



Pensions (Increase) Act 1971

1971 CHAPTER 56

PART III

SUPPLEMENTARY

15 Adjustment of fire service pensions

- (1) Any order of the Secretary of State varying the Firemen's Pension Scheme with effect from 1st September 1971 may include provisions relating to pensions payable to or in respect of persons who have been members of a fire brigade, but have ceased to be so or died before the date when the order comes into operation, in so far as those provisions appear to the Secretary of State to be necessary or expedient in connection with the passing of this Act.
- (2) Any order of the Secretary of State varying the Firemen's Pension Scheme with effect from any 1st September from which an order under section 2 above takes effect may make such provision as appears to the Secretary of State to be necessary or expedient in connection with the order under section 2 for increasing any flat-rate pensions, notwithstanding that the pensions are payable to or in respect of persons who have ceased to be members of a fire brigade or died before the date when the order varying the Scheme comes into operation.
- (3) An order of the Secretary of State varying the Firemen's Pension Scheme, and stating that it contains only such provisions as appear to him to be necessary or expedient in connection with the passing of this Act, may be made to take effect from 1st September 1971, although made after that date; and an order of the Secretary of State varying the Scheme, and stating that it contains only such provisions as appear to him to be necessary or expedient in connection with an order under section 2 above, may be made to take effect from the same 1st September as that order, although made after that date.
- (4) Where a pension payable under the Firemen's Pension Scheme is or has been granted at the higher of a flat rate and a rate fixed by reference to emoluments, then—
 - (a) no increase shall be made by virtue of section 1 or 2 above in the flat rate or in any substituted pension computed by reference to the flat rate ; and

Status: This is the original version (as it was originally enacted).

- (b) the flat rate may be increased by virtue of subsection (2) above as if the pension were a flat-rate pension.
- (5) Where a pension payable under the Firemen's Pension Scheme, or any such pension as is mentioned in paragraph 45 or 46 of Schedule 2 to this Act, is or has been granted at the higher of a flat rate and a rate fixed by reference to emoluments, the grant shall have effect, in relation to any period beginning on or after 1st September 1971, as a grant at whichever rate is for the time being the higher after account is taken of the operation of this Act.
- (6) Where it appears to the Secretary of State expedient to postpone the operation of this Act with respect to any pensions payable under the Firemen's Pension Scheme pending the making with respect to them of provision under section 5(3) above, or the making with respect to them under section 26 of the Fire Services Act 1947 of such provision as may be necessary or expedient in connection with the passing of this Act (or pending consideration of the question of making any such provision), he may by order under section 26 of that Act provide that, so long as the order remains in force, the provisions of this Act other than this section shall not affect those pensions; and any order made by virtue of this subsection may be revoked or varied by a further order under section 26.
- (7) The order to be made under section 6 above may omit any special provision which, apart from this subsection, would be required for pensions payable under the Firemen's Pension Scheme or for pensions mentioned in paragraph 45 or 46 of Schedule 2 to this Act, if it appears to the Minister for the Civil Service, having regard in particular to any changes or proposed changes in the Scheme, that the provision is more appropriately or conveniently made by regulations under section 5(3) above.
- (8) In this section " the Firemen's Pension Scheme " means a scheme in force under section 26 of the Fire Services Act 1947; but nothing in this section shall authorise any alteration of provisions of the Scheme having effect by virtue of section 27(3) of that Act (which provides for certain features of previous arrangements to be incorporated in the Scheme where a person has so elected under the section), and subsection (4)(a) above shall not prevent an increase being made under this Act in the rate of a pension where the rate depends on section 27(3).