he had retired from the said brigade at the end of that period:

Provided that consent to his said retirement shall be deemed to have been duly given in accordance with Article 12 of this Scheme if it is given on an application made by him at any time before the expiration of one month from the end of the said period.

(3) If within one month from the end of the said period he resumes service as a fireman in the said brigade, then, subject as hereinafter provided, this Scheme shall apply with respect to him as if he had not ceased to be a member of the said brigade on being so called up as aforesaid, but had continued without interruption to serve as a fireman in that brigade until he next ceases so to serve.

(4) If at the end of the said period he is unfit for service as a fireman, but he becomes fit for such service at any time within one year from the end of the said period, then, if the fire authority by whom the said brigade is maintained so allow, paragraph (3) of this Article shall have effect with respect to him as if for the reference therein to the end of the said period there were substituted a reference to the said time.

(5) No contributions shall be payable under this Scheme in respect of any period which is treated as a period of service as a fireman by virtue only of the provisions of this Article.

Reduction of benefits and contributions in certain cases.

38.—(1) Except as hereinafter provided, every fireman's ordinary pension, every short service pension and every ill-health pension shall, on the pensioner attaining the age of sixty-five years, be reduced in accordance with the Table contained in the Fourteenth Schedule to this Scheme.

(2) Paragraph (1) of this Article shall not apply in the case of a pension payable to any person who has served before the appointed day in a fire brigade maintained by a local authority or in the National Fire Service, unless, within the time and in the manner hereinafter provided, he elects to pay contributions at the lower rate; and, if he so elects—

(*a*) the rate at which contributions are payable by him under Article 20 of this Scheme shall be reduced by one shilling a week; and

(*b*) the said reduction shall take effect as from the beginning of the appointed day, and the fire authority shall refund to him such sums, if any, as may be necessary to secure that he receives the full benefit of the said reduction.

A person shall not be competent to make such an election except while he is actually serving as a fireman; and any such election must be made by giving notice in writing of the election to the fire authority within the period of two months beginning with the appointed day.

(a) 10 & 11 Geo. 6. c. 31.

(3) Where any person who has served before the appointed day in a fire brigade maintained by a local authority or in the National Fire Service—

(*a*) is, on the appointed day, a member of His Majesty's forces; and

(*b*) after next ceasing to be a member of those forces, becomes a fireman without any intervening period of service in any other capacity,

the provisions of paragraph (2) of this Article shall apply in his case as if for each reference therein to the appointed day there were substituted a reference to the first day on which he became a fireman.

Exercise of options under principal Act.

39. A notice given for the purposes of subsection (2) of section twenty-seven of the principal Act must be given within the period of two months beginning with the time when the person giving the notice first becomes a fireman, and must be given to the fire authority by whom he is first employed as such.

Exclusion of workmen's compensation rights.

40. Where—

(*a*) a person dies from the effects of any injury or disease, and on his death his widow becomes entitled to a pension under this Scheme or any child of his becomes entitled to an allowance under this Scheme, or

(*b*) a person retires from service as a fireman in consequence of any injury or disease, and becomes entitled to a pension under this Scheme on so retiring,

no compensation shall be payable to any person under the Workmen's Compensation Acts, 1925 to 1945, in respect of that injury or disease or the consequences thereof.

Right of fire authority to receive payments in respect of previous service.

41.—(1) Where with such consent as is mentioned in Article 12 of this Scheme a fireman retires from the brigade in which he is employed in order to become a fireman in another brigade, the fire authority with whose consent he so retired shall pay to the fire authority by whom the second-mentioned brigade is maintained such sum as may be determined in accordance with a scale approved for the purposes of this paragraph by the Secretary of State.

(2) Where in the case of any person a period of service is treated as a period of pensionable service by virtue of paragraph (4) or paragraph (5) of Article 15 of this Scheme, the Secretary of State shall pay to the fire authority by whom that person is employed on the appointed day such sum as may be determined in accordance with a scale approved for the purposes of this paragraph by the Secretary of State.

(3) Where in the case of any person a period of service is treated as a period of pensionable service by virtue of Article 16 of this Scheme, the Secretary of State shall pay to the fire authority by whom that person is first employed as a fireman such sum as may be determined in accordance with a scale approved for the purposes of this paragraph by the Secretary of State.

(4) Where a period of service is included in a person's period of pensionable service by virtue of Article 17 of this Scheme, and the authority in whose fire brigade he was last employed before the appointed day is not the authority by whom he is employed on that day, the first-mentioned authority shall pay to the second-mentioned authority such sum as the Secretary of State may direct.

Expenses and receipts of fire authorities.

42.—(1) Every council of a county borough which is a fire authority for the purposes of the principal Act and which, immediately before the appointed day, maintained a fire brigade pensions fund under the Fire Brigade Pensions Act, 1925(a), or maintained any similar fund under a local Act, shall continue to maintain that fund and shall pay into that fund—

(*a*) all sums received by the authority under this Scheme;

(*b*) in respect of each person employed by the authority as a fireman, a sum equivalent to each contribution which that person is required to make to the authority under this Scheme;

(a) 15 & 16 Geo. 5. c. 47.

(*c*) any dividends or interest on the sums for the time being forming part of the said fund by virtue of this Article; and

(*d*) such other sums, if any, as the authority may resolve to carry into the said fund for the purposes of this Scheme;

and shall pay out of the said fund all sums payable by the authority under or for the purposes of this Scheme.

In the application of this paragraph to Scotland the reference to a county borough shall be construed as a reference to any county and to any large burgh.

(2) Every fire authority which is not required to comply with the preceding paragraph of this Article shall maintain a separate account showing all sums received by the authority under this Scheme and all sums paid by the authority under or for the purposes of this Scheme.

Fireman defined.

