

1980 No. 1615

FIRE SERVICES

The Firemen's Pension Scheme (Amendment) (No. 3) Order 1980

Made - - - - 27th October 1980
Laid before Parliament 3rd November 1980
Coming into Operation 24th November 1980

In exercise of the powers conferred on 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 consent of the Minister for the Civil Service(d) and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, make the following Order:—

PART I

CITATION, OPERATION, ETC.

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) (No. 3) Order 1980.
2. This Order shall come into operation on 24th November 1980 and shall have effect—
 - (a) for the purposes of Article 27, as from 1st January 1974;
 - (b) for the purposes of Article 28, as from 1st April 1972;
 - (c) for the purposes of Article 29, as from 6th April 1978;
 - (d) for all other purposes as from 24th November 1980.
3. In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Scheme of 1973” means the Firemen's Pension Scheme 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order 1973(e);

“the Scheme of 1971” means the Firemen's Pension Scheme 1971, set out in Appendix 2 to the Firemen's Pension Scheme Order 1971(f), in so far as it continues to have effect(g);

(a) 1947 c. 41.

(b) 1951 c. 65.

(c) 1972 c. 11.

(d) Formerly the Treasury; see S.I. 1968/1656.

(e) S.I. 1973/966; the relevant amending instruments are S.I. 1975/1717, 1976/1708, 1977/1704, 1978/1577, 1979/1286.

(f) S.I. 1971/145; the relevant amending instruments are S.I. 1971/1329, 1975/1717, 1976/1708, 1977/1704, 1978/1577, 1979/1286.

(g) See S.I. 1973/966.

- “the Scheme of 1966” means the Firemen’s Pension Scheme 1966, set out in Appendix 2 to the Firemen’s Pension Scheme Order 1966(a), in so far as it continues to have effect(b);
- “the Scheme of 1964” means the Firemen’s Pension Scheme 1964, set out in Appendix 2 to the Firemen’s Pension Scheme Order 1964(c), in so far as it continues to have effect(d);
- “the Scheme of 1956” means the Firemen’s Pension Scheme 1956, set out in the Appendix to the Firemen’s Pension Scheme Order 1956(e), in so far as it continues to have effect(f);
- “the Scheme of 1952” means the Firemen’s Pension Scheme 1952, set out in Appendix 1 to the Firemen’s Pension Scheme Order 1952(g), in so far as it continues to have effect(h), and
- “the Scheme of 1948” means the Firemen’s Pension Scheme 1948, set out in the Appendix to the Firemen’s Pension Scheme Order 1948(i), in so far as it continues to have effect(j).

PART II

AMENDMENTS OF SCHEMES IN RELATION TO AWARDS NOT BASED ON PENSION OR NOTIONAL PENSION

4. There shall be inserted in—

the Scheme of 1973 (as Article 40A in Part III),
 the Scheme of 1971 (as Article 36A in Part III),
 the Scheme of 1966 (as Article 23A in Part II),
 the Scheme of 1964 (as Article 23A in Part II),
 the Scheme of 1956 (as Article 22A in Part II),
 the Scheme of 1952 (as Article 13A in Part I), and
 the Scheme of 1948 (as Article 13A in Part I),

the following provision:—

“Awards not based on pension or notional pension

Schedule 3A shall have effect for the purpose of calculating the amount of certain awards to widows or children under this Scheme which are not calculated by reference to the pension or notional pension of the husband or parent.”.

(a) S.I. 1966/1045; the relevant amending instruments are S.I. 1971/1329, 1975/1717, 1976/1708, 1977/1704, 1978/1577, 1979/1286.

(b) See S.I. 1971/145.

(c) S.I. 1964/1148; the relevant amending instruments are S.I. 1971/1329, 1975/1717, 1976/1708, 1977/1704, 1978/1577, 1979/1286.

(d) See S.I. 1966/1045.

(e) S.I. 1956/1022; the relevant amending instruments are S.I. 1959/802, 1971/1329, 1975/1717, 1976/1708, 1977/1704, 1978/1577, 1979/1286.

(f) See S.I. 1964/1148.

(g) S.I. 1952/944; the relevant amending instruments are S.I. 1952/2166, 1975/1717, 1976/1708, 1977/1704, 1978/1577, 1979/1286.

