FIRE SERVICES

PENSIONS

1952 No. 944

The Firemen's Pension Scheme Order, 1952

Made - - - -	9*th May*, 1952
Laid before Parliament	12*th May*, 1952
Coming into Operation	16*th May*, 1952

In exercise of the powers conferred on me by section twenty-six of the Fire Services Act, 1947(**a**), sections one and two of the Fire Services Act, 1951(**b**), and sections forty-two and forty-four of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**c**), 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. The Pension Scheme set out in the First Appendix to this Order shall come into operation on the coming into operation of this Order.

2.—(1) Subject to the provisions of this Article the following Orders are revoked, that is to say, the Firemen's Pension Scheme Order, 1948(**d**), the Firemen's Pension Scheme (No. 2) Order, 1948(**e**), the Firemen's Pension Scheme Order, 1949(**f**), the Firemen's Pension Scheme (No. 2) Order, 1949(**g**), the Firemen's Pension Scheme (No. 3) Order, 1949(**h**), the Firemen's Pension Scheme Order, 1950(**i**), the Firemen's Pension Scheme Order, 1951(**j**), the Firemen's Pension Scheme (No. 2) Order, 1951(**k**), and the Firemen's Pension Scheme (No. 3) Order, 1951(**l**).

(2) The said Orders shall continue to have effect in relation to—

(*a*) any award or claim to an award on the retirement or dismissal of a member of a fire brigade or on a person's ceasing to serve in the armed forces of the Crown, before the sixteenth day of May, nineteen hundred and fifty-two;

(*b*) any award or claim to an award in respect of the death of a person before the said date;

(*c*) any undertaking to make payments in accordance with the provisions of the Eleventh Schedule to the Firemen's Pension Scheme, 1948, set out in the Appendix to the Firemen's Pension Scheme Order, 1948; and

(*d*) the giving of notices for the purposes of subsection (2) of section twenty-seven of the Fire Services Act, 1947.

(3) The Firemen's Pension Scheme, 1948, set out as aforesaid, in so far as it continues to have effect, shall do so—

(*a*) as though any reference in the Eleventh Schedule thereto to an award, included a reference to an award under the Firemen's Pension Scheme, 1952, and

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(**a**) 10 & 11 Geo. 6. c. 41. (**b**) 14 & 15 Geo. 6. c. 27.
(**c**) 14 & 15 Geo. 6. c. 65. (**d**) S.I. 1948/604; Rev. VII, p. 776; 1948 I, p. 1091.
(**e**) S.I. 1948/1094; Rev. VII, p. 776; 1948 I, p. 1126. (**f**) S.I. 1949/396; 1949 I, p. 1660.
(**g**) S.I. 1949/1469; 1949 I, p. 1666. (**h**) S.I. 1949/2160; 1949 I, p. 1674.
(**i**) S.I. 1950/467; 1950 I, p. 685. (**j**) S.I. 1951/158; 1951 I, p. 692.
(**k**) S.I. 1951/1111; 1951 I, p. 698. (**l**) S.I. 1951/1584; 1951 I, p. 699.

(*b*) subject to the amendments specified in the Second Appendix to this Order, which shall have effect as from the fifteenth day of July, nineteen hundred and fifty.

(4) In this Article the expression "award" includes a repayment of contributions.

(5) Section thirty-eight of the Interpretation Act, 1889(a), shall apply as if this Order were an Act of Parliament and as if the Orders revoked by this Order were Acts of Parliament repealed by an Act of Parliament.

3. This Order may be cited as the Firemen's Pension Scheme Order, 1952, and shall come into operation on the sixteenth day of May, nineteen hundred and fifty-two.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

8th May, 1952.

We approve,

H. R. Mackeson,
Herbert Butcher,
Two of the Lords Commissioners of Her Majesty's Treasury.

9th May, 1952.

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AMENDMENTS OF THE FIREMEN'S PENSION SCHEME, 1948

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

(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 the Firemen's Pension Scheme, 1948; or

(*c*) retires or has retired on account of any injury or disease and subsequently (without any intervening period of service as a fireman) dies in consequence of that injury or disease,

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 the Firemen's Pension Scheme, 1948 ; or

(*c*) retires or has retired on account of any injury or disease and subsequently (without any intervening period of service as a fireman) dies in consequence of that injury or disease,

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 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(a), which relates to the qualifying injury ;

(*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 ;

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

(*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.

(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 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.

(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 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.

(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.

(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 the provisions of this Scheme or of the Firemen's Pension Scheme, 1948, 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 of the said provisions.

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

Injury or disease attributable to war service

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

(*a*) has, before becoming a fireman, received or contracted any injury or disease while serving in the armed forces of the Crown 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 the Firemen's Pension Scheme, 1948 ; 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.

