1956 No. 1022

The Firemen's Pension Scheme Order, 1956

Made - - - -	*2nd July*, 1956
Laid before Parliament	*9th July*, 1956
Coming into Operation	*10th July*, 1956

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 section forty-two 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 Appendix to this Order (hereinafter referred to as the Firemen's Pension Scheme, 1956) is hereby brought into operation.

2.—(1) The Firemen's Pension Scheme Order, 1952(d), the Firemen's Pension Scheme (No. 2) Order, 1952(e), the Firemen's Pension Scheme (No. 3) Order, 1952(f), the Firemen's Pension Scheme Order, 1953(g), the Firemen's Pension Scheme Order, 1954(h), the Firemen's Pension Scheme (No. 2) Order, 1954(i), and the Firemen's Pension Scheme Order, 1955(j), shall cease to have effect save 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 tenth day of July, 1956;

(*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, 1952 (set out in the First Appendix to the Firemen's Pension Scheme Order, 1952), as amended by Article 4 of the Firemen's Pension Scheme Order, 1954, and Article 4 of the Firemen's Pension Scheme Order, 1955; and

(*d*) any certificate of pensionable service or entitlement to such a certificate under Article 19D of the Firemen's Pension Scheme, 1952, as set out in Article 3 of the Firemen's Pension Scheme Order, 1953, and amended by Article 3 of the Firemen's Pension Scheme Order, 1954.

(2) The Firemen's Pension Scheme, 1952 (set out as aforesaid), in so far as it continues to have effect, shall do so as though any reference in the Eleventh Schedule thereto to an award, included a reference to an award under the Firemen's Pension Scheme, 1956.

(3) In paragraph (1) of this Article the expression "award" includes a repayment of contributions.

(a) 10 & 11 Geo. 6. c. 41.
(b) 14 & 15 Geo. 6. c. 27.
(c) 14 & 15 Geo. 6. c. 65.
(d) S.I. 1952/944 (1952 I, p. 1003).
(e) S.I. 1952/1447 (1952 I, p. 1046).
(f) S.I. 1952/2166 (1952 I, p. 1047).
(g) S.I. 1953/1385 (1953 I, p. 778).
(h) S.I. 1954/1365 (1954 I, p. 906).
(i) S.I. 1954/1663 (1954 I, p. 909).
(j) S.I. 1955/1571 (1955 I, p. 911).

(4) Section thirty-eight of the Interpretation Act, 1889(a), shall apply in relation to the Orders mentioned in paragraph (1) of this Article, to the extent that they cease to have effect thereunder, as if this Article were an Act of Parliament and the said Orders were Acts of Parliament repealed by an Act of Parliament.

3.—(1) The Firemen's Pension Scheme, 1948 (set out in the Appendix to the Firemen's Pension Scheme Order, 1948(b)), in so far as it continues to have effect under Article 2 of the Firemen's Pension Scheme Order, 1952, shall do so as if any reference to an award in paragraph 4 of the Eleventh Schedule to the said Scheme, as set out in Article 15 of the Firemen's Pension Scheme (No. 2) Order, 1949(c), included a reference to an award under the Firemen's Pension Scheme, 1956.

4. This Order may be cited as the Firemen's Pension Scheme Order, 1956, and shall come into operation on the tenth day of July, 1956.

G. Lloyd-George,
One of Her Majesty's Principal Secretaries of State.

2nd July, 1956.

We approve,

Gerald Wills,
Harwood Harrison,
Two of the Lords Commissioners of Her Majesty's Treasury.

2nd July, 1956.

APPENDIX

THE FIREMEN'S PENSION SCHEME, 1956

ARRANGEMENT OF ARTICLES

PART I

AWARDS ON RETIREMENT OF REGULAR FIREMEN

1. Fireman's ordinary pension.
2. Fireman's short service award.
3. Fireman's ill-health award.
4. Fireman's special pension.
5. Minimum aggregate amount of payments in respect of fireman's pension.
6. Cancellation of fireman's ill-health pension on recovery.
7. Reassessment of fireman's special pension.
8. Reduction of award to fireman who causes or aggravates his infirmity.
9. Reduction of fireman's pension at age sixty-five.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1948/604 (Rev. VII, p. 776: 1948 I, p. 1091).
(c) S.I. 1949/1469 (1949 I, p. 1666).

PART II

AWARDS ON DEATH OF REGULAR FIREMEN

Widows

10. Widow's ordinary award.
11. Widow's special pension.
12. Widow's gratuity by way of commuted pension.
13. Right to widow's pension dependent on date of marriage.
14. Special provisions where widow was living apart from her husband.
15. Effect of remarriage.

Children

16. Child's ordinary allowance.
17. Child's special allowance.
18. Child's gratuity by way of commuted allowance.
19. Duration of child's allowance.
20. Right to child's allowance dependent on date of birth and other matters.
21. Limitation on amount of child's special allowance.

Dependants

22. Gratuities for dependants other than widows and children.

PART III

ALLOCATION OF PENSIONS AND GENERAL PROVISIONS AFFECTING RIGHTS TO AWARDS

23. Allocation of pension.
24. Prevention of duplication.
25. No entitlement to award where transfer value is payable.
26. Withdrawal of pension while pensioner is employed by a local authority.
27. Withdrawal of pension or allowance for misconduct.

PART IV

PENSIONABLE SERVICE OF REGULAR FIREMEN

28. Current service in the brigade.
29. Previous service in the brigade and period during which a special pension is payable.
30. Absence from duty in the brigade without pay.
31. Previous service in another brigade.
32. Previous local government service.
33. Previous service other than fire or local government service.
34. Certificates of pensionable service.

PART V

PENSIONABLE PAY AND CONTRIBUTIONS OF REGULAR FIREMEN

35. Pensionable pay and average pensionable pay.
36. Payment of contributions.
37. Repayment of contributions or part thereof.

PART VI

DETERMINATION OF QUESTIONS AND APPEALS

38. General functions of fire authority.
39. Appeal against opinion of fire authority's medical practitioner.
40. Appeal against decision of fire authority.

PART VII

PAYMENT OF AWARDS AND FINANCIAL PROVISIONS

41. Payment of awards generally.
42. Payment of awards in special cases.
43. Payment of transfer values.
44. Expenses and receipts of fire authorities.

PART VIII

SERVICEMEN

45. Awards to servicemen.
46. Awards on death of servicemen.
47. Gratuities for dependants other than widows and children.
48. Servicemen who resume service as regular firemen.
49. Servicemen who do not resume service in their former brigade.
50. Pensionable service.
51. Pension contributions and pensionable pay.
52. Application to regular firemen with war service.

PART IX

MEMBERS OF BRIGADES WHO ARE NOT REGULAR FIREMEN

53. Awards to and in respect of whole-time firemen.
54. Payment of contributions by retained fireman.
55. Part-time fireman: injury award.
56. Widow of part-time fireman: injury pension.
57. Child of part-time fireman: injury allowance.
58. Application of certain auxiliary provisions of Scheme.

PART X

PERSONS WHO ARE NOT MEMBERS OF BRIGADES

59. Temporary employment in connection with the provision of fire services.

PART XI

PERSONS SERVING ON THE TENTH DAY OF JULY, 1956

60. Modifications of Scheme.

PART XII

MISCELLANEOUS PROVISIONS AND INTERPRETATION

61. Auxiliary firemen not subject to Scheme.
62. Exclusive application of Scheme in relation to regular firemen.
63. Assessment of disablement.
64. Meaning of "regular fireman".
65. Meaning of "qualifying injury".
66. Meaning of infirmity or death occasioned by an injury.
67. Meaning of "aggregate contributions".
68. Meaning of references to award.
69. Meaning of certain expressions.
70. Meaning of references to enactments and application of Interpretation Act, 1889.
71. Citation.

SCHEDULES

FIRST SCHEDULE

Part I.—Fireman's Ordinary Pension.
Part II.—Fireman's Short Service or Ill-Health Pension.
Part III.—Fireman's Short Service or Ill-Health Gratuity.
Part IV.—Minimum Injury Award.
Part V.—Reduction of Fireman's Pension at Age Sixty-Five.

SECOND SCHEDULE

Part I.—Widow's Ordinary Pension.
Part II.—Widow's Ordinary Gratuity.
Part III.—Widow's Special Pension.
Part IV.—Widow's Gratuity by way of Commuted Pension.

THIRD SCHEDULE

Part I.—Child's Ordinary Allowance.
Part II.—Child's Special Allowance.
Part III.—Variation of Child's Allowance.
Part IV.—Child's Gratuity by way of Commuted Allowance.

FOURTH SCHEDULE.—Increase in Widow's Pension or Child's Allowance.

FIFTH SCHEDULE.—Payment by Fireman in respect of Previous Service.

SIXTH SCHEDULE.—Appeals to Medical Referees.

SEVENTH SCHEDULE.—Transfer Values.

EIGHTH SCHEDULE.—Modifications to Scheme in its Application to Firemen Serving on the Tenth Day of July, 1956.

PART I

AWARDS ON RETIREMENT OF REGULAR FIREMEN

Fireman's ordinary pension

1.—(1) Every regular fireman who has attained the age of fifty years and retires, being entitled to reckon at least twenty-five years' pensionable service, shall be entitled to receive a fireman's ordinary pension of an amount determined in accordance with Part I of the First Schedule to this Scheme.

