STATUTORY INSTRUMENTS

1962 No. 94 (S. 4)

PENSIONS

The Superannuation (National Fire Service and Fire Brigades) (Scotland) Transfer Rules, 1962

Made - - - -	*12th January*, 1962
Laid before Parliament	*23rd January*, 1962
Coming into Operation	*1st February*, 1962

In exercise of the powers conferred on me 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), I hereby make the following Rules :—

Citation and commencement

1. These Rules may be cited as the Superannuation (National Fire Service and Fire Brigades) (Scotland) Transfer Rules, 1962, and shall come into operation on the 1st day of February, 1962.

Interpretation

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

" control and watch room duties " means duties in connection with the reception, transmission and recording of calls for the attendance of a fire brigade and with the transmission of instructions as to the action to be taken in consequence of such calls ;

" fire brigade " means a fire brigade maintained in pursuance of the Fire Services Act, 1947(c) ;

" local Act scheme " has the meaning assigned to it in the Local Government Superannuation (Scotland) Act, 1937(d) ;

" temporary member of the National Fire Service " means a member of the National Fire Service, other than a person in whose case—

(*a*) any regulations made for the purposes set out in paragraph 7 of the Schedule to the Fire Services (Emergency Provisions) Act, 1941(e), had effect immediately before the 16th day of May, 1948 ; or

(*b*) by reason that he was expected to enter upon pensionable employment under a local authority on the 16th day of May, 1948, deductions were made by direction of the Secretary of State from the pay received by him as a member of the National Fire Service.

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

(a) 11 & 12 Geo. 6. c. 33.
(b) 7 & 8 Eliz. 2. c. 44.
(c) 10 & 11 Geo. 6. c. 41.
(d) 1 Edw. 8 & 1 Geo. 6. c. 69.
(e) 4 & 5 Geo. 6. c. 22.
(f) 52 & 53 Vict. c. 63.

Persons to whom Rules apply

3. These Rules shall apply in the case of a person who—

(*a*) immediately before the 16th May, 1948, was a temporary member of the National Fire Service;

(*b*) on the 16th day of May, 1948, entered employment in, or in connection with, a fire brigade, being employment on control and watch room duties by virtue of which he was, or was deemed to be, a contributory employee or a local Act contributor within the meaning of the Local Government Superannuation (Scotland) Act, 1937;

(*c*) is in employment by virtue of which he is, or is deemed to be, such a contributory employee or local Act contributor and is entitled to reckon service for the purposes of the said Act of 1937 or the local Act scheme, as the case may be, by virtue of the employment mentioned in the preceding sub-paragraph; and

(*d*) within 6 months of the coming into operation of these Rules notifies the local authority maintaining the superannuation fund to which he is then a contributor that he desires these Rules to apply to him.

Reckoning of service

4. A person to whom these Rules apply shall be entitled to reckon all service performed by him as a temporary member of the National Fire Service after the 15th day of May, 1946—

(*a*) for the purposes of the Local Government Superannuation (Scotland) Acts, 1937 to 1953, and any regulations made thereunder, as if it had been a period of contributing service; or

(*b*) for the purposes of the local Act scheme as if it had been a period of service or contribution within the meaning of that scheme, as the case may be.

Payments by employees

5.—(1) A person to whom these Rules apply shall, subject to paragraph (2) of this Rule, pay into the superannuation fund to which he is a contributor a sum by way of notional pension contributions in respect of his service in the National Fire Service calculated in accordance with paragraphs 1 and 3 of the Schedule to these Rules.

(2) The said sum shall be payable as though it were payable in accordance with the provisions of the regulations for the time being in force under subsection (3) of section 2 of the Local Government Superannuation Act, 1953(a), to the authority by whom the person concerned is employed or where he is subject to a local Act scheme, in accordance with the provisions thereof corresponding to the provisions of the said regulations.

Payments by the Secretary of State

6. The Secretary of State shall pay into the superannuation fund to which a person to whom these Rules apply is a contributor a sum in respect of that person calculated in accordance with paragraphs 2 and 3 of the Schedule to these Rules.