(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 than 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:

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

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 under this Scheme or the Firemen's Pension Scheme, 1948, a fireman—

(*a*) has given 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*) has nominated the person in whose favour the surrender is to take effect: and

(*c*) has provided 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

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

(*a*) pensionable service, which a fireman was entitled to reckon under the Firemen's Pension Scheme, 1948, immediately before the sixteenth day of May, nineteen hundred and fifty-two, or immediately before he last ceased to be a fireman before that date; and

(*b*) whole-time service as a fireman on or after that date.

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

(*a*) any period of absence 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*) subject to paragraph (3) of this Article, any period of absence from duty as a fireman without pay including any period of suspension from duty terminating with the fireman having been found guilty of an offence against discipline or a criminal offence.

(3) Where a fireman is or has been absent from duty without pay, 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.

(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 became a fireman on the appointed day and who, immediately before that day, was serving in a permanent capacity in the National Fire Service.

(2) If the said person 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, otherwise than by virtue of the Local Government Staffs (War Service) Act, 1939(**b**), 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 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 certificte duly given in accordance with the said provision.

(a) 15 & 16 Geo. 5. c. 47. (b) 2 & 3 Geo. 6. c. 94.

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.

(7) If the said person—

(*a*) 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, and

(*b*) includes in his pensionable service for the purposes of this Scheme, by virtue of paragraph (6) of Article 15 of the Firemen's Pension Scheme, 1948, three-quarters of such a period of service as is referred to in that paragraph,

then the Secretary of State may, after consultation with any local authority with whom it appears to him to be desirable to consult, direct that his pensionable service for the purposes of this Scheme shall include an additional fraction, not being more than one-quarter, of the whole or that part of that period of service, as may be specified in the direction.

(11) No period shall be included in a person's pensionable service for the purpose of this Scheme by virtue of this Article, if it is so included by virtue of any other provision of this Scheme.

Discontinuous service, and service in two or more brigades

19.—(1) Where a person ceases or has ceased 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 or has retired without a pension and subsequently (without any intervening period of service as a fireman) becomes or has become 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 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 and subject to his undertaking to pay, in accordance with the Eleventh Schedule to this Scheme, a sum equal to the amount of the balance of any sum he had undertaken to pay in accordance with the said Schedule or the Eleventh Schedule to the Firemen's Pension Scheme, 1948, outstanding immediately before the end of the first of the two periods.

(3) Where a fireman retires or has retired without a pension and subsequently (without any intervening period of service as a fireman) becomes or has become 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 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 and upon his undertaking to pay, in accordance with the Eleventh

Schedule to this Scheme, a sum equal to the amount of the balance of any sum he had undertaken to pay in accordance with the said Schedule or the Eleventh Schedule to the Firemen's Pension Scheme, 1948, outstanding immediately before the end of the first of the two periods.

(4) Where, with such consent as is mentioned in Article 12 of this Scheme, a fireman retires or has retired 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 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.

Local government service

19A.—(1) This Article shall apply in the case of a person—

(*a*) who before becoming a fireman was in employment by virtue of which he was or was deemed to be a contributory employee or a local Act contributor within the meaning of the Local Government Superannuation Act, 1937(a), or employment (not being such employment as aforesaid) by virtue of which he was entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme within the meaning of the said Act (hereafter in this Article referred to as "former employment");

(*b*) in respect of whom a transfer value relating to his former employment is paid to the fire authority under rules made under sections two and fifteen of the Superannuation (Miscellaneous Provisions) Act, 1948(b); and

(*c*) who, within three months of his becoming a fireman or before the sixteenth day of November, nineteen hundred and fifty-two, whichever is the later, undertakes to pay, in accordance with the Eleventh Schedule to this Scheme, a sum equal to the balance of any liability outstanding immediately before he became a fireman, under the provisions of proviso (ii) to paragraph (*b*) of subsection (2) of section eight of the Local Government Superannuation Act, 1937.

(2) Such a person as is mentioned in paragraph (1) of this Article shall be entitled to reckon as pensionable service for the purposes of this Scheme the aggregate of—

(*a*) three-quarters of the period of contributing service, and

(*b*) three-eighths of the period of non-contributing service,

which he would have been entitled to reckon had he on becoming a fireman become a contributory employee within the meaning of the Local Government Superannuation Act, 1937, entitled to the benefit of section thirteen of that Act:

Provided that where the authority by whom he was employed in his former employment resolve under rules made under sections two and fifteen of the Superannuation (Miscellaneous Provisions) Act, 1948, that—

(*a*) the whole or any part of his non-contributing service shall be reckonable as contributing service, or

(*b*) a number of years be added to his service,

then for the purposes of this paragraph he shall be treated as if immediately before ceasing to hold his former employment he had been so entitled to reckon or to add to his service.

(3) In relation to Scotland any reference in this Article to the Local Government Superannuation Act, 1937, shall be construed as a reference to the Local Government Superannuation (Scotland) Act, 1937(c).