(2) Notwithstanding anything in paragraph (1) of this Article, a chief officer or in Scotland a firemaster who retires before attaining the age of fifty-five years, 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) Every regular fireman who is required to retire on account of age, but is not entitled to an ordinary pension under Article 1 of this Scheme, shall be entitled to receive a fireman's short service award.

(2) In the case of a fireman entitled to reckon at least ten years' pensionable service, the said award shall be a short service pension of an amount determined in accordance with Part II of the First Schedule to this Scheme and in any other case the said award shall be a short service gratuity of an amount determined in accordance with Part III of the said First Schedule.

Fireman's ill-health award

3.—(1) Every regular fireman who is incapacitated for the performance of his duty by infirmity of mind or body and retires on that account, shall be entitled to receive an ill-health award if it appears that the incapacity is likely to be permanent.

(2) In the case of a fireman entitled to reckon at least ten years' pensionable service or of a fireman whose infirmity of mind or body is occasioned by a qualifying injury, the said award shall be an ill-health pension of an amount determined in accordance with Part II of the First Schedule to this Scheme and,

in any other case, the said award shall be an ill-health gratuity of an amount determined in accordance with Part III of the said First Schedule.

(3) Notwithstanding anything in this Article, a regular fireman who has not attained the age of twenty years shall not be entitled to an ill-health gratuity, unless he is entitled to reckon pensionable service under Article 32 or 33 of this Scheme, or Article 19A, 19B or 19C of the Firemen's Pension Scheme, 1952.

Fireman's special pension

4.—(1) Where—

(*a*) an ill-health pension is payable to a regular fireman on the ground that he has been incapacitated for the performance of his duty by infirmity of mind or body occasioned by a qualifying injury; and

(*b*) the amount of that pension, when aggregated with the amount of any additional benefit from time to time payable to him, is less than the minimum injury award determined in accordance with Part IV of the First Schedule to this Scheme,

he shall be entitled to receive a special pension of an amount equal to the deficiency.

(2) 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 at the rate specified in that section or so much of any such pension as relates to that injury, together with—

(i) any increase in such pension payable on account of unemployability or special hardship or in respect of children or adult dependants under section thirteen, fourteen, seventeen or eighteen of the said Act or, subject as hereinafter provided, so much of any such increase as is proportionate to that part of the said pension which relates to that injury,

(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 of the said Act or in respect of children or adult dependants under section seventeen or eighteen of the said Act;

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

(3) Where a disablement gratuity is payable to a person under section twelve of the National Insurance (Industrial Injuries) Act, 1946, this Article shall apply as if a disablement pension were payable to him under that section during the relevant period, 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.

Minimum aggregate amount of payments in respect of fireman's pension

5.—(1) Where a regular fireman—

(*a*) dies while in receipt of an ordinary, short service or ill-health pension; or

(*b*) does not, before the expiration of one month from the cancellation of his ill-health pension under Article 6 of this Scheme, resume service in his brigade,

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

then if the aggregate amount paid to him in respect of the pension, together with, where he dies, the capital value of any widow's pension or child's allowance which may be payable in respect of his death, is less than his aggregate contributions, there shall be paid to him or his estate the difference by way of adjustment of the amount of his pension.

(2) For the purposes of this Article—

(*a*) where an ill-health pension is supplemented by a special pension in accordance with Article 4 of this Scheme, any amount paid in respect of the special pension shall be treated as if it had been paid in respect of the ill-health pension ; and

(*b*) the capital value of a widow's pension or a child's allowance shall be calculated in accordance with the tables prepared from time to time by the Government Actuary.

Cancellation of fireman's ill-heath pension on recovery

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

Provided that this paragraph shall not apply or, as the case may be, shall cease to apply, in the case of a person who—

(*a*) when he retired was entitled to retire with an ordinary pension ;

(*b*) would, if he had continued to serve as a regular fireman, have become entitled to retire with an ordinary pension ; or

(*c*) would, if he had continued to serve as a regular fireman, have reached the age prescribed for 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.

Reassessment of fireman's special pension

7. Where a person is in receipt of a fireman's special pension, the fire authority shall, at such intervals as they think fit, consider whether the extent of his disablement has substantially altered, and if they find that it has, the pension shall be reassessed accordingly:

Provided that 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 award to fireman who causes or aggravates his infirmity

8. Where a regular 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 ill-health award or special pension payable to him on his retirement by an amount not exceeding one half of that to which he would otherwise be entitled.

Reduction of fireman's pension at age sixty-five

9. Every fireman's ordinary, short-service or ill-health pension shall, when the fireman attains the age of sixty-five years, be reduced in accordance with the provisions of Part V of the First Schedule to this Scheme unless immediately before his retirement he was paying contributions at the higher rate of twopence a week less than five per cent. of his pensionable pay.

PART II

AWARDS ON DEATH OF REGULAR FIREMAN

Widows

Widow's ordinary award

10.—(1) Subject as hereinafter provided, where a regular fireman entitled to reckon at least three years' pensionable service—

(*a*) dies while serving as such a fireman ;

(*b*) dies while in receipt of a pension granted in respect of service as such a fireman ; or

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

his widow shall be entitled to a widow's ordinary pension of an amount determined in accordance with Part I of the Second Schedule and the Fourth Schedule to this Scheme.

(2) Subject as hereinafter provided, where a regular fireman entitled to reckon less than three years' pensionable service dies while serving as such a fireman his widow shall be entitled to a widow's ordinary gratuity of an amount determined in accordance with Part II of the Second Schedule to this Scheme.

Widow's special pension

11. Where a regular 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 of an amount determined in accordance with Part III of the Second Schedule and the Fourth Schedule to this Scheme.

Widow's gratuity by way of commuted pension

12. Where a widow is entitled to a pension 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 of an amount determined in accordance with Part IV of the Second Schedule to this Scheme.

Right to widow's pension dependent on date of marriage

13. A woman shall not be entitled to a widow's pension if she married her husband after he last ceased to serve as a regular fireman.

Special provisions where widow was living apart from her husband

14.—(1) Where a woman was living apart from her husband at the time of his death, no widow's award shall be paid to her unless—

(*a*) he was then making regular contributions for her support or to her for the support of her child ;

(*b*) he was then liable to make such contributions by virtue of an agreement or of the order or decree of a competent court ; or

(*c*) the fire authority determine that, in the circumstances of the case, the award should be payable.

(2) Where a pension is payable under sub-paragraph (*a*) or (*b*) of paragraph (1) of this Article, it shall be payable at a rate not exceeding the rate at which the husband was making or was liable to make such contributions as are therein mentioned :

Provided that if the fire authority in the circumstances of the case so determine, the pension shall be payable for such period as they think fit at such increased rate as they think fit, not exceeding the rate at which it would be payable but for this Article.

(3) Where a gratuity is payable under sub-paragraph (*c*) of paragraph (1) of this Article, it shall be payable in whole or in such part, as the fire authority think fit, and where a pension is payable under the said sub-paragraph (*c*), it shall be payable for such period and at such rate as they think fit, not exceeding the rate at which it would be payable but for this Article.

Effect of remarriage

15.—(1) Where a widow's pension becomes payable to a woman, 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, or that marriage is dissolved, the fire authority may pay the whole or any part of the pension for such period after that time as they think fit.

(2) Where a widow's gratuity becomes payable to a woman, 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, or that marriage is dissolved, 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.

Children

Child's ordinary allowance

16. Where a regular fireman—

(*a*) dies while serving as such a fireman;

(*b*) dies while in receipt of a pension granted in respect of service as such a fireman; or

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

any child of his shall be entitled to a child's ordinary allowance of an amount determined in accordance with Parts I and III of the Third Schedule to this Scheme.

Child's special allowance

17. Where a regular 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 shall be entitled to a child's special allowance of an amount determined in accordance with Parts II and III of the Third Schedule and the Fourth Schedule to this Scheme.

Child's gratuity by way of commuted allowance

18. Where a child is entitled to an allowance, 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 of an amount determined in accordance with Part IV of the Third Schedule to this Scheme.

Duration of child's allowance

19. A child's allowance shall only be payable if and so long as the child has not attained the age of sixteen years or, where on attaining that age the child is in receipt of full-time education, if and so long as he continues without interruption to receive such education until the thirty-first day of July next following his sixteenth birthday.

Right to child's allowance dependent on date of birth and other matters

20. A child's allowance shall not be granted—

(*a*) to a child born after the date the father last ceased to serve as a regular fireman, otherwise than of a marriage which took place before that date;

(*b*) by virtue of his being a step-child, to a child whose mother married his step-father after the said date;

(*c*) by virtue only of his being an adopted child, to a child adopted after the said date; or

(*d*) by virtue of his being a step-child, adopted child or illegitimate child, to a child who was not substantially dependent on his father at the date of his father's death.

Limitation on amount of child's special allowance

21. Where a widow is entitled to a pension and her children are entitled to children's special allowances the allowances shall be reduced by such fraction, if any, as is from time to time 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 average pensionable pay.

Dependants

Gratuities for dependants other than widows and children

22.—(1) Where a person dies while serving as a regular fireman, or dies while in receipt of a pension granted in respect of such service, the fire authority may, if they think fit, grant a gratuity to any of his relatives who were substantially dependent on him at the time of his death, and who are not entitled to any pension, gratuity or allowance under any other provision of this Scheme.

(2) The aggregate of all gratuities paid under this Article in respect of the death of any one person shall not exceed the amount of his aggregate contributions.