43.—(1) In this Scheme the expression " fireman " means a whole-time member of a fire brigade maintained under the principal Act who was appointed on terms under which he is or may be required to engage in fire-fighting, except that the said expression does not include any person whose employment is temporary only.

(2) Where a person—

(*a*) is, immediately before the appointed day, subject to the Fire Brigade Pensions Act, 1925(a); and

(*b*) becomes, on that day, a whole-time member of a fire brigade serving the whole or any part of the area of the local authority by whom he was last employed as a member of a fire brigade before the appointed day,

he shall, for so long as he continues to be a whole-time member of that brigade, be treated as a fireman for the purposes of this Scheme notwithstanding that he is not such a person as is mentioned in paragraph (1) of this Article:

Provided that if at any time on or after the appointed day he ceases to be a whole-time member of the said brigade, no subsequent period during which he serves as a member of a fire brigade shall be treated as a period of service as a fireman by virtue only of the provisions of this paragraph.

(3) Any reference in this Scheme to a fireman shall, where appropriate, be construed as, or be construed as including, a reference to a person who has been a fireman or who has been entitled to be treated as such by virtue of paragraph (2) of this Article.

Aggregate contributions defined.

44.—(1) Where a period during which a person has continuously served as a fireman in a particular fire brigade is brought to an end by his death, retirement or dismissal, his aggregate contributions for the purposes of this Scheme shall be—

(*a*) all sums which he has paid by way of contributions under this Scheme in respect of that period of service; and

(*b*) where any sum became payable under paragraph (1) of Article 41 of this Scheme on the occasion of his entering on that period of service, so much of the said sum as represents contributions previously made under this Scheme or represents a payment in lieu of contributions made by or in respect of him.

(2) In relation to a person's first period of service as a fireman, his aggregate contributions shall include any payment in lieu of contributions made by or in respect of him.

(3) In this Article the expression " payment in lieu of contributions ", when used in relation to any person, means—

(*a*) a payment made by him for the purpose of securing the benefits provided by paragraph (4) or paragraph (5) of Article 15 of this Scheme, or by Article 16 or Article 17 or Article 18 of this Scheme, or by the Twelfth Schedule to this Scheme; and

(a) 15 & 16 Geo. 5. c. 47.

(*b*) so much of any sum paid to a fire authority by virtue of regulations made under paragraph (11) of the Fifth Schedule to the principal Act as that fire authority may, subject to any directions of the Secretary of State, determine to treat as a payment in lieu of contributions made in respect of him.

Total and partial disablement.

45. For the purposes of this Scheme the extent to which a person is disabled shall be determined by reference to the extent to which his earning capacity has been affected, and a person shall be deemed to be totally disabled if, and only if, he is incapable, by reason of infirmity of mind or body, of earning any money in any employment.

Pensionable pay and annual pensionable pay.

46.—(1) In this Scheme the expression " pensionable pay " means the rate which for the time being expresses the whole of a fireman's monetary remuneration as a fireman, including increments which have accrued but not including—

(*a*) increments which have not accrued;

(*b*) allowances in respect of particular expenses;

(*c*) remuneration in respect of services not forming part of his duties as a fireman.

(2) For the purpose of determining the benefits payable under this Scheme on a person's death or retirement—

(*a*) the expression " pensionable pay " means his pensionable pay immediately before the death or retirement or, in a case where he was not serving as a fireman when he died, his pensionable pay immediately before he last ceased to serve as a fireman; and

(*b*) the expression " annual pensionable pay " means the annual value of his said pensionable pay.

(3) Where during the relevant period before his death or retirement a person's rank as a fireman has changed, paragraph (2) of this Article shall have effect in his case as if his pensionable pay immediately before the death or retirement were his average pensionable pay during that period:

Provided that where the last change of rank during the relevant period was a promotion, and the said average is less than his pensionable pay immediately before the promotion, paragraph (2) of this Article shall have effect in his case as if his pensionable pay immediately before the death or retirement were his pensionable pay immediately before the promotion.

In this paragraph the expression " the relevant period " means the period of three years ending with the death or retirement, or, if the death or retirement occurs within three years from the beginning of the appointed day, the period beginning with that day and ending with the death or retirement.

(4) Where a person was, immediately before the appointed day, a member of the National Fire Service pensionable as such by virtue of regulations made under the Fire Services (Emergency Provisions) Act, 1941(a), paragraph (3) of this Article shall have effect in his case as if—

(*a*) the period ending at the appointed day during which he has continuously served in the National Fire Service were a period of service as a fireman;

(*b*) his pensionable pay during that period were the rate of pay in respect of which he was liable during that period to make contributions or suffer deductions by virtue of the said regulations; and

(*c*) for the references in the said paragraph (3) to the appointed day there were substituted references to the beginning of that period.

Posthumous children.

47. Where a legitimate child is born after his father's death he shall, as from his birth, be entitled to receive any allowance which would have become payable to him under this Scheme on his father's death if he

(a) 4 & 5 Geo. 6. c. 22.

had been born immediately before his father died; and any reference in this Scheme to an allowance payable on death shall be construed as including a reference to an allowance payable by virtue of this Article.

Interpretation.

