

Fire Services Act, 1959

7 & 8 ELIZ. 2 CH. 44

ARRANGEMENT OF SECTIONS

Section

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CHAPTER 44

An Act to amend the Fire Services Act, 1947, and make further provision as to the pensions of persons transferring to or from the fire service and as to members of fire brigades becoming temporary instructors in training establishments.

[9th July, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The following provisions of the principal Act shall cease to have effect, that is to say,—

- (a) subsection (3) of section one (which enables the Secretary of State to prescribe standards of efficiency) ;
- (b) subsection (3) of section three (which restricts the employment of fire brigades and equipment for purposes other than fire fighting) ;
- (c) section twenty (which requires county councils to have fire brigade committees constituted in accordance with management schemes approved by the Secretary of State) ;
- (d) the First Schedule (which requires an opportunity to be given to councils of county districts of making representations concerning draft establishment or management schemes).

Repeal of certain provisions as to exercise of functions by fire authorities.

2. For subsection (3) of section two of the principal Act (which enables the Secretary of State to make a reinforcement schemes).

scheme for any fire authorities) there shall be substituted the following subsection:—

“(3) Where a fire authority cannot obtain the agreement of another fire authority or other fire authorities to the making, variation or revocation of a reinforcement scheme, the Secretary of State may, at the request of the authority and after giving both or all the authorities concerned an opportunity to make representations to him, direct that such scheme or variation as may be specified in the direction shall be made by the authorities or, as the case may be, that the scheme shall be revoked.”;

subsection (7) of that section (which relates to the variation of such a scheme) shall be omitted, and for subsections (2) and (5) of that section there shall be substituted respectively the following subsections:—

“(2) Any reinforcement scheme and the variation or revocation of any reinforcement scheme shall be notified to the Secretary of State.”

“(5) A direction by the Secretary of State for the making or variation of a reinforcement scheme may provide for such uniformity of equipment as appears to him to be necessary for the purpose of ensuring that the fire brigades affected will be able to render efficient assistance in pursuance of the scheme.”

Joint committees.

3. For subsection (1) of section seven of the principal Act (which requires the approval of the Secretary of State to the appointment of joint committees for the purposes of that Act) there shall be substituted the following subsection:—

“(1) Where a joint committee under section ninety-one of the Local Government Act, 1933, is appointed for the purposes of this Act by any fire authorities, they shall notify the Secretary of State.”

23 & 24 Geo. 5.
c. 51.

Arrangements for discharge of functions of fire authority by provision of services by other authority or persons.

4.—(1) For subsection (2) of section twelve of the principal Act (which provides that where a fire authority have requested another fire authority to enter into arrangements for the provision of services by the other authority but no such arrangements have been entered into, the first-mentioned authority may request the Secretary of State to determine what arrangements, if any, should be made) there shall be substituted the following subsection:—

“(2) Any fire authority who have requested, or have been requested by, another fire authority to enter into arrangements under the last foregoing subsection, or to vary or cancel any such arrangements, may, in the absence of agreement between them, request the Secretary of State to

determine what arrangements, if any, should be entered into or, as the case may be, what variation, if any, should be made or whether the arrangements should be cancelled.”

(2) For subsection (3) of that section (which enables the Secretary of State, with a view to greater efficiency or economy, to initiate such arrangements) there shall be substituted the following subsection:—

“(3) Where it appears to the Secretary of State expedient with a view to securing greater efficiency that it is for consideration whether arrangements under subsection (1) of this section should be entered into by two fire authorities or whether any such arrangements should be varied or cancelled, he may give notice to the authorities accordingly.”;

and in subsection (5) of that section (which enables the Secretary of State, after a request under subsection (2) or notice under subsection (3) thereof, to direct the fire authorities to enter into such arrangements) the words “or economy” shall be omitted, after the words “subsection (1) of this section” there shall be inserted the words “or that such arrangements should be varied or cancelled” and at the end of the subsection there shall be added the words “or, as the case may be, shall make such variations in the arrangements as may be so specified or shall cancel the arrangements.”

(3) The approval of the Secretary of State shall not be required for the taking effect of any arrangements made under the said section twelve but shall be required for the variation or cancellation of any arrangements entered into or varied in pursuance of any direction under subsection (5) of that section; and the making, variation or cancellation of any arrangements under that section shall be notified to him.