PART III

ALLOCATION OF PENSIONS AND GENERAL PROVISIONS AFFECTING RIGHTS TO AWARDS

Allocation of pension

23.—(1) Where a regular fireman, who retires and is entitled to an ordinary, ill-health or short service pension, has allocated that pension, that is to say—

(*a*) has given notice in writing (hereafter in this Article called "notice of surrender") to the fire authority of his wish to surrender such portion of his pension as he may specify and, in relation to such notice, has complied with the provisions of paragraphs (3) and (4) of this Article;

(*b*) has nominated the person in whose favour the surrender is to take effect (hereafter in this Article called "the beneficiary"), being his wife or such other person as the fire authority are satisfied is substantially dependent on him; and

(*c*) has provided the fire authority with such evidence of his good health as they consider satisfactory,

then, subject to paragraph (5) of this Article, his pension shall be reduced accordingly as from the date of his retirement.

(2) Notwithstanding that he has previously allocated his pension, a regular fireman who is entitled to retire with an ordinary pension may, in accordance with the preceding paragraph, further allocate that pension in favour of the same beneficiary.

(3) Except in the case of the first or only allocation by a fireman entitled to retire with an ordinary pension, the notice of surrender shall be given by the fireman not earlier than two months before his retirement.

(4) The total portion of a fireman's pension which he may surrender in accordance with paragraph (1) of this Article shall not exceed one-third thereof and in the case of the first or only allocation shall be such as will produce for the beneficiary, in accordance with the following provisions of this Article, a pension of not less than ten shillings a week.

(5) Where the fire authority are satisfied that the fireman has complied with the provisions of sub-paragraphs (*a*), (*b*) and (*c*) of paragraph (1) of this Article, they shall forthwith send to the fireman a written notification that they have allowed the surrender, and the allocation shall take effect—

(*a*) in the case of the first or only allocation by a fireman who, when he gave the notice of surrender, was entitled to retire with an ordinary pension—

(i) at the time when the notification is received by him or, if sent by post, at the time when it would be delivered to him in the ordinary course of post, or

(ii) at the date of his retirement,

whichever is the earlier;

(*b*) in any other case, at the date of retirement:

and in a case to which sub-paragraph (*a*) (i) of this paragraph applies, the pension shall be reduced notwithstanding the death of the beneficiary before the date of retirement.

(6) Where a fireman retires having allocated his pension and the allocation has taken effect, the fire authority shall as from his death pay to the beneficiary, if that person survives the fireman, a pension of such amount as is the actuarial equivalent of the surrendered portion of the fireman's pension.

The said actuarial equivalent shall be calculated from tables prepared by the Government Actuary at the time the allocation took effect, by reference to the ages of the fireman and the beneficiary at that time, and separate calculations shall be made in respect of separate allocations.

(7) Where a fireman has allocated an ordinary pension and the allocation has taken effect and he was entitled to retire with an ordinary pension when he gave the notice of surrender, then—

(*a*) if he dies before retiring, the fire authority shall pay to the beneficiary the like pension as they would have paid if the fireman had retired immediately before he died and the allocation were the only allocation;

(*b*) if he retires with an ill-health pension, the foregoing provisions of this Article shall apply as if the allocation related to such pension.

(8) Where the ill-health pension of a fireman is reduced under this Article a special pension payable to him under Article 4 of this Scheme shall be calculated as if no such reduction had been made.

(9) Where under the provisions of Article 13 of the Firemen's Pension Scheme, 1948(a), or of Article 13 of the Firemen's Pension Scheme, 1952(b), as originally made, the ordinary pension of a fireman has been reduced before the first day of November, 1954, as a result of his having given notice of intention to surrender a portion thereof, his pension and the pension of the person nominated by him shall be determined in accordance with those provisions.

(10) For the purposes of this Article any notice given or other thing done under Article 13 of the Firemen's Pension Scheme, 1952, as set out in Article 1 of the Firemen's Pension Scheme Order, 1954(c), shall have effect as if it had been given or done under this Article.

(11) Any reference in this Scheme to a widow's pension, however expressed, shall be construed as excluding a reference to a pension payable to a widow under this Article.

Prevention of duplication

24. Where, apart from the provisions of this Article, 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, one only of the said pensions or allowances shall be paid:

(a) S.I. 1948/604 (Rev. VII, p. 776: 1948 I, p. 1091). (b) S.I. 1952/944 (1952 I, p. 1003).
(c) S.I. 1954/1365 (1954 I, p. 906).

Provided that for the purposes of this Article—

(*a*) where an ill-health pension is supplemented by a special pension in accordance with Article 4 of this Scheme, those pensions shall be treated as one ;

(*b*) a pension payable under paragraph (6) of Article 23 of this Scheme shall be disregarded ; and

(*c*) a pension payable under Part IX of this Scheme shall be disregarded.

No entitlement to award where transfer value is payable

25. Where a regular fireman retires in order to become such a fireman in another brigade or retires and enters other pensionable employment in such circumstances that a transfer value becomes payable by the fire authority in respect of him under paragraph (1) of Article 43 of this Scheme or, as the case may be, under regulations made under section twenty-eight of the principal Act, no award shall be payable to or in respect of him by that authority unless he subsequently again becomes a regular fireman in the brigade maintained by them.

Withdrawal of pension while pensioner is employed by a local authority

26. Where any person to whom a pension is payable is employed in any capacity by a local authority, the fire authority may withdraw the pension, either wholly or in part, for such period as the pensioner is so employed.

Withdrawal of pension or allowance for misconduct

27.—(1) Where any person to whom a pension or allowance is payable—

(*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.

(2) Notwithstanding that a pension or an allowance has been withdrawn under this Article, the fire authority may, if at any time they think fit, restore that pension or allowance either wholly or in part.

PART IV

PENSIONABLE SERVICE OF REGULAR FIREMEN

Current service in the brigade

28. A regular fireman shall be entitled to reckon as pensionable service for the purposes of this Scheme—

(*a*) any period of service as such, in the brigade in which he is serving, on or after the tenth day of July, 1956, and after attaining the age of twenty years ; and

(*b*) where he was serving in that brigade both on and immediately before the tenth day of July, 1956, any period of pensionable service which he was entitled to reckon immediately before that date:

Provided that, subject as hereinafter provided, there shall not be reckonable as pensionable service—

(i) where he has left and rejoined the brigade on or after the tenth day of July, 1956, any period of service before he last rejoined the brigade ;

(ii) 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 ; or

(iii) 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.

Previous service in the brigade and period during which a special pension is payable

29.—(1) Where a regular fireman—

(*a*) retires or has retired from a brigade without a pension and without a transfer value becoming payable under regulations made under section twenty-eight of the principal Act; and

(*b*) rejoins or has rejoined that brigade without any intervening service as a regular fireman,

he shall be entitled to reckon as pensionable service for the purposes of this Scheme the period of pensionable service he was entitled to reckon on so retiring, but subject to his undertaking, within six months of rejoining the brigade or before the tenth day of July, 1958, whichever is the later, to pay in accordance with the Fifth Schedule to this Scheme a sum equal to the aggregate of—

(i) any sum which became payable to him on retiring by way of gratuity or return of aggregate contributions; and

(ii) the balance of any sum he had undertaken to pay in accordance with the Fifth Schedule to this Scheme, the Eleventh Schedule to the Firemen's Pension Scheme, 1952, or the Eleventh Schedule to the Firemen's Pension Scheme, 1948, outstanding immediately before his retirement.

(2) Where a regular fireman—

(*a*) retires or has retired from a brigade with an ill-health pension; and

(*b*) resumes service in the brigade on the cancellation of that pension under Article 6 of this Scheme, Article 25 of the Firemen's Pension Scheme, 1952, or Article 25 of the Firemen's Pension Scheme, 1948,

he shall be entitled to reckon as pensionable service for the purposes of this Scheme the period of pensionable service he was entitled to reckon on so retiring.

(3) Where a regular fireman is entitled to reckon a period as pensionable service for the purposes of this Scheme under the preceding paragraph or by virtue of Article 25 of the Firemen's Pension Scheme, 1952, or Article 25 of the Firemen's Pension Scheme, 1948, and he retired with an ill-health pension payable on the ground that he had been incapacitated for the performance of his duty by infirmity of mind or body occasioned by a qualifying injury, then he shall also be entitled to reckon as pensionable service for the purposes of this Scheme the period for which that pension was payable, but subject to his undertaking within six months of resuming service in the brigade or before the tenth day of July, 1958, whichever is the later, to pay in accordance with the Fifth Schedule to this Scheme a sum equal to the aggregate of the pension contributions which would have been payable by him had he for that period served as a regular fireman in the brigade in the rank which he held immediately before his retirement.

Absence from duty in the brigade without pay

30.—(1) Where a regular fireman is or has been absent from duty without pay, the fire authority may, at any time while he is such a fireman in their service, resolve that the whole or any part of the period of absence shall be reckoned as pensionable service for the purposes of this Scheme.

(2) Where by virtue of any such resolution as aforesaid any period is reckoned as 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.

Previous service in another brigade

31.—(1) Where a regular fireman retires or has retired from a brigade in order to join another brigade and so retires or retired with the written consent of the

fire authority maintaining the first mentioned brigade, he shall be entitled, on joining that other brigade, to reckon as pensionable service for the purposes of this Scheme the period of pensionable service he was entitled to reckon on so retiring.