48.—(1) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"appointed day" means, in relation to England, the first day of April, nineteen hundred and forty-eight, and in relation to Scotland, the sixteenth day of May, nineteen hundred and forty-eight;

"child" includes, in relation to any person, a step-child, an illegitimate child and a child adopted by him in pursuance of an adoption order made under the Adoption of Children Act, 1926(a), or the Adoption of Children (Scotland) Act, 1930(b);

"prescribed age" has the meaning assigned to it by Article 5 of this Scheme;

"principal Act" means the Fire Services Act, 1947(c);

"relative" means wife, widow, parent, grandparent or child, and includes also any person who is a child of a person who is a relative within the meaning of the foregoing provisions of this definition;

"service pension" means any pension or allowance payable out of any naval, military or air force fund in pursuance of any royal warrant or other instrument;

"war work" means work which was war work by virtue of Regulation 60DA of the Defence (General) Regulations, 1939; and where any person was engaged in such work on the thirty-first day of December, nineteen hundred and forty-seven, and thereafter continued without interruption to be engaged in the same kind of work, this Scheme shall have effect with respect to him as if he were engaged in war work for the period for which he so continued, except that he shall not be treated as having been engaged in war work after the thirty-first day of March, nineteen hundred and forty-eight.

(2) For the purposes of this Scheme a person's parents shall be deemed to include any person of whom he is the child, and a person's grandparents shall be deemed to include any person who is a parent of a parent of his.

(3) Any reference in this Scheme to an injury received by a fireman in the execution of his duties as a fireman without his own default shall be construed as including a reference to a disease contracted by him in the execution of his said duties without his own default.

(4) Where it appears that a person would not have died at the time when he in fact died if he had not suffered a particular injury or contracted a particular disease, he shall be deemed for the purposes of this Scheme to have died from the effects of that injury or disease.

(5) Any reference in this Scheme to a person's retirement shall, except where the reference is a reference to retirement before the appointed day, or where the reference is made in Part IV of this Scheme, or where for other reasons the context otherwise requires, be construed as a reference to his retirement from service as a fireman.

(6) References in this Scheme to any enactment shall be construed as references to that enactment as amended by or under any other enactment, and any reference in this Scheme to the Police and Firemen (War Service) Act, 1939(d), shall include a reference to that Act as extended by Regulation 60DA of the Defence (General) Regulations, 1939.

(7) The Interpretation Act, 1889(e), applies for the purposes of the interpretation of this Scheme as it applies for the purpose of the interpretation of an Act of Parliament.

Citation.

49. This Scheme may be cited as the Firemen's Pension Scheme, 1948.

(a) 16 & 17 Geo. 5. c. 29. (b) 20 & 21 Geo. 5. c. 37.
(c) 10 & 11 Geo. 6. c. 41. (d) 2 & 3 Geo. 6. c. 103.
(e) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

Article 1.

Firemen's Ordinary Pensions

1. Subject to paragraph 2 of this Schedule, the pension shall be calculated in accordance with the following Table, the figures in the second column of the Table representing sixtieths of the fireman's pensionable pay:—

Table

Fireman's completed years of pensionable service	Pension expressed in 60ths of pensionable pay
25 but less than 26	30
26 but less than 27	32
27 but less than 28	34
28 but less than 29	36
29 but less than 30	38
30 or more	40

2. In the case of a fireman who on retirement has not attained the age of fifty-five years, the pension shall not exceed the amount specified in the following Table, the figures in the second column of the Table representing sixtieths of the fireman's pensionable pay:—

Table

Age of fireman at retirement	Maximum pension expressed in 60ths of pensionable pay
Less than 51	30
Less than 52 but 51 or over	32
Less than 53 but 52 or over	34
Less than 54 but 53 or over	36
Less than 55 but 54 or over	38

SECOND SCHEDULE

Articles 2 and 3.

Short Service Awards and Ill-Health Awards

1. Where the award is a gratuity and the fireman has completed at least one year of pensionable service, the gratuity shall be whichever is the greater of the two following amounts:—

(*a*) one-twelfth of the fireman's annual pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to count; or

(*b*) the fireman's aggregate contributions.

2. Where the award is a gratuity and the fireman has not completed one year of pensionable service, the gratuity shall be an amount equal to the fireman's aggregate contributions.

(3) Where the award is a pension, the amount thereof shall be calculated in accordance with the following Table, the figures in the second column of the Table representing sixtieths of the fireman's pensionable pay:—

TABLE

Fireman's completed years of pensionable service	Pension expressed in 60ths of pensionable pay
Less than 2...	1
2 but less than 3	2
3 but less than 4	3
4 but less than 5	4
5 but less than 6	5
6 but less than 7	6
7 but less than 8	7
8 but less than 9	8
9 but less than 10	9
10 but less than 11	10
11 but less than 12	11
12 but less than 13	12
13 but less than 14	13
14 but less than 15	14
15 but less than 16	15
16 but less than 17	16
17 but less than 18	17
18 but less than 19	18
19 but less than 20	19
20 but less than 21	20
21 but less than 22	22
22 but less than 23	24
23 but less than 24	26
24 but less than 25	28
25 but less than 26	30
26 but less than 27	32
27 but less than 28	34
28 but less than 29	36
29 but less than 30	38
30 or more	40

Article 4.

THIRD SCHEDULE

WIDOWS' ORDINARY PENSIONS

The pension shall be calculated in accordance with Scheme I:

Provided that where the fireman's period of pensionable service amounts to at least ten years, the pension shall be calculated in accordance with Scheme II in any case in which that Scheme will yield to the widow a higher pension than Scheme I.

The Schemes hereinbefore referred to are as follows:—

SCHEME I

1. Where the death occurs on or after the fifth day of July, nineteen hundred and forty-eight, and the widow is not entitled in right of her husband's insurance to widow's benefit under the National Insurance Act, 1946(a), or to a retirement pension under that Act, but would have been so entitled if her husband had satisfied the relevant contribution conditions,

(a) 9 & 10 Geo. 6. c. 67.

the pension shall be payable at the following rate, hereinafter referred to as "the prescribed rate":—

(i) where the husband's rank in the fire service at the time of his death or retirement was not higher than that of sub-officer, £30 a year;
(ii) where the husband's said rank was higher than that of sub-officer and lower than that of assistant chief officer, £40 a year; and
(iii) in any other case, £50 a year:

Provided that this paragraph shall not apply in any case in which the widow would have been entitled in right of her husband's insurance to widow's benefit or to a retirement pension under the said Act of 1946 if her husband had not defaulted in the payment of the contributions payable by him thereunder.