(a) 1 Edw. 8 & 1 Geo. 6. c. 68. (b) 11 & 12 Geo. 6. c. 33.
(c) 1 Edw. 8 & 1 Geo. 6. c. 69.

Teaching service

19B.—(1) This Article shall apply in the case of a person—

(*a*) who before becoming a fireman was engaged in contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1946 (hereafter in this Article referred to as " former service ") ;

(*b*) in respect of whom a transfer value relating to his former service is paid to the fire authority under rules made under sections two and fifteen of the Superannuation (Miscellaneous Provisions) Act, 1948 ; and

(*c*) who within three months of his becoming a fireman or before the sixteenth day of November, nineteen hundred and fifty-two, whichever is the later, undertakes to pay in accordance with the Eleventh Schedule to this Scheme, a sum equal to the balance of any liability outstanding immediately before he ceased to be engaged in his former service, for payments or contributions additional to those required by section nine of the Teachers (Superannuation) Act, 1925(a).

(2) Such a person as is mentioned in paragraph (1) of this Article shall be entitled to reckon three-quarters of the period of service which is reckonable for the purposes of calculating the said transfer value as pensionable service for the purposes of this Scheme:

Provided that no period shall be included in a person's pensionable service for the purposes of this Scheme by virtue of this Article if it is so included by virtue of any other provision of this Scheme.

Civil Service

19C.—(1) This Article shall apply in the case of a person—

(*a*) who before becoming a fireman was serving in an established capacity in the permanent Civil Service of the State and held his appointment directly from the Crown, or had been admitted into the Civil Service with a certificate from the Civil Service Commissioners (hereafter in this Article referred to as " former service ") ; and

(*b*) in respect of whom a transfer value relating to his former service is paid to the fire authority under rules made under sections two and fifteen of the Superannuation (Miscellaneous Provisions) Act, 1948 ; and

(*c*) who within three months of his becoming a fireman or before the sixteenth day of November, nineteen hundred and fifty-two, whichever is the later, undertakes to pay in accordance with the Eleventh Schedule to this Scheme a sum equal to the balance of any liability outstanding immediately before he ceased his former service in respect of payments or contributions he was then making as a condition of reckoning past service.

(2) Such a person as is mentioned in paragraph (1) of this Article shall be entitled to reckon three-quarters of the period of service which is reckonable for the purpose of calculating the said transfer value as pensionable service for the purposes of this Scheme.

PART III

CONTRIBUTIONS

Payment of contributions by the fireman

20.—(1) Every fireman who has attained the age of twenty years shall pay contributions to the fire authority, except as hereinafter provided, at the rate of one shilling and twopence a week less than five per cent. of his pensionable pay.

(2) Where a person served before the appointed day in a fire brigade maintained by a local authority or in the National Fire Service and—

(*a*) became a fireman on that day, or

(*b*) was on that day a member of the armed forces of the Crown and after next ceasing to be a member of those forces became a fireman without any intervening service in another capacity,

(a) 15 & 16 Geo. 5. c. 59.

then he shall pay contributions at the rate of twopence a week less than five per cent. of his pensionable pay unless he elected to pay contributions at the lower rate under the provisions of Article 38 of the Firemen's Pension Scheme, 1948.

(3) Where a person—

(*a*) is entitled to reckon a period as pensionable service for the purposes of this Scheme by virtue of service or employment otherwise than as a fireman in respect of which he was subject to a superannuation scheme, and

(*b*) has been excepted from the operation of any regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946(a), or other provisions modifying the said superannuation scheme in relation to a person insured under the said Act;

then he shall pay contributions at the rate of twopence a week less than five per cent. of his pensionable pay.

(4) 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.

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 or has suffered any injury in the execution of his duties as a member of the brigade, or contracts or has contracted 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.

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

(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 or has suffered any injury in the execution of his duties as a member of the brigade, or contracts or has contracted 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 or under Article 25 of the Firemen's Pension Scheme, 1948, 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 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 preventive detention or corrective training 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 medical 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 a qualifying injury;
(*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 refered 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 on 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

SERVICEMEN

Awards to servicemen

37A.—(1) This Article shall apply in the case of a serviceman who at the end of his period of relevant service in the armed forces of the Crown is incapacitated by infirmity of mind or body for the performance of duty as a fireman:

Provided that it appears that the incapacity is likely to be permanent.

(2) Such a person shall be entitled to the same award on the same conditions in all respects as if he had retired from his former brigade at the end of the said period on the ground that he had been so incapacitated.

(3) Where the infirmity of mind or body is occasioned by an injury or disease received or contracted during the person's period of relevant service in the armed forces of the Crown or by a qualifying injury, the fire authority may, in their discretion—

(*a*) pay him, in lieu of a gratuity, a pension at the rate of one-twelfth of his pensionable pay, and

(*b*) increase any pension payable under this Article, provided that the increased pension, when aggregated with any service pension other than an allowance for constant attendance, wear and tear of clothing, or comforts,

shall not be payable at a rate exceeding that of the aggregate of the pensions to which he would have been entitled had the injury or disease been treated, for the purposes of the preceding paragraph, as if it were a qualifying injury.

