1971. No. 33 [C]

FIREMEN'S PENSIONS

ORDER, DATED 28TH JANUARY 1971, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 17 OF THE FIRE SERVICES ACT (NORTHERN IRELAND) 1969.

The Ministry of Home Affairs, in exercise of the powers conferred on it by Section 17 of the Fire Services Act (Northern Ireland) 1969(a) and with the approval of the Ministry of Finance, hereby makes the following Order:—

Citation and commencement

1. The Order may be cited as the Firemen's Pension Scheme Order (Northern Ireland) 1971 and shall come into operation on 1st February 1971.

Revocation

2.—(1) The Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(b) and the Fire Services (Part-time Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(c) shall cease to have effect save in relation to—

(*a*) any award or claim to an award on a person's retirement or dismissal or on his ceasing to serve in the armed forces of the Crown before 1st February 1971;

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

(*c*) any pension or claim to a pension by the nominee of a fireman whose pension has been reduced before the said date as the result of his having given notice of intention to surrender a portion thereof, being a pension actuarially equivalent to that surrendered portion;

(*d*) any undertaking to make payments under paragraph 33 or paragraph 34 of the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955.

(2) The Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955, in so far as it continues to have effect under this Order, shall do so as though—

(*a*) for Scheme I in Part IA of Appendix II to the Schedule thereto there were substituted the following:—

"Scheme I

The widow's pension shall be of such amount as, together with any increase to which she is entitled under the Pensions (Increase) Acts (Northern Ireland) of 1959, 1963, 1966 and 1969, as modified in their application to a fire service pension(d), is equal to the amount specified in the following table appropriate to the rank of her husband when he ceased to be a member and to her age:—

(a) 1969. c. 13 (N.I.).
(b) S.R. & O. (N.I.) 1955, No. 181.
(c) S.R. & O. (N.I.) 1955, No. 182.
(d) 1959. c. 10 (N.I.), as modified by S.R. & O. of N.I. 1962, No. 221.
1963. c. 3 (N.I.), as modified by S.R. & O. of N.I. 1965, No. 60.
1966. c. 5 (N.I.), as modified by S.R. & O. of N.I. 1967, No. 17.
1969. c. 5 (N.I.), as modified by S.R. & O. of N.I. 1969, No. 320.

TABLE

1 Husband's rank when he ceased to be a member	2 During any period before she attains the age of 70 years	3 During any period after she attains the age of 70 years
	s. d.	s. d.
Higher than that of Senior Company Officer	59 9 (£2·99)	70 3 (£3·51)
Company Officer or Senior Company Officer	47 11 (£2·40)	58 6 (£2·93)
Lower than Company Officer	36 8 (£1·83)	45 0 (£2·25) "

(*b*) paragraph 26 of the said Schedule made provision for the payment of a child's allowance, in the case of a child who has attained the age of 16 years, if and so long as he has not attained the age of 19 years and either is receiving full-time education or is an apprentice.

3. The Firemen's Pensions Scheme set out in the Appendix shall apply to regular firemen and retained firemen employed by the Northern Ireland Fire Authority.

Sealed with the Official Seal of the Ministry of Home Affairs this 28th day of January 1971.

(L.S.)

W. G. Robinson,
Assistant Secretary.

The Ministry of Finance hereby approves of the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance this 28th day of January 1971.

(L.S.)

C. F. Darling,
Assistant Secretary.

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PART I

AWARDS ON RETIREMENT OF REGULAR FIREMEN

Fireman's ordinary pension

1.—(1) Every regular fireman who has attained the age of 50 years and retires, being entitled to reckon at least 25 years' pensionable service, shall be entitled to a fireman's ordinary pension of an amount calculated in accordance with Part I of Schedule 1, subject, however, to Parts III and IV of that Schedule.

(2) Notwithstanding anything in paragraph (1):—

(*a*) a regular fireman holding a rank higher than that of Assistant Divisional Officer who retires before attaining the age of 60 shall not be entitled to a pension under this Article unless his notice of retirement was given with the permission of the Authority;

(*b*) in relation to a person who is serving as a regular fireman on 1st February 1971, the requirement that he must have attained the age of 50 years before becoming entitled to an ordinary pension shall not apply.

Fireman's short service award

2.—(1) Every regular fireman who is required to retire under the provisions of any regulations for the time being in force relating to compulsory retirement on grounds of age, but is not entitled to an ordinary pension under Article 1, shall be entitled to a fireman's short service award as hereinafter provided.

(2) In the case of a fireman entitled to reckon at least 10 years' pensionable service, the award under paragraph (1) shall be a short service pension calculated in accordance with Part II of Schedule 1, subject, however, to Parts III and IV of that Schedule.

(3) In the case of any other fireman, the award under paragraph (1) shall be a short service gratuity calculated in accordance with Part V of Schedule 1, subject, however, to Part VI of that 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, if it appears that the incapacity is likely to be permanent, be entitled to an ill-health award as hereinafter provided.

(2) In the case of a fireman—

(*a*) who is entitled to reckon at least 10 years' pensionable service, or

(*b*) whose infirmity of mind or body is occasioned by a qualifying injury,

the award under paragraph (1) shall be an ill-health pension calculated in accordance with Part II of Schedule 1, subject, however, to Parts III and IV of that Schedule.

(3) In the case of any other fireman the award under paragraph (1) shall be an ill-health gratuity calculated in accordance with Part V of Schedule 1, subject, however, to Part VI of that Schedule.

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 calculated in accordance with Part VII of Schedule 1, he shall be entitled to 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 (Northern Ireland) 1966(e), which relates to the qualifying injury, together with any supplement payable therewith under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966(f);

(*b*) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 in respect of the qualifying injury at the rate mentioned 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 sections 13, 14, 17 or 18 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 16 of the said Act or in respect of children or adult dependants under section 17 or 18 of the said Act;

(*c*) any sickness benefit payable under the National Insurance Act (Northern Ireland) 1966(g) until the first day after his retirement which is not, or is deemed not to be, a day of incapacity for work under section 19 of the said Act or regulations made thereunder, together with any supplement thereto payable under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966.

(3) Where a disablement gratuity is payable to a person under section 12 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 in respect of the qualifying injury, this Article shall apply as if a disablement pension were so payable to him 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 12 of the said Act of 1966, for the purpose of making the assessment by reference to which the gratuity became payable.

(4) Where an ill-health pension payable to a person is reduced under Articles 9 or 26 in accordance with Part IV of Schedule 1, then, for the purposes of this Article, the pension shall be deemed not to have been so reduced.

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

5.—(1) Where a regular fireman dies while in receipt of an ordinary, short service or ill-health pension, then if the aggregate of—

(*a*) the sums paid in respect of the pension;

(e) 1966. c. 9 (N.I.). (f) 1966. c. 16 (N.I.). (g) 1966. c. 6 (N.I.).

(*b*) any gratuity payable in respect of his death; and

(*c*) the actuarial value of any widow's pension or child's allowance payable in respect of his death,

is less than his aggregate contributions, there shall be paid to his estate the difference by way of adjustment of the amount of the pension.

(2) Where a regular fireman does not resume service in the force before the expiration of a month from the termination, under Article 6, of the unsecured portion of his ill-health pension, then if the aggregate of—

(*a*) the sums paid in respect of the pension; and

(*b*) the actuarial value of the secured portion of the pension (in so far as it is payable under Article 6(4)),

is less than his aggregate contributions, there shall be paid to him the difference by way of adjustment of the amount of the pension.

(3) For the purposes of this Article—

(*a*) where an ill-health pension is supplemented by a special pension in accordance with Article 4, 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;

(*b*) the actuarial value of a widow's pension, of a child's allowance or of the secured portion of an ill-health pension shall be calculated in accordance with the tables prepared from time to time by the Authority;

(*c*) where a fireman's pension is reduced under Article 9 the lump sum paid to him under that Article shall be deemed to have been paid in respect of the pension; and

(*d*) where a fireman's pension is reduced under Article 26 any reference in this Article to the aggregate amount paid to him in respect of the pension shall be construed as a reference to the aggregate amount which would have been so paid had the pension not been so reduced.

Cancellation of fireman's ill-health and special pensions on recovery

6.—(1) As long as a person—

(*a*) is in receipt of an ill-health pension;

(*b*) would not, if he had continued to serve as a regular fireman instead of retiring with an ill-health pension, have become entitled to retire with an ordinary pension; and

(*c*) if he had continued so to serve, could not have been required to retire under the provisions of any regulations for the time being in force relating to compulsory retirement on grounds of age,

the Authority may, if they wish to exercise the powers conferred by this Article, consider, at such intervals as they in their discretion think proper, whether he has become capable of performing the duties of a regular fireman.

(2) If on any such consideration it is found that he has become capable of performing the duties of a regular fireman, the Authority may terminate the unsecured portion of the ill-health pension.

(3) Where the unsecured portion of a person's ill-health pension is terminated under this Article, the Authority shall, if he presents himself for service in the force at any time before the expiration of a month from its termination, permit him to resume service in the force forthwith in a

rank not lower than that which he held when he retired with the pension; and if the Authority fail to comply with the requirements of this paragraph the termination shall be void and shall be deemed never to have taken effect.

