

1972 No. 522

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) Order 1972

<i>Made - - - -</i>	<i>28th March 1972</i>
<i>Laid before Parliament</i>	<i>10th April 1972</i>
<i>Coming into Operation</i>	<i>1st May 1972</i>

In exercise of the powers conferred on me by section 26 of the Fire Services Act 1947(a) (read with Article 2(1) of the Minister for the Civil Service Order 1968(b)), as amended and extended by section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(c) and sections 12 and 16(3) of the Superannuation Act 1972(d), I hereby, with the approval of the Minister for the Civil Service 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 1972 and shall come into operation on 1st May 1972 and have effect as from 1st April 1972.

2. In this Order any reference to the principal Scheme is a reference to the Firemen's Pension Scheme 1971(e), as amended (f).

3.—(1) For Article 48(1) of the principal Scheme (previous service other than fire or local government service) there shall be substituted the provision set out in Appendix 1 hereto.

(2) The conditions specified in the said Article 48(1) as set out as aforesaid, or in sub-paragraph (c) or in sub-paragraph (d) thereof, shall be deemed to be satisfied if the conditions specified in the said Article 48(1) as in force immediately before 1st May 1972, or, as the case may be, in sub-paragraph (b) or (c) thereof, had been satisfied before that date.

4. The provisions of Articles 20, 37 and 38 of the principal Scheme (commutation and allocation of pensions) shall apply in relation to an ill-health pension payable to a part-time fireman under Article 74 thereof and, accordingly, in paragraph (2) of the said Article 74 after the number "19" there shall be inserted the numbers "20, 37, 38".

(a) 1947 c. 41.

(c) 1951 c. 65.

(e) See S.I. 1971/145 (1971 I, p. 320).

(f) The amending instruments are not relevant to the subject matter of this Order.

(b) S.I. 1968/1656 (1968 III, p. 4485).

(d) 1972 c. 11.

5. After Schedule 6 to the principal Scheme there shall be inserted the Schedule set out in Appendix 2 hereto.

27th March 1972.

R. Maudling,
One of Her Majesty's Principal
Secretaries of State.

Approval of the Minister for the Civil Service given under his Official Seal on
28th March 1972.

(L.S.)

K. H. McNeill,
Authorised by the
Minister for the Civil Service.

APPENDIX 1

PROVISION SUBSTITUTED FOR ARTICLE 48(1) OF THE PRINCIPAL SCHEME

- 48.—(1) This Article shall apply in the case of a regular fireman—
- (a) who before becoming a regular fireman was in such service or employment as is mentioned in Schedule 6A (hereafter referred to in this Article as "former service") by virtue of which he was subject to superannuation arrangements;
 - (b) who last became a regular fireman within 12 months of the termination of his former service or within such longer period as may be agreed, in the circumstances of his case, between the fire authority and the authority specified in Schedule 6A in relation to his former service;
 - (c) in respect of whom such a transfer value relating to his former service as is mentioned in Schedule 6A is paid to the fire authority;
 - (d) who, within 3 months of his becoming a regular fireman or (subject to paragraph 2 of Part I of Schedule 6A) within 6 months of the date specified in Schedule 6A in relation to his former service, whichever is the later, or within such longer period as the fire authority may allow in his case, undertakes to pay in accordance with Schedule 5—
 - (i) a sum equal to the balance of any liability outstanding immediately before the termination of his former service in respect of payments or contributions he was then making as a condition of reckoning past service as contributing service or otherwise for the purposes of the said superannuation arrangements, being service of which account has been taken in the calculation of the said transfer value, together with
 - (ii) a sum equal to the amount, if any, by which the said transfer value falls to be reduced on account of any gratuity or award by way of return of contributions made under the said arrangements on the termination of his former service.

APPENDIX 2

SCHEDULE TO BE INSERTED IN THE PRINCIPAL SCHEME

SCHEDULE 6A

Article 48

PART I

CIVIL SERVICE, METROPOLITAN CIVIL STAFFS, EDUCATION, HEALTH, POLICE AND BELFAST FIRE SERVICE

1. This Part shall apply in relation to service or employment—
- (a) as an established civil servant,

- (b) in the metropolitan civil staffs within the meaning of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967(a),
- (c) such as is mentioned in section 2(2)(e) and (ee) of the Superannuation (Miscellaneous Provisions) Act 1948(b) (education service),
- (d) in respect of which awards may be made under regulations for the time being in force under section 67 of the National Health Service Act 1946(c) or section 66 of the National Health Service (Scotland) Act 1947(d),
- (e) as a regular policeman within the meaning of the regulations for the time being in force under section 1 of the Police Pensions Act 1948(e), (hereinafter referred to as the Police Pensions Regulations), or
- (f) in the Belfast Fire Force.

