
STATUTORY INSTRUMENTS

1974 No. 483

**The Local Authorities etc. (Staff
Transfer and Protection) Order 1974**

Transfers: Members of fire brigades

7.—(1) Every member of a fire brigade maintained in pursuance of the Fire Services Act 1947, other than that maintained by the Greater London Council or by the Council of the Isles of Scilly, who is below the rank of assistant chief officer, and who is serving as such a member immediately before 1st April 1974, shall, if on 1st April 1974 he is not a member of a fire brigade for a new county otherwise than by virtue of this article, on that date be transferred to and become a member of the fire brigade—

- (a) if immediately before 1st April 1974 he is serving as an instructor at the central training institution or is undergoing training, for the new county in which the premises in or from which he wholly or mainly performed his duties as a member of a fire brigade immediately before he began to serve as such an instructor or immediately before he began his training, as the case may be, are situate,
- (b) in any other case, for the new county in which the premises in or from which he wholly or mainly performs his duties as a member of a fire brigade immediately before 1st April 1974 are situate.

(2) Every member transferred by paragraph (1) shall have the same rank and the same service for purposes of pay as he would have had but for the provisions of this article.

(3) Every member of such a fire brigade of or above the rank of assistant chief officer who is serving as such a member immediately before 1st April 1974, shall, if on 1st April 1974 he is not a member of a fire brigade for a new county otherwise than by virtue of this article, on that date be transferred to and become a member of the fire brigade for the new county in which the premises in or from which he wholly or mainly performs his duties as such member are situate.

(4) Every member transferred by paragraph (3) shall hold the rank of assistant chief officer but shall be treated for the purposes of his pay, pension and other conditions of employment as if he had continued to hold the rank he held immediately before 1st April 1974 in the fire brigade in which he was then serving.

(5) Any member transferred by paragraph (3) shall on 30th June 1974 or, in the case of any such member who has appealed on grounds of hardship to a Staff Appeals Tribunal—

- (a) if his appeal is allowed, on the expiration of 3 months from the decision of the Tribunal or 30th September 1974, whichever is the later;
- (b) in any other case, on the date of the decision of the Tribunal,

cease to be a member of the fire brigade to which he was transferred unless before then he has accepted and taken up an appointment as a member of that brigade or has resigned.

(6) Where a report, complaint or other allegation is received before 1st April 1974 from which it appears that a person transferred by paragraph (1) or (3) may have committed an offence against discipline within the meaning of the Fire Services (Discipline) Regulations 1948(1), any disciplinary

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proceedings, including any appeal, arising therefrom under those regulations may be continued as if the alleged offence had been committed while he was a member of the fire brigade to which he was transferred, and, accordingly, those regulations shall have effect subject to any necessary modifications.