(4) Where the unsecured portion of a person's ill-health pension is terminated under this Article—

(*a*) the secured portion of that pension shall not be payable in respect of any period before he attains the age of 65 years; and

(*b*) if the ill-health pension is supplemented by a special pension in accordance with Article 4, the special pension shall be terminated.

Reassessment of fireman's special pension

7. Where a person is in receipt of a fireman's special pension, the 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 5 years from the time when the pension first became payable, the 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 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.

Commutation of pension

9.—(1) A regular fireman may in accordance with the provisions of this Article commute for a lump sum a portion of any ordinary, ill-health or short service pension to which he is or may become entitled, provided, in the case of an ordinary pension—

(*a*) that he retires when entitled to reckon at least 30 years' pensionable service; or

(*b*) that he is required to retire under the provisions of any regulations for the time being in force relating to compulsory retirement on account of age; or

(*c*) that the notice of commutation referred to in paragraph (2) is given with the consent of the Authority and that he retires when entitled to reckon at least 25 years' pensionable service and on or after attaining the age of 55 years.

(2) For the purpose of commuting a portion of his pension a person shall give notice in writing (in this Article called "notice of commutation") to the Authority of his wish to commute for a lump sum such portion of his pension not exceeding a quarter thereof as (subject to the limitation contained in Article 25) he may specify.

(3) The notice of commutation shall be given by a person not earlier than 2 months before his intended retirement nor later than 6 months after his retirement.

(4) The notice of commutation given by a person shall become effective—

(*a*) as from the date on which it is received by the Authority, or

(*b*) as from the date of his retirement,

whichever is the later:

Provided that the said notice shall not become effective if—

(i) it was given more than 2 months before his retirement, or

(ii) it relates to an ill-health pension and the unsecured portion of that pension has sooner been terminated under Article 6.

(5) Where a person retires or has retired and a notice of commutation given by him has become or becomes effective, the Authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Authority:

Provided that where the notice is effective as from the time mentioned in paragraph 4(*a*), the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement.

(6) For the purposes of this Article no account shall be taken of any increase under Articles 53(3) or 56 in an award to a serviceman.

PART II

AWARDS ON DEATH OF REGULAR FIREMEN

WIDOWS

Widow's ordinary award

10.—(1) Subject as hereinafter provided, where a regular fireman entitled to reckon at least 3 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 as hereinafter provided:

Provided that she shall not be so entitled by reason only of the death of her husband while in receipt of the secured portion of an ill-health pension, the unsecured portion of which was terminated in the circumstances mentioned in Article 6(2).

(2) The amount of a widow's ordinary pension under paragraph (1) shall be calculated in accordance with—

(*a*) Part I of Schedule 2, where immediately before his death or retirement her husband was paying pension contributions at a rate related to 6 per cent. of his pensionable pay;

(*b*) Part II of Schedule 2 in any other case.

(3) Subject as hereinafter provided, where a regular fireman entitled to reckon less than 3 years' pensionable service dies while serving as such a fireman his widow shall be entitled to a widow's ordinary gratuity of an amount calculated in accordance with Part III of Schedule 2.

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 calculated in accordance with Part IV of Schedule 2.

Widow's augmented award where husband's death results from an injury received in saving life

12.—(1) This Article shall apply to the widow of a regular fireman who dies from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such an injury, where the injury was received in the execution of duties which, in the opinion of the Authority, were performed by the fireman—

(*a*) for the immediate purpose of saving the life of another person or of preventing loss of human life, and

(*b*) in circumstances in which there was an intrinsic likelihood of the fireman receiving a fatal injury.

(2) A widow's special pension payable to a widow to whom this Article applies shall be of an amount calculated in accordance with Part V of Schedule 2 in respect of any week for which the amount of the pension so calculated is greater than the amount calculated in accordance with Part IV of Schedule 2.

(3) A widow to whom this Article applies shall be entitled to a gratuity in addition to a widow's special pension.

(4) The gratuity under paragraph (3) shall be an amount equal to twice the annual pensionable pay, at the date of the death of the person in respect of whom the gratuity is payable, of a regular fireman holding the rank of fireman and entitled to reckon 30 years' service for the purposes of pay.

Widow's gratuity by way of commuted pension

13.—(1) Where a widow is entitled to a pension and the Authority are satisfied that there are sufficient reasons for granting her a gratuity in lieu of a pension they may, subject to the provisions of Article 25, in their discretion and with her consent commute the pension for a gratuity of an amount calculated in accordance with Part VI of Schedule 2.

(2) Where the Authority are precluded by reason of the provisions of Article 25 from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the pension.

Right to widow's pension dependent on date of marriage

14. 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

15.—(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 Authority determine that, in the circumstances of the case, the award should be payable.

(2) Where a pension is payable under paragraph (1)(*a*) or (*b*), 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 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 paragraph 1(*c*), it shall be payable in whole or in such part, as the Authority think fit, and where a pension is so payable, 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

16.—(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 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 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.

(3) Where and so long as a woman is cohabiting with a man this Article shall apply as if she were married to him.

CHILDREN

Child's ordinary allowance

17.—(1) Where a regular fireman—

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

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

(*c*) retires or has retired from services 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 for such period or periods, if any, that the mother is not in receipt of an ordinary pension payable in respect of the father's death and calculated in accordance with paragraph 1 of Part I of Schedule 2:

Provided that a child shall not be so entitled by reason only of the death of the father while in receipt of the secured portion of an ill-health pension, the unsecured portion of which was terminated in the circumstances mentioned in Article 6(2).

(2) The amount of a child's ordinary allowance shall be calculated in accordance with Part I of Schedule 3, subject, however, to Part III of that Schedule.

Child's special allowance

18. 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 calculated in accordance with Part II of Schedule 3, subject, however, to Part III of that Schedule.

Child's gratuity where father's death results from an injury received in saving life

19.—(1) This Article shall apply to the child of a regular fireman who dies in the circumstances mentioned in Article 12(1) and does not leave a widow entitled to a gratuity under Article 12(3):

Provided that this Article shall apply to a child who at the date of the parent's death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is receiving full-time education or is an apprentice.

(2) A child to whom this Article applies shall be entitled to a gratuity, as hereinafter provided, in addition to a child's special allowance.

(3) The gratuity under paragraph (2) shall be of the like amount as a widow's gratuity under Article 12(3) except that, where two or more gratuities are payable under paragraph (2) in respect of the death of the same person, each gratuity shall be of the said amount divided by the number of such gratuities.

Child's gratuity by way of commuted allowance

20.—(1) Where a child is entitled to an allowance, and the Authority are satisfied that there are sufficient reasons for the grant of a gratuity in lieu of an allowance, they may, subject to the provisions of Article 25, in their discretion and with the consent of the child's guardian commute the allowance for a gratuity of an amount calculated in accordance with Part IV of Schedule 3.

(2) Where the Authority are precluded by reason of the provisions of Article 25 from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.

Duration of child's allowance

21. A child's allowance shall only be payable if and so long as the child has not attained the age of 16 years or if and so long as he has not attained the age of 19 years and either is receiving full-time education or is an apprentice.

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

22.—(1) 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.

(2) This Article shall apply in relation to a child's gratuity under Article 19 as it applies in relation to a child's special allowance.

Limitation on amount of child's special allowance

23. 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 2 thirds of the fireman's average pensionable pay.

GENERAL

Gratuities for dependants other than widows and children

24.—(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 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.

Limitation on discretion to grant a gratuity in lieu of a pension or allowance

25.—(1) Where a person has died while in receipt of an ordinary, ill-health or short-service pension (in this Article referred to as "the principal pension"), the Authority shall not under Article 13 or 20 substitute for the whole or any part of a widow's pension or child's allowance payable in respect of him a gratuity the actuarial value of which, when added to that of—

(*a*) any other gratuity so substituted under Article 13 or 20, and

(*b*) any lump sum paid under Article 9 by reason that a portion of the principal pension was commuted,

exceeds a quarter of the actuarial value of the principal pension, any reduction therein under the said Article 9 being ignored.

(2) For the purposes of this Article the actuarial value of a gratuity, lump sum or pension shall be the actuarial value at the time of the husband's or father's retirement as calculated by the Authority.

(3) For the purposes of this Article no account shall be taken of an increase under Article 53(3) or 56 in an award to a serviceman.

PART III

ALLOCATION OF PENSIONS AND GENERAL PROVISIONS AFFECTING RIGHTS TO AWARDS

Allocation of pension

26.—(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 Authority of his wish to surrender such portion of his pension as (subject to the limitation contained in Article 27) he may specify and, in relation to such notice, has complied with the provisions of paragraphs (3) and (4);

(*b*) has specified in the said notice 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 Authority are satisfied is substantially dependent on him; and

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

then, subject to paragraph (5), 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—

(*a*) further allocate that pension in favour of the beneficiary of the previous allocation; or

(*b*) where that beneficiary has died, further allocate that pension in favour of some other beneficiary.

(3) Except in the case of a fireman entitled to retire with an ordinary pension, the notice of surrender shall be given by the fireman not earlier than 2 months before his retirement.

(4) The total portion of a fireman's pension which he may surrender in accordance with paragraph (1) shall not exceed a third thereof and, except in the case of such a further allocation as is mentioned in paragraph (2)(*a*), shall be such as will produce for the beneficiary, in accordance with the following provisions of this Article, a pension of not less than 10s. (£0·50) a week.

