
 STATUTORY INSTRUMENTS

1978 No. 1727 (S. 152)

FIRE SERVICES

**The Fire Services (Appointments and Promotion) (Scotland)
Regulations 1978**

Made - - - - 22nd November 1978

Laid before Parliament 11th December 1978

Coming into Operation 1st January 1979

In exercise of the powers conferred on me by section 18(1) of the Fire Services Act 1947(a), as amended by section 6 of the Fire Services Act 1959(b), and after consultation with the Scottish Central Fire Brigades Advisory Council, I hereby make the following regulations:—

Citation, commencement and interpretation

1. These regulations may be cited as the Fire Services (Appointments and Promotion) (Scotland) Regulations 1978 and shall come into operation on 1st January 1979.

2.—(1) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations—

- (a) the expression “brigade” means a fire brigade maintained by a fire authority in Scotland under the provisions of the Fire Services Act 1947 as amended by the Local Government (Scotland) Act 1973(d);
- (b) the expression “control room duties” means duties in connection with the reception, transmission and recording of calls for the assistance of a brigade and with the transmission of instructions regarding the provision of such assistance by a brigade as may be required in any case and performed by a person appointed on a contract under which he is not required to engage in fire-fighting;
- (c) the expression “the Institution of Fire Engineers” means the limited company incorporated by that name on 25th July 1924;
- (d) the expression “operational service”, in relation to any person, means whole-time service as a member of a brigade, or of a fire brigade maintained by a fire authority in England and Wales under the Fire Services Act 1947, holding a rank higher than that of junior fireman, or as a person employed by the Fire Authority for Northern Ireland, during any period in which that person in the course of his duty as a member of a brigade, or of such said fire brigade, was under an obligation to engage in fire-fighting;

(a) 1947 c. 41.

(c) 1889 c. 63.

(b) 1959 c. 44.

(d) 1973 c. 65.

(e) the expression "promotion" does not include promotion which is expressed to be temporary only;

(f) the expression "rank" does not include the rank of firemaster.

(3) Any reference in these regulations to the Fire Authority for Northern Ireland shall, in relation to a period before 1st October 1973, be construed as a reference to the Northern Ireland Fire Authority.

(4) These regulations shall have effect as if any reference to a fireman were a reference to a firewoman and as if any reference to the rank of junior fireman, fireman or leading fireman were a reference to the rank of junior firewoman, firewoman or, as the case may be, leading firewoman.

Appointment of firemaster

3. The method of appointment of a firemaster of a brigade shall be as follows, that is to say—

(a) the fire authority maintaining the brigade shall advertise, in newspapers or otherwise, in such manner as to secure that suitably qualified persons may have, a reasonable time before the date on which it is proposed that applications for the appointment are to be considered, an opportunity of knowing that the appointment is to be made and the said date;

(b) the said authority shall consider all applications for the appointment received by them before the said date;

(c) the said authority shall interview such of the persons making such applications as they consider necessary; and

(d) the said authority, before appointing any person, shall obtain the approval of the Secretary of State to the appointment of that person.

Appointment in the rank of junior fireman

4. The qualifications for appointment in the rank of junior fireman in a brigade shall be as follows, that is to say, the person concerned at the time of his appointment—

(a) shall be of good character;

(b) shall have attained the age of 16 years and shall not have attained the age of 17 years 3 months; and

(c) shall have satisfied the firemaster of the brigade that he is likely, on attaining the age of 18 years, to be able to satisfy the qualifications for promotion to the rank of fireman mentioned in sub-paragraphs (c), (d), (e) and (f) of paragraph (1) of regulation 5.

Promotion to, or appointment in, the rank of fireman

5.—(1) The qualifications for promotion to, or, subject as provided in paragraphs (2) and (3) of this regulation, appointment in, the rank of fireman in a brigade in the case of a person who is to serve therein as a whole-time member thereof on terms under which he is required to engage in fire-fighting shall be as follows, that is to say, such person at the time of his promotion or appointment—