(h) See S.I. 1956/1022.

(i) S.I. 1948/604; the relevant amending instruments are S.I. 1952/944, 2166, 1975/1717, 1976/1708, 1977/1704, 1978/1577, 1979/1286.

(j) See S.I. 1952/944.

PART III

AMENDMENTS OF ARTICLES RELATING TO AWARDS ON DEATH OF
SERVICEMEN

5.—(1) This Article shall have effect for the purpose of the amendment of the following Articles, namely:—

Article 74 of the Scheme of 1973;
Article 65 of the Scheme of 1971;
Article 53 of the Scheme of 1966;
Article 51 of the Scheme of 1964;
Article 46 of the Scheme of 1956.

(2) In paragraph (4)(a) of each of the said Articles for the words “at the rate of £440·81 a year” there shall be substituted the words “calculated in accordance with paragraph 1 of Schedule 3A”.

6.—(1) This Article shall have effect for the purposes of the amendment of the following Articles, namely:—

Article 37B of the Scheme of 1952;
Article 37B of the Scheme of 1948.

(2) In paragraph (4)(a) of each of the said Articles for the words “at the rate of £330·61 a year” there shall be substituted the words “calculated in accordance with paragraph 1 of Schedule 3A”.

7.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Article 10 of the Scheme of 1952;
Article 10 of the Scheme of 1948.

(2) Subject to paragraph (3) below for the proviso to paragraph (2)(i) of each of the said Articles there shall be substituted the following proviso:—

“Provided that where, after taking account of any increases provided for by paragraph 6 of Schedule 3A, the said pension is payable at a rate less than the rate at which a pension is payable under Article 37B(4)(a) it shall be paid at the rate of a pension payable under the said Article 37B(4)(a).”

(3) In the case of the Scheme of 1948 the proviso inserted by paragraph (2) above shall have effect as if for the words “paragraph 6” there were substituted the words “paragraph 3”.

PART IV

AMENDMENTS OF PROVISIONS RELATING TO AWARDS TO OR IN RESPECT OF
PART-TIME FIREMEN

8.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Article 55(3) of the Scheme of 1956;
Article 23A(2) of the Scheme of 1952.

(2) Subject to paragraph 3 below in each of the said Articles for the words “the rate of £16·28 a week” in sub-paragraph (a) and the words “the rate of £10·94 a week” in sub-paragraph (b) there shall be substituted the words “the rate calculated in accordance with paragraph 5(1) of Schedule 3A.”

(3) In the case of the Scheme of 1952 the words substituted by paragraph(2) above shall have effect as if for the words "paragraph 5(1)" there were substituted the words "paragraph 3".

(4) In sub-paragraph (c) of Article 55(3) of the Scheme of 1956 for the words "the rate of £8.53 a week" there shall be substituted the words "the rate calculated in accordance with paragraph 5(3) of Schedule 3A."

9.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Article 75(3) of the Scheme of 1971;
 Article 63(3) of the Scheme of 1966;
 Article 61(3) of the Scheme of 1964;
 Article 56(1) of the Scheme of 1956;
 Article 23B(1) of the Scheme of 1952.

(2) In sub-paragraphs (a), (b) and (c) of each of the said provisions for the words "the rate of £6.04 a week", "the rate of £9.06 a week" and "the rate of £13.62 a week" respectively there shall be substituted the words "the rate calculated in accordance with paragraph 2 of Schedule 3A."

10.—(1) This Article shall have effect for the amendment of the following provisions, namely:—

Article 76(3) of the Scheme of 1971;
 Article 64(3) of the Scheme of 1966;
 Article 62(3) of the Scheme of 1964;
 Article 57(1) of the Scheme of 1956.

(2) In sub-paragraph (a) of each of the said provisions for the words "the rate of £3.28 a week" there shall be substituted the words "the rate calculated in accordance with paragraph 3 of Schedule 3A."

(3) In sub-paragraph (b) of each of the said provisions for the words "not exceeding £2.49 a week if and so long as the child's father is living and not exceeding £3.28 a week if the child has no parent living" there shall be substituted the words "not exceeding the rates calculated in accordance with paragraph 4 of Schedule 3A."

