



Police and Firemen (War Service) Act 1939 (repealed)

1939 CHAPTER 103 2 and 3 Geo 6

Civil Remuneration and Superannuation

1 Payments to make up amount of civil remuneration.

- (1) Where during the period of the present emergency a person serving as a constable or fireman ceases so to serve in order to serve in His Majesty's forces, . . . ^{F1}

Any such person is hereafter in this Act referred to as a person to whom this section applies.

- (2) ^{F2}

- (4) Any payment made under this section to any person shall—

- (a) in the case of a constable, be made out of the fund out of which his pension would have been payable if he had continued to serve as a constable in the police force to which he belonged immediately before he ceased so to serve; and
- (b) in the case of a fireman, be made out of the fund out of which there are paid the expenses of the fire brigade to which he belonged immediately before he ceased to serve as a fireman.

Textual Amendments

F1 Words repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), [Sch. Pt. V](#)

F2 [Ss. 1\(2\)\(3\), 3, 6\(2\), 8, 9, 10\(1\), 12, 13\(1\)\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), [Sch. Pt. V](#)

2 Reckoning of war service for purposes of superannuation.

- (1) For the purposes of the appropriate pension enactment—

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Changes to legislation: There are currently no known outstanding effects for the Police and Firemen (War Service) Act 1939 (repealed), Cross Heading: Civil Remuneration and Superannuation. (See end of Document for details)

- (a) any period for which a person to whom section one of this Act applies serves in His Majesty’s forces during [^{F3}the period of the present emergency and one year after the end thereof, or, if the Secretary of State on the application of the appropriate authority so directs in his case, such longer period as may be specified in the direction]; and
- (b) any period for which payments are made to or in respect of any such person under subsection (3) of the said section one;

shall be treated as a period of approved service in the . . . ^{F4}fire brigade to which he belonged immediately before he ceased to serve as a . . . ^{F4}fireman in order to serve in His Majesty’s forces:

Provided that no period before any such person attains the minimum age for approved service under the appropriate pension enactment shall be treated as a period of approved service.

- (2) For the purposes of . . . ^{F4}sections seven and eighteen of the ^{M1}Fire Brigade Pensions Act 1925 (which relate to discontinuous service and to a return of rateable deductions on retirement), a person to whom section one of this Act applies shall be deemed to have retired from or left the . . . ^{F4}fire brigade to which he belonged immediately before he ceased to serve as a . . . ^{F4}fireman, if and when, but not before, he fails to resume service as a . . . ^{F4}fireman at the end of the period which by virtue of subsection (1) of this section is treated as a period of approved service in his case, . . . ^{F5}

Textual Amendments

F3 Words substituted by [Police and Firemen \(War Service\) Act 1944 \(c. 22\), s. 4\(1\)](#)

F4 Words repealed by [Police Pensions Act 1948 \(c. 24\), s. 3, Sch. 1 Pt. I para. 14](#)

F5 Words repealed by [Police and Firemen \(War Service\) Act 1944 \(c. 22\), s. 4\(1\)](#)

Modifications etc. (not altering text)

C1 [S. 2\(1\)](#) amended by [Police and Firemen \(War Service\) Act 1944 \(c. 22\), s. 3](#)

Marginal Citations

M1 [1925 c. 47.](#)

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Textual Amendments

F6 [Ss. 1\(2\)\(3\), 3, 6\(2\), 8, 9, 10\(1\), 12, 13\(1\)\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\), Sch. Pt. V](#)

^{F7}4 **Grants in case of death or incapacity.**

- (1) ^{F8}
- (2) If a person to whom section one of this Act applies (being a person who, in order to serve in His Majesty’s forces, ceased to serve as a fireman) dies either—
 - (a) while serving in His Majesty’s forces during the period of the present emergency and one year after the end thereof, or, if the Secretary of State on

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the application of the appropriate authority so directs in his case, such longer period as may be specified in the direction; or

- (b) in consequence of infirmity of mind or body which prevented him from resuming his service as a fireman, whether the infirmity was occasioned while serving in those forces or before he began so to serve;

the appropriate authority may, if they think fit, pay—

- (i) a pension to his widow, of an amount not exceeding the amount provided in subsection (5) of this section;
- (ii) allowances to his children under sixteen years of age until they severally reach the age of sixteen years, of an amount not exceeding the amount so provided;
- (iii) a gratuity to any relative of his who has been wholly or mainly dependent upon him, of an amount not exceeding the amount which would have been payable to such a relative if the deceased had died while serving in the fire brigade from the effects of an injury received in the execution of his duty without his own default;

and the provisions of the appropriate pension enactment shall apply to any pension, allowance or gratuity granted under this subsection as they apply to any pension, allowance or gratuity granted under that enactment:

Provided that the appropriate authority shall not exercise the powers conferred by this subsection, in a case where the deceased died in consequence of infirmity of mind or body which prevented him from resuming his service as a fireman but was occasioned before he began to serve in His Majesty's forces, unless they are satisfied that the infirmity was occasioned by an injury received in, or disease resulting from, the execution of his duty as a fireman without his own default.