- (a) shall be of good character;
- (b) shall have attained the age of 18 years and shall not have attained the age of 31 years, or, in the case of a person who, having undertaken a fixed period of service in the regular armed forces of the Crown or of any part of the Commonwealth or of the Republic of Ireland, has completed that period of service, 35 years;
- (c) subject to paragraph (4) of this regulation shall be at least 1.68 metres in height and have a chest measurement of not less than 91 centimetres when unexpanded with an expansion of not less than 5 centimetres;
- (d) shall have satisfied a duly qualified medical practitioner selected by the fire authority maintaining the brigade that he is fit to undertake fire-fighting duties and that he possesses no physical abnormality and is not suffering from any disease which in either case would be likely to incapacitate him temporarily or permanently for the performance of the said duties;
- (e) shall have satisfied the firemaster of the brigade of his ability to pass the following test of strength, that is to say, a test of his ability to carry a person weighing between 63.5 and 76.2 kilogrammes a distance of 91.44 metres in a time not exceeding 60 seconds; and
- (f) shall have passed such examination in educational subjects as the fire authority may require, being either an examination set by that authority or another examination, and being in either case such an examination as necessitates a reasonable standard of proficiency in reading, writing, arithmetic and such other subjects, if any, as the authority may require.

(2) Nothing in paragraph (1) of this regulation shall apply with respect to the appointment of a person if, at the time when he applies for the appointment, he is serving as a whole-time member of another brigade, or of a fire brigade maintained by a fire authority in England and Wales under the provisions of the Fire Services Act 1947, in a rank higher than that of junior fireman, or as a person employed whole-time by the Fire Authority for Northern Ireland as a fire officer or fireman, and is so serving on terms under which he is required to engage in fire-fighting and whose engagement as such a member or person is not expressed to be temporary only.

(3) Sub-paragraphs (b) and (f) of paragraph (1) of this regulation shall not apply with respect to the appointment of a person to a brigade who has previously served as a whole-time member of the same or another brigade or of a fire brigade maintained by a fire authority in England and Wales under the provisions of the Fire Services Act 1947, in a rank higher than that of a junior fireman, or as a person employed whole-time by the Fire Authority for Northern Ireland as a fire officer or fireman and was, immediately before he ceased so to serve, serving on terms under which he was or might be required to engage in fire-fighting and whose engagement as such a member or person was not expressed to be temporary only.

(4) A junior fireman may be promoted to the rank of fireman in a brigade notwithstanding that he does not possess the qualifications mentioned in paragraph (1)(c) of this regulation if, after considering the circumstances of his case, the fire authority—

- (a) first draw the attention of the medical practitioner selected for the purpose of paragraph (1)(d) to the fact that he does not possess the said qualifications; and
- (b) thereafter decide that this paragraph shall have effect in his case.

Promotion to a rank higher than that of fireman

6.—(1) The qualifications for promotion to a rank higher than that of fireman in a brigade, in the case of a person who is neither a part-time member of a brigade nor serving in the brigade on terms under which he is engaged on control room duties, shall be as provided in paragraphs (2), (3), (4) or (5) of this regulation with respect to the ranks specified respectively therein, provided that a person may with approval of the Secretary of State be promoted to such a rank to perform in that rank particular duties for which special qualifications are required if he possesses these qualifications notwithstanding that he does not possess the qualifications required under this regulation for promotion to that rank.

(2) For promotion to the rank of leading fireman the qualifications of a member of a brigade shall be as follows, that is to say, he shall have had not less than 2 years' operational service, and shall have passed the examinations specified in Schedule 1 to these regulations.

(3) For promotion to the rank of sub-officer the qualifications of a member of a brigade shall be as follows, that is to say, he shall have had not less than 4 years' operational service, and shall have passed the examinations specified in Schedule 2 to these regulations.

(4) For promotion to the rank of station officer the qualifications of a member of a fire brigade shall be as follows, that is to say, he shall have had not less than 5 years' operational service, and shall—

- (i) have passed the examination specified in Schedule 3 to these regulations, or
- (ii) be a graduate of the Institution of Fire Engineers, having passed during or after the year 1963 the graduateship examination of the said Institution.

(5) For promotion to any rank above that of station officer the qualification of a member of a brigade shall be that he is of a rank not lower than that of station officer.

Temporary promotion

7. A member of a brigade who is required to perform the duties of a higher rank may be promoted temporarily to that rank.

Appointment in a rank higher than that of fireman

8.—(1) The qualifications for appointment in a rank higher than that of fireman in a brigade, in the case of a person who is not a member of the brigade and who is to serve therein as a whole-time member thereof on terms under which he will not be solely engaged on control room duties, shall be as follows, that is to say, he shall, at the time when it is decided to appoint him to the said rank, be—

- (a) a whole-time member of another brigade, serving therein on terms under which he is or may be required to engage in fire-fighting, not being a person who is serving in that other brigade on terms under which his employment therein is temporary only, and either holding a rank not lower than the rank to which he is to be appointed or possessing such qualifications as would be required under regulation 6 of these regulations for promotion to that rank in such other brigade, or
- (b) a person who is such a person as is mentioned in paragraph (3) of regulation 5 of these regulations and who immediately before he ceased so to serve either held a rank not lower than the rank to which he is to be appointed or possessed such qualifications as would be required under regulation 6 of these regulations for promotion to that rank.

