

1972. No. 157

[C]

FIREMEN'S PENSIONS

The Ministry of Home Affairs, with the approval of the Ministry of Finance, on behalf of the Secretary of State in exercise of the powers conferred on it by Section 17 of the Fire Services Act (Northern Ireland) 1969(a) and of every other power enabling it in that behalf, hereby makes the following Order:—

Citation

1. This Order may be cited as the Firemen's Pension Scheme (Amending) Order (Northern Ireland) 1972.

Commencement

2.—(1) This Order shall come into operation on 1st August 1972 and the amendment made by Article 5(2) shall have effect from that date.

(2) The other amendments made by this Order shall have effect as from 1st September 1971.

Amendment of the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955

3. For Scheme I in Part 1A of Appendix III to the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(b), as set out in Article 2(2)(a) of the Firemen's Pension Scheme Order (Northern Ireland) 1971(c), there shall be substituted the following Scheme:—

"SCHEME I

The widow's pension shall be the amount specified in the following table appropriate to the rank of her husband when he last ceased to be a member:—

Husband's rank when he last ceased to be a member	Amount
Higher than that of Senior Company Officer	£4.47
Company Officer or Senior Company Officer	£3.72
Lower than Company Officer	£2.85 "

4. Part 1A of Appendix III to the Schedule to the said Order shall be amended as indicated in the sub-joined tables relating to paragraph 1 and paragraph 2 of the said Part, respectively:—

"Table relating to paragraph 1

Item in paragraph (1)	Amount specified in item in column (1) (2)	Amount to be substituted for amount in column (2) (3)
(a)	twelve shillings and eightpence	£1.17
(b)	eleven shillings	£0.95
(c)	ten shillings	£0.79

(a) 1969. c. 13 (N.I.).

(c) S.R. & O. (N.I.) 1971, No. 33.

(b) S.R. & O. (N.I.) 1955, No. 181.

Table relating to paragraph 2

Item in paragraph (1)	Amount specified in item in column (1) (2)	Amount to be substituted for amount in column (2) (3)
(a)	sixteen shillings and eightpence	£1.75
(b)	fourteen shillings and threepence	£1.41
(c)	twelve shillings and eightpence	£1.18 "

Amendment of the Firemen's Pension Scheme (Northern Ireland) 1971

5.—(1) The Firemen's Pension Scheme (Northern Ireland) 1971(d) shall be amended in accordance with the following paragraphs:—

(2) For Article 4(2)(b) and (c) there shall be substituted the following:—

“(b) any disablement pension payable under section 12 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(e) in respect of the qualifying injury at the rate mentioned in that section or so much of any such pension as relates to that injury, together with—

(i) any increase in any such pension by way of unemployability supplement under section 13 of the said Act or so much of any such increase as is proportionate to that part of the said pension which relates to that injury so, however, that where he is entitled to an unemployability supplement which is increased under section 13(3) of the said Act, the unemployability supplement shall be deemed not to have been so increased;

(ii) any increase in such pension payable on account of special hardship or in respect of children or adult dependants under section 14, 17 or 18 of the said Act or, subject as is hereinafter provided, so much of any such increase as is proportionate to that part of the said pension which relates to that injury;

(iii) so long as he is receiving treatment as an in-patient at a hospital as a result of that injury, any increase in such pension payable under section 16 of the said Act or in respect of children or adult dependants under section 17 or 18 of that Act;

(c) until the first day after his retirement which is not, or is deemed not to be, a day of incapacity for work under section 19 of the National Insurance Act (Northern Ireland) 1966(f) or regulations made thereunder—

(i) any sickness benefit paid under the said Act together with any supplement thereto payable under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966(g) or

(ii) any invalidity pension payable by virtue of the Social Services (Parity) Order (Northern Ireland) 1971(h).”

(3) For Article 12(1) there shall be substituted the following:—

“(1) This Article shall apply to the widow of a regular fireman who dies from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such injury, where one of the following conditions is satisfied, namely that—

(d) Appendix to S.R. & O. (N.I.) 1971, No. 33.
(e) 1966, c. 9 (N.I.).
(f) 1966, c. 6 (N.I.).
(g) 1966, c. 16 (N.I.).
(h) S.R. & O. (N.I.) 1971, No. 224.