- (3) If a person to whom section one of this Act applies, after ceasing to serve in His Majesty's forces, is prevented, in consequence of infirmity of mind or body (whether occasioned while so serving or before he began so to serve), from resuming his service as a . . . ^{F9}fireman, the appropriate pension enactment shall apply in relation to him as if he—

- (a) had become, while serving as a . . . ^{F9}fireman in the . . . ^{F9}fire brigade to which he belonged immediately before he ceased to serve as a . . . ^{F9}fireman, incapacitated for the performance of his duty by infirmity of mind or body otherwise than in consequence of an injury received in the execution of his duty; and
- (b) had retired on a medical certificate at the expiration of the period (or last period, if more than one) which by virtue of subsection (1) of section two of this Act is treated as a period of approved service in his case;

and the appropriate authority, if they think fit—

- (i) where, by virtue of the foregoing provisions of this subsection, a gratuity is payable to any such person, may, in lieu of paying him a gratuity, pay to him, under and subject to the provisions of the appropriate pension enactment, a pension of such amount as is provided in subsection (5) of this section;
- (ii) where by virtue of the said provisions of this subsection a pension is payable to any such person, may increase the amount thereof up to such amount as they think fit, not exceeding the amount so provided.

Provided that the appropriate authority shall not exercise the powers conferred by paragraphs (i) and (ii) of this subsection, in the case of a person prevented from resuming his service in consequence of infirmity of mind or body occasioned before he began to serve in His Majesty's forces, unless they are satisfied that the infirmity

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was occasioned, . . . ^{F9}in the case of a fireman, by an injury received in or disease resulting from the execution of his duty as a fireman without his own default.

(4) If a person to whom section one of this Act applies, after ceasing to serve in His Majesty's forces, resumes his service as a . . . ^{F9}fireman, then—

(a) if he dies in consequence of an injury or disease received or contracted while serving in those forces and either is at the time of his death serving as a . . . ^{F9}fireman or in receipt of a pension from the appropriate authority or has retired on account of that injury or disease, the appropriate authority may, if they think fit—

(i) ^{F10}

(ii) in the case of a fireman, exercise the powers conferred by paragraphs (i), (ii) and (iii) of subsection (2) of this section;

(b) if he becomes incapacitated for the performance of his duty in consequence of any such injury or disease and retires on a medical certificate, the appropriate authority may, if they think fit, exercise the powers conferred by paragraphs (i) and (ii) of subsection (3) of this section as if any gratuity or pension payable to him under the appropriate pension enactment were payable by virtue of the said subsection (3).

(5) Subject to the provisions of this subsection, the amount of any pension or allowance payable to any person for any period at the discretion of the appropriate authority by virtue of this section shall not, when aggregated with the amount of any grant which is also payable for that period to that person out of any naval, military or air force fund in pursuance of any royal warrant or other instrument, exceed—

(a) in a case to which subsection . . . ^{F9}(2) or paragraph (a) of subsection (4) of this section applies, the amount which would have been payable to that person for that period under the appropriate pension enactment if the deceased had died from the effects of a non-accidental injury received in the execution of his duty as a . . . ^{F9}fireman without his own default; and

(b) in a case to which subsection (3) or paragraph (b) of subsection (4) applies, the amount which would have been payable to that person for that period under the appropriate pension enactment if he had been incapacitated for the performance of his duty as a . . . ^{F9}fireman by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default:

Provided that—

(i) where by virtue of . . . ^{F9}paragraph (a) of subsection (4) of this section a pension is paid in lieu of a gratuity to a widow, the pension shall be at a rate not less than thirty pounds a year; and

(ii) where by virtue of subsection (3) or paragraph (b) of subsection (4) of this section a pension is paid in lieu of a gratuity to a person to whom section one of this Act applies, the amount of the pension shall be at a rate not less than one-twelfth of his annual pay.

(6) Where the grant, the amount whereof for any period is to be aggregated for the purpose of the last foregoing subsection with the amount of a pension or allowance payable to any person for that period, is a gratuity, the amount of the grant for that period shall be taken to be the amount which would be payable for that period under Part I of the ^{M2}Government Annuities Act 1929, if the gratuity had been laid out at the date when it became payable in the purchase of an annuity dependent on the life of that person.