Awards on death of servicemen

37B.—(1) This Article shall apply in the case of a serviceman who—

(*a*) dies during his period of relevant service in the armed forces of the Crown, or

(*b*) having been incapacitated for duty as a fireman at the end of the said period and the incapacity having appeared likely to be permanent (without any intervening period of service as a fireman) dies from the effects of the injury or disease that resulted in his incapacity or while in receipt of a pension under this Scheme.

(2) Such a person's widow shall—

(*a*) if he was entitled to reckon three years' pensionable service, be entitled to a pension as though he were a person mentioned in paragraph (1) of Article 4 of this Scheme, or

(*b*) if she is not so entitled to a pension and if her husband died during his period of relevant service in the armed forces of the Crown, be entitled to a gratuity under paragraph (2) of the said Article as though he died while serving as a fireman.

(3) Any child of such a person who has not attained the prescribed age at the date of his death shall be entitled to an allowance as though he were mentioned in paragraph (1) of Article 5 of this Scheme.

(4) Where such a person dies from the effects of an injury or disease received or contracted during his period of relevant service in the armed forces of the Crown or of a qualifying injury, the fire authority may, in their discretion—

(*a*) pay to the widow, in lieu of a gratuity, a pension at a rate of £30 a year, and

(*b*) increase any pension or allowance payable under this Article, provided that the increased award, when aggregated with any service pension payable to or for the widow or child, as the case may be, in respect of the serviceman, shall not be payable at a rate exceeding that of the award to which the widow or child, as the case may be, would have been entitled had the serviceman died from the effects of a qualifying injury.

Gratuities for dependants other than widows and children

37C. In relation to a serviceman who dies during his relevant service in the armed forces of the Crown, Article 9 of this Scheme shall apply as though he died while serving as a fireman.

Servicemen who resume service as firemen

37D. If a serviceman who resumes service as a fireman—

(*a*) is incapacitated for the performance of his duties as such and the incapacity appears likely to be permanent, or

(*b*) dies (whether while serving as a fireman or otherwise),

as a result of an injury or disease received or contracted during his period of relevant service in the armed forces of the Crown, the fire authority may, in relation to any award payable to or in respect of him, exercise the like discretions as are conferred on them by Article 37A or by Article 37B of this Scheme.

Servicemen who do not resume service in their former brigade

37E. If a serviceman within one month of the end of his period of relevant service in the armed forces of the Crown does not resume service in his former brigade, he shall be treated for the purposes of Articles 12, 19, 21, 22 and 46 of this Scheme as having left his former brigade at the end of that period:

Provided that he may apply to the fire authority for the consent mentioned in Article 12 at any time within one month of the end of the said period.

Pensionable service

37F. A serviceman shall be entitled to reckon his period of relevant service in the armed forces of the Crown as pensionable service in his former brigade for the purposes of this Scheme.

Pension contributions and pensionable pay

37G.—(1) A serviceman shall pay pension contributions to the fire authority of his former brigade in respect of his period of relevant service in the armed forces of the Crown as though he had remained a fireman in that brigade:

Provided that pension contributions shall not be payable by a serviceman in respect of any period during which he is in receipt of service pay which when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(a), is less than his pensionable pay.

(2) For the purpose of calculating pensionable pay, a serviceman shall be deemed to receive during his period of relevant service in the armed forces of the Crown the pay which he would have received if he had continued to serve in his former brigade.

PART IX

MISCELLANEOUS AND SUPPLEMENTAL

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 he elected to pay contributions at the lower rate under the provisions of Article 38 of the Firemen's Pension Scheme, 1948.

(3) Paragraph (1) of this Article shall not apply in the case of a person who—

(*a*) is entitled to reckon a period as pensionable service for the purposes of this Scheme by virtue of service or employment otherwise than as a fireman in respect of which he was subject to a superannuation scheme, and

(*b*) has been excepted from the operation of any regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946(b), or other provisions modifying the said superannuation scheme in relation to a person insured under the said Act.

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.

Exclusive effect of Scheme

40A. Subject to the provisions of section twenty-seven of the principal Act the provisions of this Scheme and of the Firemen's Pension Scheme, 1948, in so far as it continues to have effect, shall have effect in relation to firemen

(a) 14 & 15 Geo. 6. c. 65. (b) 9 & 10 Geo. 6. c. 67.

their wives and dependants to the exclusion of any provision for pension allowance or gratuity in respect of a person's employment as a fireman contained in or in force under any enactment:

Provided that nothing in this Article shall affect the operation of—

(*a*) any such provision in respect of a person's employment or service otherwise than as a member of a fire brigade which is treated for the purposes of this Scheme as employment as a fireman, or

(*b*) the National Insurance (Industrial Injuries) Act, 1946(a), or the National Insurance Act, 1946.