In the application of this paragraph to Scotland, for any reference to a sub-officer there shall be substituted a reference to a section leader, and for any reference to an assistant chief officer there shall be substituted a reference to a firemaster.

2. Where the death occurs before the fifth day of July, nineteen hundred and forty-eight, the pension shall be payable at the prescribed rate.

3. Save as provided in paragraphs 1 and 2 of this Scheme, the pension shall be of such amount as, together with any increase thereof under the Pensions (Increase) Acts, 1944 and 1947(a), will produce a pension at the prescribed rate.

SCHEME II

1. The pension shall be such that, when it is added to any widow's benefit or retirement pension payable to the widow under the National Insurance Act, 1946(b), in right of her husband's insurance the total rate of payment is equal to the prescribed percentage of her husband's pensionable pay.

2. The prescribed percentage of the husband's pensionable pay shall be calculated by reference to the length of his pensionable service in accordance with the following Table:—

TABLE

Husband's completed years of pensionable service	Prescribed percentage
More than 10 but less than 15 years ...	4 per cent.
More than 15 but less than 20 years ...	6 per cent.
More than 20 but less than 25 years ...	8 per cent.
More than 25 but less than 30 years ...	10 per cent.
30 years or over	12½ per cent.

FOURTH SCHEDULE

Article 4.

WIDOWS' ORDINARY GRATUITIES

1. Where the fireman has not completed one year of pensionable service, the gratuity shall be an amount equal to the fireman's aggregate contributions.

2. Where the fireman has completed at least one year of pensionable service, the gratuity shall be of such amount as the fire authority may determine, save that it shall not be less than the fireman's aggregate contributions and shall not exceed the sum produced by multiplying one-twelfth of the fireman's annual pensionable pay by the total number of his completed years of pensionable service.

(a) 7 & 8 Geo. 6. c. 21 and 10 & 11 Geo. 6. c. 7.
(b) 9 & 10 Geo. 6. c. 67.

Article 5.

FIFTH SCHEDULE

CHILDREN'S ORDINARY ALLOWANCES

PART I

1. Subject as hereinafter provided, a child's ordinary allowance shall be payable at the following rate:—

(*a*) where the father's rank in the fire service at the time of his death was not higher than that of sub-officer, £10 a year;

(*b*) where the father's said rank was higher than that of sub-officer and lower than that of assistant chief officer, £12 a year; and

(*c*) in any other case, £15 a year.

2. Where the child's mother is dead at the time when the allowance first becomes payable, the child's ordinary allowance shall be payable at the following rate:—

(*a*) where the father's rank in the fire service at the time of his death was not higher than that of sub-officer, £15 a year, or such rate in excess of £15 a year and not exceeding £20 a year as the fire authority may from time to time determine;

(*b*) where the father's said rank was higher than that of sub-officer and lower than that of assistant chief officer, £18 a year, or such rate in excess of £18 a year and not exceeding £24 a year as the fire authority may from time to time determine; and

(*c*) in any other case, £22 10s. a year, or such rate not exceeding £30 a year as the fire authority may from time to time determine.

3. Where a child's mother dies while the child is entitled to a child's ordinary allowance, the allowance shall, as from the date of the death, be determined in accordance with paragraph 2 of this Part of this Schedule instead of paragraph 1 thereof.

4. In the application of this Part of this Schedule to Scotland, for any reference to a sub-officer there shall be substituted a reference to a section leader, and for any reference to an assistant chief officer there shall be substituted a reference to a firemaster.

PART II

1. Where the child's mother is in receipt of a widowed mother's allowance under the National Insurance Act, 1946(**a**), then, subject as hereinafter provided, the child's ordinary allowance, as ascertained in accordance with Part I of this Schedule, shall be reduced to such extent as is necessary to reduce the increased allowance by 7s. 6d. a week.

2. Where a woman has two or more children who would, apart from the provisions of this Part of this Schedule, be entitled to children's ordinary allowances, paragraph 1 of this Part of this Schedule shall have effect only with respect to that one of those children who is older than the others.

3. Where an allowance is payable in respect of a child under the Family Allowances Act, 1945(**b**), his child's ordinary allowance, as ascertained in accordance with Part I of this Schedule, shall be reduced to such extent as is necessary to reduce the increased allowance by 5s. a week.

4. Where a guardian's allowance is payable in respect of a child under the National Insurance Act, 1946, his child's ordinary allowance, as ascertained in accordance with Part I of this Schedule, shall be reduced to such extent as is necessary to reduce the increased allowance by 12s. a week.

5. In this Part of this Schedule, the expression " increased allowance ", when used in relation to a child's ordinary allowance, means the amount which would be payable in respect of that allowance by virtue of this Scheme and of the Pensions (Increase) Acts, 1944 and 1947(**c**), if this Part of this Schedule were not in force.

6. Where the amount by which a child's ordinary allowance is required to be reduced under this Part of this Schedule is greater than the amount of that allowance, then, for so long as the reduction is operative, the allowance shall not be payable.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 8 & 9 Geo. 6. c. 41.
(**c**) 7 & 8 Geo. 6. c. 21 and 10 & 11 Geo. 6. c. 7.

SIXTH SCHEDULE

Article 6.

Minimum Injury Award

1. The minimum injury award shall be determined by reference to the number of the fireman's completed years of pensionable service and by reference to his pensionable pay.

