2. The Minister of Works is hereby appointed to be the Minister for the purposes of the provisions of the Festival of Britain (Supplementary Provisions) Act, 1949.

3. The Interpretation Act, 1889(**a**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and subsection (2) of section 38 of that Act shall apply upon the revocation of the Festival of Britain (Appointment of Ministers) (No. 2) Order, 1951, as if that Order were an Act of Parliament and had been repealed by an Act of Parliament.

4. This Order may be cited as the Festival of Britain (Appointment of Minister) (No. 3) Order, 1951.

F. J. Fernau.

FIRE SERVICES

PENSION SCHEME

The Firemen's Pension Scheme Order, 1951

1951 No. 158

Made - - - -	*25th January,* 1951
Laid before Parliament	*1st February,* 1951
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(**b**), I hereby, with the approval of the Treasury and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, make the following Order:—

1. For paragraph (2) of Article 3 of the Firemen's Pension Scheme, 1948, set out in the Appendix to the Firemen's Pension Scheme Order, 1948(**c**), there shall be substituted the following paragraph:—

"(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 infirmity of mind or body is occasioned by a qualifying injury.".

2. For paragraphs (2) and (3) of Article 6 of the said Scheme there shall be substituted the following paragraphs:—

"(2) A special pension shall not be payable under this Article unless the infirmity of mind or body was occasioned by a qualifying injury.

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

(*a*) any injury benefit payable under the National Insurance (Industrial Injuries) Act, 1946(**d**), which relates to the qualifying injury;

(**a**) 52 & 53 Vict. c. 63.
(**b**) 10 & 11 Geo. 6. c. 41.
(**c**) S.I. 1948 (No. 604) I, p. 1091; and *see* S.I. 1949 (Nos. 396 and 1469) I, pp. 1660 and 1666.
(**d**) 9 & 10 Geo. 6. c. 62.

(*b*) any disablement pension payable under section twelve of the National Insurance (Industrial Injuries) Act, 1946, in respect of the qualifying injury or so much of any such pension as relates to that injury, together with—

(i) any increase in such pension payable under section thirteen, fourteen, seventeen or eighteen of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury ; and

(ii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury any increase in such pension payable under section sixteen, seventeen or eighteen of the said Act ;

(*c*) any sickness benefit payable under the National Insurance Act, 1946(a), until the first day after his retirement which is not or is deemed not to be a day of incapacity for work under section eleven of the said Act or regulations made thereunder.".

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

" (1) Where a fireman or a person who has been a fireman dies from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such an injury, his widow shall be entitled to a widow's special pension.".

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

" (1) Where a fireman or a person who has been a fireman dies from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such an 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 special allowance.".

5. In paragraph (5) of Article 15 of the said Scheme for the word " two " there shall be substituted the word " four " and after the words " or of any period " there shall be inserted the words " ending with the appointed day ".

6.—(1) After paragraph (8) of Article 15 of the said Scheme there shall be inserted the following paragraph:—

" (9) If the said person is not a person to whom paragraph (2), (3) or (6) of this Article applies and if before the eighth day of May, nineteen hundred and forty-five, he ceased to serve in the National Fire Service with the consent of the Secretary of State in order to enter on employment in connection with the extinction of fire and the protection of life and property in case of fire, the Secretary of State may, at the request of the fire authority by whom he is employed, direct that one-half of the period of that employment shall be treated as a period of pensionable service for the purposes of this Scheme if within four years of the appointed day he undertakes to make payments in accordance with 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 was so employed before attaining the age of twenty years or of any period during which he was a member of the armed forces of the Crown.".

(2) Paragraph (9) of the said Article shall stand as paragraph (10).

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

7.—(1) In paragraph (1) of Article 17 of the said Scheme for the words "subject to his paying to the fire authority by which he is employed as a fireman" there shall be substituted the words "subject to his undertaking within four years of the appointed day, to pay in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme".

(2) In paragraph (2) of the said Article for the words "subject to his paying to the fire authority by which he is employed as a fireman" there shall be substituted the words "subject to his undertaking within four years of the appointed day, to pay in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme".

