
STATUTORY INSTRUMENTS

1974 No. 432

POLICE FIRE SERVICES

The Police Etc. and Fire Pensions (Modification) Order 1974

<i>Made</i>	- - - -	<i>13th March 1974</i>
<i>Laid before Parliament</i>		<i>25th March 1974</i>
<i>Coming into Operation</i>		<i>1st April 1974</i>

In exercise of the powers conferred on me by section 254 of the Local Government Act 1972, I hereby make the following Order:—

Citation and operation

1. This Order may be cited as the Police etc. and Fire Pensions (Modification) Order 1974 and shall come into operation on 1st April 1974.

Interpretation

2. The Interpretation Act 1889 shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Police, special constabulary and police cadet pensions

3.—(1) This Article shall have effect for the purposes of modifying the provisions made by or under any enactment relating to the payment of pensions to or in respect of—

- (a) members of police forces;
- (b) special constables appointed for police areas, or
- (c) police cadets appointed with a view to becoming members of police forces.

(2) For the purposes aforesaid any reference in any of the said provisions to an old police area, or to the police authority, force or fund for such an area, shall, except where the context otherwise requires, be construed as a reference to the relevant new police area or to the police authority, force or fund therefor.

(3) In this Article the expressions “old police area” and “new police area” mean, respectively, a police area in England and Wales existing immediately before 1st April 1974 and such an area existing on that date and, except where paragraph (4) below applies, in relation to an old police area the expression “relevant new police area” means the new area comprising the whole, or the greater part, of the old area.

(4) In this Article, in the case of—

- (a) a member of a police force for an old police area who is, on 1st April 1974, transferred to a police force for a new police area;
- (b) a special constable for an old police area who, on that date, is transferred to become a special constable for a new police area, or
- (c) a police cadet undergoing training with a view to becoming a member of a police force for an old police area who, on that date, is transferred to undergo training with a view to becoming a member of a police force for a new police area,

in relation to the old police area the expression “relevant new police area” means the new police area referred to in sub-paragraph (a), (b) or (c) above, as the case may be.

Fire service pensions

4.—(1) This Article shall have effect for the purposes of modifying the provisions made by or under any enactment relating to the payment of pensions to or in respect of members of fire brigades maintained by local authorities:

Provided that nothing in this Article shall affect any such provisions which relate to the payment of pensions to or in respect of the generality of persons employed by a local authority.

(2) For the purposes aforesaid any reference in any of the provisions first mentioned in paragraph (1) above to an old fire authority or to the fire brigade maintained by them shall, except when the context otherwise requires, be construed as a reference to the relevant new fire authority or to the fire brigade maintained by the relevant new authority.

(3) In this Article the expressions “old fire authority” and “new fire authority” mean, respectively, an authority which is a fire authority immediately before 1st April 1974 and an authority which is a fire authority on that date and, except where paragraph (4) below applies, in relation to an old fire authority, the expression “relevant new fire authority” means the authority for an area which comprises the whole, or the greater part, of the area for which the old authority was the fire authority, save that where the old fire authority is the council of the administrative county of Glamorgan or of Yorkshire, West Riding, it means the council of the county of Mid Glamorgan or, as the case may be, of West Yorkshire.

(4) In the case of a member of a fire brigade maintained by an old fire authority who is, on 1st April 1974, transferred to a fire brigade maintained by a new fire authority—

- (a) in this Article, in relation to the old fire authority, the expression “relevant new fire authority” means that new fire authority, and
- (b) where he held the rank of assistant divisional officer or any higher rank in the brigade first mentioned in this paragraph but suffers a reduction in rank attributable to his transfer, Article 96 of the Firemen's Pension Scheme 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order 1973(1), (age of compulsory retirement) shall have effect as though he had not suffered such reduction in rank, unless he elects otherwise by notice in writing to his new fire authority.

(5) In the case of a member of a fire brigade maintained by an old fire authority who suffers loss of employment as a member of a fire brigade which is attributable to the provisions of Part I or II of the Local Government Act 1972, the Firemen's Pension Scheme 1973 shall have effect as though he had retired from his brigade having given due notice of retirement to the fire authority and, if that authority so agree, as though the notice of retirement had been given with their permission.

(1) (1973 II. p. 2906).

Incidental and supplemental provisions

5.—(1) Nothing in the Local Authorities (England) (Property etc.) Order 1973⁽²⁾ or in the Local Authorities (Wales) (Property etc.) Order 1973⁽³⁾ shall operate to transfer any liability to pay pensions under any provisions modified by Article 3 or 4 above.

(2) Nothing in this Order shall be construed as precluding any agreement between police or fire authorities, or reference to arbitration, under section 68 of the Local Government Act 1972 as applied by section 254(6) thereof, with respect to the making of financial adjustments.

Whitehall
13th March 1974

Roy Jenkins
One of Her Majesty's Principal Secretaries of
State
Home Office

(2) (1973 III, p. 6401).
(3) (1973 III, p. 6452).

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EXPLANATORY NOTE

This Order modifies the provisions relating to police, special constabulary, police cadet and fire service pensions. In particular, it takes account of the replacement on 1st April 1974 by new authorities of the police and fire authorities existing immediately before that date. It also safeguards, as respects the age of compulsory retirement, certain senior officers of fire brigades who suffer reduction in rank attributable to their transfer on that date.