(2) For the purposes of this regulation, membership of a fire brigade maintained by a fire authority in England and Wales under the Fire Services Act 1947 shall be deemed to be membership of a brigade, and any person possessing such qualifications as may be required under any regulations made under section 18(1) of the said Act of 1947 for promotion to any rank in such a fire brigade shall be deemed to possess the qualifications required under regulation 6 of these regulations for promotion to the respective rank in a brigade.

(3) For the purposes of this regulation, employment by the Fire Authority for Northern Ireland as a fire officer or fireman shall be deemed to be membership of a brigade, and any person possessing such qualifications as may be required for promotion to a rank shall be deemed to possess the qualifications required under regulation 6 of these regulations for promotion to the same rank, subject to such modifications as are necessary to take account of the changes in the nomenclature of Northern Ireland ranks made with effect from 1st October 1973.

Conduct of examinations

9.—(1) The examinations specified in Schedule 1, Schedule 2, and Schedule 3 to these regulations shall be conducted in accordance with the Scheme set out in Schedule 4 to these regulations.

(2) Failure to pass an examination shall not disqualify a candidate from presenting himself for the same examination at a future date.

Revocations

10.—(1) The Fire Services (Appointments and Promotion) (Scotland) Regulations 1968(a) and the Fire Services (Appointments and Promotion) (Scotland) Amendment Regulations 1976(b) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply in relation to the regulations revoked by paragraph (1) as if this regulation were an Act of Parliament and as if the said regulations were Acts of Parliament repealed by an Act of Parliament.

(3) Any appointment, promotion or application made, or test or examination passed, or advertisement published, or notice given, or other thing done, under any provision of the regulations revoked by paragraph (1) of this regulation, or under any provision of any regulations revoked by those regula-

(a) S.I. 1968/1745.

(b) S.I. 1976/2159.

tions, shall not be invalidated by such revocation, but in so far as it could have been made, passed, published, given or done under any provision of these regulations shall have effect as if it had been made, passed, published, given or done under that provision.

(4) Any reference in any document to the regulations revoked by paragraph (1) of this regulation or to any provision of those regulations shall, unless the context otherwise requires, be construed as a reference to these regulations or to the corresponding provision of these regulations.

New St. Andrew's House,
Edinburgh.
22nd November 1978.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

SCHEDULE 1

Regulation 6(2)

QUALIFICATIONS FOR THE RANK OF LEADING FIREMAN

Part I

Written Examination

An examination in the following subjects, that is to say: —

- (a) technical calculations on fire service subjects;
- (b) buildings, their construction, and fire protection;
- (c) practical firemanship; and
- (d) knowledge of standard appliances and equipment.

Part II

Practical Examination

An oral and practical test of, (i) ability to conduct standard drills and instruct crews in the standard methods of using appliances and equipment, and (ii) knowledge of first aid.

Regulation 6(3)

SCHEDULE 2

QUALIFICATIONS FOR THE RANK OF SUB-OFFICER

Part I

Written Examination

An examination in the following subjects, that is to say: —

- (a) written communications and interpretation;
- (b) practical firemanship and taking charge of a fire situation;
- (c) general technical knowledge of appliances and equipment; and
- (d) fire station administration and management.

Part II

Practical Examination

An oral and practical test of, (i) ability to conduct standard drills and instruct crews in the standard methods of using appliances and equipment, and (ii) knowledge of fireground procedure.

SCHEDULE 3

Regulation 6(4)

QUALIFICATIONS FOR THE RANK OF STATION OFFICER

Written Examination

An examination in the following subjects, that is to say: —

- (a) fireground procedure and communications;
- (b) fire prevention;
- (c) organisation and administration of the fire service; and
- (d) science.

SCHEDULE 4

*Regulation 9(1)*SCHEME FOR THE CONDUCT OF QUALIFYING EXAMINATIONS FOR THE RANKS
OF LEADING FIREMAN, SUB-OFFICER AND STATION OFFICER

1.—(1) The examinations to be held in terms of regulation 9 of these regulations shall be conducted in accordance with arrangements made by an Examinations Board which shall be known as the Fire Services Examinations Board (Scotland) (hereafter in this Schedule referred to as “the Board”).