8. For paragraph (1) of Article 18 of the said Scheme there shall be substituted the following paragraph:—

"(1) Where a person who becomes a fireman on the appointed day has before that day been engaged—

(*a*) in service as a member of a police force;

(*b*) in service under the Crown; or

(*c*) in pensionable employment under a local authority;

but that service or employment cannot be counted as pensionable service for the purposes of this Scheme by virtue of any other provision of this Scheme, then the fire authority by whom he is employed may permit the whole or any part of that service or employment to be reckoned in his case as pensionable service for the purposes of this Scheme subject to his undertaking within four years of the appointed day to pay in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme such sum as they may direct:

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

9. In paragraph (1) of Article 18A of the said Scheme for the words "subject to his paying to the fire authority" there shall be substituted the words "if within four years of the appointed day he undertakes to pay, in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme, a sum equal to".

10. In paragraph (3) of Article 18B of the said Scheme for the words "if he pays to the fire authority by whom he is employed as a fireman" there shall be substituted the words "if within four years of the appointed day he undertakes to pay, in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme,".

11. In paragraph (2) of Article 18C of the said Scheme for the words "he pays to them" there shall be substituted the words "within four years of the appointed day he undertakes to pay, in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme,".

12. In paragraph (2) of Article 31 of the said Scheme after the words "shall consider the" there shall be inserted the word "medical", and for the words "an injury received in the execution of his duties as a fireman without his own default" there shall be substituted the words "a qualifying injury".

13.—(1) In paragraph (2) of Article 41 of the said Scheme after the words "paragraph (5)" there shall be inserted the words "or paragraph (9)".

(2) In paragraph (3) of the said Article for the word "pays" there shall be substituted the words "undertakes to pay".

14. After Article 45 of the said Scheme there shall be inserted the following Article:—

"45A.—(1) In this Scheme the expression 'qualifying injury' means an injury received by a person without his own default in the execution of his duties—

(i) as a fireman;

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

(iii) as a whole-time member of the National Fire Service to whom the National Fire Service (Preservation of Pensions) (Act of 1925) Regulations, 1941(**c**), the National Fire Service (Preservation of Pensions) (London and West Ham) Regulations, 1941(**d**), the National Fire Service (Preservation of Pensions) (Birmingham and Leicester) Regulations, 1941(**e**), the National Fire Service (Preservation of Pensions) (Bolton and Derby) Regulations, 1941(**f**), or the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941(**g**), applied.

(2) Infirmity of mind or body shall be deemed to be occasioned by a qualifying injury—

(*a*) where a person dies while serving as a fireman, if the injury has so substantially aggravated the infirmity of mind or body that if he had not received that injury he would not have died at the time when he in fact died;

(*b*) where a person has ceased to be a fireman, if the injury has so substantially aggravated the infirmity of mind or body that if he had not received that injury he would not have had to retire at the time when he in fact retired.".

15. For the proviso to paragraph (3) of Article 46 of the said Scheme there shall be substituted the following proviso:—

"Provided that where the last change in rank during the relevant period was a promotion and the said average is less than his pensionable pay would have been, immediately before the death or retirement, had he continued to hold the rank he held before the promotion, then paragraph (2) of this Article shall have effect in his case as though he had continued to hold that rank.".

16. In paragraph (1) of Article 48 of the said Scheme the definition of the expression "Preservation of Pensions Regulations" shall be omitted.

17. After paragraph 10 of the Tenth Schedule to the said Scheme there shall be inserted the following paragraph:—

"11. Where a person ceases to be a fireman and enters on other pensionable employment in such circumstances that a transfer value becomes payable by the fire authority in respect of him under regulations made under section twenty-eight of the principal Act, then no award shall be payable to or in respect of him under this Scheme.".

(**a**) 15 & 16 Geo. 5. c. 47. (**b**) 1 & 2 Geo. 6. c. 72.
(**c**) S.R. & O. 1941 (No. 1268) I, p. 320. (**d**) S.R. & O. 1941 (No. 1272) I, p. 333.
(**e**) S.R. & O. 1941 (No. 1273) I, p. 337. (**f**) S.R. & O. 1941 (No. 1274) I, p. 342.
(**g**) S.R. & O. 1941 (No. 1271) I, p. 328.

18.—(1) In paragraph 1 of the Eleventh Schedule to the said Scheme after the words " paragraph (5) " there shall be inserted the words " or paragraph (9) ".

(2) In paragraph 3 of the said Schedule after the words " paragraph (5) " there shall be inserted the words " or paragraph (9) ".

