

1975 No. 358

**FIRE SERVICES****Firemen's Pension Schemes (Amendment) Order  
(Northern Ireland) 1975**

Made . . . . . 18th December 1975

Coming into operation . . . . . 31st January 1976

The Department of the Environment for Northern Ireland in exercise of the powers conferred by section 17 of the Fire Services Act (Northern Ireland) 1969(a) and now vested in it(b) and of every other power enabling it in that behalf and with the approval of the Department of Finance(c) hereby makes the following Order:

**PART I****CITATION, OPERATION AND INTERPRETATION***Citation, commencement and effect*

1. This Order may be cited as the Firemen's Pension Schemes (Amendment) Order (Northern Ireland) 1975 and shall come into operation on 31st January 1976 and shall have effect—

- (a) for the purposes of Articles 13, 14 and 15 on 1st April 1974; and
- (b) for all other purposes on 1st December 1973.

*Interpretation*

2. In this Order—

- (1) "the Scheme of 1973" means the Firemen's Pension Scheme (Northern Ireland) 1973 as set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973(d);
- "the Scheme of 1971" means the Firemen's Pension Scheme (Northern Ireland) 1971 as set out in the Appendix to the Firemen's Pension Scheme Order (Northern Ireland) 1971(e);
- "the Scheme of 1955" means the Scheme set out in the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(f);
- "the Belfast Fire Brigade Scheme" means the Belfast Fire Brigade Superannuation Scheme made on 1st May 1953 by the Council of the County Borough of Belfast under section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950(g) and that or any Scheme maintained by the said Council under section 26(3) of the Fire Services Act (Northern Ireland) 1969.

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(a) 1969 c. 13 (N.I.)

(b) S.R. & O. (N.I.) 1973 No. 504 (II, p. 2992)

(c) Formerly the Ministry of Finance: see 1973 c. 36 Sch. 5 para. 8(1)

(d) S.R. & O. (N.I.) 1973 No. 393 (II, p. 2187)

(e) S.R. & O. (N.I.) 1971 No. 33 (p. 221) as amended by S.R. & O. (N.I.) 1972 No. 157 (p. 908), 1972 No. 379 (p. 1781), and 1973 No. 1 (I, p. 1)

(f) S.R. & O. (N.I.) 1955 No. 181 (p. 198)

(g) 1950 c. 4 (N.I.)

(2) Any reference to a rank held by a member of a fire brigade is a reference to the rank held by him immediately before he ceased to serve as such; and the following shall be deemed to be equivalent ranks:

- (a) Sub-Officer and Section Leader;
- (b) Station Officer and Company Officer;
- (c) Assistant Divisional Officer and Senior Company Officer.

## PART II

### AMENDMENT OF SCHEMES

#### *Awards on the death of servicemen*

3. In each of the following Articles, namely—

- Article 68(4)(a) of the Scheme of 1973;
- Article 54(4)(a) of the Scheme of 1971; and
- Article 28(2)(a) of the Scheme of 1955,

for sub-paragraph (a) there shall be substituted the following sub-paragraph:

“(a) pay to the widow, in lieu of a gratuity, a pension at the rate of—

- (i) £179.46 a year for any period from 30th November 1973 to 30th November 1974; and
- (ii) £209.19 a year for any period with effect from 30th November 1974;”.

#### *Widow's ordinary pensions*

4. In the Scheme of 1973, for paragraph 2 of Part I of Schedule 2 there shall be substituted the following paragraph:

“2.—(1) Where in respect of any period a widow so elects, then, subject to sub-paragraph (2), the annual rate of her ordinary pension in respect of that period shall be, if her husband at the time when he ceased to be a regular fireman—

(a) held a rank not higher than that of sub-officer—

- (i) £179.46 a year for any period from 30th November 1973 to 30th November 1974; and
- (ii) £209.19 a year for any period from 30th November 1974;

(b) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I)—

- (i) £233.71 a year for any period from 30th November 1973 to 30th November 1974; and
- (ii) £272.31 a year for any period from 30th November 1974;

(c) held a rank higher than that of divisional officer (Grade I)—

- (i) £280.66 a year for any period from 30th November 1973 to 30th November 1974; and
- (ii) £327.09 a year for any period from 30th November 1974.