Duty of fire authority to make payments in respect of previous service

41. Where with such consent as is mentioned in Article 12 of this Scheme a fireman retires or has retired from the brigade in which he is or was 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 the Fifteenth Schedule to this Scheme.

Expenses and receipts of fire authorities

42.—(1) Every fire authority shall maintain a separate account showing all sums received or paid by the authority under or for the purposes of this Scheme or the Firemen's Pension Scheme, 1948.

(2) Where in any year the receipts credited to the account mentioned in paragraph (1) of this Article exceed the payments debited thereto, the balance may be transferred to a pension reserve account.

(3) Where in any year the payments debited to the account mentioned in paragraph (1) of this Article exceed the receipts credited thereto, the balance shall be met out of the pension reserve account to the extent thereof.

(4) In this Article the expression "year" means, in relation to England, a year beginning on the first day of April and ending on the following thirty-first day of March, and in relation to Scotland, a year beginning on the sixteenth day of May and ending on the following fifteenth day of May.

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

(*b*) became, 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 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 or has ceased 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.

(a) 9 & 10 Geo. 6. c. 62. (b) 15 & 16 Geo. 5. c. 47.

Aggregate contributions defined

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

(*a*) in respect of any period of service included in a fireman's pensionable service, all sums which he has paid by way of contributons under this Scheme or under the Firemen's Pension Scheme, 1948;

(*b*) in respect of any period of service included in a fireman's pensionable service by virtue of paragraph (4), (5) or (9) of Article 15, Article 16, Article 17, Article 18, Article 18A, Article 18B or Article 18C of the Firemen's Pension Scheme, 1948, or by virtue of the Twelfth Schedule thereto, all sums paid by him to a fire authority for the purpose of securing that the said period shall be so included.

(2) Where a period during which a person has served as a fireman is brought to an end by his death or retirement and a period of service is included in his pensionable service for the purposes of this Scheme by virtue of paragraph (2), (3), (6) or (8) of Article 15 of the Firemen's Pension Scheme, 1948, or by virtue of paragraph (2) or (3) of Article 15 of this Scheme his aggregate contributions for the purposes of this Scheme shall also include a sum equal to the amount of any award by way of return of contributions to which he would have been entitled, under the superannuation arrangements by virtue of which the said period is so included, if he had voluntarily retired immediately before the appointed day in circumstances entitling him to such an award.

(3) Where a period during which a person has served as a fireman is brought to an end by his death or retirement and a period of service is included in his pensionable service for the purposes of this Scheme by virtue of Article 19A, Article 19B or Article 19C of this Scheme his aggregate contributions for the purposes of this Scheme shall also include a sum equal to the amount of any award by way of return of contributions to which he would have been entitled in respect of the service or employment by virtue of which the said period is so included, had he voluntarily retired from that service or employment in circumstances entitling him to such an award under the superannuation arrangements relating thereto.

(4) In this Article the expression "award by way of return of contributions" shall include—

(*a*) a payment under section eighteen of the Fire Brigade Pensions Act, 1925,

(*b*) a payment under section ten of the Local Government Superannuation Act, 1937(a),

(*c*) a payment under section ten of the Local Government Superannuation (Scotland) Act, 1937(b),

(*d*) a payment under section twelve of the Teachers (Superannuation) Act, 1925(c),

(*e*) any analogous payment.

Total and partial disablement

45.—(1) 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.

(2) For the purposes of this Article a person shall be treated as incapable of earning any money in any employment, notwithstanding that the infirmity of mind or body is not such as to prevent him being capable of work, if it is likely to prevent his earnings exceeding £52 in a year.

(a) 1 Edw. 8 & 1 Geo. 6. c. 68. (b) 1 Edw. 8 & 1 Geo. 6. c. 69.
(c) 15 & 16 Geo. 5. c. 59.

Qualifying injury

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, 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(a); 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(b), the National Fire Service (Preservation of Pensions) (London and West Ham) Regulations, 1941(c), the National Fire Service (Preservation of Pensions) (Birmingham and Leicester) Regulations, 1941(d), the National Fire Service (Preservation of Pensions) (Bolton and Derby) Regulations, 1941(e), or the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941(f), 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.

Pensionable pay and annual pensionable pay

46.—(1) In this Scheme the expression "pensionable pay" means the pay of a fireman as prescribed in relation to his rank by regulations made under the principal Act or, in the case of a chief officer or an assistant chief officer or, in Scotland, a firemaster, his pay as approved for the post by the Secretary of State.

(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 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.

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

(a) 1 & 2 Geo. 6. c. 72.
(b) S.R. & O. 1941/1268; 1941 I, p. 320.
(c) S.R. & O. 1941/1272; 1941 I, p. 333.
(d) S.R. & O. 1941/1273; 1941 I, p. 337.
(e) S.R. & O. 1941/1274; 1941 I, p. 342.
(f) S.R. & O. 1941/1271; 1941 I, p. 328.

