
 STATUTORY INSTRUMENTS

1982 No. 114

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) Order 1982

<i>Made - - - -</i>	<i>2nd February 1982</i>
<i>Laid before Parliament</i>	<i>11th February 1982</i>
<i>Coming into Operation</i>	<i>8th March 1982</i>

In exercise of the powers conferred upon me by section 26 of the Fire Services Act 1947 (a), as amended and extended by section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (b) and sections 12 and 16 of the Superannuation Act 1972 (c), 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. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order 1982.

2. This Order shall come into operation on 8th March 1982 and shall have effect as from 1st July 1979.

3.—(1) In this Order, "the 1973 Scheme" means the Firemen's Pension Scheme 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order 1973 (d), other than Articles 16D (1), 56, 57, 58, Part V of Schedule 2, Part IV of Schedule 3 and Schedule 7.

(2) Subject to the following provisions of this Article, the pensionable pay for the purposes of the 1973 Scheme of a chief fire officer or firemaster or an assistant chief fire officer or assistant firemaster, for any period after 30th June 1979 and before 1st January 1980 shall be the pensionable pay to which an officer would have been entitled for a corresponding period beginning 1st January 1980 if his circumstances had been identical to those of the chief fire officer or firemaster or assistant chief fire officer or assistant firemaster in question during the earlier period (the pensionable pay of a chief fire officer or firemaster so determined being in paragraph (4) below referred to as his notional pensionable pay).

(3) Notwithstanding paragraph (2) above, the pensionable pay for the purposes of the 1973 Scheme, for any period after 30th June 1979 and before 1st January 1980, of an assistant chief fire officer or assistant firemaster who, during the period in question, was in a post the pay for which was not increased on 1st January 1980 shall, except as provided in paragraph (4) below, be calculated without reference to the provisions of this Order.

(a) 1947 c.41.

(b) 1951 c.65.

(c) 1972 c.11.

(d) S.I. 1973/966, to which there are amendments not relevant to this Order.

(4) Where, for any period after 30th June 1979 and before 7th November 1979, the pay of the officer in question would have been an amount greater than it in fact was if the chief fire officer or firemaster in his brigade had for that period been entitled to an amount of pay equal to his notional pensionable pay, then the pensionable pay of that officer for that period shall be that greater amount.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

20th January 1982.

We approve,

Tony Newton,
J. A. Cope,
Two of the Lords Commissioners
of Her Majesty's Treasury.

2nd February 1982.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Article 55 of the Firemen's Pension Scheme 1973 (set out in Appendix 2 to the Firemen's Pension Scheme Order 1973) defines pensionable pay for firemen's pension purposes. This Order modifies that Article in its application to firemen serving in the period after 30th June 1979 and before 1st January 1980 when, because of financial constraints upon fire authorities, the full implementation of pay increases to chief fire officers (in Scotland, firemasters), assistant chief fire officers and assistant firemasters was delayed. In the case of chief fire officers and firemasters part of the increase which would have been paid on 1st July 1979 was, in fact, delayed until 1st January 1980 and this had a similar effect on most assistant chief fire officers and assistant firemasters because of their pay relativity. This Order ensures that the delay in implementing the pay increases does not affect pensions. Some assistant chief fire officers and assistant firemasters remained on guaranteed minimum rates of pay during the relevant period and special provision is made for them by Article 3(3) and (4). Retrospective effect is authorised by sections 12 and 16 of the Superannuation Act 1972.

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