19.—(1) In paragraph 1 of the Twelfth Schedule to the said Scheme for the words " but subject to his paying to the fire authority by whom he is employed on the appointed day such sum as that fire authority may fix " there shall be substituted the words " but subject to his undertaking within four years of the appointed day, to pay, in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme, such sum as the fire authority by whom he is employed may fix ".

(2) In the proviso to sub-paragraph (1) of paragraph 2 of the said Schedule for the words " if he pays a sum equivalent to the said amount to the fire authority by whom he is employed on the appointed day " there shall be substituted the words " if he undertakes within four years of the appointed day, to pay, in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme, a sum equivalent to the said amount ".

(3) For the provisos to paragraph 3 of the said Schedule there shall be substituted the following provisos: —

" Provided that—

(i) in the case of a person in respect of whom a local authority would have had a discretion to pass a resolution in accordance with the provisions of paragraph (i) of the proviso to paragraph (*b*) of subsection (2) of section eight of the said Act of 1937, had he retired immediately before the appointed day, if within four years of the appointed day, the said authority so resolve with the concurrence of the fire authority by whom he is employed, then it shall be assumed that the whole of his period of non-contributing service, or such part thereof, not being less than one-half, as may be specified in the said resolution, would have counted for the purposes of that Act, and

(ii) in the case of a person who had he retired immediately before the appointed day, and, had he been entitled to a superannuation allowance under the said Act of 1937, would have been entitled to have his non-contributing service taken into account in accordance with the provisions of paragraph (ii) of the proviso to paragraph (*b*) of subsection (2) of section eight of the said Act of 1937, it shall be assumed that his period of non-contributing service would have counted for the purposes of the said Act in whole or in part, according to the proportion which the fraction of his average remuneration, which would have been taken into account under the said provisions, bears to the fraction of one-sixtieth, subject to his undertaking within four years of the appointed day, to pay, in accordance with paragraphs 4 and 5 of the Eleventh Schedule to this Scheme, a sum equal to the total amount, if any, remaining payable immediately before the appointed day under the provisions of paragraph (ii) of the proviso to paragraph (*b*) of subsection (2) of section eight of the said Act and the regulations made thereunder.".

20. For sub-paragraph (6) of paragraph 5 of the Thirteenth Schedule to the said Scheme there shall be substituted the following sub-paragraph:—

"(6) Any such interview may be attended by a person appointed for the purpose by the fire authority and by a person so appointed by the appellant.".

21.—(1) In sub-paragraph (2) of paragraph 4 of the Fifteenth Schedule to the said Scheme after the words "paragraph (5)" there shall be inserted the words "or paragraph (9)".

(2) In sub-paragraph (4) of the said paragraph after the words "paragraph (5)" there shall be inserted the words "or paragraph (9)", after the words "Article 16" there shall be inserted the words "of Article 17" and the words "or by the amount" to the end of the said sub-paragraph shall be omitted.

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

23. This Order may be cited as the Firemen's Pension Scheme Order, 1951, 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.

24th January, 1951.

We approve,

Charles Royle,
R. J. Taylor,
Two of the Lords Commissioners of His Majesty's Treasury.

25th January, 1951.

EXPLANATORY NOTE

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

Article 1 read with Article 14 redefines the entitlement of a fireman to an ill-health pension where he retires as a result of injury. Article 2 limits the extent to which a fireman's special pension is reduced where he is in receipt of an award under the National Insurance (Industrial Injuries) Act, 1946. Articles 3 and 4 read with Article 14 redefine the entitlement of a widow or child to a special pension or allowance where the fireman dies from an infirmity substantially aggravated by an injury. Articles 5, 6 and 8 extend a fireman's rights to count as pensionable service, service and employment otherwise than as a permanent whole-time member of a brigade and Articles 7, 8, 9, 10, 11 and 19 provide that certain such rights may be exercised on the fireman's giving an undertaking within a prescribed period to make certain payments instead of under the existing scheme on his making those payments. Article 13 provides that the Secretary of State shall make payments to the fire authority where a fireman is entitled to count service by virtue of the amendment contained in Article 6. Article 15 provides that the promotion of a fireman shall not result in a reduced pension. Article 17 provides that no award shall be payable by a fire authority if a transfer value has become payable in respect of the fireman. Articles 12, 16, 18, 20 and 21 are consequential and drafting amendments.

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