2. In relation to the said service or employment Article 48(1)(d) shall have effect as if the words "or (subject to paragraph 2 of Part I of Schedule 6A) within 6 months of the date specified in Schedule 6A in relation to his former service, whichever is the later" were omitted.

3. In relation to the said service or employment the transfer value for the purposes of Article 48 shall be one payable under—

- (a) rules made under sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948;
- (b) such regulations as are mentioned in paragraph 1(d);
- (c) the Police Pensions Regulations, or
- (d) the Scheme for the time being in force under section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950(f).

4. The specified authority for the purposes of Article 48 shall be—

- (a) in relation to service or employment as an established civil servant, the Minister for the Civil Service;
- (b) in relation to service as a regular policeman, the police authority within the meaning of the Police Pensions Regulations;
- (c) in relation to service in the Belfast Fire Force, the Corporation of the city of Belfast;
- (d) in relation to any other service or employment, the Secretary of State.

PART II

OTHER SERVICE OR EMPLOYMENT

1. This Part shall apply in relation to such service or employment as is mentioned in paragraphs 3 and 4 of Schedule 1 to the Superannuation (Fire and Specified Services) Interchange Rules 1972(g).

2.—(1) Subject to sub-paragraph (2), in relation to any such service or employment the specified date for the purposes of Article 48 and of paragraph 3(2)(b) shall be 1st May 1972.

(2) Where in relation to a particular service or employment no provisions are in operation on 1st May 1972 for the payment of a transfer value to the fire authority, as mentioned in Article 48(1)(c), then in relation thereto the specified date for the purposes aforesaid shall be the date on which such provisions first thereafter come into operation.

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| (a) 1967 c. 28. | (b) 1948 c. 33. |
| (c) 1946 c. 81. | (d) 1947 c. 27. |
| (e) 1948 c. 24. | (f) 1950 c. 4 (N.I.). |
| (g) S.I. 1972/521 (1972 I, p. 1786). | |

3.—(1) In relation to any such service or employment the transfer value for the purposes of Article 48 shall, subject to sub-paragraphs (2) and (3), be one of the like amount, and calculated in the like manner, as the transfer value which would have been receivable under Part III of the Superannuation (Local Government and Approved Employment) Interchange Rules 1969(a) (as originally made) had the person concerned entered local government employment, within the meaning of those Rules, on the date on which he became a regular fireman and in circumstances in which the said Part III applied.

(2) For the purposes of sub-paragraph (1)—

(a) to the extent that the Table in Schedule 1 to the said Rules of 1969 does not contain entries relating to a particular service or employment, it shall be deemed to do so, and

(b) paragraph 6 of Schedule 1 to the said Rules of 1969 shall have effect as if any references therein to 18th August 1969 and 18th August 1968 were, respectively, references to the specified date and to a date 12 months before the specified date and sub-paragraphs (1)(a) and (b) and (3) were omitted.

(3) In relation to service in which a person is subject to the Isle of Man Police Pensions Regulations, that is to say, the Regulations for the time being in operation under section 16 of the Police (Isle of Man) Act 1962 (an Act of Tynwald) the transfer value shall be one payable under those Regulations.

4. In relation to any such service or employment, the specified authority for the purposes of Article 48 shall be the persons having the general management of the superannuation arrangements to which he was subject in the service or employment in question.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Firemen's Pension Scheme 1971 with effect from 1st April 1972 (retrospective effect is authorised by sections 12 and 16 of the Superannuation Act 1972).

Articles 3 and 5 extend the provisions of the Scheme relating to the reckoning of previous service, where a transfer value in respect of the previous service is paid to the fire authority. The provisions, as extended, apply where the previous service was in the civil service, as a member of the metropolitan police civil staffs or of a police force, in the education or health services, in the Belfast Fire Force or in such other service or employment as is mentioned in paragraphs 3 and 4 of Schedule 1 to the Superannuation (Fire and Specified Services) Interchange Rules 1972.

Article 4 provides that the provisions of the Scheme relating to the commutation or allocation of a pension shall apply to an ill-health pension payable to a part-time fireman.

(a) S.I. 1969/997 (1969 II, p. 2906).

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