(2) Where, in circumstances other than those mentioned in the preceding paragraph, a regular fireman—

(*a*) retires or has retired from a brigade without a pension and without a transfer value becoming payable under regulations made under section twenty-eight of the principal Act ; and

(*b*) joins or has joined another brigade without any intervening service as a regular fireman,

he shall, if the fire authority by whom he is employed think fit or are paid a transfer value under paragraph (2) of Article 43 of this Scheme, be entitled to reckon as pensionable service for the purposes of this Scheme the period of pensionable service he was entitled to reckon on so retiring, but subject to his undertaking within six months of joining the brigade or before the tenth day of July, 1958, whichever is the later, to pay, in accordance with the Fifth Schedule to this Scheme, a sum equal to the aggregate of—

(i) any sum which became payable to him on retiring by way of gratuity or return of aggregate contributions ; and

(ii) the balance of any sum he had undertaken to pay in accordance with the Fifth Schedule to this Scheme, the Eleventh Schedule to the Firemen's Pension Scheme, 1952, or the Eleventh Schedule to the Firemen's Pension Scheme, 1948, outstanding immediately before his retirement.

(3) For the purposes of paragraph (1) 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.

Previous local government service

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

(*a*) who before becoming a regular 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**) ; and

(*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**).

(2) Subject to paragraphs (3) and (4) of this Article, such a person as is mentioned in the preceding paragraph 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 regular 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.

(3) Where he would have been entitled in the circumstances mentioned in the preceding paragraph to reckon a period as contributing service subject to his making certain payments by way of—

(*a*) additional contributory payments in discharge of a fixed sum : or

(*b*) additional contributions for added years,

whether on giving notice in that behalf or otherwise, then he shall and shall only be entitled to reckon three-quarters of that period as pensionable service for the purposes of this Scheme if within three months of his becoming a regular fireman

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

he undertakes to pay in accordance with the Fifth Schedule to this Scheme a sum equal to the capital value of those additional payments or contributions, as the case may be, as determined by the fire authority.

(4) Where in the exercise of their discretion under rules made under the Superannuation (Miscellaneous Provisions) Act, 1948, the authority by whom he was employed in his former employment increase his service for the purposes of those rules, then for the purposes of this Article the service reckonable by him immediately before ceasing to hold his former employment shall be deemed to have been correspondingly increased.

(5) Any reference in this Article to the Local Government Superannuation Act, 1937, shall be construed as including a reference to the Local Government Superannuation (Scotland) Act, 1937(a).

Previous service other than fire or local government service

33.—(1) This Article shall apply in the case of a person, other than a person to whom Article 32 of this Scheme applies—

(*a*) who before becoming a regular fireman was in service or employment otherwise than as a fireman by virtue of which he was subject to superannuation arrangements (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, under regulations made under section sixty-seven of the National Health Service Act, 1946(b), or section sixty-six of the National Health Service (Scotland) Act, 1947(c), or under any such other provisions as may be approved for the purposes of this Article by the Secretary of State; and

(*c*) who within three months of his becoming a regular fireman undertakes to pay in accordance with the Fifth 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 in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the said superannuation arrangements.

(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—

(*a*) three-quarters of the period of service which is reckonable for the purpose of calculating the said transfer value; or

(*b*) where separate calculations are made in respect of contributing and non-contributing service reckonable for the purpose of calculating the said transfer value, the aggregate of three-quarters of the period of contributing service and three-eighths of the period of non-contributing service which is so reckonable:

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.

Certificates of pensionable service

34.—(1) Where a regular fireman becomes entitled to reckon a period of service as pensionable service for the purposes of this Scheme by virtue of Article 29, 31, 32, 33 or 50 of this Scheme, then the fire authority shall, within a period of six months, supply him with a certificate showing the pensionable service he was entitled to reckon for the purposes of this Scheme on the date on which he became entitled to reckon the said period of service.

(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, appeal to the Secretary of State who shall either confirm or vary the said certificate.

(a) 1 Edw. 8 & 1 Geo. 6. c. 69. (b) 9 & 10 Geo. 6. c. 81.
(c) 10 & 11 Geo. 6. c. 27.

(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 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 on the date to which it refers.

(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 a fireman shall be treated as only becoming entitled to reckon service under Article 50 of this Scheme if and when he resumes service in his former brigade.

PART V

PENSIONABLE PAY AND CONTRIBUTIONS OF REGULAR FIREMEN

Pensionable pay and average pensionable pay

35.—(1) In this Scheme the expression "pensionable pay" means the pay of a regular 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 or assistant 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 the death or retirement of a regular fireman—

(*a*) the expression "average annual pensionable pay" means the aggregate of the pensionable pay of the fireman, ignoring any reduction of pay during sick leave and any stoppage of pay by way of punishment, during the three years immediately preceding his death or retirement or, in a case where he was not serving as a regular fireman when he died, the date on which he last ceased to serve as such, divided by three:

Provided that where he was in receipt of pensionable pay for only part of the said period, the said aggregate shall be divided by the number of years and that fraction of a year for which he was in receipt of pensionable pay during the said period; and

(*b*) the expression "average pensionable pay" means the average annual pensionable pay of the fireman divided by fifty-two and one-sixth.

(3) Notwithstanding anything in the preceding paragraph, for the purpose of determining the benefits payable under this Scheme in respect of a person who last ceased to serve as a regular fireman before the tenth day of July, 1956, the expressions "average annual pensionable pay" and "average pensionable pay" shall have the meanings assigned to "annual pensionable pay" and "pensionable pay" respectively by Article 46 of the Firemen's Pension Scheme, 1952(a), for the purpose of determining the benefits payable under that Scheme.

Payment of contributions

36.—(1) Every regular 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) S.I. 1952/944 (1952 I, p. 1003).

(*a*) became a regular 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 such a fireman without any intervening service in another capacity,

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 regular fireman in respect of which he was subject to superannuation arrangements; 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, or other provisions modifying the said arrangements 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) Notwithstanding anything in paragraphs (2) and (3) of this Article, where a regular fireman retires from a brigade otherwise than with an ill-health pension and does not serve as such a fireman for a period of one year or more, he shall in respect of any subsequent period of service as a regular fireman pay contributions at the rate specified in paragraph (1) of this Article, unless he becomes such a person as is mentioned in the said paragraph (3) entitled to reckon a period as pensionable service for the purposes of this Scheme by virtue of such service or employment as is therein mentioned, entered upon after his retirement.

(5) 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 fire authority from the said instalment.

Repayment of contributions or part thereof

37.—(1) Where a regular fireman retires without a pension or gratuity he shall be entitled to an award by way of repayment of his aggregate contributions.

(2) Where a regular fireman dies while serving as such, and no pension, allowance or gratuity is payable in respect of him, an award by way of repayment of his aggregate contributions shall be made to his estate.

(3) Where a regular fireman is dismissed from the 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.

PART VI

DETERMINATION OF QUESTIONS AND APPEALS

General functions of fire authority

38.—(1) Subject as hereinafter provided, the question whether a person is entitled to any and if so what awards 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 in whole or in part 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

39.—(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 Sixth Schedule to this Scheme, appeal against the opinion to an independent person nominated by the Secretary of State (hereinafter referred to as a "medical referee").

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

Appeal against decision of fire authority

40.—(1) Where any person claims that he is entitled to an award or to any payment on account of an award 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;

(*b*) to reopen any decision on a medical question which has been given on an appeal under Article 39 of this Scheme; or

(*c*) to question any certificate of pensionable service which is deemed to be conclusive by Article 34 of this Scheme or by Article 19D of the Firemen's Pension Scheme, 1952.

(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 regular fireman, and for any reference to the High Court there shall be substituted a reference to the Court of Session.

PART VII

PAYMENT OF AWARDS AND FINANCIAL PROVISIONS

Payment of awards generally

41.—(1) An award which is payable to or in respect of a person by reason of his having been employed as a regular fireman shall be payable by the fire authority by whom he was last employed as such.

(2) An award which is payable to or in respect of a person by reason of his having received an injury while employed as a member of a brigade otherwise than as a regular fireman, shall be payable by the fire authority by whom he was employed when he received the injury.

(3) Subject to the provisions of this Scheme, every pension or allowance shall be payable in respect of each week and 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.

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

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

(6) A pension or allowance payable to the widow, child or dependant of a fireman shall be payable as from his death, or, in the case of an allowance payable to a posthumous child as from the birth of the child, except—

(*a*) where the fireman was in receipt of a pension and he died during a period in respect of which he had already received his pension, in which case the pension or allowance shall not be payable before the end of that period;

(*b*) where the fireman received an ill-health gratuity, in which case the pension or allowance shall be payable as from the first anniversary of his death or such earlier date as the fire authority, in the circumstances of the case, think fit.

(7) Every gratuity shall be paid in one sum:

Provided that where a fire authority are satisfied that it would be to 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 of awards in special cases

42.—(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 person to whom or to whose estate 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) Every assignment of or charge on a pension, otherwise than in favour of a relative or relatives of the pensioner, shall be void.

(6) A pension shall not pass to a trustee in bankruptcy or any other person acting on behalf of creditors of the pensioner.

(7) This Article shall apply with respect to awards other than pensions 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 award, and any reference therein to a pensioner shall be construed as including a reference to a person to whom any such award is payable.