(2) For the purposes of any examination to be held under this regulation, the Board shall be constituted in accordance with the following provisions of this Schedule.

2. The Board shall consist of 16 members, of whom 2 each shall be appointed by the Chief and Assistant Chief Fire Officers' Association; the National Association of Fire Officers; the Fire Brigades Union; the Institution of Fire Engineers; and 4 each by the Convention of Scottish Local Authorities and the Secretary of State.

The Chairman of the Board shall be appointed by the Board from among its own members.

3. The members of the Board appointed shall hold office for such period, not exceeding 3 years, as the appointing body, or, as the case may be, the Secretary of State, may determine, and shall be eligible for re-appointment. Any casual vacancy may be filled by an appointment made by the body, or by the Secretary of State as the case may be, by whom the member who ceases to hold office was appointed. Each body and the Secretary of State

may nominate a substitute member and any substitute member may attend any meeting of the Board in place of an appointed member. Five members present at any meeting of the Board shall form a quorum.

4. Written examinations shall be held each year on such days and at such centres as the Board may decide.

5. On or before such dates in each year as the Board may intimate, firemasters shall submit to the Board a list of the names of the candidates who have notified them that they desire to sit the written examinations and no candidate shall be examined whose name has not been so submitted.

6. The written examinations shall be in the subjects specified in Part I of Schedule 1, Part I of Schedule 2, and Schedule 3 to these regulations, and the Board shall issue an examination syllabus and may from time to time revise the syllabus and issue revised editions of it.

7. The Board shall prepare, or arrange for the preparation of, all written examination papers.

8. Examination papers shall be distributed by the Board to examining centres not less than 3 days before the date of the examination.

9. Candidates' papers shall be sent by the person conducting the examination to the Board, who shall arrange for the papers to be marked.

10. A candidate shall not be eligible: —

(a) to enter for the examinations specified in Schedule 2 to these regulations unless he has passed the examinations specified in Schedule 1 to these regulations;

(b) to enter for the examination specified in Schedule 3 to these regulations unless he has passed the examinations specified in the said Schedule 2.

11. Practical examinations in the subjects specified in Part II of Schedule 1 and Part II of Schedule 2 shall be conducted on such dates in each year as the Board shall decide. The practical examinations in the subjects specified in Part II of Schedule 1 shall be conducted by fire authorities under direction of the Board. The practical examinations in the subjects specified in Part II of Schedule 2 shall be conducted by the Board at such centres as the Board may determine. Except with the approval of the Board, no candidate may present himself for a practical examination more than once in any year.

12. For the purpose of conducting the practical examinations specified in Part II of Schedule 2 the Board may appoint annually an examining panel or panels of fire brigade officers, the senior member of which shall be of not less than Divisional Officer (Grade II) rank.

13. The fire authority, in the case of examinations specified in Part II of Schedule 1, and the examining Panel, in the case of examinations specified in

Part II of Schedule 2, shall supply to the Board within 7 days after each practical examination a written report on each candidate presented for the examination, stating whether the candidate has passed or failed and, in the case of failure, the reason or reasons for this.

14. A candidate desirous of sitting the practical examination in Part II of Schedule 1 shall have passed a written examination in the subjects specified in Part I of Schedule 1, and he shall be deemed to have passed so much of the test specified in Part II of that Schedule as relates to knowledge of first-aid if at the time he takes the remainder of the test he is the holder of any of the following certificates in first-aid issued in the immediately preceding period of 3 years, that is to say—a certificate issued by the St. Andrew's Ambulance Association, the St. John Ambulance Association, the British Red Cross or other body accepted by the Board as certifying a satisfactory standard of knowledge of first-aid.

15. A candidate desirous of sitting a practical examination in the subjects specified in Part II of Schedule 2 shall have passed the written examination in the subjects specified in Part I of Schedule 2.

16. The Board shall intimate to the firemasters concerned the results of the examinations, stating in the case of each candidate whether he has passed or failed; every candidate shall be informed by the firemaster of his brigade whether he has passed or failed an examination.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate with amendments the Fire Services (Appointments and Promotion) (Scotland) Regulations 1968 and the amending Regulations of 1976 in force under Section 18(1) of the Fire Services Act 1947, which provide for the procedure and qualifications for appointment to, and promotion in, fire brigades in Scotland.

The principal changes are in the specifications of the examinations which qualify for promotion to leading fireman, sub-officer and station officer.

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