(5) Where the Authority are satisfied that the fireman has complied with the provisions of paragraph (1)(*a*), (*b*) and (*c*), 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 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) applied, the pension shall be reduced notwithstanding the death of the beneficiary specified in the notice of surrender before the date of retirement.

(6) Where the fireman retires having allocated his pension and the allocation has taken effect, the Authority shall as from his death pay to the beneficiary specified in the notice of surrender, 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 so specified.

The said actuarial equivalent shall be calculated from tables prepared by the Authority 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 Authority shall pay to the beneficiary specified in the notice of surrender the like pension as they would have paid by virtue of that allocation if the fireman had retired immediately before he died;

(*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) For the purposes of this Article no account shall be taken of an increase under Article 53(3) or 56 in an award to a serviceman.

(9) Where a regular fireman retires on or after 1st February 1971, any notice given or other thing done before that date for the purposes of paragraph 54 of the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955 shall have effect as if it had been given or done for the purposes of this Article.

Limitation on right to commute or allocate part of a pension

27.—(1) A regular fireman shall not under Article 9 commute for a lump sum nor under Article 26 allocate in favour of his wife or other dependant such a portion of his pension that that pension becomes payable at a rate less that 2 thirds of the rate at which it would have been payable but for the provisions of the said Article and of Part IV of Schedule 1.

(2) For the purposes of this Article no account shall be taken of an increase under Article 53(3) or 56 in an award to a serviceman.

Prevention of duplication

28. 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:

Provided that, for the purposes of this Article, where an ill-health pension is supplemented by a special pension in accordance with Article 4 those pensions shall be treated as one, and there shall be disregarded—

(*a*) a pension payable under Article 26(6) or (7);

(*b*) a pension payable under Part IX of this Scheme;

(*c*) the secured portion of an ill-health pension the unsecured portion of which was terminated in the circumstances mentioned in Article 6(2), in so far as it is payable under Article 6(4).

Withdrawal of pension or allowance for misconduct

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

(*a*) is sentenced for any offence to imprisonment for a term exceeding 12 months; or

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

the Authority may, in relation to that pension or allowance, exercise the powers conferred by this Article.

(2) In the case of an ordinary, short-service or ill-health pension, the Authority may—

(*a*) withdraw the unsecured portion of the pension in whole or in part and either temporarily or permanently;

(*b*) withdraw the secured portion of the pension in whole or in part for a period before the pensioner attains the age of 65 years or during his imprisonment.

(3) In the case of any other pension or of an allowance, the Authority may withdraw the award in whole or in part and either temporarily or permanently.

(4) So much of any pension or allowance as is withdrawn under this Article may, to such extent as the Authority at any time think fit—

(*a*) be applied by the Authority for the benefit of any dependant of the person to whom but for its withdrawal it would be payable;

(*b*) be restored to that person:

Provided that a pension or allowance shall not be withdrawn under paragraph (1)(*b*) unless reasonable warning has previously been given in writing by or on behalf of the Authority.

Withdrawal of pension on re-employment

30. The Authority may, in their discretion, withdraw the whole or any part of the pension for any period during which the pensioner is employed as a regular fireman in any fire brigade.

Discharge of liability of Authority on withdrawal of pension

31. To the extent to which a pension or allowance is withdrawn under any of the preceding provisions of this Scheme, the Authority shall be discharged from all actual or contingent liability in respect thereof.

PART IV

PENSIONABLE SERVICE OF REGULAR FIREMEN

Reckoning of pensionable service

32. A regular fireman shall be entitled to reckon as pensionable service:—

(*a*) any period of service as such on and after 1st February 1971, and

(*b*) where he was serving in the force both on and immediately before 1st February 1971 any period of pensionable service which he was entitled to reckon immediately before that date under the provisions of the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955;

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

(i) where he has left and rejoined the force on or after 1st February 1971, any period of service before he last rejoined the force;

(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.

Additions to pensionable service without payment

33. Where a regular fireman—

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

(*b*) resumes service in the force in the circumstances and within the period mentioned in Article 6(3),

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

Additions to pensionable service on payment:
General

34.—(1) Where a regular fireman retires without a pension and within 12 months of so retiring rejoins the force, he shall be entitled to reckon as pensionable service the period of pensionable service which he was entitled to reckon on so retiring, provided that he undertakes within 6 months after the date of rejoining to pay to the Authority, in accordance with Schedule 5, a sum equal to the aggregate of any sum paid to him by way of gratuity or return of aggregate contributions on retirement less so much of such sum, if any, as represents a return of additional contributions paid under Article 42.

(2) Where a regular fireman—

(*a*) retires or has retired from the force without a pension, other than an ill-health pension the unsecured portion of which has been terminated in the circumstances mentioned in Article 6(2); and

(*b*) rejoins the force and cannot under paragraph (1) or Article 33 reckon as pensionable service the period of pensionable service he was entitled to reckon on so retiring,

he shall be entitled to reckon that period as pensionable service, but subject to his undertaking, within 6 months of rejoining the force, to pay in accordance with Schedule 5 an amount calculated in accordance with Schedule 6.

(3) Where a regular fireman joins the force within 12 months of retiring from whole-time service in the fire brigade of the Council of the County Borough of Belfast, he shall be entitled to reckon as pensionable service the period which he was entitled to reckon as pensionable service under any pension scheme made by the said Council under section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950(**h**) or under section 26 of the Fire Services Act (Northern Ireland) 1969, provided that—

(**h**) 1950. c. 4.

(*a*) under the said pension scheme he was, on so retiring, entitled only to the award of an amount equal to the amount of his aggregate pension contributions in respect of the relevant period of service;

(*b*) he undertakes, within 6 months after the date of joining the force to pay to the Authority, in accordance with Schedule 5, an amount equal to the amount of such award; and

(*c*) the Authority receive from the said Council the appropriate transfer value calculated in accordance with such scheme.

Additions to pensionable service at the discretion of the Authority

35. If the Authority, in their discretion, think fit, a member who within 12 months prior to appointment had rendered whole-time service in Great Britain in either or both of the following services, that is to say—

(*a*) the National Fire Service;

(*b*) a fire brigade maintained by a local authority (or in more than one such fire brigade),

shall be entitled to reckon as pensionable service the whole (or so much as the Authority, in their discretion, think fit) of such whole-time service in Great Britain, provided that he undertakes, within 6 months after the date of joining the force, to pay to the Authority, in accordance with Schedule 5, an amount equal to the whole (or, as the case may be, a proportionate part) of any amount awarded on his last retirement from such whole-time service.

Period during which a special pension was payable

36.—(1) Where a regular fireman—

(*a*) retires or has retired from the force with a special pension; and

(*b*) resumes or has resumed service in the force in the circumstances and within the period mentioned in Article 6(3),

he shall be entitled to reckon as pensionable service the period for which that pension was payable, but subject to his undertaking, within 6 months of resuming service in the force, to pay in accordance with Schedule 5, a sum equal to the aggregate of the pension contributions (other than additional contributions under Article 42) which would have been payable by him for that period had he continued to serve as a regular fireman in the force in the rank he held immediately before his retirement.

Absence from duty in the force without pay

37.—(1) Where a regular fireman is or has been absent from duty without pay, the Authority may, at any time while he is such a fireman in the force, 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 Authority the contributions (including any additional contributions under Article 42) which would have been payable by him for that period if he had been in receipt of pay at the appropriate rate.

Certificates of pensionable service

38.—(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 33, 34, 35, 36 or 58 then the Authority shall, within a period of 6 months, supply him with a certificate showing the pensionable service he was entitled to reckon 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 3 months of being supplied with it, appeal to the Ministry, who shall either confirm or vary the said certificate.

(3) Where in accordance with the preceding provisions of this Article a certificate has been supplied to a fireman and he has not appealed to the Ministry within the period of 3 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 on the date to which it refers.

(4) Where a fireman is entitled to a certificate under paragraph (1) 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) shall take place.

(5) For the purposes of this Article a fireman shall be treated as becoming entitled to reckon service under Article 58 only if and when he resumes service in the force.

Prevention of double reckoning

39. A regular fireman who is entitled to reckon a period as pensionable service under any provision of this Part of this Scheme shall not be entitled also to reckon that period under some other such provision.

PART V

PENSIONABLE PAY AND CONTRIBUTIONS OF REGULAR FIREMEN

Pensionable pay and average pensionable pay

40.—(1) In this Scheme the expression "pensionable pay" means the pay of a regular fireman to which, in accordance with his conditions of service, he is or has been from time to time entitled, exclusive of allowances.

(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 3 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 3: 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 $52\frac{1}{6}$.

Rate of payment of pension contributions

41.—(1) Subject to the provisions of this Scheme, a regular fireman shall pay pension contributions to the Authority at the rate of 1s. 2d. (£0·06) a week less than 6 per cent. of his pensionable pay.