5. In subsection (1) of section seventeen of the principal Act (which enables the Secretary of State to make regulations as to conditions of service, and in particular as to the matters specified in paragraphs (a) to (d) of that subsection) for the words “and in particular” there shall be substituted the words “as follows, that is to say”, and paragraphs (a) and (b) (which relate to ranks, pay and allowances, and to hours of duty and leave) and the words following paragraph (d) (which extend the meaning of the expression “conditions of service”) shall be omitted. Conditions of service.

6. In subsection (1) of section eighteen of the principal Act (which enables the Secretary of State to make regulations as to the matters specified in paragraphs (a) to (d) thereof) paragraphs (b) and (d) (which relate to the procedure for the appointment of members, other than chief officers, of fire brigades and Appointments and promotions.

for promotion into any rank therein) shall be omitted; and in paragraph (c) (which relates to qualifications for appointment and promotion) there shall be added after the words "any such rank" the words "and the method of ascertaining any such qualifications".

Establishment
schemes.

7.—(1) For subsection (3) of section nineteen of the principal Act (which requires the approval of the Secretary of State for the coming into force of an establishment scheme) and subsection (4) of that section (which relates to the variation of an establishment scheme) there shall be substituted the following subsections:—

"(3) Every fire authority shall notify the Secretary of State not later than the end of January in any year of the establishment scheme in force in their area on the first day of January in that year.

(4) A fire authority shall not vary the establishment scheme for their area by closing a fire station or reducing the number of—

- (a) whole-time members of any rank of the fire brigade to which the scheme relates, other than members whose duties do not normally include fire fighting,
- (b) part-time members of that brigade,
- (c) pumping appliances kept ready to attend fires, or
- (d) other appliances kept ready to attend fires,

except with the approval of the Secretary of State.";

and the subsection substituted for the said subsection (3) shall be deemed to be included among the provisions applied by subsection (6) of that section to schemes made by the Secretary of State.

(2) The provisions of the said section nineteen shall apply in relation to a fire authority constituted by a combination scheme (or, in Scotland, an administration scheme) as they apply in relation to other fire authorities, and accordingly no provision shall be made in any combination or administration scheme for matters to which establishment schemes relate; but—

- (a) any combination or administration scheme, and any scheme revoking a combination scheme, shall require the authority constituted by the scheme, or each of the councils becoming fire authorities in consequence of the revocation, to submit (before the authority or council become a fire authority) an establishment scheme for their area to the Secretary of State, and the Secretary of State may approve it with or without modification, and the scheme shall come into force as approved by him when the authority or council become a fire authority; and

- (b) any provision relating to matters to which establishment schemes relate which is in force at the commencement of this Act as part of a combination or administration scheme or of a scheme revoking a combination scheme shall be deemed to be an establishment scheme made under the said section nineteen.

8.—(1) The Firemen's Pension Scheme may include provision as to the times at which and the circumstances in which members of fire brigades maintained in pursuance of the principal Act are or may be required to retire otherwise than on the ground of misconduct. Firemen's Pension Scheme.

(2) The power to make an order varying the Firemen's Pension Scheme shall include power to vary the conditions subject to which or the time during which any pension, allowance or gratuity is payable under the Scheme to or in respect of persons ceasing before the coming into operation of the order to be employed as members of fire brigades or in employment which under the Scheme is treated as if it were employment as such a member.

(3) Any provision for the return or application of contributions under the Firemen's Pension Scheme which is included in the Scheme by virtue of paragraph (c) of subsection (2) of section twenty-six of the principal Act may be so made as to extend to sums in respect of contributions made otherwise than under the Scheme during employment which under the Scheme is reckoned as if it were employment as a member of a fire brigade.

(4) For the purposes of subsection (2) of section twenty-seven of the principal Act (which in certain circumstances provides for the Firemen's Pension Scheme to have effect subject to certain modifications in the case of a person remaining a member of the same fire brigade) the question whether a person remains a member of the same fire brigade shall be determined as if he continued to be employed as a member of that brigade during any temporary employment which is treated for the purposes of the Scheme as employment as a member of a fire brigade.

