



Police and Firemen (War Service) Act 1939

1939 CHAPTER 103

Miscellaneous and General

8 Constables on probation

Where a person, having ceased during the period of the present emergency to serve as a constable on probation in order to serve in His Majesty's forces, resumes service as a constable during that period or within two months from the end of that period, he shall serve on probation for so much of his period of probation as was unexpired at the time when he ceased so to serve.

9 Constables need not be re-attested on resuming service

Where a person, having ceased during the period of the present emergency to serve as a constable in order to serve in His Majesty's forces, resumes service as a constable during that period or within two months from the end of that period, it shall not be necessary for him, notwithstanding anything in any enactment, to make any declaration required to be made by him on accepting office as a constable.

10 Suspension of right to retire on pension

- (1) Notwithstanding the provisions of any enactment, during the period of the present emergency—
 - (a) no chief officer of a police force or fire brigade shall be entitled to retire on pension except with the consent of the appropriate authority; and
 - (b) no other constable or fireman shall be entitled to retire on pension except with the consent of the chief officer of the police force or fire brigade to which he belongs.
- (2) Where before the commencement of this Act or during the period of the present emergency—

- (a) the chief officer of a police force or fire brigade has given or gives written notice to the appropriate authority of his desire to retire on pension in circumstances which, but for the provisions of this section, would entitle him so to retire; or
- (b) any other constable or fireman has given or gives written notice to the chief officer of the police force or fire brigade to which he belongs of his desire to retire on pension in such circumstances as aforesaid;

his right to retire at the end of the said period on a pension not less in amount than that to which he would have been entitled, had he retired on pension at the date when the notice was given, shall not be liable to forfeiture, except for such misconduct as would, had he been in receipt of a pension, have rendered the pension liable to forfeiture.

(3) In this section—

- (a) the expressions " chief officer of a police force " and " chief officer of a fire brigade " have respectively the same meanings as in the Police Pensions Act, 1921, and the Fire Brigade Pensions Act, 1925; and
- (b) the expression " retire on pension " means to retire without a medical certificate and receive a pension for life.

11 War injuries to be deemed non-accidental injuries

For the purpose of the Police Pensions Act, 1921, and the Fire Brigade Pensions Act, 1925, and any other Act or any rules or scheme providing for the pensions of firemen, a war injury within the meaning of the Personal Injuries (Emergency Provisions) Act, 1939, shall be deemed to be a non-accidental injury.

12 Relief of firemen from suspension of pensions

Notwithstanding anything in section sixteen of the Fire Brigade Pensions Act, 1925, a pension receivable by a person under that Act shall not be suspended for any period for which he takes temporary service in any capacity under a local authority during the period of the present emergency.

13 Provisions as to persons called out or under training

- (1) The provisions of Articles 13, 15 and 27 of the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of service as a person called out which falls within the period of the present emergency.
- (2) The provisions of Articles 7 and 15 of the Military Training (Consequential Provisions) Order, 1939, shall not apply with respect to any part of any person's period of training which falls within the period of the present emergency.
- (3) Where any person at the beginning of the period of the present emergency is serving as a person called out or as a person under training, and immediately before he was called out or immediately before the beginning of his period of training, as the case may be, he was serving as a constable or fireman, then—
 - (a) he shall be deemed for the purposes of this Act to have ceased to serve as a constable or fireman immediately after the beginning of the period of the present emergency in order to serve in His Majesty's forces,- and

- (b) in the case of a person who at the beginning of the period of the present emergency is serving as a person under training—
 - (i) if and when, but not before, he fails to resume service as a constable or fireman before the expiration of two months from the end of the period which by virtue of subsection (1) of section two of this Act is treated as a period of approved service in his case, he shall be deemed for the purposes of Article 7 of the Military Training (Consequential Provisions) Order, 1939, not to have resumed duty as a constable or fireman at the end of his period of training; and
 - (ii) in any other case he shall be deemed for the purposes of that Article to have resumed such duty at the end of his period of training.
- (4) In this section the expression " called out " has the same meaning as in the Reserve and Auxiliary Forces (Consequential Provisions) Order, 1939, and the expressions " person under training" and " period of training " have respectively the same meanings as in the Military Training (Consequential Provisions) Order, 1939.

14 Interpretation

In this Act the following expressions have the meanings hereby respectively assigned to them:—

" appropriate authority " means—

- (a) in relation to a person who is serving or has ceased to serve as a constable, the police authority within the meaning of the Police Pensions Act, 1921, for the police force of which he is or was a member; and
- (b) in relation to a person who is serving or has ceased to serve as a member of the London Fire Brigade, the London County Council; and
- (c) in relation to any other person who is serving or has ceased to serve as a fireman, the fire authority within the meaning of the Fire Brigades Act, 1938, for the fire brigade of which he is or was a member;

" appropriate pension enactment ", in relation to a person who has ceased to serve as a constable, means the Police Pensions Act, 1921, as amended by any subsequent enactment and, in relation to a person who has ceased to serve as a fireman, means the Fire Brigade Pensions Act, 1925, as amended by any subsequent enactment;

" constable " means a member of a police force within the meaning of the Police Pensions Act, 1921:

" fireman " means a professional fireman as defined by paragraph (2) of section twenty-three of the Fire Brigade Pensions Act, 1925, as amended by any subsequent enactment;

" grant ", unless the context otherwise requires, means a pension, allowance or gratuity;

" period of the present emergency " means the period beginning with the first day of September nineteen hundred and thirty-nine and ending with such day as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end;

" service pay ", in relation to any person, means his pay (including marriage, family and other similar allowances) in respect of his service in or with His Majesty's forces during the period of the present emergency.

15 Provision as to Northern Ireland

Notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws in respect of members of a police force or fire brigade in Northern Ireland for purposes similar to the purposes of this Act.

16 Short title, commencement and extent

- (1) This Act may be cited as the Police and Firemen (War Service) Act, 1939.
- (2) This Act shall be deemed to have come into operation at the commencement of the period of the present emergency.
- (3) No provision of this Act except the provisions of the last foregoing section shall extend to Northern Ireland.