2. Where the fireman is totally disabled, the minimum injury award shall be the amount specified in the second column of the Table appended to paragraph 3 of this Schedule, and where the fireman is partly disabled, the minimum injury award shall be such proportion of the amount so specified as the extent of the actual disablement bears to total disablement:

Provided that the minimum injury award shall not be less than the proportion of the pensionable pay specified in the third column of the said Table.

3. In the following Table the figures in the second and third columns represent sixtieths of the fireman's pensionable pay: —

Table

Fireman's completed years of pensionable service	Minimum injury award on total disablement expressed in 60ths of pensionable pay	Lower limit of minimum injury award expressed in 60ths of pensionable pay
Less than 11	40	15
11 but less than 12 ...	40	16
12 but less than 13 ...	40	17
13 but less than 14 ...	40	18
14 but less than 15 ...	41	19
15 but less than 16 ...	41	20
16 but less than 17 ...	42	21
17 but less than 18 ...	42	22
18 but less than 19 ...	43	23
19 but less than 20 ...	43	24
20 but less than 21 ...	44	25
21 but less than 22 ...	44	27
22 but less than 23 ...	45	29
23 but less than 24 ...	45	31
24 but less than 25 ...	46	33
25 but less than 26 ...	46	35
26 but less than 27 ...	47	36
27 but less than 28 ...	47	37
28 but less than 29 ...	48	38
29 but less than 30 ...	49	39
30 or more	50	40

SEVENTH SCHEDULE

Article 7.

Widows' Special Pensions

A widow's special pension shall be such that, when it is added to—

(*a*) any pension payable to her under the National Insurance (Industrial Injuries) Act, 1946(a), in consequence of the death of her husband; and

(*b*) any widow's benefit or retirement pension payable to her under the National Insurance Act, 1946(b), in right of her husband's insurance,

the total rate of payment is equal to one-quarter of her husband's pensionable pay:

Provided that a widow's special pension shall not in any event be paid at a rate of less than one-sixth of her husband's pensionable pay.

(a) 9 & 10 Geo. 6. c. 62. (b) 9 & 10 Geo. 6. c. 67.

Article 8.

EIGHTH SCHEDULE

CHILDREN'S SPECIAL ALLOWANCES

PART I

1. Subject as hereinafter provided, a child's special allowance shall be payable at the rate of six per cent. of the father's pensionable pay.

2. If the child's mother is not alive at the time when the allowance first becomes payable, the child's special allowance shall be payable at the rate of nine per cent. of the father's pensionable pay, or at such greater rate not exceeding twelve per cent. of the father's pensionable pay as the fire authority may from time to time determine.

3. If the child's mother dies while he is entitled to a child's special allowance, the allowance shall, in respect of the period after the mother's death, be payable at the rate of nine per cent. of the father's pensionable pay, or at such greater rate not exceeding twelve per cent. of the father's pensionable pay as the fire authority may from time to time determine.

PART II

1. Where the child's mother is in receipt of a widow's allowance or a widowed mother's allowance under the National Insurance Act, 1946(a), then, subject as hereinafter provided, the child's special allowance, as ascertained in accordance with Part I of this Schedule, shall be reduced to such extent as is necessary to reduce the increased allowance by 7s. 6d. a week.

2. Where a woman has two or more children who would, apart from the provisions of this Part of this Schedule, be entitled to children's special allowances, paragraph 1 of this Part of this Schedule shall have effect only with respect to that one of those children who is older than the others.

3. Where an allowance is payable in respect of a child under section twenty-one of the National Insurance (Industrial Injuries) Act, 1946(b), his child's special allowance, as ascertained in accordance with Part I of this Schedule, shall be reduced to such extent as is necessary to reduce the increased allowance by 7s. 6d. a week.

4. Where an allowance is payable in respect of a child under the Family Allowances Act, 1945(c), his child's special allowance, as ascertained in accordance with Part I of this Schedule, shall be reduced to such extent as is necessary to reduce the increased allowance by 5s. a week.

5. In this Part of this Schedule the expression "increased allowance," when used in relation to a child's special allowance, means the amount which would be payable in respect of that allowance by virtue of this Scheme and of the Pensions (Increase) Acts, 1944 and 1947(d), if this Part of this Schedule were not in force.

6. Where the amount by which a child's special allowance is required to be reduced under this Part of this Schedule is greater than the amount of that allowance, then, for so long as the reduction is operative, the allowance shall not be payable.

Article 10.

NINTH SCHEDULE

PENSIONS AND ALLOWANCES IN CASE OF DEATH OR INCAPACITY ATTRIBUTABLE TO WAR SERVICE

PART I

Widow's pension

The marginal rate shall be one-third of the husband's pensionable pay:

Provided that when by reason of the husband's death a service pension is payable to the widow in her own right, the marginal rate shall be reduced by the rate at which the said pension is payable.

(a) 9 & 10 Geo. 6. c. 67. (b) 9 & 10 Geo. 6. c. 62.
(c) 8 & 9 Geo. 6. c. 41. (d) 7 & 8 Geo. 6. c. 21 and 10 & 11 Geo. 6. c. 7.

Part II

Child's allowance

1. Subject as hereinafter provided, the marginal rate shall be:—

(*a*) in respect of any period before the death of the child's mother, one-fifteenth of the father's pensionable pay; and

(*b*) in respect of any period after the death of the child's mother, two-fifteenths of the father's pensionable pay.

2. When by reason of the father's death a service pension is payable to the child in his own right, or is payable in respect of him, the marginal rate shall be reduced by the rate at which the said pension is payable.

Part III

Pensions in case of incapacity

1. Subject as hereinafter provided, the marginal rate shall be calculated in accordance with the following Table, the figures in the second column of the said Table representing sixtieths of the fireman's pensionable pay:—

Table

Fireman's completed years of pensionable service	Marginal rate expressed in 60ths of pensionable pay
Less than 11	45
11 or more but less than 16	48
16 or more but less than 21	51
21 or more but less than 26	54
26 or more but less than 30	57
30 or more	60

2. When a service pension is payable to the person incapacitated, the marginal rate shall be reduced by the rate at which the said pension is payable.