11. In Article 23C(1) of the Scheme of 1952 for the words "the rate of £3.28 a week" there shall be substituted the words "the rate calculated in accordance with paragraph 4 of Schedule 3A."

PART V

AMENDMENT OF PROVISIONS RELATING TO CONTRACTING OUT

12. In Article 91A of the Scheme of 1973 paragraph (7A) shall be omitted.

PART VI

AMENDMENTS OF SCHEDULES RELATING TO WIDOWS' ORDINARY PENSIONS

13.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Part I of Schedule 2 to the Scheme of 1973;
 Part I of Schedule 2 to the Scheme of 1971;
 Part I of Schedule 2 to the Scheme of 1966.

(2) Subject to paragraph (3) below for paragraph 2 of each of the said provisions there shall be substituted the following paragraph:—

“2. Where in respect of any period a widow so elects, the annual rate of her ordinary pension in respect of that period shall be calculated in accordance with paragraph 2 of Schedule 3A by reference to the rank held by her husband at the time when he ceased to be a regular fireman.”.

(3) Except in the case of the Scheme of 1973 the paragraph substituted by paragraph (2) of this Article shall have effect as if for the words “paragraph 2” there were substituted the words “paragraph 5”.

14.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Part II of Schedule 2 to the Scheme of 1971;
Part II of Schedule 2 to the Scheme of 1966;
Part I of Schedule 2 to the Scheme of 1964;
Part I of Schedule 2 to the Scheme of 1956.

(2) Subject to paragraph (3) below for Scheme I of each of the said provisions there shall be substituted the following Scheme:—

“SCHEME 1

The pension shall be of an amount calculated in accordance with paragraph 6 of Schedule 3A by reference to the last rank held by the husband.”

(3) In the case of the Scheme of 1964 the provisions substituted by paragraph (2) of this Article shall have effect as if for the words “paragraph 6” there were substituted the words “paragraph 5”.

15.—(1) This Article shall have effect for the purposes of the amendment of the following Schedules, namely:—

Schedule 3 to the Scheme of 1952;
Schedule 3 to the Scheme of 1948.

(2) Subject to paragraph (3) below for Scheme I in each of the said Schedules there shall be substituted the following Scheme:—

“SCHEME I

The pension shall be of an amount calculated according to paragraph 5 of Schedule 3A by reference to the last rank held by the husband.”

(3) In the case of the Scheme of 1948 the provisions substituted by paragraph (2) of this Article shall have effect as if for the words “paragraph 5” there were substituted the words “paragraph 2”.

PART VII

AMENDMENT OF SCHEDULE RELATING TO WIDOWS' ACCRUED PENSIONS

16. For paragraph 3 of Part IV of Schedule 2 to the Scheme of 1973 there shall be substituted the following paragraph:—

“3. Where in respect of any period a widow so elects, then the annual rate of her accrued pension in respect of that period shall be calculated in accordance with paragraph 3 of Schedule 3A by reference to the rank

held by her husband at the time when he ceased to be a regular fireman:

Provided that this sub-paragraph shall not apply to the widow of a regular fireman where the pensionable service which reckoned for the purpose of calculating his deferred pension was less than five years, unless he was entitled to reckon pensionable service by virtue of the whole of his qualifying service.”.

PART VIII

AMENDMENTS OF SCHEDULES RELATING TO CHILDREN'S ALLOWANCES

17.—(1) For paragraph 1(4) of Part I of Schedule 3 to the Scheme of 1973 there shall be substituted the following provision:—

“(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be calculated in accordance with paragraph 4 of Schedule 3A by reference to the last rank held by the father.”.

(2) For paragraph 2(4) of the said Part I there shall be substituted the following provision:—

“(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be calculated in accordance with paragraph 5 of Schedule 3A by reference to the last rank held by the father.”.

18.—(1) For each of the following provisions, namely:—

Part I of Schedule 3 to the Scheme of 1971;
Part I of Schedule 3 to the Scheme of 1966;
Part I of Schedule 3 to the Scheme of 1964;
Part I of Schedule 3 to the Scheme of 1956;

there shall be substituted the provisions set out in the following paragraph.