(a) 1 & 2 Eliz. 2. c. 25.

Application of section 30 *of the Local Government Superannuation (Scotland) Act,* 1937

7. The provisions of section 30 of the Local Government Superannuation (Scotland) Act, 1937 (which relates to appeals to the Secretary of State), shall have effect in relation to a person to whom these Rules apply who is, or is deemed to be, a contributory employee within the meaning of that Act as if the reference in the said section to regulations made under that Act included a reference to these Rules.

Dated this 12th day of January, 1962.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

Calculation of Payments

1. The notional pension contributions referred to in paragraph (1) of Rule 5 of these Rules shall equal 6 per cent. of the total pay which the person concerned would have received in respect of his service as a temporary member of the National Fire Service had he been paid in respect thereof at the notional rate appropriate to his case determined in accordance with paragraph 3 of this Schedule.

2. The sum to be paid by the Secretary of State in respect of a person under Rule 6 of these Rules shall be of a like amount to the transfer value which would have been payable under section 24 of the Local Government Superannuation (Scotland) Act, 1937, and the regulations made thereunder and for the time being in force, if—

(*a*) his period of service as a temporary member of the National Fire Service had been a period of contributing service as an officer, within the meaning of the said Act of 1937, which terminated within the period of 12 months preceding the date on which these Rules had become applicable to him;

(*b*) on these Rules becoming applicable to him he had become a contributory employee within the meaning of the said Act of 1937;

(*c*) his remuneration for the purposes of the said regulations were the annual value of his pay at the notional rate appropriate to his case determined in accordance with paragraph 3 of this Schedule:

Provided that the said transfer value—

(i) shall be calculated by reference to the age of the person concerned on the 1st day of February, 1962, and

(ii) shall be reduced by the amount of his notional pension contributions calculated in accordance with paragraph 1 of this Schedule.

3. For the purposes of this Schedule the notional rate of pay appropriate in the case of a temporary member of the National Fire Service shall be—

(*a*) in the case of a member who immediately before the 16th day of May, 1948, held a rank set out in Part I or, as the case may be, in Part II of the subjoined Table, the rate so set out opposite that rank;

(*b*) in any other case, his actual rate of pay as a member of the National Fire Service immediately before the 16th day of May, 1948.

TABLE

PART I—Men

Rank	Notional Rate of Pay
	£ s.
Fireman	4 16 a week
Leading Fireman	5 11 „
Section Leader	6 11 „
Company Officer	450 0 a year
Senior Company Officer	500 0 „
Column Officer	600 0 „
Divisional Officer	700 0 „

PART II—Women

Rank	Notional Rate of Pay
	£ s.
Firewoman	3 5 a week
Leading Firewoman	4 5 „
Senior Leading Firewoman ...	4 15 „
Assistant Group Officer	265 0 a year
Group Officer	325 0 „

EXPLANATORY NOTE

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

These Rules provide, in the case of a person to whom they apply who is pensionable under the Local Government Superannuation (Scotland) Act, 1937, or a local Act scheme, for the reckoning for pension purposes of temporary service in the National Fire Service.

Rule 3 relates to the persons to whom the Rules apply and provides that if they are to apply to a person he must first have served as a temporary member of the National Fire Service until 15th May, 1948, and then have entered employment on fire brigade control and watch room duties pensionable under the Act of 1937 or a local Act scheme. Secondly, he must be entitled to reckon that period of employment for pension purposes and thirdly, he must within 6 months of the Rules coming into force give notice that he wishes them to apply in his case.

Rule 4 relates to the reckoning of the service.

Rules 5 and 6 provide for the making into the superannuation fund to which a person to whom the Rules apply is a contributor, of payments, by him by way of notional pension contributions, and by the Secretary of State by way of transfer value.

Rule 7 applies to questions arising under the Rules, affecting persons pensionable under the Act of 1937, the provisions of section 30 of that Act as to the decisions on questions arising thereunder, and appeals from such decisions.