

1968 No. 157

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) Order 1968

<i>Made</i>	- - - -	7th February 1968
<i>Laid before Parliament</i>	-	15th February 1968
<i>Coming into Operation</i>	-	19th February 1968

In exercise of the powers conferred upon me by section 26 of the Fire Services Act 1947(a), as amended and extended by sections 1 and 2(1) of the Fire Services Act 1951(b), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c) and section 8 of the Fire Services Act 1959(d), 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. For Article 11 of the principal Scheme (which relates to a widow's special pension) there shall be substituted the following Articles:—

“Widow's special pension

11.—(1) Where a regular fireman dies from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such an injury, his widow shall be entitled to a widow's special pension.

(2) Without prejudice to Article 11A, a widow's special pension shall be of an amount calculated in accordance with Part IV of Schedule 2, subject however to Schedule 4.

Widow's augmented award where husband's death results from an injury received in saving life

11A.—(1) This Article shall apply to a widow of a regular fireman who dies on or after 19th February 1968 from the effects of a qualifying injury or from the effects of infirmity of mind or body occasioned by such an injury, where the injury was received in the execution of duties which, in the opinion of the fire authority, were performed by the fireman—

- (a) for fire-fighting purposes and for the immediate purpose of saving the life of another person or of preventing loss of human life, and
- (b) in circumstances in which there was an intrinsic likelihood of the fireman receiving a fatal injury.

(a) 1947 c. 41.
(c) 1951 c. 65.

(b) 1951 c. 27.
(d) 1959 c. 44.

(2) A widow's special pension payable to a widow to whom this Article applies shall be of an amount calculated in accordance with Part VI of Schedule 2 in respect of any week for which the amount of the pension so calculated is greater than the amount calculated in accordance with Part IV of Schedule 2, subject however, in either case, to Schedule 4.

(3) A widow to whom this Article applies shall be entitled to a gratuity in addition to a widow's special pension.

(4) The gratuity under paragraph (3) shall be of an amount equal to twice the annual pensionable pay, at the date of the death of the person in respect of whom the gratuity is payable, of a regular fireman—

- (a) holding the rank of fireman in the fire brigade maintained by the Greater London Council, and
- (b) entitled to reckon 30 years' service for the purposes of pay."

2. In Article 13 of the principal Scheme (which provides that a widow shall not be entitled to a pension if she married her husband after he ceased to serve as a fireman) for the word "pension" there shall be substituted the word "award".

3. After Article 17 of the principal Scheme (which relates to a child's special allowance) there shall be inserted the following Article:—

"Child's gratuity where father's death results from an injury received in saving life

17A.—(1) This Article shall apply to a child of a regular fireman who dies on or after 19th February 1968 in the circumstances mentioned in Article 11A(1) and does not leave a widow entitled to a gratuity under Article 11A(3):

Provided that this Article shall apply to a child who at the date of the parent's death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is receiving full-time education or is an apprentice.

(2) A child to whom this Article applies shall be entitled to a gratuity, as hereinafter provided, in addition to a child's special allowance.

(3) The gratuity under paragraph (2) shall be of the like amount as a widow's gratuity under Article 11A(3) except that, where two or more gratuities are payable under paragraph (2) in respect of the death of the same person, each gratuity shall be of the said amount divided by the number of such gratuities."

4. At the end of Article 20 of the principal Scheme (which provides that a child's right to an allowance shall depend upon age and other matters) there shall be added the following paragraph:—

"(2) This Article shall apply in relation to a child's gratuity under Article 17A as it applies in relation to a child's special allowance."

5. For paragraphs (1) and (2) of Article 63 of the principal Scheme (which relates to awards to widows of part-time firemen) there shall be substituted the following paragraphs:—

“(1) Where a part-time member of a brigade dies from the effects of an injury received without his own default in the execution of his duties as such a member or from the effects of infirmity of mind or body occasioned by such an injury, his widow shall be entitled to—

- (a) a widow’s injury pension as hereinafter provided, and
- (b) where the part-time member last ceased to serve as such on or after 1st August 1964, the injury was received in the circumstances mentioned in Article 11A(1) and he dies on or after 19th February 1968, a widow’s injury gratuity, as hereinafter provided, in addition to a pension.