9.—(1) The power to make rules under section two of the Superannuation (Miscellaneous Provisions) Act, 1948 (which enables provision to be made with respect to pensions payable to or in respect of persons ceasing to be employed in certain employments and becoming employed in certain other employments) shall extend to cases where the conditions of that section are not satisfied but where— Pensions of persons transferring to or from the fire service. 11 & 12 Geo. 6. c. 33.

- (a) persons who were employed in the National Fire Service became employed in pensionable employment of one of the classes specified in subsection (2) of that section ;
or

- (b) both employments are pensionable employments and one of them is employment in respect of which awards may be made under the Firemen's Pension Scheme ;

and the appropriate Minister, or, as the case may be, one of the appropriate Ministers, for the purposes of subsection (1) of that section shall be the Secretary of State in any case where the said power is exercisable by virtue of this section or where it is exercisable, apart from this section, in the circumstances mentioned in paragraph (a) or paragraph (b) of this subsection.

(2) Rules made by virtue of this section may provide for such of the payments mentioned in subsection (4) of the said section two as the case may require ; and any such rules made with respect to persons who were employed in the National Fire Service and whose employment therein was not pensionable employment shall provide for the payment by any person to whom the rules apply into the Exchequer, to a local authority or into any of the funds mentioned in the said subsection (4) of sums corresponding to the contributions he would have had to make in that employment had it been pensionable employment.

(3) Section twenty-eight of the principal Act (which enables the Secretary of State to make regulations with respect to pensions payable to persons who on ceasing to be employed in the fire service entered or enter certain other employments) shall cease to have effect, but any regulations made under that section shall be treated as if they were rules made by virtue of this section.

10. Where a member of a fire brigade maintained by a fire authority becomes, with the consent of the authority, employed as a temporary instructor at the central training institution or at any training centre maintained by the Secretary of State or a fire authority, his employment as such an instructor shall be deemed to be employment as a member of that brigade—

- (a) for all purposes other than the purposes of the Firemen's Pension Scheme ; and
 (b) if his employment is at a training centre maintained by a fire authority, also for the purposes of that Scheme.

11. For subsection (19) of section thirty-six of the principal Act there shall be substituted the following subsection :—

“(19) Any inquiry which the Secretary of State is under this Act required or authorised to hold shall be held in public, and the provisions of subsections (3) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall have effect in relation thereto.”

Employment
as temporary
instructor.

Public
inquiries in
Scotland.

10 & 11 Geo. 6.
c. 43.

12.—(1) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under any other enactment.

(2) There shall be paid into the Exchequer any increase attributable to the provisions of this Act in the sums so payable under any other enactment.

13.—(1) In this Act—

Interpretation.

“the principal Act” means the Fire Services Act, 1947; 10 & 11 Geo. 6.

“the Firemen’s Pension Scheme” means any scheme made under section twenty-six of the principal Act and for the time being in force; c. 41.

and any expression used in this Act and the principal Act has the same meaning in this Act as in that Act.

(2) References in this Act to any enactment are references thereto as amended by any other enactment, including, except where the context otherwise requires, this Act.

14.—(1) This Act may be cited as the Fire Services Act, 1959, and this Act and the Fire Services Acts, 1947 and 1951, may be cited together as the Fire Services Acts, 1947 to 1959.

Short title,
citation,
commence-
ment, extent
and repeal.

(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions of this Act.

(3) This Act does not extend to Northern Ireland.

(4) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 41.	The Fire Services Act, 1947.	<p>In section one, subsection (3). In section two, subsection (7). In section three, subsection (3). In section twelve, the proviso to subsection (1); and, in subsection (5), the words "or economy". In section seventeen, in subsection (1), paragraphs (a) and (b) and the words from "References" to the end of the subsection; and subsection (5). In section eighteen, in subsection (1), paragraphs (b) and (d) and the word "and" preceding paragraph (d); and subsection (2). In section nineteen, in subsection (5), paragraph (a); in subsection (6), the words from "submitted" to the end of the subsection; and subsections (7), (9) and (10). Section twenty. Section twenty-eight. In section thirty-six, in subsection (22), paragraphs (c) and (e), and the word "and" preceding paragraph (e).</p>
5 & 6 Eliz. 2. c. 1.	The Police, Fire and Probation Officers Remuneration Act, 1956.	<p>The First and Second Schedules. In section one, in subsection (1), paragraph (c).</p>

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