

---

 S T A T U T O R Y   I N S T R U M E N T S
 

---

**1975 No. 676 (S. 104)**

**POLICE**

**FIRE SERVICES**

**The Police etc. and Fire Pensions (Transfer of Liabilities)  
(Scotland) Order 1975**

<i>Made - - - -</i>	<i>17th April 1975</i>
<i>Laid before Parliament</i>	<i>30th April 1975</i>
<i>Coming into Operation</i>	<i>16th May 1975</i>

In exercise of the powers conferred on me by sections 215 and 216 of the Local Government (Scotland) Act 1973(a), and all other powers enabling me in that behalf, I hereby make the following order:—

*Citation and operation*

**1.** This order may be cited as the Police etc. and Fire Pensions (Transfer of Liabilities) (Scotland) Order 1975 and shall come into operation on 16th May 1975.

*Interpretation*

**2.** The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

*Police, Special Constabulary and Police Cadet Pensions*

- 3.—(1)** In relation 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,

all liabilities of a police authority for an old police area, shall, at and from 16th May 1975, be transferred to and rest with the police authority for the relevant new police area.

(2) In this article the expressions “old police area” and “new police area” mean, respectively, a police area in Scotland existing immediately before 16th May 1975 and a police area in Scotland existing on that date and, except where paragraph (3) 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.

---

(a) 1973 c. 65.

(b) 1889 c. 63.

- (3) In this article, in the case of—
- (a) a member of a police force for an old police area who is, on 16th May 1975, 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) In relation to the payment of pensions to or in respect of members of fire brigades maintained by local authorities all liabilities and obligations of an old fire authority shall, at and from 16th May 1975, be transferred to and rest with the relevant new fire authority.

(2) In this article the expressions “old fire authority” and “new fire authority” mean, respectively, an authority which is a fire authority in Scotland immediately before 16th May 1975 and an authority which is a fire authority in Scotland on that date and, except where paragraph (3) 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 it means the council of the Strathclyde Region in relation to a former member of the South-Western Fire Brigade who is in receipt of, or entitled to, an award.

(3) In the case of a member of a fire brigade maintained by an old fire authority who is, on 16th May 1975, 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(a), (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.

(4) 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 of the Local Government (Scotland) Act 1973, 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:

---

(a) S.I. 1973/966 (1973 II, p. 2906).

---

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

*Incidental and Supplemental Provisions*

5. This order shall have effect without prejudice to any agreement between police or fire authorities, or reference to arbitration, under section 25 of the Local Government (Scotland) Act 1973 as applied by section 215(6) thereof, with respect to the making of financial adjustments.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh.  
17th April 1975.

---

EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order transfers to new authorities liabilities in respect of the payment of police, special constabulary, police cadet and fire service pensions. In particular, it takes account of the replacement on 16th May 1975 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.

SI 1975/676  
ISBN 0-11-050676-6