(2) Where a man is, on 1st February 1971—

(*a*) a regular fireman;

(*b*) a serviceman whose period of relevant service in the armed forces includes that date; or

(*c*) in receipt of an ill-health pension,

then unless before the date appropriate to his case specified in paragraph (3) he elects to pay pension contributions at the rate specified in the preceding paragraph, he shall in respect of any period beginning on or after the appropriate date during which he is a regular fireman pay such contributions at the rate of 1s. 2d. (£0·06) a week less than 5 per cent. of his pensionable pay and there shall be refunded to him by the Authority the pension contributions he has paid under this Article or Article 58 the difference between 5 per cent. and 6 per cent. of his pensionable pay in respect of the period beginning on 1st February 1971 and ending immediately before the date appropriate to his case:

Provided that in the case of a person who gives notice that he does not intend to exercise his right of election under this paragraph, this paragraph shall apply as if for any reference to the appropriate date there were substituted a reference to the date on which he gives such notice.

(3) For the purposes of paragraph (2) the appropriate date means—

(*a*) in the case of such a person as is mentioned in paragraph 2(*a*)—

(i) three months after 1st February 1971, or

(ii) where he retires before that date, the date immediately preceding that of his retirement;

(*b*) in the case of such a person as is mentioned in paragraph 2(*b*)—

(i) the date following the expiration of 3 months from the end of his period of relevant service in the armed forces, or

(ii) where he retires from service as a regular fireman within that period of 3 months, the date immediately preceding that of his retirement, or

(iii) where he is granted a pension under Article 53, the date immediately preceding that of the end of his period of relevant service in the armed forces;

(*c*) in the case of such a person as is mentioned in paragraph 2(*c*)—

(i) the date following the expiration of 3 months from his first resuming service as a regular fireman, or

(ii) where he retires within that period of 3 months, the date immediately preceding that retirement.

(4) In the case of—

(*a*) a person who did not elect to pay pension contributions at the lower rate under paragraph 36(3) of the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955, or

(*b*) a person who under Article 34(3) or Article 35 becomes entitled to reckon as pensionable service whole-time service in the fire brigade of the Council of the County Borough of Belfast or in the fire brigade of a local authority in Great Britain and who immediately before he retired from such fire brigade was under any superannuation scheme paying contributions equal to 2d. (£0·01) a week less than a percentage of his pay in such brigade,

this Article shall apply as if for any reference to 1s. 2d. (£0·06) a week less than a percentage of his pensionable pay there were substituted a reference to 2d. (£0·01) a week less than that percentage of his pensionable pay.

Rate of payment of additional contributions in certain cases

42. Where a person—

(*a*) is on 1st February 1971 a regular fireman or a serviceman whose period of relevant service in the armed forces includes that date;

(*b*) is entitled at that date to reckon not more than 20 years' pensionable service;

(*c*) will be entitled to reckon at least 25 years' pensionable service before he can be required to retire under the provisions of any regulation from time to time in force relating to retirement on account of age, and

(*d*) has elected in accordance with Article 41(2) to pay pension contributions at a rate related to 6 per cent. of his pensionable pay,

then, for the uprpose of avoiding a reduction in pension under Part IV of Schedule I, he may elect, before the date appropriate to his case specified in Article 41(3), to pay additional pension contributions, and where he has so elected he shall pay such contributions as from the appropriate date at a rate calculated in accordance with Schedule 6 until such time as he becomes entitled to reckon 25 years' pensionable service or retires, whichever is the earlier.

Method of payment of pension contributions

43. The pension contributions (including additional contributions, if any) 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 deduction of an appropriate amount made by the Authority from the said instalment.

Form of election or notice

44. Any election made or notice given by a person under this Part shall be in the form of a written notice to the Authority.

Repayment of contributions on retirement or death

45.—(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 either no pension, allowance or gratuity is payable in respect of his death or the aggregate of—

(*a*) any gratuity so payable; and

(*b*) the actuarial value of any widow's pension or child's allowance so payable (calculated in accordance with tables prepared from time to time by the Authority),

is less than his aggregate contributions, an award shall be made to his estate by way of repayment of his aggregate contributions or of so much thereof as represents the difference, as the case may be.

Repayment of contributions on dismissal

46.—(1) Where a regular fireman is dismissed from the force otherwise than for one of the offences mentioned in paragraph (3), the Authority shall repay to him his aggregate contributions.

(2) Where a regular fireman is dismissed from the force for one of the offences mentioned in paragraph (3), the 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.

(3) The offences referred to in paragraphs (1) and (2) are the following disciplinary offences:—

(*a*) by carelessness or neglect suffering any loss, damage or injury to occur to any person or property (which offence is specified in paragraph (4)(*b*) of the code of disciplinary offences set out in the Schedule to the Fire Services (Discipline) Regulations (Northern Ireland) 1950(**i**);

(*b*) failing to account for, or to make a true return of, any money or property which comes into the fireman's possession in the course of his duties (which offence is specified in paragraph 7(*b*) of the said code); and

(c) wilfully or negligently damaging any article of clothing or personal equipment with which the fireman has been provided or entrusted or failing to take proper care thereof (which offence is specified in paragraph (9)(*a*) of the said code).

PART VI

DETERMINATION OF QUESTIONS AND APPEALS

General functions of Authority

47.—(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 Authority.

(2) Subject to the provisions of this Scheme, the 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 the Authority are unable to obtain such evidence by reason of the wilful or negligent failure of any person to submit to medical examination by some duly qualified medical practitioner or practitioners 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.

(**i**) S.R. & O. (N.I.) 1950, No. 200.

Appeal against opinion of Authority's medical practitioner

48.—(1) Where for the purposes of any decision which falls to be made by the 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 14 days of being informed by the 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, within 14 days from the date on which he is supplied by the Authority with a copy of the opinion in pursuance of paragraph (2), appeal against the opinion to an independent person nominated by the Ministry hereinafter referred to as a "medical referee".

(4) The Authority shall be bound by any decision on a medical question duly given on any such appeal.

Appeal against decision of Authority

49.—(1) Where any person claims that he is entitled to an award or to any payment on account of an award and the Authority do not admit the claim at all, or do not admit the claim to the full extent thereof, the person concerned may apply to the Authority for a reconsideration of the claim, and, if aggrieved by the decision on such reconsideration, may within 2 months of being informed by the Authority of the decision appeal to the Ministry against the decision of the Authority.

(2) The Ministry shall, unless it appears to it that the case is of such a nature that it can properly be detetrmined without taking oral evidence, arrange for the hearing of the appeal, and at any such hearing the appellant shall be entitled to have an opportunity of submitting statements relating to the subject matter of the appeal, calling witnesses, giving evidence and making such representations as he desires, and shall be entitled to have the assistance in presenting his case of a person selected by himself.

(3) After considering in accordance with the foregoing provisions of this Article all the circumstances of the case the Ministry shall either allow the claim to such extent as it thinks fit or dismiss the appeal:

Provided that nothing in this paragraph shall authorise the Ministry to control or restrict the exercise of any discretion which is by this Scheme vested in the Authority.

(4) The decision of the Ministry on an appeal under paragraph (1) shall be final and binding on both parties.

PART VII

PAYMENT OF AWARDS AND FINANCIAL PROVISIONS

Payment of awards generally

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

(2) Where a person dies 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 his death.

(3) 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.

(4) 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 allowances shall be payable as from the first anniversary of his death or such earlier date as the Authority, in the circumstances of the case, think fit.

(5) Subject to the provisions of this Scheme, every gratuity shall be paid in one sum:

Provided that where the 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.

(6) Without prejudice to the provisions of any such regulations as are mentioned in section 59(5) of the National Insurance Act (Northern Ireland) 1966 and for the time being in force, where a regular fireman is entitled under Article 45 to an award by way of repayment of his aggregate contributions the Authority shall be under no obligation to make payment until the expiration of a year from the date of his retirement or until he requests payment, whichever first occurs.

Payment of awards in special cases

51.—(1) Where any sum is due on account of a pension, and any debt is due to the 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:

Provided that where the pension is an ordinary, ill-health or short-service pension, and the sum due is in respect of a period beyond the age of 65 years, only so much of the sum as is due on account of the unsecured portion of the pension may be applied as mentioned in this paragraph.

(2) If it appears to the Authority that a pensioner is by reason of mental disorder or otherwise incapable of managing his affairs, the Authority may in their discretion pay the pension or any part thereof to any 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 £500 (£500·00) is due on acount of a pension, the 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 Authority, apply the said sum for the minor's benefit.

(5) Every assignment or charge on a pension shall be void to the extent that—

(*a*) it is in favour of a person other than a relative of the pensioner, or

(*b*) it relates to a sum due to an ordinary, ill-health or short-service pensioner, in respect of a period beyond the age of 65 years, on account of the secured portion of the pension.

(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 value to the Council of the County Borough of Belfast

52. Where a member retires and joins the fire brigade of the Council of the County Borough of Belfast in such circumstances that he is entitled, subject to the provisions of any pensions scheme made by the said Council under section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950 or section 26 of the Fire Services Act (Northern Ireland) 1969, to reckon service in the force (hereinafter referred to as "relevant service") as pensionable service under the said pensions Scheme, the said Council shall be entitled to receive from the Authority a transfer value, determined in accordance with Schedule 8, in respect of the relevant service, but only if and when any payments which the member may be liable to make to the Authority in respect of the relevant service, whether by way of pension contributions or otherwise, have been fully discharged:

Provided that if through failure to carry out the requirements of the said pensions Scheme the member ceases to be entitled to reckon the relevant service as pensionable service under that Scheme, the Authority shall be entitled to be refunded the said transfer value.