(2) Where the husband was entitled to reckon at least 10 years pensionable service, sub-paragraph (1) shall have effect as if for the rates of £179.46, £233.71 and £280.66 there were substituted, respectively, the rates of £192.51, £246.76 and £293.71, and for the rates of £209.19, £272.31 and £327.09 there were substituted, respectively, the rates of £224.84, £287.96 and £342.74.”.

## 5. In the Scheme of 1971 in Schedule 2—

(a) for paragraph 2 of Part I there shall be substituted the following paragraph:

“2.—(1) Subject to sub-paragraph (2), where in respect of any period the widow so elects, her ordinary pension in respect of that period shall be at the rate specified in columns (1) and (2) in the following table as appropriate to her husband’s last rank:

Husband’s last rank	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate for any period from 30th November 1974
Lower than Company Officer	£179.46 a year	£209.19 a year
Company Officer or Senior Company Officer	£233.71 a year	£272.31 a year
Higher than Senior Company Officer	£280.66 a year	£327.09 a year

(2) Where the husband was entitled to reckon at least 10 years pensionable service, sub-paragraph (1) shall have effect as if for the rates of £179.46, £233.71 and £280.66 there were substituted, respectively, the rates of £192.51, £246.76 and £293.71, and for the rates of £209.19, £272.31 and £327.09 there were substituted, respectively, the rates of £224.84, £287.96 and £342.74.”;

(b) for Scheme I in Part II there shall be substituted the following Scheme:

## “SCHEME I

The pension shall be at the rate specified in columns (1) and (2) in the following table as appropriate to the husband’s last rank:

Husband’s last rank	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate with effect from 30th November 1974
Lower than that of Company Officer	£179.46 a year	£209.19 a year
Company Officer or Senior Company Officer	£233.71 a year	£272.31 a year
Higher than Senior Company Officer	£280.66 a year	£327.09 a year”

6. In the Scheme of 1955, for Scheme I in Part IA of Appendix II to the Schedule there shall be substituted the following Scheme:

## "SCHEME I

The widow's ordinary pension shall be at the rate specified in columns (1) and (2) in the following table as appropriate to the rank of her husband when he ceased to be a member:

Husband's rank when he ceased to be a member	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate for any period from 30th November 1974
Lower than Company Officer	£179.46 a year	£209.19 a year
Company Officer or Senior Company Officer	£233.71 a year	£272.31 a year
Higher than Senior Company Officer	£280.66 a year	£327.09 a year"

7. In the Belfast Fire Brigade Scheme, for Scheme I of Part I of the Second Schedule there shall be substituted the following Scheme:

## "SCHEME I

The widow's ordinary pension shall be at the following rate:

(a) Where the husband's last rank was not higher than that of Sub-Officer—

(i) £179.46 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £209.19 a year for any period from 30th November 1974;

(b) where the husband's last rank was higher than that of Sub-Officer but not higher than that of Divisional Officer—

(i) £233.71 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £272.31 a year for any period from 30th November 1974;

(c) where the husband's last rank was higher than that of Divisional Officer—

(i) £280.66 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £327.09 a year for any period from 30th November 1974."

*Widow's accrued pensions*

8. In the Scheme of 1973, for paragraph 3 of Part IV of Schedule 2 there shall be substituted the following paragraph:

"3. Where in respect of any period a widow so elects, then the annual rate of her accrued pension in respect of that period shall be, if her husband at the time when he ceased to be a regular fireman—

(a) held a rank not higher than that of sub-officer—

(i) £179.46 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £209.19 a year for any period from 30th November 1974;

- (b) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I)—
- (i) £233.71 a year for any period from 30th November 1973 to 30th November 1974; and
  - (ii) £272.31 a year for any period from 30th November 1974;
- (c) held a rank higher than divisional officer (Grade I)—
- (i) £280.66 a year for any period from 30th November 1973 to 30th November 1974; and
  - (ii) £327.09 a year for any period from 30th November 1974.”.