(4) Where a person who, immediately before the appointed day, was a member of the National Fire Service pensionable as such by virtue of regulations made under the Fire Services (Emergency Provisions) Act, 1941(a), has retired within the period of three years commencing with the appointed day, paragraphs (2) and (3) of this Article shall not apply.

(5) For the purpose of determining the benefits payable under this Scheme on the death of such a person as is mentioned in paragraph (4) of this Article—

(*a*) the expression "pensionable pay" means the average of his pensionable pay and pensionable National Fire Service pay over the period of three years preceding his retirement:

Provided that where such a person had not been promoted since the appointed day, his pensionable pay for the said purpose shall not be less than it would be if paragraph (2) of this Article applied;

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

In this paragraph "pensionable National Fire Service pay" means pay in respect of which a person was liable to make contributions or suffer deductions by virtue of regulations made under the Fire Services (Emergency Provisions) Act, 1941.

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 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(b), the Adoption of Children (Scotland) Act, 1930(c), or the Adoption Act, 1950(d);

"former brigade" means the fire brigade in which a serviceman was serving immediately before undertaking relevant service in the armed forces of the Crown;

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

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

"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;

"relevant service in the armed forces of the Crown" means—

(*a*) service specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(f), other than service specified in sub-paragraph (*b*) of paragraph 5 thereof,

(*b*) part-time service under the National Service Act, 1948(g), otherwise than pursuant to a training notice under that Act, and

(a) 4 & 5 Geo. 6. c. 22. (b) 16 & 17 Geo. 5. c. 29.
(c) 20 & 21 Geo. 5. c. 37. (d) 14 Geo. 6. c. 26.
(e) 10 & 11 Geo. 6. c. 41. (f) 14 & 15 Geo. 6. c. 65.
(g) 11 & 12 Geo. 6. c. 64.

(*c*) service for the purpose of training only performed by a person mentioned in paragraph 7 of the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, for a period shorter than seven days;

serviceman" means a person who immediately before undertaking relevant service in the armed forces of the Crown was a fireman;

"service pension" means any armed forces pension or allowance payable 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 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(a), shall include a reference to that Act as extended by Regulation 60DA of the Defence (General) Regulations, 1939.

(7) Any reference in this Scheme to a pension or other award shall be construed, except where the context otherwise requires, as a reference to a pension or other award under this Scheme.

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

Exclusion of auxiliary firemen

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

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

Citation

49. This Scheme may be cited as the Firemen's Pension Scheme, 1952.

(a) 2 & 3 Geo. 6. c. 103. (b) 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. The pension shall be of such amount as together with any increase thereof under the Pensions (Increase) Acts, 1944 and 1947(a), will yield a pension—

(*a*) at the rate of £30 a year where the husband's last rank was not higher than that of sub-officer;

(*b*) at the rate of £40 a year where the husband's last rank was higher than that of sub-officer but lower than that of assistant chief officer; or

(*c*) at the rate of £50 a year in any other case.

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

2. In the application of the preceding paragraph to Scotland, for references to a sub-officer and an assistant chief officer there shall be substituted references to a section leader and a firemaster respectively.

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(a), 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 conributions.

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.

FIFTH SCHEDULE

Article 5

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 last rank was not higher than that of sub-officer, £10 a year;

(*b*) where the father's last 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 last rank 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;

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

(*b*) where the father's last 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, or of a widow's allowance, which is increased under section twenty-three of the said Act or a retirement pension which is so increased, 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(a), 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, 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.

Article 6

SIXTH SCHEDULE

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.

(a) 8 & 9 Geo. 6. c. 41.

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, 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.

EIGHTH SCHEDULE

Article 8

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.

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

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 widowed mother's allowance under the National Insurance Act, 1946(a), or of a widow's allowance, which is increased under section twenty-three of the said Act or a retirement pension which is so increased, 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, at the weekly rate of 10s., 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, 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.

4A. Where a guardian's allowance is payable in respect of a child under the National Insurance Act, 1946, his child's special allowance, as ascertained in accordance with Part I of this Schedule, shall be reduced to such an 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 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(b), 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.

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

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

(*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, the pension to which that person is entitled by virtue of the surrender and Article 13 of this Scheme 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 otherwise than under Article 13 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 or has retired on account of any injury or disease in circumstances in which a gratuity becomes or became payable to him under this Scheme or under the Firemen's Pension Scheme, 1948, on his retirement, and subsequently (without any intervening period of service as a fireman) dies in consequence of the injury or disease, 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 or the Firemen's Pension Scheme, 1948, 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, an allowance shall only become payable to that child under this Scheme if he was born of a marriage contracted by the father before he last ceased to be a fireman.

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.

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.