PART VIII

SERVICEMEN

Awards to servicemen

53.—(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.

(2) Such a person shall be entitled to the same award on the same conditions in all respects as if he had retired from the force 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 Authority may, in their discretion—

(*a*) pay him, in lieu of a gratuity, a pension at the rate of a 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

54.—(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 3 years' pensionable service, be entitled to a pension as though he were a person mentioned in Article 10(1); 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 Article 10(3) 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 17.

(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 Authority may in their discretion—

(*a*) pay to the widow, in lieu of a gratuity, a pension of such amount that, when added to any increase to which the widow is entitled under the Pensions (Increase) Acts (Northern Ireland) 1959, 1963, 1966 and 1969, as modified in their application to a fire service pension, the rate of payment is £95 12s. (£95·60) a year during any period before she attains the age of 70 years and £117 6s. (£117·30) a year during any period after she attains that age; 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.

Gratuities for dependants other than widows and children

55. In relation to a serviceman who dies during his relevant service in the armed forces, Article 24 shall apply as though he died while serving as a regular fireman.

Servicemen who resume service as regular firemen

56. 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 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 53 or by Article 54.

Servicemen who do not resume service in the force

57. If a serviceman within one month of the end of his period of relevant service in the armed forces does not resume service in the force, he shall be treated for the purposes of Articles 14, 22, 40 and 45 as having left the force at the end of that period.

Pensionable service, contributions and pay

58.—(1) A serviceman shall be entitled to reckon his period of relevant service in the armed forces as pensionable service for the purposes of this Scheme.

(2) A serviceman shall pay pension contributions (including additional contributions under Article 42) to the Authority in respect of his period of relevant service in the armed forces as though he had remained a regular fireman in the force:

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(j) as extended to Northern Ireland, is less than his pensionable pay.

(3) 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 the force.

Servicemen deemed not to have retired

59. Except where the context otherwise requires, a reference in this Scheme to a regular fireman retiring or ceasing to be such does not include a reference to his so doing for the purposes of undertaking relevant service in the armed forces.

PART IX

RETAINED FIREMEN

Payment of contributions by retained firemen

60.—(1) Every retained fireman who is serving as such on or after 1st February 1971, shall with effect from that date pay a contribution to the Authority, which shall fall due at the same time as a payment of his 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 payment.

(j) 14 & 15 Geo. VI c. 65.

(2) The contribution to be paid under paragraph (1) shall be at the annual rate of—

(*a*) 16s. (£0·80) in the case of a man holding the rank of fireman;

(*b*) 19s. (£0·95) in the case of a man holding the rank of leading fireman;

(*c*) £1 1s. (£1·05) in the case of a man holding the rank of section leader.

(3) In this Article any reference to a man's rank is a reference to his rank at the time the annual contribution falls due.

Retained fireman: injury award

61.—(1) Where a retained fireman 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 a fireman and it appears that the incapacity is likely to be permanent, he shall on retiring on that account be entitled to an injury award as hereinafter provided.

(2) The award under paragraph (1) shall consist of an ill-health pension and a special pension which shall be payable at the like rates and be subject to the like conditions as they would have been if the retained fireman concerned had been such a regular fireman as is mentioned in Article 64(1) and had retired on account of a qualifying injury; and, accordingly, Articles 3, 4, 6, 7, 8 and 65 shall have effect subject to any necessary modifications.

Widow of retained fireman: injury pension

62.—(1) Where a retained fireman dies from the effects of an injury received without his own default in the execution of his duties as a fireman 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 as hereinafter provided, and, where the injury was received in the circumstances mentioned in Article 12(1), a widow's injury gratuity, as hereinafter provided, in addition to a pension.

(2) The injury pension or gratuity under paragraph (1) shall be a widow's special pension or gratuity of the like amount and payable subject to the like conditions as it would have been if the retained fireman had been such a regular fireman as is mentioned in Article 64(1) and had died from the effects of a qualifying injury received in the like circumstances; and, accordingly, Articles 11, 12, 13, 14, 15 and 16 shall have effect subject to any necessary modifications.

Child of retained fireman: injury allowance

63.—(1) Where a retained fireman dies as mentioned in Article 62(1), any child of his shall be entitled to a child's injury allowance as hereinafter provided, and, where the injury was received in the circumstances mentioned in Article 12(1), a child's injury gratuity, as hereinafter provided, in addition to an allowance.

(2) The injury allowance or gratuity under paragraph (1) shall be a child's special allowance or gratuity of the like amount and payable subject to the like conditions as it would have been if the retained fireman had been such a regular fireman as is mentioned in Article 64(1) and had died from the effects of a qualifying injury received in the like circumstances; and, accordingly, Articles 18, 19, 20, 21, 22 and 23 shall have effect subject to any necessary modifications.

Auxiliary provisions

64.—(1) For the purposes of the injury pension, allowance or gratuity payable to or in respect of a retained fireman, any reference in this Part of this Scheme to a regular fireman is a reference to such a fireman who—

(*a*) held the same rank as the retained fireman in fact held and had the same service in that rank;

(*b*) was entitled to reckon as pensionable service a period equal to the retained fireman's service as such (including service before 1st February 1971); and

(*c*) paid pension contributions at the rate of 1s. 2d. (£0·06) a week less than 5 per cent. of his pensionable pay.

(2) The provisions of Article 29 and of Parts VI and VII of this Scheme (in so far as they are applicable) shall apply to a retained fireman and to a pension or allowance granted to or in respect of him, but, save as provided in this Part of this Scheme, the provisions of this Scheme shall not apply to a retained fireman or to such a pension or allowance.

PART X

MISCELLANEOUS PROVISIONS AND INTERPRETATION

Assessment of disablement

65.—(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 £104 (£104·00) in a year.

Meaning of "qualifying injury"

66. 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; or

(*b*) as a fire officer or fireman in the fire brigade of a fire authority constituted under the Fire Services Act (Northern Ireland) (Reprint) 1947(k), as a fire officer or fireman in the fire brigade of the Council of the County Borough of Belfast established in pursuance of section 12 of the Fire Services (Amendment) Act (Northern Ireland) 1950, or as a member of the National Fire Service (Northern Ireland) after 19th March 1946:

Provided that sub-paragraph (*b*) shall apply only if the injury was received during a period of service which the person is entitled to reckon as pensionable service for the purposes of this Scheme.

Meaning of infirmity or death occasioned by an injury

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

(k) 1947. c. 10 as amended by 1947. c. 23.

(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 it appears that 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 he in fact died;

(*b*) where a person has ceased to be a fireman, if it appears that 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"

68. In this Scheme the expression "aggregate contributions" means in relation to a regular fireman all payments made by him to the Authority under this Scheme or the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955 (including payments made by way of additional pension contributions under Article 42 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.

Meaning of reference to awards

69.—(1) Except where the context otherwise requires and subject to paragraph (2), 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 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 Article 26.

Meaning of certain expressions related to the operation of the National Insurance Acts

70.—(1) In this Scheme the following expressions shall have the meanings respectively which they have for the purposes of the National Insurance Act (Northern Ireland) 1966—

"employed contributor's employment";

"graduated contribution";

"graduated retirement benefit";

"non-participating employment";

"payment in lieu of contributions".

(2) In this Scheme any reference to a participating period of relevant employment is a reference to a period of employed contributor's employment after 5th April 1961 and before insured pensionable age other than—

(*a*) relevant service in the armed forces; and

(*b*) non-participating employment at the end of which no payment in lieu of contributions falls to be made,

and for the purposes of this paragraph a period of employed contributor's employment or of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(3) In this Scheme any reference to the secured portion of a pension is a reference to the portion of the pension which equals the graduated retirement benefit which would be payable to the pensioner, on the assumption that he retired from regular employment on attaining insured pensionable age, in return for a payment in lieu of contributions in respect of the whole of any period of non-participating employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension, being a period of non-participating employment at the end of which no payment in lieu of contributions in fact fell to be made; and any reference to the unsecured portion of a pension shall be construed accordingly.

For the purposes of this paragraph a period of non-participating employment shall be treated as continuing during periods of holiday, temporary incapacity for work and similar temporary interruptions.

(4) For the purposes of this Scheme, the annual rate of graduated retirement benefit shall be determined as if there were $52\frac{1}{6}$ weeks in each year.

(5) In the case of a person entitled to reckon a period of pensionable service under the provisions of Article 35 shall have effect in relation to such period as if any reference to the National Insurance Act (Northern Ireland) 1966 included a reference to any enactment of the Parliament of the United Kingdom making provision for corresponding purposes.

Meaning of certain expressions

71. For the purposes of this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the Authority" means the Northern Ireland Fire Authority;

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

"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 recognised under any legislation in the United Kingdom relating to adoption; and the expressions "father", "mother", "parent" and "grandparent" shall be construed accordingly;

"the force" means the fire officers and firemen employed by the Authority in the discharge of their functions as regards provision of local fire services and the enforcement of fire precautions;

"injury" includes disease;

"local authority" means the council of any county, or county or other borough, or urban or rural district;

"the Ministry" means the Ministry of Home Affairs;

"pensionable pay" has the meaning assigned to it by Article 40;

"rank" includes the post of Fire Force Commander;

"regular fireman" means a member of the force employed in a whole-time capacity;

"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; and

(*b*) 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;

"retained fireman" means a member of the fire force of the Authority employed in a part-time capacity whose remuneration includes an annual retaining fee;

"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.