### *Children's allowances*

9. In the Scheme of 1973, in Part I of Schedule 3—

- (a) in paragraph 1, for sub-paragraph (4) there shall be substituted the following sub-paragraph:

“(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be payable as follows:

- (a) Where the father's last rank was not higher than that of sub-officer at the rate of—
  - (i) £50.61 a year for any period from 30th November 1973 to 30th November 1974; and
  - (ii) £59.47 a year for any period from 30th November 1974;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I) at the rate of—
  - (i) £60.00 a year for any period from 30th November 1973 to 30th November 1974; and
  - (ii) £69.91 a year for any period from 30th November 1974; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I) at the rate of—
  - (i) £73.56 a year for any period from 30th November 1973 to 30th November 1974; and
  - (ii) £86.08 a year for any period from 30th November 1974.”;

- (b) in paragraph 2, for sub-paragraph (4) there shall be substituted the following sub-paragraph:

“(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period the allowance shall be payable as follows:

- (a) Where the father's last rank was not higher than that of sub-officer at the rate of—
  - (i) £74.60 a year for any period from 30th November 1973 to 30th November 1974 or such higher rate not exceeding £98.08 a year as the Authority may from time to time determine;

- (ii) £87.12 a year for any period from 30th November 1974 or such higher rate not exceeding £114.77 a year as the Authority may from time to time determine;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I) at the rate of—
- (i) £88.69 a year for any period from 30th November 1973 to 30th November 1974 or such higher rate not exceeding £117.90 a year as the Authority may from time to time determine;
  - (ii) £103.82 a year for any period from 30th November 1974 or such higher rate not exceeding £137.72 a year as the Authority may from time to time determine; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I) at the rate of—
- (i) £110.08 a year for any period from 30th November 1973 to 30th November 1974 or such higher rate not exceeding £146.59 a year as the Authority may from time to time determine;
  - (ii) £128.33 a year for any period from 30th November 1974 or such higher rate not exceeding £171.11 a year as the Authority may from time to time determine.”.

10. In the Scheme of 1971, for Part I of Schedule 3 there shall be substituted the following Part:

“PART I

CHILD’S ORDINARY ALLOWANCE

Subject to Part III, the child’s ordinary allowance shall be at the rate specified in columns (1) and (2) in the following table as appropriate to the father’s last rank and as to whether the mother is alive:

Father’s last rank	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate for any period from 30th November 1974
(1) Where the mother of the child is alive— Below that of Company Officer Company Officer or Senior Company Officer Higher than Senior Company Officer	£50.61 a year £60.00 a year £73.56 a year	£59.47 a year £69.91 a year £86.08 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	£74.60 a year or such higher rate not exceeding £98.08 as the Authority may from time to time determine	£87.12 a year or such higher rate not exceeding £114.77 as the Authority may from time to time determine
Company Officer or Senior Company Officer	£88.69 a year or such higher rate not exceeding £117.90 as the Authority may from time to time determine	£103.82 a year or such higher rate not exceeding £137.72 as the Authority may from time to time determine
Higher than Senior Company Officer	£110.08 a year or such higher rate not exceeding £146.59 as the Authority may from time to time determine	£128.33 a year or such higher rate not exceeding £171.11 as the Authority may from time to time determine”

11. In the Scheme of 1955, for Part IA of Appendix III to the Schedule there shall be substituted the following Part:

"PART IA (Paragraph 21 (Schedule))

*Child's ordinary allowance*

1. Subject to the provisions of this Appendix, the amount of a child's ordinary allowance shall be at the rate specified in columns (1) and (2) in the following table as appropriate to the father's last rank and providing the mother of the child is alive:

Father's last rank	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate for any period from 30th November 1974
Higher than Senior Company Officer	£73.56 a year	£86.08 a year
Company Officer or Senior Company Officer	£60.00 a year	£69.91 a year
Lower than Company Officer	£50.61 a year	£59.47 a year

2. Where both parents of a child are dead at the time when the allowance becomes payable, the amount of a child's ordinary allowance shall be at the rate specified in columns (1) and (2) in the following table as appropriate to the father's last rank:

Father's last rank	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate for any period from 30th November 1974
Higher than Senior Company Officer	£110.08 a year	£128.33 a year
Company Officer or Senior Company Officer	£88.69 a year	£103.82 a year
Lower than Company Officer	£74.60 a year	£87.12 a year

3. Where a child's surviving parent dies while the child is entitled to a child's ordinary allowance, the amount of the allowance shall, as from the date of death, be determined in accordance with paragraph 2."



