1964 No. 329 (S. 23)

PENSIONS

The Superannuation (National Fire Service and Fire Brigades) (Scotland) Transfer Rules 1964

Made - - - -	*2nd March* 1964
Laid before Parliament	10*th March* 1964
Coming into Operation	11*th March* 1964

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 1964, and shall come into operation on 11th March 1964.

Interpretation

2.—(1) The definition of the expression "control and watch room duties" in Rule 2(1) of the Superannuation (National Fire Service and Fire Brigades) (Scotland) Transfer Rules 1962(c) shall be omitted therefrom.

(2) After the definition of the expression "temporary member of the National Fire Service" in the said Rule 2(1) there shall be inserted the following definition:—

"'regular fireman' means a member of a fire brigade who was appointed on terms under which he is or may be required to engage in fire-fighting, not being a person whose employment is temporary only;".

Persons to whom rules apply

3. For Rule 3 of the said Rules of 1962 there shall be substituted the following rule:—

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

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

(*b*) on or after 16th May 1948 but before 16th August 1948, entered employment in, or in connection with a fire brigade, being employment other than as a regular fireman on duties carried out under the direction of the firemaster of the brigade;

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

(a) 11 & 12 Geo. 6. c. 33.
(b) 7 & 8 Eliz. 2. c. 44.
(c) S.I. 1962/94 (1962 I, p. 91).
(d) 1 Edw. 8 & 1 Geo. 6. c. 69.

(*d*) before 11th September 1964 notifies the local authority maintaining the superannuation fund to which he is then a contributor that he desires these rules to apply to him.".

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
2nd March 1964.

EXPLANATORY NOTE

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

These rules amend the Superannuation (National Fire Service and Fire Brigades) (Scotland) Transfer Rules 1962 which 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.

For the 1962 Rules, as originally made, to have applied a person must first have served as a temporary member of the National Fire Service until 15th May 1948 and secondly on 16th May 1948 have entered specified fire brigade employment, that is to say employment on fire brigade control and watch room duties pensionable under the 1937 Act or a local Act scheme. Thirdly, he must have been entitled to reckon that period of employment for pension purposes and fourthly, he must before 1st August 1962 have given notice that he wished the rules to apply in his case.

The present rules extend the class of persons to whom the 1962 Rules apply by relaxing the second and fourth conditions. As respects the second condition, they provide for the application of the 1962 Rules to a person who entered the specified employment at any time within the period of 3 months up to 16th August 1948 and extend the specified employment to include employment on any fire brigade duties (otherwise than as a regular fireman), whether or not that employment was pensionable. As respects the fourth condition, the rules extend the time for giving notice until 11th September 1964.

The first and third conditions remain unchanged and for the 1962 Rules to apply a person must still become entitled to reckon for pension purposes his period of specified employment.