Change over to Decimal Currency

72. Where an amount of money is shown the figures in brackets immediately following it indicate the corresponding decimal amount.

SCHEDULE 1

Article 1

PART I

FIREMAN'S ORDINARY PENSION

An ordinary pension shall be of an amount of not more than 40 sixtieths of the fireman's average pensionable pay and shall be equal to 30 sixtieths of his average pensionable pay with the addition of a sixtieth for each completed half year by which his pensionable service exceeds 25 years.

Articles 2 and 3

PART II

FIREMAN'S SHORT-SERVICE OR ILL-HEALTH PENSION

A short-service or ill-health pension shall be of an amount of not less than a sixtieth nor more than 29 sixtieths of the fireman's average pensionable pay and shall be equal to a sixtieth of his average pensionable pay for each completed year of pensionable service up to 20 years with the addition of a sixtieth for each completed half year by which his pensionable service exceeds 20 years.

Articles 1, 2 and 3

PART III

REDUCTION OF FIREMAN'S PENSION AT AGE 65

1.—(1) The unsecured portion of an ordinary, ill-health or short-service pension shall be reduced in respect of any period beyond the age of 65 years by an amount calculated at an annual rate obtained by multiplying £1 14s. 0d. (£1·70) by the number of years specified in sub-paragraph (4).

(2) In the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 2d. (£0·01) a week less than the appropriate percentage of his pensionable pay there shall not be any reduction in the pension under this paragraph.

(3) In the case of a person who immediately before he retired and was granted a pension was paying pension contributions at a rate of 1s. 2d. (£0·06) a week less than the appropriate percentage of his pensionable pay by reason of his having elected to do so under paragraph 36(3) of the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955 the reduction under sub-paragraph (1) shall be calculated not as therein stated but at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to the age of the first column of the said Table which he had attained at 5th July 1948 by the number of years specified in sub-paragraph (4): —

TABLE

Age in years on 5th July 1948	Sums to be multiplied			
	£	s.	d.	£
Under 23	1	14	0	(1·70)
23 but under 24	1	13	0	(1·65)
24 " " 25	1	12	0	(1·60)
25 " " 26	1	11	0	(1·55)
26 " " 27	1	10	6	(1·53)
27 " " 28	1	10	0	(1·50)
28 " " 29	1	9	6	(1·47)
29 " " 30	1	9	0	(1·45)
30 " " 31	1	8	6	(1·43)
31 " " 32	1	8	0	(1·40)
32 " " 33	1	7	6	(1·37)
33 " " 34	1	7	0	(1·35)
34 " " 35	1	6	6	(1·33)
35 " " 37	1	6	0	(1·30)
37 " " 38	1	5	6	(1·27)
38 " " 40	1	5	0	(1·25)
40 " " 42	1	4	6	(1·23)
42 " " 44	1	4	0	(1·20)
44 and over	1	3	6	(1·17)

(4) The number of years referred to in sub-paragraph (1) and in sub-paragraph (3) by which the sums therein respectively specified are to be multiplied for the purposes of those sub-paragraphs is the highest whole number of years in the aggregate period since 5th July 1948, which the person concerned was, when he last retired, entitled to reckon as pensionable service.

(5) The rate of reduction of a pension under this paragraph shall not in any case exceed £51 (£51·00) a year.

2.—(1) Where a person in receipt of an ordinary, ill-health or short-service pension has been in service or employment otherwise than as a regular fireman—

(*a*) in respect of which he was subject to superannuation arrangements;

(*b*) by virtue of which he is entitled to reckon pensionable service for the purposes of the pension; and

(*c*) the period of which includes a participating period of relevant employment,

then, for the purpose of abating the pension in relation to that participating period of relevant employment, any provision of the said arrangements in operation when he left the said service or employment the effect of which is that pensions payable thereunder are to be reduced in connection with the operation of the National Insurance Act (Northern Ireland) 1959(**1**) or of any provision of the National Insurance Act (Northern Ireland) 1966 relating to graduated contributions or graduated retirement benefit shall apply, subject to the necessary adaptations and modifications, as though the provision were contained in this paragraph and as if—

(i) the pension were payable under the said arrangements, and

(ii) any other period of service or employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(2) The Authority, in determining any question arising under sub-paragraph (1) and relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(3) Where for the purposes of the superannuation arrangements applicable to such service or employment as is mentioned in sub-paragraph (1) the person concerned was entitled to reckon service by virtue of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the service or employment first mentioned in this sub-paragraph.

3.—(1) Where a person in receipt of an ordinary, ill-health or short-service pension is entitled to reckon as pensionable service for the purposes of the pension a period of employment as a regular fireman which is a participating period of relevant employment, then in relation to that period the unsecured portion of the pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of a pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion of the pension shall be reduced in respect of any period beyond the age of 65 years by the annual rate of the graduated retirement benefit which would be payable to the pensioner on the assumption that he retired from regular employment on attaining that age, in return for a payment in lieu of contributions in respect of the whole of the period referred to in sub-paragraph (1).

4.—(1) Where a person in receipt of the secured portion of an ill-health pension granted under this Scheme or under the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955, the unsecured portion of

(**1**) 1959. c. 21.

which has been terminated in the circumstances mentioned in Article 6 or in paragraph 37 of the Schedule to the said Order, is also in receipt of some other pension (being an ordinary, ill-health or short-service pension granted under this Scheme) and is entitled to reckon for the purposes of that other pension the period of pensionable service reckonable for the purposes of the ill-health pension, then the unsecured portion of that other pension shall be reduced in accordance with the provisions of sub-paragraph (2).

(2) Where the unsecured portion of an ordinary, ill-health or short-service pension is reduced in accordance with the provisions of this sub-paragraph, the annual rate of that portion shall be reduced in respect of any period beyond the age of 65 years by the annual rate of the secured portion of the ill-health pension first mentioned in this paragraph.

Articles 1, 2 and 3

PART IV

REDUCTION OF PENSION PAYABLE TO PERSON PAYING PENSION CONTRIBUTION AT A RATE RELATED TO SIX PER CENT. OF PENSIONABLE PAY

1. The amount of an ordinary, ill-health or short-service pension payable to a man who was immediately before his retirement paying pension contributions at a rate related to 6 per cent. of his pensionable pay shall, subject to the provisions of this Part of this Schedule, be reduced by that percentage which is set out in the second column of the following Table opposite the number of completed years of pensionable service he is entitled to reckon—

(*a*) by virtue of service before 1st February 1971;

(*b*) by virtue of service on or after that date in respect of which he has not paid pension contributions at a rate related to 6 per cent. of his pensionable pay;

(*c*) by virtue that he had been entitled to a special pension if, for the purposes of Article 36 of this Scheme he undertook to pay a sum calculated by reference to pension contributions at a rate related to 5 per cent. of pensionable pay:—

TABLE

Completed years of pensionable service 1	Percentage reduction in pension 2	Completed years of pensionable service 1	Percentage reduction in pension 2
1	0.2	16	2.4
2	0.4	17	2.5
3	0.6	18	2.6
4	0.8	19	2.7
5	1.0	20	2.8
6	1.2	21	2.9
7	1.3	22	3.0
8	1.4	23	3.1
9	1.6	24	3.2
10	1.7	25	3.2
11	1.8	26	3.3
12	1.9	27	3.4
13	2.1	28	3.4
14	2.2	29	3.5
15	2.3	30 or more	3.5

2. In calculating the amount of the said reduction no account shall be taken of any period of pensionable service he is entitled to reckon by virtue of relevant service in the armed forces, on or after 1st February, 1971, in respect of which pension contributions were not payable.

3. If he elected to pay additional pension contributions under Article 42 and paid such contributions in accordance therewith until he became entitled to reckon 25 years' pensionable service or retired with a pension, in calculating the amount of the said reduction no account shall be taken of any pensionable service of which account was taken for the purpose of calculating the rate of his additional contributions.

4. In calculating the amount of the said reduction there shall be disregarded any reduction in the amount of the pension in accordance with the provisions of Article 9 or 26 or of Part III of this Schedule.

Articles 2 and 3

PART V

FIREMAN'S SHORT-SERVICE OR ILL-HEALTH GRATUITY

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

(*a*) a 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 a year's pensionable service, the gratuity shall be of an amount equal to his aggregate contributions.

Articles 2 and 3

PART VI

REDUCTION OF FIREMAN'S GRATUITY

1. Where a payment in lieu of contributions falls to be made by the Authority in respect of a regular fireman and—

(*a*) a short-service gratuity is payable on his retirement, or

(*b*) an ill-health gratuity is so payable and the Authority determine that the provisions of this Part shall apply,

the gratuity in question shall be reduced by an amount equal to the amount which could be retained out of the gratuity by the Authority under section 59(4) of the National Insurance Act (Northern Ireland) 1966 if the gratuity were a refund of payments to which that subsection applies.