(2) Where the part-time member last ceased to serve as such on or after 1st August 1964, the injury pension or gratuity under paragraph (1) shall be a widow’s special pension or gratuity of the like amount and payable subject to the like conditions as it would have been had he been such a regular fireman as is mentioned in Article 65(2) and had died from the effects of a qualifying injury received in the like circumstances; and, accordingly, Articles 11, 12, 13, 14 and 15 and, where he dies on or after 19th February 1968, Article 11A shall have effect subject to any necessary modifications.”.

6. For paragraphs (1) and (2) of Article 64 of the principal Scheme (which relates to awards to children of part-time firemen) there shall be substituted the following paragraphs:—

“(1) Where a part-time member of a brigade dies as mentioned in Article 63(1), any child of his shall be entitled to, or, in the case of a woman member, any child of hers may be granted—

- (a) a child’s injury allowance as hereinafter provided, and
- (b) where the part-time member last ceased to serve as such on or after 1st August 1964, the injury was received in the circumstances mentioned in Article 11A(1) and he dies on or after 19th February 1968, a child’s injury gratuity, as hereinafter provided, in addition to an allowance.

(2) Where the part-time member last ceased to serve as such on or after 1st August 1964, the injury allowance or gratuity under paragraph (1) shall be a child’s special allowance or gratuity of the like amount and payable subject to the like conditions as it would have been had he been such a regular fireman as is mentioned in Article 65(2) and had died from the effects of a qualifying injury received in the like circumstances; and, accordingly, Articles 17, 18, 19, 20 and 21 and, where he dies on or after 19th February 1968, Article 17A shall have effect subject to any necessary modifications.”.

7.—(1) In paragraph (2) of Article 65 of the principal Scheme (which contains auxiliary provisions relating to awards to and in respect of members of brigades who are not regular firemen) for the words “pension or allowance” there shall be substituted the words “pension, allowance or gratuity”.

(2) In paragraph (4) of the said Article 65 for the words "pension or allowance"; in both places where they occur, there shall be substituted the words "pension, allowance or gratuity".

8. At the end of Schedule 2 to the principal Scheme (which relates to awards to widows) there shall be added the following Part:—

"PART VI

Article 11A

**WIDOW'S SPECIAL PENSION WHERE HUSBAND'S DEATH RESULTS
FROM AN INJURY RECEIVED IN SAVING LIFE**

1. Subject as hereinafter provided, a widow's special pension calculated in accordance with this Part of this Schedule shall be of such an amount that, when it is added to—

- (a) any pension payable to her under the National Insurance (Industrial Injuries) Act 1965(a) in consequence of the death of her husband; and
- (b) any widow's benefit or retirement pension payable to her under the National Insurance Act 1965(b) in right of her husband's insurance,

the total weekly rate of payment is equal to a half of her husband's average pensionable pay.

2. The amount of the pension calculated in accordance with the preceding paragraph shall be increased in accordance with Schedule 4."

9. In this Order the expression "the principal Scheme" means the Firemen's Pension Scheme 1966 set out in Appendix 2 to the Firemen's Pension Scheme Order 1966(c), as amended(d).

10. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order 1968 and shall come into operation on 19th February 1968.

James Callaghan,
One of Her Majesty's Principal
Secretaries of State.

2nd February 1968.
We approve,

Joseph Harper,
B. K. O'Malley,
Two of the Lords Commissioners
of Her Majesty's Treasury.

7th February 1968.

(a) 1965 c. 52.

(b) 1965 c. 51.

(c) S.I. 1966/1045 (1966 II, p. 2504).

(d) The amending Orders are not relevant to the subject matter of this Order.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Firemen's Pension Scheme 1966 with regard to the awards payable in respect of a regular or part-time fireman who dies as a result of an injury received in the performance of fire-fighting duties, where he put his own life in jeopardy for the purpose of saving that of another person.

Articles 1, 5 and 8 provide that the widow of such a fireman shall receive a pension at a higher rate than that normally payable in respect of death resulting from an injury on duty and, in addition, a special gratuity equal to twice the maximum annual pay of a member of the Greater London Fire Brigade holding the rank of fireman.

Articles 3 and 6 provide that where such a fireman leaves children but no widow entitled to receive this special gratuity, the amount thereof shall be divided between the children and paid to them as gratuities additional to the children's allowances normally payable in respect of death resulting from an injury on duty.

Articles 2, 4 and 7 contain supplemental and consequential amendments.