TENTH SCHEDULE

Article 11.

General Rules as to Pensions, Allowances and Gratuities

1. Where, apart from the provisions of this paragraph, a person would be entitled to receive two or more pensions or allowances under this Scheme in respect of any particular period, he shall be entitled in respect of that period to receive that one only of those pensions or allowances which is for the time being greater than the others, or, if for the time being they are all equal, that one only of the said pensions or allowances which first became payable:

Provided that—

(*a*) nothing in this paragraph shall prevent an ill-health pension from being supplemented by a special pension in accordance with Article 6 of this Scheme, and where an ill-health pension is so supplemented the two pensions shall be treated as one for the purposes of this paragraph; and

(*b*) where a surrender has been made in favour of a person under Article 13 of this Scheme, the pension to which that person is entitled by virtue of the surrender shall be disregarded for the purpose of the application of this paragraph in relation to that person.

2. Where a person marries during the period between his last ceasing to be a fireman and his death, no pension shall become payable to his widow under this Scheme on the occasion of his death.

3.—(1) When a person dies leaving a widow who was living apart from him at the time of his death, no gratuity or pension shall be payable to her under this Scheme on his death unless either—

(*a*) at the time of the death the deceased was regularly contributing to her support, or was liable to contribute to her support by virtue of any agreement or any order of a competent court; or

(*b*) she was living apart from him because he had deserted her:

Provided that where the preceding provisions of this sub-paragraph would prevent the payment of a gratuity or pension and the fire authority are satisfied that the application of those provisions would cause substantial hardship in that particular case, the authority may, in the case of a gratuity, pay the whole or any part thereof, and, in the case of a pension, pay the whole or any part thereof for such period as they think proper.

(2) Where a person dies leaving a widow who was living apart from him at the time of his death, then—

(*a*) if at the time of his death he was liable to contribute to her support by virtue of any agreement or any order of a competent court, any pension payable to the widow under this Scheme on his death shall not be payable at a higher rate than the rate at which, at the time of his death, he was so liable to contribute as aforesaid; and

(*b*) if at the time of his death he was not so liable to contribute as aforesaid, but was in fact making regular contributions to her support, any pension payable to the widow under this Scheme on his death shall not be payable at a higher rate than the rate at which, at the time of his death, he was making such contributions as aforesaid.

(3) For the purpose of the preceding provisions of this paragraph contributions to a woman for the support of her child shall be treated as contributions to her support.

4.—(1) Where a pension becomes payable to a woman under this Scheme on the death of her husband, then, if she subsequently remarries, she shall not be entitled to receive any payment on account of the pension in respect of any period after her remarriage:

Provided that if at any time after her remarriage the woman again becomes a widow, the fire authority may pay the whole or any part of the pension for such period after that time as they think proper.

(2) Where a gratuity becomes payable to a woman under this Scheme on the death of her husband, then, if she subsequently remarries, so much of the gratuity as has not been paid before her remarriage shall not be payable thereafter:

Provided that if at any time after her remarriage the woman again becomes a widow, the fire authority may pay to her the whole or any part of the sums which they were actually or contingently liable to pay to her in respect of the gratuity immediately before her remarriage.

5.—(1) Where a fireman who has completed three years' pensionable service retires on account of any disease or injury in circumstances in which a gratuity becomes payable to him under this Scheme on his retirement, and subsequently (without any intervening period of service as a fireman) dies in consequence of the disease or injury, the duty of the fire authority under this Scheme to pay an ordinary pension to his widow on his death shall be subject to the modification that no payment shall be made on account of the pension in respect of the period of one year beginning with his death:

Provided that—

(*a*) the preceding provisions of this sub-paragraph shall not apply in any particular case in which the fire authority determine to dispense with those provisions; and

(*b*) the said provisions shall, if the fire authority so determine in any particular case, have effect in that case as if for the reference therein to one year there were substituted a reference to such shorter period as the fire authority think proper.

(2) Where a person dies after receiving any sum paid in advance on account of a pension under this Scheme, and the whole or any part of that sum is referable to a period after his death, any duty of the fire authority under this Scheme to pay a pension to his widow on his death shall be subject to the modification that no payment shall be made on account of the widow's pension in respect of that period.

(3) Any reference in this Scheme to a pension payable to a woman on, or on the occasion of, her husband's death shall include a reference to a pension which is subject to the preceding provisions of this paragraph.

6. No allowance shall be payable to a child under this Scheme in respect of any period after he has attained the prescribed age.

7. A step-child or illegitimate child or adopted child shall not as such receive any allowance under this Scheme unless he was substantially dependent on his step-father, natural father or adoptive father at the time when the latter died.

8. Where any person becomes the father of a child during the period between his last ceasing to be a fireman and his death, no allowance shall become payable to that child under this Scheme on the occasion of the death.

9. Where a widow is entitled to a pension under this Scheme and her children are entitled to children's special allowances thereunder, the allowances shall be reduced by such amount, if any, as is necessary to secure that the aggregate amount of these allowances, when added to the widow's pension, does not exceed two-thirds of the fireman's pensionable pay.

Any such reduction shall be apportioned rateably between the children concerned.

10. The total amount of the gratuities paid under Articles 9 and 10 of this Scheme in respect of the death of any one person shall not exceed the amount of his aggregate contributions.

ELEVENTH SCHEDULE

Articles 15 and 16.