2. Where a payment in lieu of contributions may fall to be made by the Authority in respect of a regular fireman and such a gratuity as is mentioned in paragraph 1 is payable as mentioned therein, the Authority may reduce the amount of the gratuity in question by the amount by which it would be reduced under the said paragraph 1 if the payment in lieu of contributions in fact fell to be made, so however that, if the said payment does not fall to be made within the period of 78 weeks from the date when the person concerned ceases to be a regular fireman or within such shorter period as the Authority may determine, then any reduction in the amount of the gratuity under this paragraph shall cease to have effect and the difference between the full and the reduced amounts thereof shall become payable.

Article 4

PART VII

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 following 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 " " " 13	40	17
13 " " " 14	40	18
14 " " " 15	41	19
15 " " " 16	41	20
16 " " " 17	42	21
17 " " " 18	42	22
18 " " " 19	43	23
19 " " " 20	43	24
20 " " " 21	44	25
21 " " " 22	44	27
22 " " " 23	45	29
23 " " " 24	45	31
24 " " " 25	46	33
25 " " " 26	46	35
26 " " " 27	47	36
27 " " " 28	47	37
28 " " " 29	48	38
29 " " " 30	49	39
30 or more	50	40

SCHEDULE 2

Article 10

PART I

WIDOW'S ORDINARY PENSION—STANDARD RATE

1. Subject to paragraph 2, the weekly amount of a widow's ordinary pension calculated in accordance with this Part of this Schedule shall not be more than 40 one-hundred-and-eightieths of her husband's average pensionable pay and, subject as aforesaid, shall be equal to a one-hundred-and-eightieth of his average pensionable pay for each completed year of pensionable service up to 20 years with the addition of a one-hundred-and-eightieth for each completed half-year by which his pensionable service exceeded 20 years.

2.—(1) Subject to sub-paragraph (2), where in respect of any period a widow so elects, her ordinary pension in respect of that period shall be of such amount that when added to any increase to which she is entitled under the Pensions (Increase) Acts (Northern Ireland) of 1959, 1963, 1966 and 1969, as modified in their application to a fire service pension, the rate of payment is the rate specified in the following Table appropriate to her husband's last rank and to her age:—

TABLE

1 Husband's last rank	2 During any period before she attains the age of 70 years	3 During any period after she attains the age of 70 years
Lower than that of Company Officer	£95 12s. (£95·60) a year	£117 6s. (£117·30) a year
Company Officer or Senior Company Officer	£125 2s. (£125·10) a year	£152 12s. (£152·60) a year
Higher than that of Senior Company Officer	£155 15s. (£155·75) a year	£183 6s. (£183·30) a year

(2) Where the husband was entitled to reckon at least 10 years' pensionable service the preceding sub-paragraph shall have effect as if each of the rates specified were increased by £5 (£5·00).

Article 10

PART II

WIDOW'S ORDINARY PENSION—PRESERVED RATE

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 10 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 (Northern Ireland) of 1959, 1963, 1966 and 1969, as modified in their application to a fire service pension.

SCHEME I

The pension shall be of such amount that, when added to any increase to which the widow is entitled under the Pensions (Increase) Acts (Northern Ireland) of 1959, 1963, 1966 and 1969, as modified in their application to a fire service pension, the rate of payment is the rate specified in the following Table appropriate to her husband's last rank and to her age:—

TABLE

1 Husband's last rank	2 During any period before she attains the age of 70 years	3 During any period after she attains the age of 70 years
Lower than that of Company Officer	£95 12s. (£95·60) a year	£117 6s. (£117·30) a year
Company Officer or Senior Company Officer	£125 2s. (£125·10) a year	£152 12s. (£152·60) a year
Higher than that of Senior Company Officer	£155 15s. (£155·75) a year	£183 6s. (£183·30) a year

SCHEME II

1. Subject as hereinafter provided, the pension 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 (Northern Ireland) 1966 in right of her husband's insurance, the total weekly rate of payment is equal to the percentage of his average pensionable pay specified in the second column of the following Table being the percentage set out opposite to the number of his completed years of pensionable service in the first column of the said Table:—

TABLE

Husband's completed years of pensionable service	Total weekly rate
10, 11, 12, 13 and 14	5 per cent.
15, 16, 17, 18 and 19	7½ per cent.
20, 21, 22, 23 and 24	10 per cent.
25, 26, 27, 28 and 29	12½ per cent.
30 or more	16 per cent.

Article 10

PART III

WIDOW'S ORDINARY GRATUITY

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

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

Article 11

PART IV

WIDOW'S SPECIAL PENSION

1. Subject as hereinafter provided, a widow's special pension shall be of an amount not less than a fifth 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 (Northern Ireland) 1966 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 (Northern Ireland) 1966 in right of her husband's insurance,

the total weekly rate of payment is equal to a third of her husband's average pensionable pay.

Article 12

PART V

A widow's special pension calculated in accordance with this Part of this Schedule shall be of such an amount that, when added to—

(*a*) any pension payable to her under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 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 (Northern Ireland) 1966 in right of her husband's insurance,

the total weekly rate of payment is equal to half her husband's average pensionable pay.

Article 13

PART VI

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 Authority and the widow, not exceeding the capitalised value of the pension or, as the case may be, of that part of the pension which is commuted, calculated in accordance with Tables prepared from time to time by the Authority.

SCHEDULE 3

Article 17

PART I

CHILD'S ORDINARY ALLOWANCE

Subject to Part III of this Schedule the child's ordinary allowance shall be such that when added to any increase to which the child is entitled under the Pensions (Increase) Acts (Northern Ireland) of 1959, 1963, 1966 and 1969, as modified in their application to a fire service pension(m), the rate of payment is as specified in the following Table appropriate to the father's last rank and to whether or not the mother is alive: —

Father's last rank	Rate
(1) where the mother of the child is alive—	
Below that of Company Officer	£33 1s. (£33·05) a year
Company Officer or Senior Company Officer	£38 19s. (£38·95) a year
Higher than Senior Company Officer	£48 8s. (£48·40) a year
(2) where the father was the child's only surviving parent or in respect of the period after the death of the mother—	
Below that of Company Officer	£48 8s. (£48·40) a year or such higher rate not exceeding £63 14s. (£63·70) a year as the Authority may from time to time determine
Company Officer or Senior Company Officer	£56 13s. (£56·65) a year or such higher rate not exceeding £75 10s. (£75·50) a year as the Authority may from time to time determine
Higher than Senior Company Officer	£72 (£72·00) a year or such higher rate not exceeding £95 12s (£95·60) a year as the Authority may from time to time determine

Article 18

PART II

CHILD'S SPECIAL ALLOWANCE

1. Subject to the provisions of Part III of this Schedule, if and so long as the child has a parent living, the child's special allowance shall be payable at the rate of a fifteenth of the average pensionable pay of the parent in respect of whose death it is payable.

Subject to the provisions of Part III of this Schedule, a child's special allowance shall be payable, if the child has no parent living, at the rate of a tenth of the said parent's average pensionable pay or at such greater rate, not exceeding 2 fifteenths thereof, as the Authority may from time to time determine.

(m) 1959. c. 10 as modified by S.R. & O. of N.I. 1962, No. 221.
1963. c. 3 (N.I.) as modified by S.R. & O. of N.I. 1965, No. 60.
1966. c. 5 (N.I.) } not modified in their application to a child's ordinary allowance.
1969. c. 5 (N.I.) }

Articles 16 and 17

PART III

VARIATION OF CHILD'S ALLOWANCE

1.—(1) Subject as hereinafter provided, where under any enactment specified in the first column of the following 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 sub-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 and the Pensions (Increase) Acts (Northern Ireland) of 1959, 1963, 1966 and 1969, as modified in their application to a fire service pension, if this paragraph were not in force.

TABLE

1 Enactment	2 Type of payment	3 Recipient	4 Weekly reduction
National Insurance Act (N.I.) 1966 s. 26	Widowed mother's allowance	Child's mother	s. d. 7 6 (£0·37)
National Insurance Act (N.I.) 1966 s. 28	Guardian's allowance in respect of the child	Child's guardian	12 0 (£0·60)
National Insurance Act (N.I.) 1966 s. 39	Increased widow's allowance	Child's mother	7 6 (£0·37)
National Insurance Act (N.I.) 1966 s. 39	Increased retirement pension	Child's mother	7 6 (£0·37)
Family Allowances Act (N.I.) 1966(n)	Family allowance in respect of the child	Any person	5 0 (£0·25)
National Insurance (Industrial Injuries) Act (N.I.) 1966 s. 21	Death benefit in respect of the deceased's child at the higher weekly rate prescribed by that section	Any person	7 6 (£0·37)

(2) Where a woman has 2 or more children who would apart from the provisions of this paragraph 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.

(n) 1966. c. 8 (N.I.).

Article 20 PART IV

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 Authority and the child's guardian, not exceeding the capitalised value of the allowance or, as the case may be, of that part of the allowance which is commuted, calculated in accordance with Tables prepared from time to time by the Authority.