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(7) Where by virtue of any of the foregoing provisions of this section the amount of any pension, allowance or gratuity is to be determined, whether wholly or in part, at the discretion of the appropriate authority, that authority may from time to time revise their determination.]

Textual Amendments

- F7** S. 4 substituted by [Police and Firemen \(War Service\) Act 1944 \(c. 22\), s. 1\(1\)](#)
- F8** Ss. 4(1), 6(1) repealed by [Police Pensions Act 1948 \(c. 24\), s. 3, Sch. 1 Pt. I para. 14](#)
- F9** Words repealed by [Police Pensions Act 1948 \(c. 24\), s. 3, Sch. 1 Pt. I para. 14](#)
- F10** S. 4(4)(a)(i) repealed with savings by [Police Pensions Act 1948 \(c. 24\), s. 3, Sch. 1 Pt. I para. 14](#)

Modifications etc. (not altering text)

- C2** S. 4(2)-(4) amended by [Police and Firemen \(War Service\) Act 1944 \(c. 22\), s. 2](#)
- C3** S. 4(2) amended by [Police and Firemen \(War Service\) Act 1944 \(c. 22\), s. 3](#)

Marginal Citations

- M2** [1929 c. 29.](#)

5 Reckoning of pay during war service.

For the purpose of calculating the amount of any grant or rateable deduction payable or deductible under the appropriate pension enactment in the case of a person to whom section one of this Act applies, he shall be deemed to have received as a . . . ^{F11}fireman, for any period for which—

- (a) he is serving in His Majesty’s forces during [^{F12}the period of the present emergency and one year after the end thereof, or, if the Secretary of State on the application of the appropriate authority so directs in his case, such longer period as may be specified in the direction]; or
- (b) payments are made to or in respect of him under subsection (3) of section one of this Act;

the amount of the pay which he would have received for that period if he had continued to serve as a . . . ^{F11}fireman.

Textual Amendments

- F11** Words repealed by [Police Pensions Act 1948 \(c. 24\), s. 3, Sch. 1 Pt. I para. 14](#)
- F12** Words substituted by [Police and Firemen \(War Service\) Act 1944 \(c. 22\), s. 4\(1\)](#)

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- (1) ^{F13}
- (2) ^{F14}

Textual Amendments

- F13** Ss. 4(1), 6(1) repealed by [Police Pensions Act 1948 \(c. 24\), s. 3, Sch. 1 Pt. I para. 14](#)
- F14** Ss. 1(2)(3), 3, 6(2), 8, 9, 10(1), 12, 13(1)(2) repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\), Sch. Pt. V](#)

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7 Exception of certain firemen.

(1) Nothing in the foregoing provisions of this Act shall apply to a fireman who, under subsection (2) of section twenty-four of the ^{M3}Fire Brigade Pensions Act 1925, or under section seventeen of the ^{M4}Fire Brigades Act 1938, gave a written notice that he desired that the provisions of any scheme, or the provisions of the ^{M5}Local Government and Other Officers' Superannuation Act 1922, should continue to apply to him.

(2) Nothing in sections two to six of this Act shall apply to a fireman being—

- (a) a member of the London fire brigade; or
- (b) a member of a fire brigade on whose death or retirement a grant is payable by virtue of a local Act containing provisions relating to that brigade; or
- (c) a fireman as respects whom a scheme is in operation by virtue of paragraph (b) of subsection (1) of section twenty-four of the ^{M6}Fire Brigade Pensions Act 1925;

but the following provisions of this subsection shall have effect as respects any such fireman who ceases to serve in any fire brigade in order to serve in His Majesty's forces—

- (i) the local authority maintaining that fire brigade shall, as soon as may be after the commencement of this Act, submit to the Secretary of State a scheme containing such amendments of the regulations, Act or scheme regulating the superannuation rights of members of that brigade as will secure that any such fireman shall, as nearly as may be, have the same rights and be under the same obligations as are conferred or imposed by the said sections of this Act on a fireman to whom the ^{M7}Fire Brigade Pensions Act 1925, applies;
- (ii) the Secretary of State may by order approve, either with or without modifications, any scheme so submitted and when so approved the scheme shall be deemed to have had effect as from the commencement of this Act;
- (iii) any scheme approved under this subsection may be varied by a subsequent scheme submitted and approved in like manner.

Modifications etc. (not altering text)

C4 S. 7(2) restricted by [Police and Fireman \(War Service\) Act 1944 \(c. 22\), s. 6\(5\)](#)

Marginal Citations

M3 1925 c. 47.
M4 1938 c. 72.
M5 1922 c. 59.
M6 1925 c. 47.
M7 1925 c. 47.

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