PAYMENTS IN RESPECT OF SERVICE BEFORE THE APPOINTED DAY

1. The sum to be paid by the fireman shall be determined by reference to a notional rate of pay in accordance with the following Table:—

TABLE

Rank of fireman on first becoming a fireman		Notional rate of pay for the purposes of this Schedule
England	Scotland	
1. Ordinary fireman	1. Ordinary fireman	1. £4 16s. per week
2. Leading fireman...	2. Leading fireman	2. £5 11s. ,, ,,
3. Sub-officer ...	3. Section leader...	3. £6 11s. ,, ,,
4. Station officer ...	4. Company officer	4. £450 per annum
5. Assistant divisional officer	5. Senior company officer	5. £500 ,, ,,
6. Divisional officer, Grade III	6. Column officer...	6. £600 ,, ,,
7. Divisional officer, Grade II	7. Divisional officer	7. £700 ,, ,,
8. Divisional officer, Grade I	8. Assistant fire-master	8. £800 ,, ,,
9. Assistant chief officer	9. Firemaster ...	9. Such rate as the Secretary of State may in each particular case direct.
10. Chief officer ...	... ...	10. Such rate as the Secretary of State may in each particular case direct.

2. For the purpose of securing that service before the appointed day shall be counted as pensionable service by virtue of paragraph (4) of Article 15 of this Scheme, the fireman must pay a sum equal to five per cent. of the total pay which he would have received in respect of that service if he had been paid in respect thereof at the notional rate appropriate to his case.

3. For the purpose of securing that service before the appointed day shall be counted as pensionable service by virtue of paragraph (5) of Article 15 of this Scheme, or by virtue of Article 16 of this Scheme, the fireman must pay a sum equal to two-and-a-half per cent. of the total pay which he would have received in respect of that service if he had been paid in respect thereof at the notional rate appropriate to his case.

Article 15.

TWELFTH SCHEDULE

Supplementary Provisions as to counting of Service before the Appointed Day

1. Where, if a person to whom paragraph (2) of Article 15 of this Scheme applies had in fact retired immediately before the appointed day, a local authority might have exercised in his case the powers conferred by subsection (2) of section twenty-two of the Fire Brigade Pensions Act, 1925(a) (but subject to his making to that authority a payment of an amount not exceeding the amount specified in that behalf in the said subsection), the said paragraph (2) shall have effect in his case as if the whole of his past pensionable service had been approved service for the purposes of the said Act of 1925, but subject to his paying to the fire authority by whom he is employed on the appointed day a sum equivalent to the said amount.

In this paragraph the expression " past pensionable service " has the meaning assigned to it by the said section twenty-two.

2.—(1) Where for the purposes of Article 15 of this Scheme it is necessary to determine whether any period of service would have counted in the case of a particular person as a period of approved service for the purposes of the Police Pensions Act, 1921(b), or the Fire Brigade Pensions Act, 1925, if he had retired immediately before the appointed day, that question shall be determined as if the powers conferred by the provisions to which this paragraph applies had ceased to be exercisable immediately before the appointed day:

Provided that where, if the said person had in fact retired immediately before the appointed day, a local authority would, after his retirement, have had a discretion in his case to allow a particular period of service to be reckoned as a period of approved service by virtue of either of the said provisions (but subject to his making a payment to that authority of the amount specified in that provision), that period shall be included in his period of pensionable service for the purposes of this Scheme if he pays a sum equivalent to the said amount to the fire authority by whom he is employed on the appointed day.

(2) The provisions to which this paragraph applies are subsection (2) of section nine of the Police Pensions Act, 1921, and subsection (2) of section eight of the Fire Brigade Pensions Act, 1925.

3. In determining for the purposes of paragraph (6) of Article 15 of this Scheme what period of service would have counted in the case of any particular person for the purposes of the Local Government Superannuation Act, 1937(c), if he had retired immediately before the appointed day, it shall be assumed that his non-contributing service (as defined by that Act) would have counted for the purposes of that Act to the extent only of one half thereof:

(a) 15 & 16 Geo. 5. c. 47. (b) 11 & 12 Geo. 5. c. 31.
(c) 1 Edw. 8 & 1 Geo. 6. c. 68.

Provided that the preceding provisions of this paragraph shall not have effect in the case of any person who pays to the fire authority by whom he is employed on the appointed day a sum equal to the total amount which would have been payable by him, if he had in fact retired immediately before the appointed day, as a condition of being entitled to the rights conferred by paragraph (ii) of the proviso to paragraph (*b*) of subsection (2) of section eight of the said Act of 1937.

In the application of this paragraph to Scotland, for any reference to the Local Government Superannuation Act, 1937, there shall be substituted a reference to the Local Government Superannuation (Scotland) Act, 1937(a).

THIRTEENTH SCHEDULE

Article 32.

Appeals to Medical Referees

1. The person seeking to appeal must institute his appeal within fourteen days from the date on which he is supplied by the fire authority with a copy of the opinion in pursuance of Article 32 of this Scheme:

Provided that where the fire authority are of opinion that a person's failure to institute his appeal within the time allowed was not due to his own default, they may (notwithstanding that the said time has expired) extend it by so much as they think fit, but so that the appeal shall in any event be instituted before the expiration of six months from the aforesaid date.

2. He must institute his appeal by giving to the fire authority a notice in writing informing them of his intention to appeal and stating the grounds on which he proposes to appeal.

Any such notice shall state the appellant's name and his place of residence.

3.—(1) Upon receiving the said notice the fire authority shall supply the Secretary of State with two copies thereof and two copies of the opinion in question.

(2) The Secretary of State shall supply a copy of the said notice and a copy of the said opinion to the medical referee nominated by the Secretary of State for the purposes of the appeal.

4.—(1) The medical referee so nominated shall forthwith after his nomination inform the appellant and the fire authority that he has been nominated to act as medical referee for the purposes of the appeal.