(2) Subject to paragraph (3) below the provisions referred to in the preceding paragraph shall be as follows:—

“PART I

CHILD'S ORDINARY ALLOWANCE

1. Where the mother of the child is alive the child's ordinary allowance shall be calculated in accordance with paragraph 7 of Schedule 3A by reference to the last rank held by the father.

2. Where the father was the only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be calculated in accordance with paragraph 8 of Schedule 3A by reference to the last rank held by the father.”.

(3) In the case of the Scheme of 1964 the provisions substituted by paragraph (2) above shall have effect as if for the words “paragraph 7” and “paragraph 8” respectively there were substituted the words “paragraph 6” and “paragraph 7”.

PART IX

AMENDMENTS OF SCHEDULES RELATING TO FIREMEN
SERVING ON 10TH JULY 1956

19.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

- Schedule 10 to the Scheme of 1973;
- Schedule 10 to the Scheme of 1971;
- Schedule 10 to the Scheme of 1966;
- Schedule 9 to the Scheme of 1964;
- Schedule 8 to the Scheme of 1956.

(2) In paragraph 16 of Schedule 10 to the Scheme of 1973 and paragraph 5 of each of the other said Schedules for the words “£440·81 a year” to the end there shall be substituted the words “calculated in accordance with paragraph 1 of Schedule 3A” there shall be substituted the words “calculated in accordance with paragraph 1 of Schedule 3A as if for the figure ‘£379·78’ there shall be substituted the figure ‘£284·83’”.

(3) In paragraph 22 of Schedule 10 to the Scheme of 1973, in paragraph 9 of Schedule 10 to the Schemes of 1971 and 1966 and in paragraph 8 of each of the other said Schedules for Scheme I as set out therein there shall be substituted the following Scheme:—

“SCHEME I

The pension shall be of an amount calculated in accordance with paragraph 6 of Schedule 3A by reference to the last rank held by the husband.”

(4) Except in the case of the Scheme of 1973 the provisions substituted by paragraph (3) of this Article shall have effect as if for the words “paragraph 6” there were substituted:

- (a) in the case of the Schemes of 1971, 1966 and 1956 the words “paragraph 9”;
- (b) in the case of the Scheme of 1964, the words “paragraph 8”.

(5) In paragraph 24 of Schedule 10 to the Scheme of 1973, in paragraph 10 of Schedule 10 to the Schemes of 1971 and 1966 and in paragraph 9 of each of the other said Schedules for Part I of Schedule 3 as substituted by those provisions there shall be substituted the following provisions:—

“PART I

1. Where the mother of the child is alive the child’s ordinary or accrued allowance shall be paid in accordance with paragraph 7 of Schedule 3A.

2. Where the father was the child’s only surviving parent or in respect of the period after the death of the mother, the child’s ordinary or accrued allowance shall be payable in accordance with paragraph 8 of Schedule 3A.”

(6) Except in the case of the Scheme of 1973 the provisions substituted by paragraph (5) of this Article shall have effect as if—

- (a) the words “or accrued” were omitted in both places where they occur, and
- (b) for the words “paragraph 7” and “paragraph 8” there were substituted—

- (i) in the case of the Schemes of 1971, 1966 and 1956 the words “paragraph 10” and “paragraph 11”;
- (ii) in the case of the Scheme of 1964, the words “paragraph 9” and “paragraph 10”.

20. After Schedule 3 to the Scheme of 1973 there shall be inserted the following provisions:—

“SCHEDULE 3A

SPECIAL PROVISIONS ABOUT AWARDS NOT BASED ON PENSION
OR NOTIONAL PENSION

1.—(1) In any year the amount of a widow’s pension under Article 74 (4)(a) shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 9.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be £379·78.

2.—(1) In any year the rate at which a widow’s pension under paragraph 2 of Part I of Schedule 2 shall be payable shall be the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 9.

(2) (a) Subject to sub-paragraph (b) below the appropriate rate for the purposes of sub-paragraph (1) shall be, if her husband at the time he ceased to be a regular fireman—

- (i) held a rank not higher than that of sub-officer, £379·78 a year;
- (ii) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494·54 a year;
- (iii) held a rank higher than that of divisional officer (Grade I) £594·18 a year.