Payment of transfer values

43.—(1) Where with such consent as is mentioned in paragraph (1) of Article 31 of this Scheme a regular fireman retires or has retired from the brigade in which he is or was employed in order to become such a fireman in another brigade, the fire authority with whose consent he so retired shall, on his joining that other brigade, pay to the fire authority by whom that brigade is maintained such sum as may be determined in accordance with the Seventh Schedule to this Scheme.

(2) Where a regular fireman retires or has retired from a brigade without a pension and subsequently (without any intervening period of service as such a fireman) becomes or has become a regular 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 that other brigade is maintained such sum as may be determined in accordance with the Seventh Schedule to this Scheme.

Expenses and receipts of fire authorities

44.—(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, the Firemen's Pension Scheme, 1952, or the Firemen's Pension Scheme, 1948(a).

(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 a year beginning on the anniversary of the appointed day.

PART VIII

SERVICEMEN

Awards to servicemen

45.—(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 is incapacitated by infirmity of mind or body for the performance of duty as a regular fireman if it appears that the incapacity is likely to be permanent.

(a) S.I. 1948/604 (Rev. VII, p. 776 : 1948 I, p. 1091).

(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 received during the person's period of relevant service in the armed forces 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 average pensionable pay ; and

(*b*) increase any pension payable under this Article, so however 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 been treated, for the purposes of the preceding paragraph, as if it were a qualifying injury.

Awards on death of servicemen

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

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

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

(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 10 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, be entitled to a gratuity under paragraph (2) of the said Article as though he died while serving as a regular fireman.

(3) Any child of such a person shall be entitled to an allowance as though he were mentioned in Article 16 of this Scheme.

(4) Where such a person dies from the effects of an injury received during his period of relevant service in the armed forces 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 the rate of £60 a year ; and

(*b*) increase any pension or allowance payable under this Article, so however 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, ignoring any increase in accordance with the provisions of the Fourth Schedule to this Scheme.

(5) Where an award is increased under the preceding paragraph, the amount thereof shall be further increased in accordance with the provisions of the Fourth Schedule to this Scheme.

Gratuities for dependants other than widows and children

47. In relation to a serviceman who dies during his relevant service in the armed forces, Article 22 of this Scheme shall apply as though he died while serving as a regular fireman.

Servicemen who resume service as regular firemen

48. If a serviceman who resumes service as a regular 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 such a fireman or otherwise),

as a result of an injury received during his period of relevant service in the armed forces, 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 45, or by Article 46 of this Scheme.

Servicemen who do not resume service in their former brigade

49. If a serviceman within one month of the end of his period of relevant service in the armed forces does not resume service in his former brigade, he shall be treated for the purposes of Articles 25, 29, 31, 35, 37 and 60 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 paragraph (1) of Article 31 of this Scheme, at any time within one month of the end of the said period.

Pensionable service

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

Pension contributions and pensionable pay

51.—(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 as though he had remained a regular 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 the pay which he would have received if he had continued to serve in his former brigade.

Application to regular firemen with war service

52.—(1) Articles 46 and 48 of this Scheme shall apply in the case of a regular fireman who received any injury during a period of war service at a time when section one of the Police and Firemen (War Service) Act, 1939(**b**), applied to him as they apply in the case of a serviceman and as if any reference therein to a period of relevant service in the armed forces were a reference to a period of war service.

(2) In this Article any reference to "a period of war service" is a reference to a period of service in the armed forces of the Crown or to a period, beginning before the first day of January, 1948, and ending before the first day of April, 1948, of work which the Secretary of State directed should be treated as war work for the purpose of Regulation 60DA of the Defence (General) Regulations, 1939, and the reference to the Police and Firemen (War Service) Act, 1939, includes a reference to that Act as extended by the said Regulation 60DA.

PART IX

MEMBERS OF BRIGADES WHO ARE NOT REGULAR FIREMEN

Awards to and in respect of whole-time firemen

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

(2) If he retires in consequence of the injury, the fire authority may grant him such pension as they think fit, so however that the said pension, when

(**a**) 14 & 15 Geo. 6. c. 65. (**b**) 2 & 3 Geo. 6. c. 103.

aggregated with any additional benefit which may be payable to him, shall not exceed the minimum injury award which would have been appropriate in his case had he been a regular fireman of the rank of fireman and retired on account of a qualifying injury during his first year of service.

(3) If he dies from the effects of the injury, either before or after retiring from the brigade, the fire authority may grant his widow or child such pension or allowance, as the case may be, as they think fit, so however that the said pension or allowance, when aggregated with any additional benefit which may be payable to the recipient, shall not exceed the pension or allowance which would have been payable had he been a regular fireman of the rank of fireman who died or retired during his first year of service and died from the effects of a qualifying injury, any increase in accordance with the Fourth Schedule to this Scheme being ignored.

(4) The amount of a pension or allowance granted under the last foregoing paragraph shall be increased in accordance with the provisions of the Fourth Schedule to this Scheme.

(5) In this Article the expression "additional benefit" means any periodical payments of whatever nature which are made by the fire authority, otherwise than under this Article, by any other local authority or by a Minister of the Crown otherwise than by way of an increase in a disablement pension payable under section fifteen of the National Insurance (Industrial Injuries) Act, 1946(a), where constant attendance is needed, so however that in paragraph (3) of this Article the said expression does not include any benefit payable under the National Insurance Act, 1946.

(6) Paragraph (3) of Article 4 of this Scheme (which relates to disablement gratuities under the National Insurance (Industrial Injuries) Act, 1946), shall apply for the purposes of this Article as it applies for the purposes of the said Article 4.

Payment of contributions by retained firemen

54. Every male part-time member of a brigade, being a retained fireman, shall pay an annual contribution of 8s. to the fire authority which shall fall due at the same time as his annual retaining fee and may, without prejudice to any other method of payment, be discharged by way of a deduction made by the authority from the said fee.

Part-time fireman : injury award

55.—(1) Where a male part-time member of a brigade is incapacitated for the performance of his duty as such a member by infirmity of mind or body occasioned by an injury received without his own default in the execution of his duties as such a member and it appears that the incapacity is likely to be permanent, he shall on retiring on that account be entitled, subject to paragraph (2) of this Article, to an injury pension—

(*a*) where he is totally disabled, at the appropriate rate, or

(*b*) where he is partly disabled, at such proportion of the appropriate rate as the extent of his actual disablement bears to total disablement:

Provided that the said pension shall not exceed the aggregate of the ill-health and special pensions which would have been payable had he been a regular fireman, holding the same rank as he in fact held and having the same service in that rank, and retired on account of a qualifying injury.

(2) If it appears that the proportion that the extent of his actual disablement bears to total disablement is likely to be permanently less than twenty per cent. the pension shall be commuted for a gratuity—

(*a*) where it appears that that proportion is likely to be permanently less than ten per cent., of the appropriate amount, or

(*b*) in any other case, of twice the appropriate amount.

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

(3) In this Article the expressions "appropriate rate" and "appropriate amount" mean—

(*a*) in the case of a man married before he ceased to be a part-time member of a fire brigade, during the subsistence of that marriage and so long as he is not living apart from his wife without regularly contributing to her support by virtue of any agreement or any order or decree of a competent court, the rate of 55s. a week and the amount of £80 respectively;

(*b*) in the case of a single man and in the case of a married man during the periods and so long as the provisions of the preceding sub-paragraph do not apply, the rate of 35s. a week and the amount of £45 respectively.

(4) The provisions of Articles 7, 8 and 63 of this Scheme shall apply as if he had been a regular fireman and the said pension were a fireman's special pension.

Widow of part-time fireman: injury pension

56.—(1) Where a part-time member of a brigade or a person who has been such a member dies from the effects of an injury received without his own default in the execution of his duties as such a member or from the effects of infirmity of mind or body occasioned by such an injury, his widow shall be entitled to a widow's injury pension—

(*a*) for such period as she is under the age of forty years, at the rate of 22s. 6d. a week;

(*b*) for such period as she is of the age of forty years or over but under the age of fifty years, at the rate of 33s. 9d. a week;

(*c*) for such period as she is of the age of fifty years or over or has a child in receipt of an injury allowance under the provision of Article 57 of this Scheme at the rate of 45s. a week:

Provided that the said pension shall not exceed the pension which would have been payable had the husband been a regular fireman, holding the same rank as he in fact held and having the same service in that rank, and died from the effects of a qualifying injury.

(2) The provisions of Articles 12, 13, 14 and 15 of this Scheme shall apply in relation to the said pension, as if the husband had been a regular fireman.

Child of part-time fireman: injury allowance

57.—(1) Where a male part-time member of a brigade or a person who has been such a member dies from the effects of an injury received without his own default in the execution of his duties as such a member or from the effects of infirmity of mind or body occasioned by such an injury, any child of his shall be entitled to a child's injury allowance at the rate of 12s. a week:

Provided that the said allowance shall not exceed the allowance which would have been payable had the father been a regular fireman, holding the same rank as he in fact held and having the same service in that rank, and died from the effects of a qualifying injury.

(2) The provisions of Articles 18, 19 and 20 of this Scheme shall apply in relation to the said allowance, as if the father had been a regular fireman.

Application of certain auxiliary provisions of Scheme

58.—(1) The provisions of this Scheme shall only apply in relation to a member of a brigade who is not a regular fireman and to a pension or allowance payable to or in respect of him to the extent provided in this Part of this Scheme.

