EXPLANATORY NOTE

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

These Regulations amend the Fire Services (Ranks and Conditions of Service) Regulations, 1948. Regulation 1 makes special provision for the hours of duty of the member of a fire brigade in charge of the control-room system. Regulation 2 together with the Schedule replaces with amendments the existing provisions relating to sick leave. It entitles a whole-time member of a brigade required to engage in fire-fighting duties to sick leave on full pay so long as he remains a member except where the sickness is attributable to outside employment. After twelve months' continuous sick leave paid sick leave becomes in certain circumstances discretionary. Other whole-time members of a brigade may be granted such paid sick leave as the fire authority determine. In addition to the existing list of deductions from the sick pay of a member of a brigade the dependency element in treatment allowances in respect of war injuries is also to be deducted. Regulation 3 makes fresh provision for the payment of travelling expenses.

PENSIONS

1953 No. 1385

The Firemen's Pension Scheme Order, 1953

Made - - - -	12*th September*, 1953
Laid before Parliament	14*th September*, 1953
Coming into Operation	15*th September*, 1953

In exercise of the powers conferred on me by section twenty-six of the Fire Services Act, 1947(**a**), 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.—(1) In paragraph (2) of Article 15 of the Firemen's Pension Scheme, 1952, set out in the First Appendix to the Firemen's Pension Scheme Order, 1952(**b**), after the words "any such certificate" there shall be inserted the words "given before the fifteenth day of September, nineteen hundred and fifty-four".

(2) In paragraph (3) of the said Article after the words "any such certificate" there shall be inserted the words "given before the fifteenth day of September, nineteen hundred and fifty-four".

(3) At the end of the said Article there shall be added the following paragraph:—

"(12) If the said person has before the appointed day served in a fire brigade as a professional fireman as defined by paragraph (2) of section twenty-three of the Fire Brigade Pensions Act, 1925(**c**), and immediately before he so served he was serving as a probationer in that brigade, then his pensionable service for the purposes of this Scheme shall include his period of service as a probationer in that brigade if before

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1952/944; 1952 I, p. 1003. (c) 15 & 16 Geo. 5. c. 47.

the fifteenth day of September, nineteen hundred and fifty-four, the fire authority by whom he is employed so allow and he undertakes to pay in accordance with the Eleventh Schedule to this Scheme a sum equal to five per cent. of £4 16s. in respect of each week of that period of service:

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

2. In the proviso to paragraph (3) of Article 19 of the said Scheme for the words "so allow" there shall be substituted the words "either so allow or are paid a sum under paragraph (2) of Article 41 of this Scheme".

3. After Article 19C of the said Scheme, there shall be inserted the following Article:—

"*Certificates of pensionable service*

19D.—(1) Where a fireman is entitled to reckon pensionable service for the purposes of this Scheme by virtue of sub-paragraph (*a*) of paragraph (1) of Article 14, of paragraph (2), (3) or (12) of Article 15, of paragraph (2), (3) or (4) of Article 19, or of Article 19A, 19B, 19C, 25 or 37F of this Scheme, then the fire authority shall, within six months of the relevant date, or before the fifteenth day of September, nineteen hundred and fifty-four, whichever is the later, supply him with a certificate showing the pensionable service he was entitled to reckon for the purposes of this Scheme at the relevant date.

(2) Where a fireman is dissatisfied with a certificate supplied to him in accordance with the provisions of the preceding paragraph, he may within three months of being supplied with it or, where it is supplied to him before the fifteenth day of September, nineteen hundred and fifty-four, within six months of being provided with it, appeal to the Secretary of State who shall either confirm or vary the said certificate.

(3) Where in accordance with the preceding provisions of this Article a certificate has been supplied to a fireman and he has not appealed to the Secretary of State within the period of three or six months aforesaid, or where a certificate has been confirmed or varied on such an appeal, then the certificate as supplied, confirmed or varied, as the case may be, shall be conclusive as to the pensionable service which the fireman was entitled to reckon for the purposes of this Scheme at the relevant date.

(4) Where a fireman is entitled to a certificate under paragraph (1) of this Article but claims a pension or gratuity or dies—

(*a*) before the certificate has been supplied, then the obligation to supply a certificate shall cease;

(*b*) after the certificate has been supplied but before it has become conclusive, then the certificate shall cease to have effect and no further proceedings under paragraph (2) of this Article shall take place.