Articles 34, 35 and 36 SCHEDULE 4

PAYMENTS BY FIREMEN IN RESPECT OF PREVIOUS SERVICE

1. Where a fireman undertakes to make payments in accordance with this Schedule, he shall pay by regular instalments of such amount that the total payment due will be completed within a period equal to the period or periods of additional pensionable service which he is entitled to reckon, and before he reaches the age prescribed for retirement by his conditions of service:

Provided that—

(i) he may at any time pay in one sum the amount then outstanding;

(ii) if, while an amount is outstanding, he dies, or is dismissed, or retires in such circumstances that he is not entitled to any award other than an award of an amount equal to the aggregate of his pension contributions in respect of the relevant period of service, all further liability under the undertaking shall cease, save (if he retires) in respect of any service in the force which he may wish to reckon as pensionable service under any pensions scheme made by the Council of the County Borough of Belfast under section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950, or under section 26 of the Fire Services Act (Northern Ireland) 1969;

(iii) if he retires while an amount is outstanding and proviso (ii) does not apply to him, the Authority shall be empowered, in their discretion, to deduct the outstanding amount from payments of any award made to him.

2. Payment of an instalment due under paragraph 1 may, without prejudice to any other method, be effected by deduction from an instalment of pay.

Article 34

SCHEDULE 5

SUMS TO BE PAID BY FIREMEN IN RESPECT OF PREVIOUS SERVICE

1. Subject to paragraph 2, the sum to be paid by a regular fireman under an undertaking given under Article 34(2) of this Scheme shall be in respect of each year of pensionable service reckonable under Article 34(2) and in respect of £100 (£100·00) of annual pensionable pay, the sum shown in the second column of the following Table in relation to an age which corresponds with that of the fireman, and the total sum to be paid as aforesaid shall be calculated proportionately by reference to the pensionable service so reckonable and to his annual pensionable pay:—

TABLE

Age in years	Amount for £100 of annual pensionable pay			
	£	s.	d.	£
Under 38	9	10	0	(9·50)
38 but under 39	9	12	0	(9·60)
39 „ „ 40	9	14	0	(9·70)
40 „ „ 41	9	16	0	(9·80)
41 „ „ 42	9	18	0	(9·90)
42 „ „ 43	10	1	0	(10·05)
43 „ „ 44	10	4	0	(10·20)
44 „ „ 45	10	8	0	(10·40)
45 „ „ 46	10	11	0	(10·55)
46 „ „ 47	10	14	0	(10·70)
47 „ „ 48	10	18	0	(10·90)
48 „ „ 49	11	1	0	(11·05)
49 „ „ 50	11	5	0	(11·25)
50 „ „ 51	11	8	0	(11·40)
51 „ „ 52	11	12	0	(11·60)
52 „ „ 53	11	16	0	(11·80)
53 „ „ 54	12	0	0	(12·00)
54 „ „ 55	12	6	0	(12·30)
55 and over	12	12	0	(12·60)

2. In this Schedule a reference to the age or annual pensionable pay of a fireman is a reference to his age or, as the case may be, the annual rate of his pensionable pay on rejoining the force, any retrospective increase in his pensionable pay granted after that time being ignored.

Article 42

SCHEDULE 6

ADDITIONAL PENSION CONTRIBUTIONS

1. Where a regular fireman has elected to pay additional pension contributions, he shall pay such contributions at a rate equal to that percentage of his pensionable pay which is set opposite in the following table to the number of completed years of pensionable service reckonable by him at the time he made his election, by virtue of a period of service, or period for which a special pension was payable, before 1st February 1971:—

TABLE

Completed years of pensionable service	Rate expressed as a percentage of pensionable pay
1	0.1
2	0.1
3	0.2
4	0.2
5	0.3
6	0.4
7	0.5
8	0.6
9	0.7
10	0.8
11	0.9
12	1.0
13	1.2
14	1.4
15	1.7
16	2.0
17	2.4
18	3.0
19	3.8
20	3.8

Article 52

SCHEDULE 7

TRANSFER VALUES

1.—(1) The sum to be paid by the Authority under Article 52 shall be calculated in accordance with this paragraph.

(2) The amounts shown in the second and third columns of the following 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 the number of completed months aggregating less than a year which the fireman is entitled to reckon as pensionable service immediately before he ceases to be employed by the 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 pensionable service exceeds 20 years but does not exceed 30 years shall be counted twice;

(*b*) there shall be deducted any period of service in the fire brigade of the Council of the County Borough of Belfast in respect of which the Authority has not received a transfer value from the said Council under Article 34(3) of this Scheme; and

(*c*) any period by which his pensionable service exceeds 30 years shall be ignored.

(3) The sum of the products aforesaid is an amount appropriate in respect of £100 (£100·00) of annual pensionable pay.

(4) The total sum referred to in sub-paragraph (1) 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, any retrospective increase therein granted after that time being ignored.

TABLE

Age in years	Amount for £100 (£100·00) of annual pensionable pay in respect of each completed							
	Year				Month			
	£	s.	d.	£	£	s.	d.	£
Under 35	18	4	0	(18·20)	1	10	0	(1·50)
35 but under 36	18	6	0	(18·30)	1	11	0	(1·55)
36 „ „ 37	18	9	0	(18·45)	1	11	0	(1·55)
37 „ „ 38	18	13	0	(18·65)	1	11	0	(1·55)
38 „ „ 39	18	18	0	(18·90)	1	12	0	(1·60)
39 „ „ 40	19	4	0	(19·20)	1	12	0	(1·60)
40 „ „ 41	19	9	0	(19·45)	1	12	0	(1·60)
41 „ „ 42	19	15	0	(19·75)	1	13	0	(1·65)
42 „ „ 43	20	1	0	(20·05)	1	13	0	(1·65)
43 „ „ 44	20	8	0	(20·40)	1	14	0	(1·70)
44 „ „ 45	20	15	0	(20·75)	1	15	0	(1·75)
45 „ „ 46	21	2	0	(21·10)	1	15	0	(1·75)
46 „ „ 47	21	9	0	(21·45)	1	16	0	(1·80)
47 „ „ 48	21	16	0	(21·80)	1	16	0	(1·80)
48 „ „ 49	22	3	0	(22·15)	1	17	0	(1·85)
49 „ „ 50	22	10	0	(22·50)	1	18	0	(1·90)
50 „ „ 51	22	17	0	(22·85)	1	18	0	(1·90)
51 „ „ 52	23	4	0	(23·20)	1	19	0	(1·95)
52 „ „ 53	23	12	0	(23·60)	1	19	0	(1·95)
53 „ „ 54	24	1	0	(24.05)	2	0	0	(2·00)
54 „ „ 55	24	12	0	(24·60)	2	1	0	(2·05)
55 and over	25	4	0	(25·20)	2	2	0	(2·10)

2. The sum to be paid by the Authority under Article 52, calculated in accordance with the preceding provisions of this Schedule, shall be reduced by the amount of the award made to the fireman under Article 45.

3. Except in the case of a fireman who is paying pension contributions at the rate of 2d. (£0·01) a week less than the appropriate percentage of his pensionable pay, the sum to be paid by the Authority under Article 52, calculated in accordance with the preceding provisions of this Schedule, shall be reduced by an amount calculated in accordance with paragraph 4.

4.—(1) The amount shown in the second column of the following 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 referred to in paragraph 3 in respect of each £1 (£1·00) by which the annual value of his pension would be reduced under paragraph 1 of Part III of Schedule 1 in respect of any period beyond the age of 65 years, if he had retired immediately before he ceased to be employed by the Authority and had been entitled to a pension.

(2) 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 in years	Amount of the reduction in respect of each £1 (£1·00) by which the annual value of a pension would be reduced			
	£	s.	d.	£
Under 25	1	14	0	(1·70)
25 but under 26	1	16	0	(1·80)
26 „ „ 27	1	18	0	(1·90)
27 „ „ 28	2	0	0	(2·00)
28 „ „ 29	2	2	0	(2·10)
29 „ „ 30	2	4	0	(2·20)
30 „ „ 31	2	7	0	(2·35)
31 „ „ 32	2	9	0	(2·45)
32 „ „ 33	2	11	0	(2·55)
33 „ „ 34	2	13	0	(2·65)
34 „ „ 35	2	15	0	(2·75)
35 „ „ 36	2	18	0	(2·90)
36 „ „ 37	3	0	0	(3·00)
37 „ „ 38	3	2	0	(3·10)
38 „ „ 39	3	5	0	(3·25)
39 „ „ 40	3	7	0	(3·35)
40 „ „ 41	3	10	0	(3·50)
41 „ „ 42	3	13	0	(3·65)
42 „ „ 43	3	15	0	(3·75)
43 „ „ 44	3	18	0	(3·90)
44 „ „ 45	4	1	0	(4·05)

EXPLANATORY NOTE

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

This Order provides a revised pension scheme for whole-time and part-time firemen.

The principal changes incorporated into the new scheme are—

(1) that a regular fireman may commute for a lump sum a portion of an ordinary, ill-health or short-service pension provided that in the case of an ordinary pension the fireman may commute only if he is entitled to reckon 30 years' service or is required to retire on grounds of age,

(2) that provision is made for the payment of a widow's ordinary pension at a higher rate in the case of a widow of a regular fireman who has paid contributions at the increased rate introduced by Article 41. This article increases from 5 per cent. to 6 per cent. the rate of contributions. Regular firemen serving at 1st February 1971, are given the choice of continuing to pay contributions at the old rate or of paying contributions at the increased rate, and

(3) that enhanced widows' and children's pensions are payable in cases where the fireman's death resulted from an injury received in saving life.