(2) The provisions of Articles 26 and 27, Parts VI and VII and (in so far as it is applicable) Part XII of this Scheme shall apply in relation to such a member and to such a pension and allowance.

PART X

PERSONS WHO ARE NOT MEMBERS OF BRIGADES

Temporary employment in connection with the provision of fire services

59.—(1) This Article shall apply in the case of a person who ceases or has ceased to perform duties as a regular fireman in order to enter temporary employment on duties connected with the provision of fire services, being—

(*a*) employment as an instructor at a training institution or centre established by the Secretary of State under section twenty-three of the principal Act;

(*b*) employment as an inspector, assistant inspector or other officer appointed under section twenty-four of the principal Act;

(*c*) employment entered upon in pursuance of arrangements made by the Secretary of State in connection with the training in fire-fighting of members of the armed forces of the Crown; or

(*d*) employment entered upon in pursuance of arrangements made by the Secretary of State in connection with the training and organisation of fire-fighting forces in a colony, protectorate, protected state or trust territory.

(2) In the case of such a person as is mentioned in paragraph (1) of this Article, the employment therein mentioned (hereafter in this paragraph referred to as "the temporary employment") shall be treated for the purposes of this Scheme as employment as a member of a brigade and this Scheme shall apply in relation to that employment as if—

(*a*) he were a regular fireman and his duties were his duties as such;

(*b*) his pay and rank were the same as they would have been had he not ceased to perform duties as such a fireman;

(*c*) any reference to a brigade were a reference to the temporary employment;

(*d*) any reference to a fire authority were a reference to the Secretary of State;

(*e*) the reference to a court of quarter sessions in paragraph (1) of Article 40 of this Scheme were a reference to the court of quarter sessions for any county or borough which constitutes or is wholly or partly included in the area of the fire authority by whom he was employed immediately before entering the temporary employment;

(*f*) the reference to the sheriff in paragraph (5) of Article 40 of this Scheme were a reference to the sheriff having jurisdiction in the place where he served as a fireman immediately before entering the temporary employment; and

(*g*) Article 44 were omitted.

PART XI

PERSONS SERVING ON THE TENTH DAY OF JULY, 1956

Modifications of Scheme

60.—(1) In the case of a person who—

(*a*) is on the tenth day of July, 1956, a regular fireman;

(*b*) is on the tenth day of July, 1956, a serviceman performing relevant service in the armed forces; or

(*c*) is on the tenth day of July, 1956, in receipt of an ill-health pension and subsequently resumes service in his brigade on the cancellation of that pension under Article 6 of this Scheme, Article 25 of the Firemen's Pension Scheme, 1952, or Article 25 of the Firemen's Pension Scheme, 1948,

this Scheme shall apply subject to the modifications set out in the Eighth Schedule to this Scheme unless and until he otherwise elects, in accordance with the provisions of paragraph (2) of this Article, and subject to the provisions of paragraph (3) of this Article.

(2) *Any* election by a person under the preceding paragraph shall be made by *giving* notice in writing to the fire authority by whom he is employed or, where he makes his election during his period of relevant service in the armed forces, to the fire authority maintaining his former brigade and the said notice shall be given—

(*a*) in the case of such a person as is mentioned in sub-paragraph (*a*) of the preceding paragraph before the tenth day of January, 1957;

(*b*) in the case of such a person as is mentioned in sub-paragraph (*b*) of the preceding paragraph during his period of relevant service in the armed forces or within six months of the end of that period of service; or

(*c*) in the case of such a person as is mentioned in sub-paragraph (*c*) of the preceding paragraph within six months of his resuming service in his brigade.

(3) Where a regular fireman, in whose case this Scheme applies subject to the modifications referred to in paragraph (1) of this Article, ceases to serve as such in any particular brigade, the provisions of this Article shall not apply in relation to any subsequent period during which he serves as a regular fireman in the same or another brigade unless—

(*a*) he retires from the brigade in which he is serving to become a regular fireman in another brigade with such consent as is mentioned in Article 31 of this Scheme;

(*b*) he retires from the brigade in which he is serving with an ill-health pension and resumes service as a regular fireman in that brigade in the circumstances mentioned in paragraph (2) of Article 29 of this Scheme;

(*c*) he is transferred from the brigade to another brigade by reason only of a change in local government boundaries, of the making, amendment or revocation of a combination scheme under section five, six or nine of the principal Act, or of the making of an order under subsection (8) of section thirty-six of the principal Act varying a combined area in Scotland; or

(*d*) he ceases to serve in the brigade in order to undertake relevant service in the armed forces.

PART XII

MISCELLANEOUS PROVISIONS AND INTERPRETATION

Auxiliary firemen not subject to Scheme

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

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

Exclusive application of Scheme in relation to regular firemen

62. Subject to the provisions of section twenty-seven of the principal Act, the provisions of this Scheme, of the Firemen's Pension Scheme, 1952(a), and of the Firemen's Pension Scheme, 1948(b), in so far as they continue to have effect, shall have effect in relation to regular firemen, their wives and dependants to the exclusion of any provision for pension allowance or gratuity in respect of a person's employment as such 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 brigade which is treated for the purposes of this Scheme as employment as a regular fireman; or

(*b*) the National Insurance Acts, 1946.

(a) S.I. 1952/944 (1952 I, p. 1003). (b) S.I. 1948/604 (Rev. VII, p. 776 : 1948 I, p. 1091).

Assessment of disablement

63.—(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.

Meaning of "regular fireman"

64.—(1) In this Scheme the expression "regular fireman" means—

(*a*) a whole-time member of a brigade who was appointed on terms under which he is or may be required to engage in fire-fighting, not being a person whose employment is temporary only; or

(*b*) a whole-time member of a brigade who—

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

(ii) became, on that day, a whole-time member of a 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; and

(iii) has not since the appointed day ceased to be a whole-time member either of that brigade or of another brigade to which he is transferred by reason only of the change of local government boundaries or the making, amendment or revocation of a combination scheme under section five, six or nine of the principal Act or of an order under subsection (8) of section thirty-six of the principal Act varying a combined area in Scotland.

(2) Any reference in this Scheme to a regular fireman shall, where appropriate, be construed as, or be construed as including, a reference to a person who has been a regular fireman.

Meaning of "qualifying injury"

65. In this Scheme the expression "qualifying injury" means an injury received by a person without his own default in the execution of his duties—

(*a*) as a regular fireman;

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

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

Meaning of infirmity or death occasioned by an injury

66.—(1) A person shall be deemed for the purposes of this Scheme to have died from the effects of a particular injury where it appears that he would not have died when he in fact died if he had not suffered that injury.

(**a**) 15 & 16 Geo. 5. c. 47.
(**b**) 1 & 2 Geo. 6. c. 72.
(**c**) S.R. & O. 1941/1268 (1941 I, p. 320).
(**d**) S.R. & O. 1941/1272 (1941 I, p. 333).
(**e**) S.R. & O. 1941/1273 (1941 I, p. 337).
(**f**) S.R. & O. 1941/1274 (1941 I, p. 342).
(**g**) S.R. & O. 1941/1271 (1941 I, p. 328).

(2) Infirmity of mind or body shall be deemed for the purposes of this Scheme to be occasioned by a particular 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.

Meaning of "aggregate contributions"

67.—(1) In this Scheme the expression "aggregate contributions" means in relation to a regular fireman—

(*a*) all payments made by him to a fire authority under this Scheme, the Firemen's Pension Scheme, 1952, or the Firemen's Pension Scheme, 1948, including payments made by way of ratable deductions from pay and payments made in pursuance of an undertaking, which relate to a period of service he is entitled to reckon as pensionable service for the purposes of this Scheme and have not been refunded to him ; and

(*b*) save where he is dismissed, the amount of any award by way of return of contributions which would have been made to him at the end of any period of service or employment, otherwise than as a regular fireman by virtue of which he was subject to superannuation arrangements, being a period which he is entitled to reckon as pensionable service for the purposes of this Scheme, had he then voluntarily retired in circumstances entitling him to such an award under those arrangements.

(2) 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.

Meaning of reference to awards

68.—(1) Except where the context otherwise requires and subject to paragraph (2) of this Article, any reference in this Scheme to a pension or other award is a reference to a pension or other award, as the case may be, under this Scheme.

(2) Any reference to a pension or other award to a regular fireman in sub-paragraph (*b*) of paragraph (1) of Article 10, paragraph (*b*) of Article 16, paragraph (6) of Article 41 or paragraph (1) of Article 46 of this Scheme includes a reference to a pension or other award, as the case may be, under the Firemen's Pension Scheme, 1952, or the Firemen's Pension Scheme, 1948.

Meaning of certain expressions

69. 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, 1948, and in relation to Scotland, the sixteenth day of May, 1948 ;

"award" means a pension, allowance, gratuity or award by way of return of aggregate contributions ;

"brigade" means a fire brigade maintained under the principal Act ;

(**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.

" child " includes, in relation to any person, a step-child, an illegitimate child and a child adopted by him in pursuance of an adoption order made under the Adoption of Children Act, 1926(a), the Adoption of Children (Scotland) Act, 1930(b), or the Adoption Act, 1950(c), and the expressions " parent " and " grandparent " shall be construed accordingly ;

" fireman " means a member of a brigade including a regular fireman ;

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

" injury " includes disease ;

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

" relative " means wife, widow, parent, grandparent or child, or any person who is a child of such a relative ;

" relevant service in the armed forces " 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(e), 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 was a regular fireman ;

" service pension " means any armed forces pension or allowance payable in pursuance of any Royal Warrant or other instrument.

