STATUTORY INSTRUMENTS

1967 No. 1231

PENSIONS

The Superannuation (Fire Brigade and Belfast Fire Force) Transfer Rules 1967

Made - - -	*5th August* 1967
Laid before Parliament	18*th August* 1967
Coming into Operation	1*st September* 1967

The Secretary of State, in exercise of the powers conferred upon him by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a), as extended by section 9 of the Fire Services Act 1959(b), hereby makes the following Rules:—

1.—(1) These Rules shall apply in the case of a person who—

(*a*) retires or, subject to the next following paragraph, has retired from service as a regular fireman in a fire brigade in Great Britain without being entitled to a pension under the Firemen's Pension Scheme;

(*b*) within 12 months of so retiring (or such longer period as may be agreed in a particular case by the fire authority and the Corporation), without any intervening service as a regular fireman, becomes or has become a member of the Belfast Fire Force, and

(*c*) within 3 months of becoming a member of the Belfast Fire Force or, within 6 months of the coming into operation of these Rules (whichever period last expires), (or within such longer period as may be agreed in a particular case by the fire authority and the Corporation) notifies the Corporation that he desires these Rules to apply to him.

(2) These Rules shall only apply to a regular fireman who retired before the coming into operation thereof if the fire authority and the Corporation in a particular case so agree.

2. Where a person to whom these Rules apply is, subject to the payment of a transfer value, entitled under the Belfast Fire Brigade Superannuation Scheme to reckon pensionable service for the purposes thereof by virtue of his service as a regular fireman, the fire authority shall pay to the Corporation a transfer value calculated in accordance with the Schedule hereto.

3.—(1) In these Rules the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Belfast Fire Brigade Superannuation Scheme" means the Scheme for the time being in operation under section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950(c);

"the Corporation" means the Corporation of the city of Belfast;

"the fire authority", in relation to any person, means the fire authority

(a) 1948 c. 33. (b) 1959 c. 44. (c) 1950 c. 4 (N.I.).

maintaining the fire brigade in which he ceases or has ceased to serve as mentioned in Rule 1(1) of these Rules;

"the Firemen's Pension Scheme" means the Scheme for the time being in operation under section 26 of the Fire Services Act 1947(a);

"regular fireman" means a member of a fire brigade in Great Britain of a class prescribed by the Firemen's Pension Scheme for the purposes of section 2 of the Fire Services Act 1951(b).

(2) In these Rules a reference to any enactment is a reference to that enactment as amended or extended by any subsequent enactment.

(3) For the interpretation of these Rules—

(*a*) the Interpretation Act 1889(c) shall apply as it applies for the interpretation of an Act of Parliament;

(*b*) notwithstanding section 31 of the said Act of 1889, the definition of the expression "pension" in section 17(1) of the Superannuation (Miscellaneous Provisions) Act 1948 shall not apply.

4. These Rules may be cited as the Superannuation (Fire Brigade and Belfast Fire Force) Transfer Rules 1967 and shall come into operation on 1st September 1967.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
5th August 1967.

SCHEDULE

Rule 2

1. The sum to be paid by the fire authority to the Corporation under Rule 2 of these Rules shall, subject to the next following paragraph, be the like sum as would have been payable by the fire authority to another fire authority by way of transfer value under the Firemen's Pension Scheme, had the person—

(*a*) retired from service as a regular fireman without a pension and without a transfer value becoming payable under Rules made by virtue of section 9 of the Fire Services Act 1959(d);

(*b*) within 12 months of so retiring and without any intervening service as a regular fireman joined another fire brigade, and

(*c*) become entitled to reckon as pensionable service for the purposes of the Firemen's Pension Scheme the period of service he was so entitled to reckon on retiring.

2.—(1) The provisions of the Firemen's Pension Scheme as to the calculation of a transfer value in the circumstances aforesaid shall apply to the calculation of a transfer value under these Rules subject to the modifications hereinafter specified and any other necessary modifications.

(2) Where the person retired from service as a regular fireman before the coming into operation of these Rules, the reference in the said provisions to his age shall be construed as a reference to his age at the coming into operation of these Rules.

(a) 1947 c. 41. (b) 1951 c. 27. (c) 1889 c. 63. (d) 1959 c. 44.

(3) The reference in the said provisions to the amount which the person has, as a condition of becoming entitled to reckon pensionable service as mentioned in paragraph 1(*c*) of this Schedule, undertaken to pay by regular instalments in accordance with the relevant provisions of the Firemen's Pension Scheme shall be construed as a reference to the aggregate amount of—

(*a*) any sum paid to the person under the Firemen's Pension Scheme, by way of gratuity or return of aggregate contributions, and

(*b*) the balance outstanding immediately before his retirement of any sum he had, as a condition of becoming entitled to reckon previous service, undertaken to pay by regular instalments in accordance with the relevant provisions of the Firemen's Pension Scheme:

Provided that in relation to a person who paid pension contributions under the Firemen's Pension Scheme at a rate related to 6% of his pensionable pay, the sum paid to him by way of gratuity or return of aggregate contributions or the sum he had undertaken to pay by regular instalments shall be deemed to be the sum which would have been so paid or, as the case may be, which he would have undertaken so to pay had he paid pension contributions at a rate related to 5% of his pensionable pay.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide for the payment of a transfer value where a person transfers from a fire brigade in Great Britain to the Belfast Fire Force if, subject to such payment, he is entitled to reckon his service in Great Britain for the purposes of the Belfast Fire Brigade Superannuation Scheme. In exercise of the powers conferred by section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948, the Rules are expressed to apply to past as well as future transfers, subject in the case of past transfers to the agreement of the fire authority concerned and of the Corporation of the city of Belfast.