

1967 No. 1230

FIRE SERVICES**The Firemen's Pension Scheme (Amendment) Order 1967**

<i>Made</i>	- - -	10th August 1967
<i>Laid before Parliament</i>		18th August 1967
<i>Coming into Operation</i>		1st September 1967

In exercise of the powers conferred upon me by section 26 of the Fire Services Act 1947(a), as amended and extended by sections 1 and 2(1) of the Fire Services Act 1951(b), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c) and section 8 of the Fire Services Act 1959(d), I hereby, with the approval of the Treasury and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, make the following Order:—

1. For Article 27(4) of the principal Scheme (which relates to awards not payable in cases of transfer) there shall be substituted the following provision:—

“(4) Where an award under Article 43 by way of repayment of aggregate contributions ceases to be payable under this Article, there shall continue to be payable—

- (a) where the award ceases to be payable under paragraph (1) or (2), so much of the award as is unpaid and represents a return of additional contributions paid under Article 40, and
- (b) where the award ceases to be payable under paragraph (2), and the regular fireman concerned paid pension contributions at a rate related to 6% of his pensionable pay, so much of the award as is unpaid and would not have been payable had he paid such contributions at a rate related to 5% of his pensionable pay.”.

2.—(1) For paragraph (1)(c) of Article 35 of the principal Scheme (which relates to the reckoning of previous service otherwise than as a member of a fire brigade or in local government employment) there shall be substituted the following provision:—

“(c) who within 3 months of his becoming a regular fireman or 6 months of the coming into operation of the Rules, Regulations or other provisions under which the transfer value is paid as aforesaid, whichever is the later, or within such longer period as the fire authority may in his case allow, undertakes to pay in accordance with Schedule 5 a sum equal to the balance of any liability outstanding immediately before he ceased to be engaged in his former service in respect of payments or contributions he was then making as a condition of reckoning past service as contributing

service or otherwise for the purposes of the said superannuation arrangements, together with a sum equal to any gratuity or award by way of return of contributions made under the said arrangements on his ceasing to be engaged as aforesaid, being a gratuity or return of contributions of which account has been taken in the calculation of the said transfer value.”.

(2) At the end of the said Article 35 there shall be added the following provision:—

“(5) In this Article the expression “award by way of return of contributions” has the meaning assigned thereto by Article 79(2).”.

3. At the end of Article 81 of the principal Scheme (which relates to the meaning of certain expressions related to the operation of the National Insurance Acts) there shall be added the following provision:—

“(5) In the case of a person entitled to reckon a period of pensionable service by virtue of service or employment otherwise than as regular fireman in respect of which he was subject to superannuation arrangements, being service or employment in Northern Ireland or the Isle of Man, this Scheme shall have effect as if any reference to the National Insurance Act 1946(a) or the National Insurance Act 1965(b) or any enactment contained therein included a reference to any enactment of the Parliament of Northern Ireland or, as the case may be, any enactment of Tynwald, making provision for corresponding purposes.”.

4.—(1) After paragraph 1(c) of Part IV of Schedule 1 to the principal Scheme (which relates to the reduction of a pension payable to a person who has paid pension contributions as a fireman at a rate related to 6% of his pensionable pay in respect of periods of service during which he did not pay such contributions) there shall be inserted the following provision:—

“(d) subject to paragraph 2, by virtue of such service or employment as is mentioned in Article 34(1) or 35(1):—”.

(2) For paragraph 2 of the said Part IV there shall be substituted the following provision:—

“2. In calculating the amount of the said reduction no account shall be taken of—

- (a) any period of pensionable service he became entitled to reckon before 1st September 1967 by virtue of such service or employment as is mentioned in Article 34(1) or 35(1);
- (b) any period of pensionable service he is entitled to reckon by virtue of service in the armed forces, on or after 26th August 1966, in respect of which pension contributions were not payable.”.

5. In this Order the expression “the principal Scheme” means the Firemen’s Pension Scheme 1966 set out in Appendix 2 to the Firemen’s Pension Scheme Order 1966 (c), as amended (d).

(a) 1946 c. 67. (b) 1965 c. 51. (c) S.I. 1966/1045 (1966 II, p 2504).

(d) The amending Order is not relevant to the subject matter of this Order.

6. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order 1967 and shall come into operation on 1st September 1967.

Roy Jenkins,
One of Her Majesty's Principal
Secretaries of State.

5th August 1967.

We approve,

B. K. O'Malley,
E. Alan Fitch,
Two of the Lords Commissioners
of Her Majesty's Treasury.

10th August 1967.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Firemen's Pension Scheme 1966 with respect to transfers under interchange arrangements between the fire service and other employment by—

- (a) providing for the partial repayment of pension contributions to a person who transfers from the fire service; the contributions repayable are those which first became payable on the introduction by the 1966 Scheme of new arrangements for widows' ordinary pensions (Article 1);
- (b) requiring a person who transfers to the fire service to pay to the fire authority, as a condition of his previous relevant service becoming reckonable, a sum equal to any gratuity or return of pension contributions paid to him on leaving his previous employment (Article 2);
- (c) providing, in the case of a person who transfers to the fire service from service or employment in Northern Ireland or the Isle of Man, that any reference in the 1966 Scheme to the National Insurance Acts shall be construed as including a reference to the corresponding legislation of Northern Ireland or, as the case may be, of the Isle of Man (Article 3); and
- (d) providing, in the case of a person who transfers to the fire service, for his previous relevant service to be taken into account in calculating any reduction in his pension under Part IV of Schedule 1 to the 1966 Scheme; the rights of persons who transferred before the coming into operation of the present Order are safeguarded (Article 4).