



Fire Services Act 1947

1947 CHAPTER 41 10 and 11 Geo 6

Pensions etc.

^{F1}[^{F2}26 **Firemen's Pension Scheme.**

- (1) The Secretary of State may by order bring into operation a scheme, to be known as the Firemen's Pension Scheme, whereby provision is made, subject to the provisions of this section and of the Scheme, for the payment by fire authorities and such other authorities as may be specified in the Scheme of pensions, allowances and gratuities to persons employed as members of fire brigades maintained in pursuance of this Act who retire from such employment on or after the appointed day or die on or after the appointed day while so employed, and to their [^{F3}surviving spouses, surviving civil partners,] children and dependants.
- (2) The Firemen's Pension Scheme (hereafter in this and the next following section referred to as "the Scheme") may include provision—
 - (a) for defining the classes of persons employed as aforesaid in respect of whose service awards, or awards of any class specified in the Scheme, may be made under the Scheme, and in particular for excluding in relation to any such awards or class of awards persons who are not wholly and permanently so employed or who are so employed on such ancillary duties as may be specified in the Scheme, and for treating, for all or any of the purposes of the Scheme, employment in Great Britain or elsewhere on duties connected with the provision of fire services, being employment (otherwise than as a member of a fire brigade maintained in pursuance of this Act) of such classes as may be specified in the Scheme, as if it were employment as a member of such a brigade;
^{F4}(aa) [where a person immediately before he undertakes service of a description specified in the First Schedule to the ^{M1}Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, or attends for hourly instruction as defined in section forty-two of that Act, either—
 - (i) is a member of a fire brigade maintained in pursuance of this Act, or

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- (ii) is employed in employment on duties connected with the provision of fire services which is treated for the purposes of the Scheme as if it were employment as a member of such a fire brigade,
for treating employment during the period of his service or instruction, and during such further period, if any, as may be specified in the Scheme, as employment as a member of such a fire brigade.]
- [
^{F5}(ab) for treating, for all or any of the purposes of the Scheme, holding office as the London Fire Commissioner as employment by a fire and rescue authority in England where the terms and conditions of appointment to that office include—
- (i) resolving operational incidents, or
 - (ii) leading and supporting others in the resolution of operational incidents;]
- (b) for reckoning, for all or any of the purposes of the Scheme, such employment, whether before or after the appointed day (other than employment as a member of a fire brigade maintained in pursuance of this Act) as may be specified in the Scheme as if it were employment as a member of such a brigade, either unconditionally or subject to such conditions as may be so specified and either as respects the whole of service in employment so specified or as respects such fraction thereof as may be so specified;
- (c) for the making by persons in respect of whose service awards may be made under the Scheme of such contributions as may be specified by the Scheme, and, in such circumstances as may be so specified, for the repayment of contributions so made or their application in such manner and for the benefit of such persons as may be so specified;
- (d) for substituting, for all or any of the purposes of the Scheme, the Secretary of State for a fire authority in relation to any [^{F6}employment which is treated for the purposes of the Scheme as if it were employment as a member of a fire brigade maintained in pursuance of this Act];
- (e) for the making to a fire authority by the Secretary of State or another fire authority, or by any other authority by which a person has been employed in employment specified under paragraph (b) of this subsection or which has incurred any liability in respect of the payment of a pension in the event of a person's retirement from employment so specified of payments in respect of previous service (whether before or after the appointed day) on a person's entry on employment with the fire brigade maintained by the first-mentioned fire authority, and for the making to the Secretary of State by a fire authority or any such other authority as aforesaid of payments in respect of previous service (whether before or after the appointed day) on a person's entry on [^{F6}employment which is treated for the purposes of the Scheme as if it were employment as a member of a fire brigade maintained in pursuance of this Act];
- (f) for the reimbursement of payments under the last foregoing paragraph out of any superannuation fund to which contributions have been made in respect of the previous service to which the payments related;
- (g) for the making, where a person enters on employment with a fire authority in a case where no payment falls to be made under paragraph (e) of this subsection, of payments in respect of previous service with that authority out of any superannuation fund to which contributions have been made in respect of the previous service;

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- (h) for the conditions as to evidence or otherwise subject to which any award under the Scheme may be made, for the manner in which any question specified in the Scheme arising under the Scheme is to be determined, and for appeals from determinations of any such question;
- (i) for excluding or modifying, in the case of an injury in respect of which an award is made under the Scheme, being an injury sustained in the execution of duty in such circumstances as may be specified in the Scheme, any other right against the Crown or other authority in whose employment the injury occurred to compensation or damages in respect of the injury or the consequences thereof, so however that no provision made by virtue of this paragraph shall affect any right under the [^{F7}enactments relating to ^{F8}... social security];
- (j) for such incidental and supplemental matters as appear to the Secretary of State expedient for the purposes of the Scheme, including provisions as to funds for defraying liabilities under the Scheme and provision for the like purposes as under the enactments in the ^{M2}Fire Brigade Pensions Act 1925, specified in the first column of the Third Schedule to this Act (which relate to the matters specified in the second column of that Schedule) was made in relation to awards under the said Act of 1925.

In this section the expression “employment” includes engagement in any service.

[The Scheme may also include—

- ^{F9}(2A) (a) such provision for the payment of pensions, allowances and gratuities to persons employed as members of fire brigades maintained in pursuance of this Act who are dismissed from such employment, and to their [^{F10}surviving spouses, surviving civil partners,] children and dependants, as will enable the Scheme to comply with the requirements set out in Schedule 16 to the ^{M3}Social Security Act 1973, and
- (b) such provision incidental or supplementary thereto as appears to the Secretary of State to be expedient.]

