

1960 No. 2185

The National Insurance (Non-participation—Fire Services) Regulations, 1960

<i>Made</i> - - - -	25th November, 1960
<i>Laid before Parliament</i>	1st December, 1960
<i>Coming into Operation</i>	5th December, 1960

In exercise of the powers conferred on me by subsections (1) and (2) of section twelve of the National Insurance Act, 1959(a), I hereby, after consultation with the Central Fire Brigades Advisory Council, make the following Regulations:—

1. These Regulations shall apply to employment in England and Wales in which a person's service qualifies him under the Firemen's Pension Scheme for benefits by way of pension otherwise than by way only of injury pension, being employment as a member of a fire brigade or employment which—

(a) is treated under paragraph (a) of subsection (2) of section twenty-six of the Fire Services Act, 1947(b), as employment as a member of a fire brigade for the purposes of any of the provisions of the Firemen's Pension Scheme; and

(b) is, or by virtue of section ten of the Fire Services Act, 1959(c), is treated as, employment otherwise than under the Secretary of State.

2.—(1) In relation to employment to which these Regulations apply—

(a) elections with a view to the issue, variation, cancellation or surrender of certificates under Part II of the Act shall be made or revoked by the Secretary of State instead of by the employer; and

(b) those things which under any of the provisions specified in paragraph (2) of this Regulation are required or authorised to be done by or to the employer shall be done instead by or to the Secretary of State.

(2) The provisions referred to in sub-paragraph (b) of paragraph (1) of this Regulation are—

(a) the following provisions of the National Insurance (Non-participation—Certificates) Regulations, 1959(d), that is to say:—

(i) Part II (Notices and Elections),

(ii) Part IV (Determination of questions by the registrar) except in so far as it relates to questions referred to the registrar under Part III of the said Regulations,

(iii) Part V (Certificates); and

(b) the provisions of the National Insurance (Non-participation—Appeals and References) Regulations, 1959(e), except in so far as they relate to questions referred to the registrar under Part III of the National Insurance (Non-participation—Certificates) Regulations, 1959.

3. All employment to which these Regulations apply shall be treated as employment under a single employer different from the employer in any other employment for the purposes of—

(a) 7 & 8 Eliz. 2. c. 47. (b) 10 & 11 Geo. 6. c. 41. (c) 7 & 8 Eliz. 2. c. 44.
 (d) S.I. 1959/1860 (1959 II, p. 1867). (e) S.I. 1959/2119 (1959 II, p. 1856).

- (a) subsection (2) of section seven of the Act (which relates to the circumstances in which a person's employment is non-participating employment);
- (b) subsection (4) of section nine of the Act (which relates to liability to make payments in lieu of contributions); and
- (c) Regulations 4, 10 and 11 of the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations, 1960(a) (which relate to notice of the end of a person's period of service in non-participating employment and to the circumstances in which subsection (4) of section nine of the Act applies).

4.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act” means the National Insurance Act, 1959;

“the Firemen's Pension Scheme” means the scheme for the time being in force under section twenty-six of the Fire Services Act, 1947;

“injury pension” means a pension provided under the Firemen's Pension Scheme for a person on retirement, where his retirement is caused through incapacity of mind or body occasioned by an injury received in the execution of his duty without his own default or in such circumstances that the said Scheme applies in like manner as if it had been occasioned by an injury so received.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

5. These Regulations may be cited as the National Insurance (Non-participation—Fire Services) Regulations, 1960, and shall come into operation on the fifth day of December, 1960.

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

Home Office,
Whitehall.
25th November, 1960.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which are made under section 12 of the National Insurance Act, 1959, relate to employment in a fire brigade in England or Wales and certain other fire service employment which under the Firemen's Pension Scheme qualifies a person for a pension (other than an injury pension). As respects such employment, Regulation 2 provides that the Secretary of State shall have functions under the 1959 Act normally falling to an employer and relating to questions whether or not employment shall be non-participating employment for the purposes of the National Insurance Act, 1959. Regulation 3 provides that all such employment shall be treated as employment under a single employer for the purposes of certain provisions of the 1959 Act and the regulations made thereunder which relate to an employer's liability, in the case of a change of employment, to make a payment in lieu of contributions and to give notice of the end of an employee's period of service in non-participating employment.