(b) Where the husband was entitled to reckon at least 10 years’ pensionable service, the preceding sub-paragraph shall have effect as if for the rates of £379·78, £494·54 and £594·18 a year there were substituted respectively the rates of £408·99, £523·75 and £623·39 a year.

3.—(1) In any year the rate at which a widow’s accrued pension under paragraph 3 of Part IV of Schedule 2 shall be payable shall be the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 9.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be, if her husband at the time when he ceased to be a regular fireman—

- (a) held a rank not higher than that of sub-officer, £379·78 a year;
- (b) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494·54 a year;
- (c) held a rank higher than that of divisional officer (Grade I), £594·18 a year.

(3) In the case of a widow of a regular fireman who ceased to serve on or after 6th April 1975 and would, had he continued to serve until his age of compulsory retirement specified in Article 96 in relation to his rank at the time when he ceased to serve, have become entitled to reckon

at least 10 years' pensionable service, the preceding sub-paragraph shall have effect as if for the rates of £379·78, £494·54 and £594·18 a year there were substituted, respectively, the rates of £408·99, £523·75 and £623·39 a year.

4.—(1) The rate at which a child's ordinary allowance shall be payable under paragraph 1(4) of Part I of Schedule 3 shall be the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 9.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be—

- (a) where the father's last rank was not higher than that of sub-officer, £107·99 a year;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127·29 a year; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £157·02 a year.

5.—(1) The rate at which a child's ordinary allowance shall be payable under paragraph 2(4) of Part I of Schedule 3 shall be the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 9.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be—

- (a) where the father's last rank was not higher than that of sub-officer, £159·11 a year or such higher rate not exceeding £209·19 a year as the fire authority may from time to time determine;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188·84 a year or such higher rate not exceeding £249·88 a year as the fire authority may from time to time determine; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £233·19 a year or such higher rate not exceeding £311·44 a year as the fire authority may from time to time determine.

6.—(1) In any year the amount of a widow's ordinary or accrued pension under Scheme I of Part I of Schedule 2 as substituted by paragraph 22 of Schedule 10 shall be the appropriate amount specified in sub-paragraph (2) increased in accordance with paragraph 9.

(2) The appropriate amount for the purposes of sub-paragraph (1) shall be such amount that the rate of payment is—

- (a) where the husband's last rank was not higher than that of sub-officer, £284·83 a year;
- (b) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370·90 a year; or
- (c) where the husband's last rank was higher than that of divisional officer (Grade I), £454·55 a year.

7.—(1) A child's ordinary or accrued allowance under paragraph 1 of Part I of Schedule 3 as substituted by paragraph 24 of Schedule 10 shall be payable at the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 9.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be—

- (a) where the father's last rank was not higher than that of sub-officer, £107.99 a year;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year;
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.

8.—(1) A child's ordinary or accrued allowance under paragraph 2 of Part I of Schedule 3 as substituted by paragraph 24 of Schedule 10 shall be payable at the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 9.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be—

- (a) where the father's last rank was not higher than that of sub-officer, £159.11 a year or such higher rate not exceeding £209.19 a year as the fire authority may from time to time determine;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 a year or such higher rate not exceeding £249.88 a year as the fire authority may from time to time determine; or
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £233.19 a year, or such higher rate not exceeding £311.44 a year as the fire authority may from time to time determine.

9. A sum or rate specified in a preceding paragraph shall be increased to the sum or rate which would be payable in the relevant year in respect of a corresponding official pension which began on 30th June 1978 having regard to relevant orders under section 59 of the Social Security Pensions Act 1975, and in performing the necessary calculations sums shall be expressed to the nearest penny (a half penny to count as one penny)."

21. Subject to Articles 22 and 23 after Schedule 3 to the Schemes of 1971, 1966, 1964 and 1956 there shall be inserted the following provisions:—

"SCHEDULE 3A

SPECIAL PROVISIONS ABOUT AWARDS NOT BASED ON PENSION OR NOTIONAL PENSION

1.—(1) In any year the amount of a widow's pension under Article 65(4)(a) shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be £379.78.

2.—(1) In any week the rate at which a pension under paragraph (a), (b) and (c) respectively or Article 75(3) shall be payable shall be the appropriate rate set out in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be £5·21 a week, £7·81 a week and £11·74 a week respectively.