ELEVENTH SCHEDULE *Articles* 19, 19A, 19B *and* 19C

Payments by Firemen in respect of previous Service

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

Provided that—

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

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

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

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

Article 32

THIRTEENTH SCHEDULE

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.

(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 by a person appointed for the purpose by the fire authority and by a person so appointed 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 and provided that no account shall be taken of any service which does not count as pensionable service.

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

Provided that the rate of reduction shall not in the case of any such person exceed £51 a year and provided that no account shall be taken of any service which does not count as pensionable service.

5. Notwithstanding the preceding provisions of this Schedule, in the case of a person who is entitled to reckon a period as pensionable service for the purposes of this Scheme by virtue of service or employment otherwise than as a fireman in respect of which he was subject to a superannuation scheme—

(*a*) if he was subject to the operation of any regulations made under subsection (4) of section sixty-nine of the National Insurance Act, 1946(a), or other provisions modifying the said superannuation scheme in relation to a person insured under the said Act, otherwise than by virtue of an election made or notice given, then paragraph 3 of this Schedule shall apply as if he had served as a fireman for the period he is so entitled to reckon as pensionable service;

(*b*) if he was subject to the operation of such regulations or other provisions by virtue of an election made or notice given, then paragraph 4 of this Schedule shall apply as if for the reference to age on the appointed day there were substituted a reference to age on the date on which the said election or notice became effective and as if he had served as a fireman for the period he is so entitled to reckon as pensionable service:

Provided that no account shall be taken of any period he is so entitled to reckon as pensionable service which is not attributable to service or employment which would have been taken into account for the purposes of the said regulations or provisions.

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

FIFTEENTH SCHEDULE

Article 41

PAYMENTS BY FIRE AUTHORITIES IN RESPECT OF PREVIOUS SERVICE

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

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

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

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

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

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

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

TABLE

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

2. In the case of a fireman who has undertaken to make payments in accordance with the Eleventh Schedule to this Scheme or the Eleventh Schedule to the Firemen's Pension Scheme, 1948, the sum to be paid by a fire authority under Article 41 of this Scheme, ascertained in accordance with the preceding provisions of this Schedule, shall be reduced by the amount of the sum he has undertaken to pay outstanding immediately before he ceases to be employed by that authority.

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

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

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

TABLE

Age	Amount of the reduction in respect of each £1 by which the annual value of a pension would be reduced
	£ s. d.
Under 25	1 14 0
25 and under 26	1 16 0
26 and under 27	1 18 0
27 and under 28	2 0 0
28 and under 29	2 2 0
29 and under 30	2 4 0
30 and under 31	2 7 0
31 and under 32	2 9 0
32 and under 33	2 11 0
33 and under 34	2 13 0
34 and under 35	2 15 0
35 and under 36	2 18 0
36 and under 37	3 0 0
37 and under 38	3 2 0
38 and under 39	3 5 0
39 and under 40	3 7 0
40 and under 41	3 10 0
41 and under 42	3 13 0
42 and under 43	3 15 0
43 and under 44	3 18 0
44 and under 45	4 1 0

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

SECOND APPENDIX

AMENDMENTS OF THE FIREMEN'S PENSION SCHEME, 1948

1. After Article 37 of the Firemen's Pension Scheme, 1948, there shall be inserted the following Articles:—

"*Awards to servicemen*

37A.—(1) This Article shall apply in the case of a serviceman who at the end of his period of relevant service in the armed forces of the Crown is incapacitated by infirmity of mind or body for the performance of duty as a fireman:

Provided that it appears that the incapacity is likely to be permanent.

(2) Such a person shall be entitled to the same award on the same conditions in all respects as if he had retired from his former brigade at the end of the said period on the ground that he had been so incapacitated.

(3) Where the infirmity of mind or body is occasioned by an injury or disease received or contracted during the person's period of relevant service in the armed forces of the Crown or by a qualifying injury, the fire authority may, in their discretion—

(*a*) pay him, in lieu of a gratuity, a pension at the rate of one-twelfth of his pensionable pay, and

(*b*) increase any pension payable under this Article, provided that the increased pension, when aggregated with any service pension other than an allowance for constant attendance, wear and tear of clothing, or comforts, shall not be payable at a rate exceeding that of the aggregate of the pensions to which he would have been entitled had the injury or disease been treated, for the purposes of the preceding paragraph, as if it were a qualifying injury.

Awards on death of servicemen

37B.—(1) This Article shall apply in the case of a serviceman who—

(*a*) dies during his period of relevant service in the armed forces of the Crown, or

(*b*) having been incapacitated for duty as a fireman at the end of the said period and the incapacity having appeared likely to be permanent (without any intervening period of service as a fireman) dies from the effects of the injury or disease that resulted in his incapacity or while in receipt of a pension under this Scheme.