12. In the Belfast Fire Brigade Scheme, for Part I of the Third Schedule there shall be substituted the following Part:

“PART I

CHILD’S ORDINARY ALLOWANCE

1. Subject to Part III, where the mother of the child is alive the child’s ordinary allowance shall be at the following rate:

- (a) Where a father’s last rank was not higher than that of Sub-Officer—
  - (i) £50.61 a year for any period from 30th November 1973 to 30th November 1974; and
  - (ii) £59.47 a year for any period from 30th November 1974;
- (b) where the father’s last rank was higher than that of Sub-Officer but not higher than that of Divisional Officer—
  - (i) £60.00 a year for any period from 30th November 1973 to 30th November 1974; and
  - (ii) £69.91 a year for any period from 30th November 1974;
- (c) where the father’s last rank was higher than that of Divisional Officer—
  - (i) £73.56 a year for any period from 30th November 1973 to 30th November 1974; and
  - (ii) £86.08 a year for any period from 30th November 1974.

2. Subject to Part III, where the father was the child’s only surviving parent or in respect of the period after the death of the mother, the child’s ordinary allowance shall be at the following rate:

- (a) Where the father’s last rank was not higher than that of Sub-Officer—
  - (i) £74.60 a year for any period from 30th November 1973 to 30th November 1974 or such higher rate not exceeding £98.08 a year as the Authority may from time to time determine;
  - (ii) £87.12 a year for any period from 30th November 1974 or such higher rate not exceeding £114.77 a year as the Authority may from time to time determine;
- (b) where the father’s last rank was higher than that of Sub-Officer but not higher than that of Divisional Officer—
  - (i) £88.69 a year for any period from 30th November 1973 to 30th November 1974 or such higher rate not exceeding £117.90 a year as the Authority may from time to time determine;
  - (ii) £103.82 a year for any period from 30th November 1974 or such higher rate not exceeding £137.72 a year as the Authority may from time to time determine;
- (c) where the father’s last rank was higher than that of Divisional Officer—
  - (i) £110.08 a year for any period from 30th November 1973 to 30th November 1974 or such higher rate not exceeding £146.59 a year as the Authority may from time to time determine;
  - (ii) £128.33 a year for any period from 30th November 1974 or such higher rate not exceeding £171.11 a year as the Authority may from time to time determine.”

*Abatement of children's allowances*

13. In the Scheme of 1971, the following provisions shall be revoked:
- (a) In Articles 17(2) and 18 the words "subject, however, to Part III of that Schedule";
  - (b) in Schedule 3—
    - (i) in Part I, the words "Subject to Part III";
    - (ii) in Part II, the words "subject to the provision of Part III of this Schedule"; and
    - (iii) Part III.
14. In the Scheme of 1955, the following provisions shall be revoked:
- (a) In paragraph 23, sub-paragraph (2); and
  - (b) in Appendix III, Part IV.
15. In the Belfast Fire Brigade Scheme, the following provisions shall be revoked:
- (a) In regulation 20, paragraph (2); and
  - (b) in the Third Schedule, Part IV.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 18th December 1975.

(L.S.)

*B. D. Palmer*  
Assistant Secretary

The Department of Finance hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 18th December 1975.

(L.S.)

*C. F. Darling*  
Senior Assistant Secretary

## EXPLANATORY NOTE

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

This Order amends the Firemen's Pension Scheme (Northern Ireland) 1973 and in so far as they continue to have effect the Schemes of 1971, 1955 and the Belfast Fire Brigade Superannuation Scheme.

In certain cases and circumstances a child's allowance payable under one of these Schemes falls to be reduced when certain national insurance benefits are also payable or a family allowance is payable in respect of the child. Articles 13, 14 and 15 provide that no such reduction shall be made after 31st March 1974. These provisions bring the child's allowance payable under a Firemen's Pension Scheme into line with similar entitlement under local authority and other schemes as authorised by the Superannuation (Northern Ireland) Orders 1972 and 1973 (S.I. 1972 No. 1073 (N.I. 10) and S.I. 1973 No. 962 (N.I. 13)). Retrospection is authorised by section 17(3B) of the Fire Services Act (Northern Ireland) 1969.

Under the various Firemen's Pensions Schemes the amount of certain awards are determined by reference to specified flat rates which do not qualify for increases under the Pensions (Increase) Act (Northern Ireland) 1971 (1971 c. 35 (N.I.)). The Order increases these flat rates first on 1st December 1973 and again on 1st December 1974, the dates from which increases are payable as authorised by the Pension Increase (Annual Review) Order (Northern Ireland) 1973 and the Pension Increase (Annual Review) Order (Northern Ireland) 1974 by the Department of Finance.