Meaning of references to enactments and application of the Interpretation Act, 1889

70.—(1) Any reference in this Scheme to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

(2) The Interpretation Act, 1889(f), shall apply for the purpose of the interpretation of this Scheme as it applies for the purpose of the interpretation of an Act of Parliament.

Citation

71. This Scheme may be cited as the Firemen's Pension Scheme, 1956.

FIRST SCHEDULE

PART I — Article 1

FIREMAN'S ORDINARY PENSION

An ordinary pension shall be of an amount not more than forty-sixtieths of the fireman's average pensionable pay and, subject as aforesaid, shall be equal to thirty-sixtieths of his average pensionable pay with the addition of one-sixtieth for each completed half year by which his pensionable service exceeds twenty-five years.

PART II — Articles 2 and 3

FIREMAN'S SHORT SERVICE OR ILL-HEALTH PENSION

A short service or ill-health pension shall be of an amount not less than one-sixtieth nor more than forty-sixtieths of the fireman's average pensionable pay and, subject as aforesaid, shall be equal to one-sixtieth of his average pensionable pay for each completed year of pensionable service up to twenty years with the addition of one-sixtieth for each completed half year by which his pensionable service exceeds twenty years.

(a) 16 & 17 Geo. 5. c. 29. (b) 20 & 21 Geo. 5. c. 37. (c) 14 Geo. 6. c. 26.
(d) 10 & 11 Geo. 6. c. 41. (e) 11 & 12 Geo. 6. c. 64. (f) 52 & 53 Vict. c. 63.

PART III Articles 2 and 3

FIREMAN'S SHORT SERVICE OR ILL-HEALTH GRATUITY

1. Where the fireman is entitled to reckon at least one year of pensionable service, the short service or ill-health gratuity shall be whichever is the greater of the two following amounts:—

(*a*) one-twelfth of his average annual pensionable pay multiplied by the number of completed years of pensionable service which he is entitled to reckon; or

(*b*) his aggregate contributions.

2. Where the fireman is not entitled to reckon at least one year of pensionable service, the gratuity shall be an amount equal to his aggregate contributions.

PART IV Article 4

MINIMUM INJURY AWARD

1. The minimum injury award shall be determined by reference to the number of completed years of pensionable service the fireman is entitled to reckon and by reference to his average pensionable pay.

2. Where the fireman is totally disabled, the minimum injury award shall be the amount specified in the second column of the subjoined Table, 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, so however that it is not less than the lower limit specified in the third column of the said Table.

TABLE

Fireman's completed years of pensionable service	Minimum injury award on total disablement expressed in 60ths of average pensionable pay	Lower limit of minimum injury award expressed in 60ths of average 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

PART V Article 9

REDUCTION OF FIREMAN'S PENSION AT AGE SIXTY-FIVE

1. The pension shall be reduced at a rate determined by reference to the period for which the pensioner has served as a regular 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. Except in the case of a person who elected under Article 38 of the Firemen's Pension Scheme, 1948, to pay contributions at the rate of one shilling and twopence a week less than five per cent. of his pensionable pay, the annual value of the pension shall be reduced by £1 14s. for each complete year during which he has served as a regular 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 is not reckonable as pensionable service.

4. In the case of a person who so elected, 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 regular fireman
	£ s. d.
Under 23 years	1 14 0
23 years or more but under 24 years	1 13 0
24 " " " 25 "	1 12 0
25 " " " 26 "	1 11 0
26 " " " 27 "	1 10 6
27 " " " 28 "	1 10 0
28 " " " 29 "	1 9 6
29 " " " 30 "	1 9 0
30 " " " 31 "	1 8 6
31 " " " 32 "	1 8 0
32 " " " 33 "	1 7 6
33 " " " 34 "	1 7 0
34 " " " 35 "	1 6 6
35 " " " 37 "	1 6 0
37 " " " 38 "	1 5 6
38 " " " 40 "	1 5 0
40 " " " 42 "	1 4 6
42 " " " 44 "	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 is not reckonable 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 regular fireman in respect of which he was subject to superannuation arrangements—

(*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),

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

or other provisions modifying the said superannuation arrangements 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 regular 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 in his case 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 regular 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.

SECOND SCHEDULE

PART I

Article 10

WIDOW'S ORDINARY PENSION

The amount of a widow's ordinary pension in respect of each week shall be the amount calculated according to Scheme I set out below, or where the fireman was entitled to reckon at least ten years' pensionable service, according to whichever of the two Schemes set out below would yield to the widow the higher pension, after taking into account the increase, if any, conferred by virtue of the Pensions (Increase) Acts, 1944 and 1947(**a**), and the Pensions (Increase) Act, 1956(**b**).

SCHEME I

The pension shall be of such amount that the rate of payment is—

(*a*) where the husband's last rank was not higher than that of a sub-officer, £60 a year;

(*b*) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £80 a year; or

(*c*) where the husband's last rank was higher than that of divisional officer (Grade I), £100 a year.

SCHEME II

1. Subject as hereinafter provided, the pension shall be determined by reference to the number of the completed years of pensionable service the fireman was entitled to reckon and shall be of such amount that, when it is added to any widow's benefit or retirement pension payable to the widow under the National Insurance Act, 1946, in right of her husband's insurance, the total rate of payment is that specified in the second column of the subjoined Table.

TABLE

Husband's completed years of pensionable service	Rate expressed as percentage of average pensionable pay
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.

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

(**b**) 4 & 5 Eliz. 2. c. 39.

2. The amount of the pension determined in accordance with the preceding paragraph shall be increased in accordance with the provisions of the Fourth Schedule to this Scheme.

PART II Article 10

WIDOW'S ORDINARY GRATUITY

1. Where the fireman was not entitled to reckon one year of pensionable service, the gratuity shall be an amount equal to his aggregate contributions.

2. Where the fireman was entitled to reckon at least one year of pensionable service, the gratuity shall be of such amount as the fire authority may determine, not being less than his aggregate contributions and not being more than one-twelfth of his average annual pensionable pay multiplied by the number of his completed years of pensionable service.

PART III Article 11

WIDOW'S SPECIAL PENSION

1. Subject as hereinafter provided, a widow's special pension shall be of an amount not less than one-sixth of her husband's average pensionable pay and, subject as aforesaid, shall be of such amount that, when it is added to—

(*a*) any pension payable to her under the National Insurance (Industrial Injuries) Act, 1946, 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 weekly rate of payment is equal to one-quarter of her husband's average pensionable pay.

2. The amount of the pension determined in accordance with the preceding paragraph shall be increased in accordance with the provisions of the Fourth Schedule to this Scheme.

PART IV Article 12

WIDOW'S GRATUITY BY WAY OF COMMUTED PENSION

A widow's gratuity by way of commuted pension shall be such sum as may be agreed between the fire authority and the widow, not exceeding the capitalised value of the pension determined in accordance with tables prepared from time to time by the Government Actuary.

THIRD SCHEDULE

PART I Article 16

CHILD'S ORDINARY ALLOWANCE

1. Subject to the provisions of Part III of this Schedule, where the mother of the child is alive the child's ordinary allowance shall be of such amount that the rate of payment is—

(*a*) where the father's last rank was not higher than that of sub-officer, £20 a year;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £24 a year; or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), £30 a year.

2. Subject to the provisions of Part III of this Schedule, where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be of such amount that the rate of payment is—

(*a*) where the father's last rank was not higher than that of sub-officer, £30 a year or such higher rate not exceeding £40 a year as the fire authority may from time to time determine;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £36 a year or such higher rate not exceeding £48 a year as the fire authority may from time to time determine; or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), £45 a year or such higher rate not exceeding £60 a year as the fire authority may from time to time determine.

PART II — Article 17

CHILD'S SPECIAL ALLOWANCE

1. Subject to the provisions of Part III of this Schedule, where the mother of the child is alive the child's special allowance shall be payable at the rate of six per cent. of the father's average pensionable pay.

2. Subject to the provisions of Part III of this Schedule, where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's special allowance shall be payable at the rate of nine per cent. of the father's average pensionable pay or at such greater rate, not exceeding twelve per cent. thereof, as the fire authority may from time to time determine.

PART III — Articles 16 and 17

VARIATION OF CHILD'S ALLOWANCE

1. Subject as hereinafter provided, where, under any enactment specified in the first column of the subjoined Table a payment specified in the second column is made to the recipient mentioned in the third column thereof, a child's ordinary or special allowance shall be reduced by so much as is necessary to reduce the allowance or, in the case of a special allowance, the increased allowance by the weekly amount specified in the fourth column, and where that reduction is greater than the allowance determined under Part I or II of this Schedule, that allowance shall not be payable.

In this paragraph the expression "increased allowance" in relation to a child's special allowance means the amount which would be payable in respect thereof by virtue of this Scheme, the Pensions (Increase) Acts, 1944 and 1947, and the Pensions (Increase) Act, 1956, if this Part of this Schedule were not in force.

