

1982 No. 418

FIRE SERVICES

Firemen's Pension Scheme (Amendment) Order
(Northern Ireland) 1982

Made 15th December 1982

Coming into operation 1st February 1983

The Department of the Environment 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 and Personnel(c) hereby makes the following Order:

PART I

CITATION, OPERATION AND INTERPRETATION

Citation

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order (Northern Ireland) 1982.

Commencement and effect

2. This Order shall come into operation on 1st February 1983 and shall have effect from 1st July 1979.

Interpretation

3. In this Order references to the Scheme of 1973 are references to the provisions of the Firemen's Pension Scheme (Northern Ireland) 1973 set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973(d), other than Articles 12D(1) 50, 51, 52, Part V of Schedule 2, Part IV of Schedule 3 and Schedule 6 thereof.

PART II

PENSIONABLE PAY

Pensionable pay of chief fire officer

4. The pensionable pay for the purposes of the Scheme of 1973 of a chief fire officer for any period after 30th June 1979 and before 1st January 1980 shall be the pensionable pay to which a chief fire officer would have been entitled for a corresponding period beginning 1st January 1980 if his circumstances had been identical to those of the chief fire officer in question during the earlier period (the pensionable pay of a chief fire officer so determined being in Article 7 referred to as his notional pensionable pay).

(a) 1969 c. 13 (N.I.) as amended by S.I. 1973/601 (N.I. 9) Art. 7

(b) S.R. & O. (N.I.) 1973 No. 504 Art. 5(b)

(c) Formerly Ministry of Finance. See Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1) and S.I. 1982/338 (N.I. 6) Art. 3

(d) S.R. & O. (N.I.) 1973 No. 393 as amended by S.R. 1975 No. 358, 1976 No. 216, 1978 No. 24 and No. 100, 1979 No. 88, and No. 387 and 1980 No. 62 and No. 208

Pensionable pay for assistant chief fire officers

5. The pensionable pay for the purposes of the Scheme of 1973 of an assistant chief fire officer for any period after 30th June 1979 and before 1st January 1980 shall be the pensionable pay to which an assistant chief fire officer would have been entitled for a corresponding period beginning 1st January 1980 if his circumstances had been identical to those of the assistant chief fire officer in question during the earlier period.

6. Notwithstanding Article 5, the pensionable pay for the purposes of the Scheme of 1973, for any period after 30th June 1979 and before 1st January 1980, of an assistant chief fire officer who, during the period in question, was in a post the pay for which was not increased on 1st January 1980 shall, except as provided in Article 7, be calculated without reference to the provisions of this Order.

7. Where, for any period after 30th June 1979 and before 7th November 1979, the pay of the officer in question would have been an amount greater than it in fact was if the chief fire officer in his brigade had for that period been entitled to an amount of pay equal to his notional pensionable pay, then the pensionable pay of that officer for that period shall be that greater amount.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 15th December 1982.

(L.S.)

J. M. Irvine

Assistant Secretary

The Department of Finance and Personnel hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 15th December 1982.

(L.S.)

J. S. H. Gaw

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

Part II modifies Article 49 of the Firemen's Pension Scheme (Northern Ireland) 1973 (set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973) which defines pensionable pay for firemen's pension purposes. Articles 4 to 7 of this Order modify that Article in its application to firemen serving in the period after 30th June 1979 and before 1st January 1980 when, because of financial constraints upon the Authority, the full implementation of pay increases to chief fire officers and assistant chief fire officers was delayed. In the case of chief fire officers part of the increase which would have been paid on 1st July 1979 was, in fact, delayed until 1st January 1980 and this had a similar effect on assistant chief fire officers because of their pay relativity. This Order ensures that the delay in implementing the pay increases does not affect pensions. Some assistant chief fire officers remained on guaranteed minimum rates of pay during the relevant period and special provision is made for them by Articles 6 and 7.

Retrospection is authorised by Section 17(3B) of the Fire Services Act (Northern Ireland) 1969.