- (a) the injury was received in the execution of duties which were performed by the fireman—
- (i) for the immediate purpose of saving the life of another person or of preventing loss of human life, and
 - (ii) in circumstances in which there was an intrinsic likelihood of his receiving a fatal injury, or
- (b) the Authority are of the opinion that the preceding conditions may be satisfied and that this Article should apply, or
- (c) the Authority are of the opinion that the injury was received otherwise than as aforesaid but in the course of duties performed in such circumstances that it would be inequitable if there were not payable in respect of him such an award as would be payable had the condition specified in sub-paragraph (a) been satisfied."

(4) For paragraph 2 of Part I of Schedule 2 there shall be substituted the following:—

"2.—(1) Subject to sub-paragraph (2), where in respect of any period the widow so elects her ordinary pension in respect of that period shall be of such amount that the rate of payment is as specified in the following table as appropriate to her husband's last rank:—

Husband's last rank	Rate
Lower than that of Company Officer	£148.27 a year
Company Officer or Senior Company Officer	£193.62 a year
Higher than that of Senior Company Officer	£233.03 a year

(2) Where the husband was entitled to reckon at least 10 years' pensionable service sub-paragraph (1) shall have effect as if each of the rates specified were increased by £10 a year."

(5) In Part II of Schedule 2 the first sentence shall end with the words "higher pension" and accordingly any words following those words shall be omitted from the sentence.

(6) For Scheme I in the said Part II there shall be substituted the following Scheme:—

"SCHEME I

The pension shall be of such amount that the rate of payment is as specified in the following table as appropriate to her husband's last rank:—

Husband's last rank	Rate
Lower than that of Company Officer	£148.27 a year
Company Officer or Senior Company Officer	£193.62 a year
Higher than that of Senior Company Officer	£233.03 a year"

(7) For Part I of Schedule 3 there shall be substituted the following Part:—

“PART I

CHILD'S ORDINARY ALLOWANCE

Subject to Part III of this Schedule, the child's allowance shall be of such amount that the rate of payment is as specified in the following table as appropriate to the father's last rank and to whether or not the mother is alive:—

Father's last rank	Rate
(1) where the mother of the child is alive:—	
Below that of Company Officer	£41.26 a year
Company Officer or Senior Company Officer	£49.26 a year
Higher than Senior Company Officer	£60.96 a year
(2) where the father was the child's only surviving parent or in respect of the period after the death of the mother:—	
Below that of Company Officer	£61.58 a year or such higher rate not exceeding £81.28 a year as the Authority may from time to time determine
Company Officer or Senior Company Officer	£73.27 a year or such higher rate not exceeding £97.29 a year as the Authority may from time to time determine
Higher than Company Officer	£91.13 a year or such higher rate not exceeding £121.30 a year as the Authority may from time to time determine”

(8) For the second sentence in paragraph 1(1) of Part III of Schedule 3 there shall be substituted the following sentence:—

“In this sub-paragraph the expression “increased allowance” in relation to a child's special allowance means the amount which would be payable in respect thereof by virtue of this Scheme and the Pensions (Increase) Act (Northern Ireland) 1971(i), as modified in its application to a fire service pension, if this paragraph were not in force.”

Sealed with the Official Seal of the Ministry of Home Affairs this 3rd day of July 1972.

(L.S.)

E. N. Barry,
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby approves of the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance this 4th day of July 1972.

(L.S.)

C. F. Darling,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order makes three changes in the provisions relating to fire service pensions.

The first change is that flat-rate pensions for widows and allowances for children have been increased as from 1st September, 1971, the date from which the increases under the Pensions Increase Act (Northern Ireland) 1971 became payable in pensions based on pay.

The second change relates to widows of firemen. Where a fireman's death is the result of an injury received while saving life the widow's entitlement to an augmented award is no longer dependent upon the opinion of the fire authority that this condition is fulfilled. In addition where this condition is not fulfilled but the fire authority are of the opinion that it would be inequitable in the circumstances that she should not receive an augmented award she is entitled to such an award.

The third change is in the provision relating to the National Insurance benefits to be taken into account in the calculation of a fireman's special pension. This is amended in consequence of the benefit changes made by the Social Services (Parity) Order (Northern Ireland) 1971.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.