TABLE

1 Enactment	2 Type of Payment	3 Recipient	4 Weekly Reduction
			s. d.
National Insurance Act, 1946, s. 17.	Widowed mother's allowance.	Child's mother	7 6
National Insurance Act, 1946, s. 19.	Guardian's allowance in respect of the child.	Child's guardian	12 0
National Insurance Act, 1946, s. 23.	Increased widow's allowance.	Child's mother	7 6
National Insurance Act, 1946, s. 23.	Increased retirement pension.	Child's mother	7 6
Family Allowances Act, 1945.	Family allowance in respect of the child.	Any person	5 0
National Insurance (Industrial Injuries) Act, 1946, s. 21.	Death benefit in respect of the deceased's child at the higher weekly rate prescribed by that section.	Any person	7 6

2. Where a woman has two or more children who would apart from the provisions of this Part of this Schedule be entitled to a child's allowance, only the allowance of the elder or eldest of those children shall be reduced in respect of the payment to her of a widowed mother's allowance, increased widow's allowance or increased retirement pension.

3. Where the child's allowance is an ordinary allowance, it shall not be reduced in respect of the payment of death benefit.

4. The amount of a child's special allowance determined in accordance with the preceding provisions of this Schedule shall be increased in accordance with the provisions of the Fourth Schedule to this Scheme.

PART IV Article 18

CHILD'S GRATUITY BY WAY OF COMMUTED ALLOWANCE

A child's gratuity by way of commuted allowance shall be such sum as may be agreed between the fire authority and the child's guardian, not exceeding the capitalised value of the allowance determined in accordance with tables prepared from time to time by the Government Actuary.

FOURTH SCHEDULE Articles 10, 11, 17, 46 and 53

INCREASE IN WIDOW'S PENSION OR CHILD'S ALLOWANCE

Where it is provided in this Scheme that for the purpose of calculating a widow's pension or child's allowance an amount shall be increased in accordance with this Schedule, it shall be increased by the amount which, together with any increase relating to the last-mentioned amount under the Pensions (Increase) Acts, 1944 and 1947, equals the amount by which the relevant widow's pension or child's allowance would from time to time be increased if—

(*a*) it were a pension specified in Part II of the First Schedule to the Pensions (Increase) Act, 1952, of the amount first mentioned in this paragraph; and

(*b*) any reference in the Second Schedule to that Act—

(i) to a relevant pension included a reference to a pension or allowance under this Scheme of an amount which is increased in accordance with the provisions of this Schedule,

(ii) to the rate of a relevant pension included a reference to the rate of such a pension or allowance ignoring any increase in accordance with the provisions of this Schedule, and

(iii) to the authorised increase included a reference to the increase in the amount of such a pension or allowance in accordance with the provisions of this Schedule.

FIFTH SCHEDULE Articles 29, 31, 32 and 33

PAYMENT BY FIREMAN 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—

(*a*) 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;

(*b*) if he retires without such consent as is mentioned in paragraph (1) of Article 31 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;

(*c*) 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 (*b*) 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.

SIXTH SCHEDULE

Article 39

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 39 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.

SEVENTH SCHEDULE Article 43

Transfer Values

1.—(1) The sum to be paid by a fire authority under paragraph (1) or (2) of Article 43 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 reckon as 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 reckon as pensionable service—

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

(*b*) 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.

(5) In this paragraph the expression "annual pensionable pay" means the annual value of the fireman's pensionable pay 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 Fifth Schedule to this Scheme, the Eleventh Schedule to the Firemen's Pension Scheme, 1952(a), or the Eleventh Schedule to the

(a) S.I. 1952/944 (1952 I, p. 1003).

Firemen's Pension Scheme, 1948(a), the sum to be paid by a fire authority under paragraph (1) or (2) of Article 43 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. In the case of a fireman to whom any award by way of gratuity or repayment of his aggregate contributions became payable on retirement by the authority by whom the sum is to be paid under paragraph (2) of Article 43 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 said award.

4.—(1) Except in the case of a fireman who is paying contributions at the higher rate referred to in Article 9 of this Scheme, the sum to be paid by a fire authority under paragraph (1) or (2) of Article 43 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

(a) S.I. 1948/604 (Rev. VII, p. 776: 1948 I, p. 1091).

EIGHTH SCHEDULE Article 60

MODIFICATIONS TO SCHEME IN ITS APPLICATION TO FIREMEN SERVING ON THE TENTH DAY OF JULY, 1956

1. For the words "average pensionable pay" wherever they occur, there shall be substituted the words "pensionable pay".

2. For the words "average annual pensionable pay" wherever they occur, there shall be substituted the words "annual pensionable pay".

3. In Article 1 in paragraph (1) the words "has attained the age of fifty years and" shall be omitted.

4. For paragraphs (2) and (3) of Article 35 there shall be substituted the following paragraphs:—

"(2) For the purpose of determining the benefits payable under this Scheme on the death or retirement of a regular fireman—

(*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 such a fireman when he died, his pensionable pay immediately before he last ceased to serve as such; 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 regular fireman's rank 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.".

5. In Article 46—

(*a*) in sub-paragraph (*a*) of paragraph (4) for the words "£60 a year" there shall be substituted the words "£30 a year";

(*b*) in paragraph (5) after the words "an award is" there shall be inserted the words "granted or".

6. For Part I of the First Schedule there shall be substituted the following Part:—

"PART I

An ordinary pension shall be of an amount equal to thirty-sixtieths of the fireman's pensionable pay with the addition of two-sixtieths for each completed year by which his pensionable service exceeds twenty-five years up to the maximum set opposite his age at retirement in the subjoined Table.

TABLE

Years of 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
55 or over	40"

7. For paragraph 1 of Part II of the First Schedule there shall be substituted the following paragraph:—

"1. A short service or ill-health pension shall be of an amount not less than one-sixtieth nor more than forty-sixtieths of the fireman's pensionable pay and subject as aforesaid shall be equal to one-sixtieth of his pensionable pay for each completed year of pensionable service up to twenty years, with the addition of two-sixtieths for each completed year by which his pensionable service exceeds twenty years.".

8. For Scheme I of Part I of the Second Schedule there shall be substituted the following Scheme:—

"SCHEME I

1. The pension shall be of such amount that the rate of payment is—

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

(*b*) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £40 a year; or

(*c*) where the husband's last rank was higher than that of divisional officer (Grade I), £50 a year:

Provided that the said amount shall be increased in accordance with the provisions of the Fourth Schedule to this Scheme and for the purposes of the Pensions (Increase) Act, 1952(a), as applied by that Schedule, the pension shall be deemed to begin before the first day of April, 1948.".

9. For Part I of the Third Schedule there shall be substituted the following Part:—

"PART I

1. Subject to the provisions of Part III of this Schedule, where the mother of the child is alive 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, £10 a year;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £12 a year; or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), £15 a year.

2. Subject to the provisions of Part III of this Schedule, where the father was the child's only surviving parent or in respect of the period after the death of the mother, 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 higher rate not exceeding £20 a year as the fire authority may from time to time determine;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £18 a year, or such higher rate not exceeding £24 a year as the fire authority may from time to time determine; or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I), £22 10s. a year, or such rate not exceeding £30 a year as the fire authority may from time to time determine.".

10. In Part III of the Third Schedule—

(*a*) in paragraph 1 the words "the allowance or, in the case of a special allowance" and the word "special", in the third place where it occurs, shall be omitted;

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.

(*b*) after paragraph 4 there shall be added the following paragraph:—

"5. The amount of a child's ordinary allowance determined in accordance with the preceding provisions of this Schedule shall be increased in accordance with the provisions of the Fourth Schedule to this Scheme and for the purposes of the Pensions (Increase) Act, 1952, as applied by that Schedule, the allowance shall be deemed to begin before the first day of April, 1948.".

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, 1952, set out in the Firemen's Pension Scheme Order, 1952, and the amendments thereto contained in the Firemen's Pension Scheme (No. 2) Order, 1952, the Firemen's Pension Scheme (No. 3) Order, 1952, the Firemen's Pension Scheme Order, 1953, the Firemen's Pension Scheme Order, 1954, the Firemen's Pension Scheme (No. 2) Order, 1954, and the Firemen's Pension Scheme Order, 1955, which cease to have effect under Article 2 of the present Order save in relation to retirements, deaths and certain other matters occurring before 10th July, 1956, when the new Scheme comes into force.

The main changes in relation to whole-time firemen are as follows:— Article 1 of the new Scheme and Part I of the First Schedule thereto make a fireman's entitlement to an ordinary pension conditional on his having attained the age of fifty years but do not provide for restrictions on the amount of the pension where he retires under the age of fifty-five years; Article 10 and Part I of the Second Schedule provide for increased flat-rate pensions for widows; Article 16 and Part I of the Third Schedule make similar provision in relation to flat-rate children's allowances; pensions and allowances calculated by reference to pay are calculated by reference to average pensionable pay as defined in Article 35. These changes do not apply in relation to a fireman serving on 10th July, 1956, unless he so elects under Article 60. As regards part-time firemen, the pension contribution payable by a male retained fireman is increased from 4s. to 8s. a year by Article 54 and Articles 55, 56 and 57 provide for the payment of awards at increased rates.

1956 No. 2014

The Firemen's Pension Scheme (No. 2) Order, 1956

Made - - - -	17*th December*, 1956
Laid before Parliament	21*st December*, 1956
Coming into Operation	22*nd December*, 1956

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. In paragraph (5) of Article 53 of the Firemen's Pension Scheme, 1956, set out in the Appendix to the Firemen's Pension Scheme Order, 1956(b),

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1956/1022 (p. 953 above).