(2) Such a person's widow shall—

(*a*) if he was entitled to reckon three years' pensionable service, be entitled to a pension as though he were a person mentioned in paragraph (1) of Article 4 of this Scheme, or

(*b*) if she is not so entitled to a pension and if her husband died during his period of relevant service in the armed forces of the Crown, be entitled to a gratuity under paragraph (2) of the said Article as though he died while serving as a fireman.

(3) Any child of such a person who has not attained the prescribed age at the date of his death shall be entitled to an allowance as though he were mentioned in paragraph (1) of Article 5 of this Scheme.

(4) Where such a person dies from the effects of an injury or disease received or contracted during his period of relevant service in the armed forces of the Crown or of a qualifying injury, the fire authority may, in their discretion—

(*a*) pay to the widow, in lieu of a gratuity, a pension at a rate of £30 a year, and

(*b*) increase any pension or allowance payable under this Article, provided that the increased award, when aggregated with any service pension payable to or for the widow or child, as the case may be, in respect of the serviceman, shall not be payable at a rate exceeding that of the award to which the widow or child, as the case may be, would have been entitled had the serviceman died from the effects of a qualifying injury.

Gratuities for dependants other than widows and children

37C.— In relation to a serviceman who dies during his relevant service in the armed forces of the Crown, Article 9 of this Scheme shall apply as though he died while serving as a fireman.

Servicemen who resume service as firemen

37D.— If a serviceman who resumes service as a fireman—

(*a*) is incapacitated for the performance of his duties as such and the incapacity appears likely to be permanent, or

(*b*) dies (whether while serving as a fireman or otherwise),

as a result of an injury or disease received or contracted during his period of relevant service in the armed forces of the Crown, the fire authority may in relation to any award payable to or in respect of him exercise the like discretions as are conferred on them by Article 37A or by Article 37B of this Scheme.

Servicemen who do not resume service in their former brigades

37E.— If a serviceman within one month of the end of his period of relevant service in the armed forces of the Crown does not resume service in his former brigade, he shall be treated for the purposes of Articles 12, 19, 21, 22 and 46 of this Scheme as having left his former brigade at the end of that period:

Provided that he may apply to the fire authority for the consent mentioned in Article 12 at any time within one month of the end of the said period.

Pensionable service

37F.— A serviceman shall be entitled to reckon his period of relevant service in the armed forces of the Crown as pensionable service in his former brigade for the purposes of this Scheme.

Pension contributions and pensionable pay

37G.—(1) A serviceman shall pay pension contributions to the fire authority of his former brigade in respect of his period of relevant service in the armed forces of the Crown as though he had remained a fireman in that brigade:

Provided that pension contributions shall not be payable by a serviceman in respect of any period during which he is in receipt of service pay which when aggregated with any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**a**), is less than his pensionable pay.

(2) For the purpose of calculating pensionable pay a serviceman shall be deemed to receive during his period of relevant service in the armed forces of the Crown the pay which he would have received if he had continued to serve in his former brigade.".

2.—(1) After the definition of the expression "child" in paragraph (1) of Article 48 of the said Scheme there shall be inserted the following definition:—

"'former brigade' means the fire brigade in which a serviceman was serving immediately before undertaking relevant service in the armed forces of the Crown;".

(2) After the definition of the expression "relative" in the said paragraph there shall be inserted the following definitions:—

"'relevant service in the armed forces of the Crown' means—

(*a*) service specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, other than service specified in sub-paragraph (*b*) of paragraph 5 thereof,

(*b*) part-time service under the National Service Act, 1948(**b**), otherwise than pursuant to a training notice under that Act, and

(*c*) service for the purpose of training only performed by a person mentioned in paragraph 7 of the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, for a period shorter than seven days;

'serviceman' means a person who immediately before undertaking relevant service in the armed forces of the Crown was a fireman;".

EXPLANATORY NOTE

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

This Order consolidates, with amendments, the Firemen's Pension Scheme, 1948, which is revoked by Article 2, except in relation to deaths, retirements and certain other matters arising before the 16th May, 1952, when this Order comes into force. In these cases that Scheme continues to apply subject to the amendments in Article 2 and the Second Appendix. The amendments contained in that Appendix have effect as from the 15th July, 1950, and assimilate in general the pension rights of all firemen who serve temporarily in the armed forces to the rights of those who served in the 1939-1945 war.

The main changes are as follows:—

Article 14 (3) of the Firemen's Pension Scheme, 1952, set out in the First Appendix to this Order, gives a fire authority discretion to reckon as pensionable service a period of suspension from duty; Articles 19A, 19B and 19C provide for the counting as pensionable service of certain local government employment, teaching service and service in the Civil Service, on payment of a transfer value; paragraph 8 of the Tenth Schedule allows the payment of an allowance to a child born after his father's retirement, if he was born of a marriage contracted before that retirement.

(**a**) 14 & 15 Geo. 6. c. 65. (**b**) 11 & 12 Geo. 6. c. 64.