^{F11}(3)

- (4) If a person obtains or attempts to obtain for himself or any other person—
 - (a) any award under the Scheme, or
 - (b) any sum in respect of the repayment or application of contributions made under the Scheme,

^{F12}... by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, ^{F12}..., he shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, and (without prejudice to the provisions of paragraph (j) of subsection (2) of this section) the Scheme may authorise, in the case of a person who has been convicted of an offence under this subsection, the forfeiture, in whole or in part, of any award or sum so obtained.

- (5) The Scheme may be varied by a subsequent order of the Secretary of State under this section.

[References in this section to employment as a member of a fire brigade or on ^{F13}(5A) duties connected with the provision of fire services include employment by the chief constable of the police force for a police area as a result of—

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- (a) a transfer to the chief constable under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004, ^{F14}...
- (b) an appointment by the chief constable under section 4I(4) of that Act,
- ^{F15}(c) [a transfer to the chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009, or
- (d) an appointment by the chief constable under section 107EC(2) of that Act.]

(5B) References in this section to a fire authority include the chief constable of the police force for a police area who employs persons as mentioned in subsection (5A).]

^{F1F2}(6)]

Subordinate Legislation Made

- P1** S. 26: power exercised by [S.I. 1991/1097](#). For previous exercises of power under this section see Index to Government Orders.

Textual Amendments

- F1** Act repealed (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [ss. 52, 61](#), [Sch. 2](#) (with savings for E. in [S.I. 2004/2306](#), [art. 3](#), [Sch.](#) and for W. in [S.I. 2004/2918](#), [art. 3](#), [Sch.](#)); [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#)); [S.I. 2004/2917](#), [art. 2](#)
- F2** [Ss. 26-27A](#) repealed (S.) (1.10.2004) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), [ss. 52, 61](#), [Sch. 2](#) (with savings in [S.I. 2004/2306](#), [art. 3](#), [Sch.](#)); [S.I. 2004/2304](#), [art. 2](#) (with [art. 3](#))
- F3** Words in [s. 26\(1\)](#) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [s. 263\(8\)\(a\)](#), [Sch. 25 para. 1](#); [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)
- F4** [S. 26\(2\)\(aa\)](#) inserted by [Reserve and Auxiliary Forces \(Protection of Civil Interests\) Act 1951 \(c. 65\)](#), [ss. 42\(1\)](#)
- F5** [S. 26\(2\)\(ab\)](#) inserted (22.2.2018) by [The Policing and Crime Act 2017 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/226\)](#), [regs. 1, 2\(2\)](#)
- F6** Words substituted by [Fire Services Act 1951 \(c. 27\)](#), [s. 1\(3\)](#)
- F7** Words substituted by [Social Security Act 1973 \(c. 38\)](#), [Sch. 27 para. 6](#)
- F8** Words repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), [Sch. 1 Pt. I](#)
- F9** [S. 26\(2A\)](#) inserted by [S.I. 1976/551](#)
- F10** Words in [s. 26\(2A\)](#) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [s. 263\(8\)\(a\)](#), [Sch. 25 para. 1](#); [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)
- F11** [S. 26\(3\)](#) repealed by [Superannuation Act 1972 \(c. 11\)](#), [ss. 16\(2\), 29\(4\)](#), [Sch. 8](#)
- F12** Words repealed by [Theft Act 1968 \(c. 60\)](#), [Sch. 3 Pt. I](#)
- F13** [S. 26\(5A\)\(5B\)](#) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [s. 183\(1\)\(5\)\(e\)](#), [Sch. 1 para. 14](#); [S.I. 2017/399](#), [reg. 2](#), [Sch. para. 38](#)
- F14** Word in [s. 26\(5A\)\(a\)](#) omitted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 8\(5\)\(a\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(a\)](#)
- F15** [S. 26\(5A\)\(c\)\(d\)](#) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 8\(5\)\(b\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(a\)](#)

Modifications etc. (not altering text)

- C1** [S. 26](#) amended by [Fire Services Act 1951 \(c. 27\)](#), [s. 1\(1\)\(2\)](#), and [Superannuation Act 1972 \(c. 11\)](#), [s. 16\(1\)\(3\)](#)
- C2** [S. 26](#): transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), [arts. 1\(1\), 2](#), [Sch. 1](#) (with [art. 7](#)); [S.I. 1998/3178](#), [art. 3](#)

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- S. 26: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table H2
- C3** S. 26: transfer of functions (15.2.2006) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304), art. 1(1), **Sch.** (with art. 5)
- C4** S. 26(1)-(5) modified (23.6.2006) by The Firefighters Pension (Wales) Scheme (Amendment) Order 2006 (S.I. 2006/1672), arts. 1(2), **2(2)**
- C5** S. 26(2)(c)(5) extended by Fire Services Act 1959 (c. 44), **s. 8(3)(2)** respectively
- C6** References in s. 26(2)(d)(e) to Secretary of State to be construed as references to either Secretary of State or Minister of Overseas Development: S.I. 1974/1264, art. 2(2)(c), **Sch. Pt. III para. 9(a)**

Marginal Citations

- M1** 1951 c. 65.
M2 1925 c. 47.
M3 1973 c. 38.

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