

STATUTORY INSTRUMENTS

1980 No. 1587

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) (No. 2) Order 1980

Made - - - - 17th October 1980

Laid before Parliament 29th October 1980

Coming into Operation 1st December 1980

In exercise of the powers conferred upon me by section 26 of the Fire Services Act 1947(a), as amended and extended by section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b) and sections 12 and 16 of the Superannuation Act 1972(c), 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) (No. 2) Order 1980.

2. This Order shall come into operation on 1st December 1980 and shall have effect—

- (a) for the purposes of Articles 4, 5 and 6, as from 30th September 1978;
- (b) for the purposes of Article 7, as from 6th November 1978.

3. In this Order references to the 1973 Schemes are references to the provisions of the Firemen's Pension Scheme 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order 1973(d), other than Articles 16D(1), 56, 57, 58, Part V of Schedule 2, Part IV of Schedule 3 and Schedule 7.

4. Subject to Article 6 of this Order, the pensionable pay for the purposes of the 1973 Scheme of a chief fire officer or firemaster for any period after 30th September 1978 and before 1st July 1979 shall be 91.41 per cent. of the pensionable pay to which a chief fire officer or firemaster would have been entitled for a corresponding period beginning 1st July 1979, disregarding any increase in pay which took effect after that date, if his circumstances had been identical to those of the chief fire officer or firemaster in question during the earlier period.

(a) 1947 c. 41.

(c) 1972 c. 11.

(b) 1951 c. 65.

(d) S.I. 1973/966.

5. Subject to Article 6 of this Order, the pensionable pay for the purposes of the 1973 Scheme of an assistant chief fire officer or an assistant firemaster for any period after 30th September 1978 and before 1st July 1979 shall be his pensionable pay for that period calculated without reference to this Article, increased by the percentage by which the pensionable pay for that period of the chief fire officer or firemaster of his brigade is increased by Article 4 of this Order.

6. Articles 4 and 5 of this Order shall not apply to the case of the chief fire officer or an assistant chief fire officer of the London Fire Brigade.

7. The pensionable pay for the purposes of the 1973 Scheme of a regular fireman of rank up to and including that of senior divisional officer for any period after 6th November 1978 and before 7th November 1979 shall be 2.77 per cent. greater than his pensionable pay for that period calculated without reference to this Article.

Home Office
15th October 1980.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

Approval of the Minister for the Civil Service given under her Official Seal on 17th October 1980.

(L.S.)

T. A. A. Hart,
Authorised by the Minister for
the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Article 55 of the Firemen's Pension Scheme 1973 (set out in Appendix 2 to the Firemen's Pension Scheme Order 1973) defines pensionable pay for firemen's pension purposes. This Order modifies that Article in its application to firemen serving in 1978 and 1979 when, because of financial constraints upon fire authorities, the full implementation of pay increases to members of fire brigades was delayed. In the case of chief fire officers (in Scotland, firemasters) part of the increase which would have been paid on 1st October 1978 was, in fact, delayed until 1st July 1979 and this had a similar effect on assistant chief officers (and assistant firemasters) because of their pay relativity. The chief and assistant chief fire officers of the London Fire Brigade are excluded from the terms of the Order because their pay award was implemented in full from the outset. In other cases, part of the increase which would have been paid on 7th November 1978 was, in fact, delayed until 7th November 1979. This Order ensures that the delay in implementing the pay increases does not affect pensions. Retrospective effect is authorised by sections 12 and 16 of the Superannuation Act 1972.

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