(2) It shall be the duty of the medical referee to secure that the appellant and the fire authority are at all material times aware of an address at which communications may be delivered to the referee for the purposes of the appeal.

5.—(1) Subject to the provisions of this Schedule, the medical referee shall interview the appellant at least once, and may interview him or cause him to be interviewed on such further occasions as the referee thinks necessary for the purpose of determining the appeal.

(2) The medical referee shall appoint a time and place for any such interview and shall give reasonable notice thereof to the appellant and to the fire authority.

(3) Where the medical referee is satisfied that the appellant is unable to travel, the place appointed for any such interview shall be the place where the appellant resides.

(a) 1 Edw. 8 & 1 Geo. 6. c. 69.

(4) It shall be the duty of the appellant to attend at the time and place appointed for any such interview and to submit himself at the interview to medical examination by the medical referee or by any person appointed by the referee for that purpose.

(5) If the appellant fails to comply with sub-paragraph (4) of this paragraph, the medical referee may, unless satisfied that there was reasonable cause for the failure, dispense with the interview required by the preceding provisions of this Schedule, or, as the case may be, with any further interview, and give his decision upon such information as is then available.

(6) Any such interview may be attended—

(*a*) by the medical practitioner whose opinion is under appeal, or in his absence by any duly qualified medical practitioner appointed for the purpose by the fire authority; and

(*b*) by a duly qualified medical practitioner appointed for the purpose by the appellant.

6. At any time before the interview, or before the last interview if there is more than one, either party may submit to the medical referee a statement relating to the subject matter of the appeal, and the referee shall take account of any such statement and give to the other party such opportunity as he thinks necessary of replying thereto.

7. The decision of the medical referee shall take the form of an opinion on the medical questions which appear to him to be relevant, and the opinion shall be delivered in writing to both parties.

8.—(1) The medical referee shall be entitled to the following fees and allowances:—

(*a*) for giving his opinion on the appeal, a fee of three guineas or such higher fee as the Secretary of State may determine in any particular case;

(*b*) where, solely for the purposes of the appeal, he travels two miles or more from his place of residence or from any place where he practises, and in the circumstances it is not unreasonable for him so to travel, an allowance of five shillings for each full mile up to ten full miles, and one shilling for each full mile thereafter;

(*c*) where he incurs fees or expenses in respect of expert assistance in a case involving special difficulty, an allowance of such amount, if any, as the Secretary of State may approve, not exceeding the amount of those fees or expenses.

(2) The said fees and allowances shall be paid by the fire authority, and shall be treated as part of the fire authority's expenses for the purposes of the following provisions of this Schedule.

9.—(1) Save as hereinafter provided, the expenses of each party to the appeal shall be borne by that party.

(2) Where the medical referee decides in favour of the fire authority, the authority may, unless the referee otherwise directs, require the appellant to pay towards the cost of the appeal such sum not exceeding the referee's total fees and allowances as the authority think fit.

(3) Where the medical referee decides in favour of the appellant, the fire authority shall, unless the referee otherwise directs, refund to the appellant any personal expenses actually and reasonably incurred by the appellant in respect of any such interview as is mentioned in paragraph 5 of this Schedule, and, if any duly qualified medical practitioner chosen by the appellant has attended any such interview, any fees and expenses reasonably paid by the appellant in respect of such attendance.

(4) If in connection with any payment claimed under this paragraph any question arises as to whether the decision of the medical referee is in

favour of the fire authority or the appellant, that question shall be decided by the referee, or, in default of a decision by the referee, by the Secretary of State.

10. An appellant shall be deemed to have received any information, notice or document which he is entitled to receive for the purposes of this Schedule if that information, notice or document has been duly posted in a letter addressed to the appellant at his last known place of residence.

FOURTEENTH SCHEDULE

Article 38

REDUCTION OF FIREMEN'S ORDINARY PENSIONS AND OF SHORT SERVICE AND ILL-HEALTH PENSIONS WHERE THE PENSIONER HAS ATTAINED THE AGE OF SIXTY-FIVE YEARS

1. The pension shall be reduced at a rate determined by reference to the period for which the pensioner has served as a fireman.

2. The rate of reduction shall be calculated on the annual value of the pension, and the reduction shall be distributed evenly over the period for which the reduced pension is payable.

3. In the case of a person who has not served in a pensionable capacity in a fire brigade before the appointed day, the annual value of the pension shall be reduced by £1 14s. for each complete year during which he has served as a fireman:

Provided that the rate of reduction shall not in the case of any such person exceed £51 a year.

4. In the case of a person who has served in a pensionable capacity in a fire brigade before the appointed day, the rate of reduction shall depend on his age at the appointed day, and shall be calculated in accordance with the following Table:—

TABLE

Age on the appointed day of the person concerned	Amount by which annual value of pension is to be reduced for each year during which he has served as a fireman
	£ s. d.
Under 23 years	1 14 0
23 years or more but under 24 years ...	1 13 0
24 years or more but under 25 years ...	1 12 0
25 years or more but under 26 years ...	1 11 0
26 years or more but under 27 years ...	1 10 6
27 years or more but under 28 years ...	1 10 0
28 years or more but under 29 years ...	1 9 6
29 years or more but under 30 years ...	1 9 0
30 years or more but under 31 years ...	1 8 6
31 years or more but under 32 years ...	1 8 0
32 years or more but under 33 years ...	1 7 6
33 years or more but under 34 years ...	1 7 0
34 years or more but under 35 years ...	1 6 6
35 years or more but under 37 years ...	1 6 0
37 years or more but under 38 years ...	1 5 6
38 years or more but under 40 years ...	1 5 0
40 years or more but under 42 years ...	1 4 6
42 years or more but under 44 years ...	1 4 0
44 years and over	1 3 6