(5) For the purposes of this Article the expression "the relevant date" means the fifteenth day of September, nineteen hundred and fifty-three, or the first day thereafter that the fireman becomes entitled to reckon pensionable service for the purposes of this Scheme by virtue of any of the provisions of this Scheme mentioned in paragraph (1) of this Article, and for this purpose a fireman shall be treated as only becoming entitled to reckon service under Article 37F of this Scheme if and when he resumes service in his former brigade.".

4. In paragraph (3) of Article 25 of the said Scheme, after the word "resumes" there shall be inserted the words "or has resumed" and for the words "on his next ceasing to serve as a fireman in that brigade shall be increased by" there shall be substituted the words "shall include".

5. At the end of paragraph (3) of Article 33 of the said Scheme there shall be added the following sub-paragraph:—

"(*c*) to question any certificate of pensionable service which is declared to be conclusive by Article 19D of this Scheme.".

6. At the end of Article 41 of the said Scheme there shall be added the following paragraph:—

"(2) Where a fireman retires or has retired from a brigade 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 another brigade, the fire authority by whom the first-mentioned brigade is maintained may 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.".

7.—(1) In paragraph (2) of Article 43 of the said Scheme after the words "that brigade" there shall be inserted the words "or of a brigade to which he is transferred by reason only of a change of local government boundaries or of the making, amendment or revocation of a combination scheme under section five, six or nine of the principal Act".

(2) In the proviso to the said paragraph for the words "the said brigade" there shall be substituted the words "such a brigade".

8. At the end of paragraph (1) of Article 44 of the said Scheme there shall be added the following sub-paragraph:—

"(*c*) in respect of any period of service included in a fireman's pensionable service by virtue of paragraph (12) of Article 15, or of Article 19, 19A, 19B or 19C of this Scheme or of Article 19 of the Firemen's Pension Scheme, 1948(**a**), all sums paid by him to a fire authority in accordance with the provisions of the Eleventh Schedule to this Scheme or to the Firemen's Pension Scheme, 1948, as the case may be, for the purpose of securing that the said period shall be so included.".

9. In paragraph (1) of Article 46 of the said Scheme after the words "a firemaster" there shall be inserted the words "or an assistant firemaster".

10. In paragraph 2 of Scheme I of the Third Schedule to the said Scheme for the words "a firemaster" there shall be substituted the words "an assistant firemaster".

11. In paragraph 4 of Part I of the Fifth Schedule to the said Scheme for the words "a firemaster" there shall be substituted the words "an assistant firemaster".

12. At the end of the Fifteenth Schedule to the said Scheme there shall be added the following paragraph:—

"4. In the case of a fireman to whom any sum by way of gratuity or return of aggregate contributions became payable on retirement by the

(**a**) *See* S.I. 1948/604: Rev. VII, p. 776; 1948 I, p. 1091 and S.I. 1949/1469; 1949 I, p. 1666.

fire authority by whom the sum is to be paid under paragraph (2) of Article 41 of this Scheme, the last-mentioned sum, ascertained in accordance with the preceding provisions of this Schedule, shall be reduced by the amount of the first-mentioned sum.".

13. This Order may be cited as the Firemen's Pension Scheme Order, 1953, and shall come into operation on the fifteenth day of September, 1953.

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

9th September, 1953.

We approve,

Dennis Vosper,
Martin Redmayne,
Two of the Lords Commissioners of Her Majesty's Treasury.

12th September, 1953.

EXPLANATORY NOTE

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

Article 1 of this Order relates to the counting of back service for pension purposes, paragraphs (1) and (2) provide time limits within which certain certificates may be given and paragraph (3) provides for the reckoning of probationary service in certain cases. Articles 2, 6 and 12 provide that a fireman who leaves a brigade and later joins another brigade may, if the first fire authority pay a transfer value to the second fire authority, reckon his first period of service for pension purposes in the second brigade. Articles 3 and 5 provide for the issue of conclusive certificates of pensionable service by fire authorities and for appeals therefrom to the Secretary of State and Article 4 contains a minor amendment in this connection. Article 7 extends the definition of the expression "fireman" in relation to a man who is compulsorily transferred on changes in fire brigade areas. Article 8 extends the definition of the expression "aggregate contributions". Articles 9, 10 and 11 assimilate the position of an assistant firemaster in Scotland to that of an assistant chief officer in England or Wales as respects the definition of his pensionable pay, his widow's ordinary pension and his children's ordinary allowances.