3.—(1) In any week the rate at which an injury allowance under Article 76(3)(a) shall be payable at the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be £2·83 a week.

4.—(1) In any week the maximum rate at which an injury allowance under Article 76(3)(b) shall be payable shall be the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be £2·15 a week if and so long as the child's father is living or £2·83 a week if the child has no parent living.

5.—(1) In any year the rate at which a widow's pension under paragraph 2 of Part I of Schedule 2 shall be payable shall be the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) (a) Subject to sub-paragraph (b) below the appropriate rate for the purposes of sub-paragraph (1) shall be, if her husband at the time he ceased to be a regular fireman—

- (i) held a rank not higher than that of sub-officer, £379·78 a year;
- (ii) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494·54 a year;
- (iii) held a rank higher than that of divisional officer (Grade I) £594·18 a year.

(b) Where the husband was entitled to reckon at least 10 years' pensionable service, the preceding sub-paragraph shall have effect as if for the rates of £379·78, £494·54 and £594·18 a year there were substituted respectively, the rates of £408·99, £523·75 and £623·39 a year.

6.—(1) The amount of a widow's ordinary pension under Scheme I of Part II of Schedule 2 shall be the appropriate amount specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate amount for the purposes of sub-paragraph (1) shall be such that the rate of payment is—

- (a) where the husband's last rank was not higher than that of sub-officer £379·78 a year;
- (b) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I) £494·54 a year;
- (c) where the husband's last rank was higher than that of divisional officer (Grade I) £594·18 a year.

7.—(1) The child's ordinary allowance under paragraph 1 of Part I of Schedule 3 shall be of the appropriate amount specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate amount for the purposes of sub-paragraph (1) shall be such amount that the rate of payment is—

- (a) where the father's last rank was not higher than that of sub-officer £107·99 a year;

- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127·29 a year;
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £157·02 a year.

8.—(1) The child's ordinary allowance under paragraph 2 of Part I of Schedule 3 shall be of the appropriate amount specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate amount for the purposes of sub-paragraph (1) shall be such amount that the rate of payment is—

- (a) where the father's last rank was not higher than that of sub-officer £159·11 a year or such higher rate not exceeding £209·19 as the fire authority may from time to time determine;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188·84 a year or such higher rate not exceeding £249·88 as the fire authority may from time to time determine, or
- (c) where the father's last rank was higher than that of divisional officer (Grade I), £233·19 a year or such higher rate not exceeding £311·44 as the fire authority may from time to time determine.

9.—(1) In any year the amount of a widow's ordinary pension under Scheme 1 of Part I of Schedule 2 as substituted by paragraph 9 of Schedule 10 shall be the appropriate amount specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate amount for the purposes of sub-paragraph (1) shall be such amount that the rate of payment is—

- (a) where the husband's last rank was not higher than that of sub-officer £284·83 a year;
- (b) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370·90 a year; or
- (c) where the husband's last rank was higher than that of divisional officer (Grade I) £454·55 a year.

10.—(1) A child's ordinary allowance under paragraph 1 of Part I of Schedule 3 as substituted by paragraph 10 of Schedule 10 shall be payable at the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be—

- (a) where the father's last rank was not higher than that of sub-officer £107·99 a year;
- (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127·29 a year;
- (c) where the father's last rank was higher than that of divisional officer (Grade I) £157·02 a year.

11.—(1) A child's ordinary allowance under paragraph 2 of Part I of Schedule 3 as substituted by paragraph 10 of Schedule 10 shall be payable at the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 12.

- (2) The appropriate rate for the purposes of sub-paragraph (1) shall be—
- (a) where the father's last rank was not higher than that of sub-officer £159·11 a year or such higher rate not exceeding £209·19 a year as the fire authority may from time to time determine;
 - (b) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188·84 a year or such higher rate not exceeding £249·88 a year as the fire authority may from time to time determine; or
 - (c) where the father's last rank was higher than that of divisional officer (Grade I), £233·19 a year, or such higher rate not exceeding £311·44 a year as the fire authority may from time to time determine.

12.—(1) Subject to sub-paragraph (3) an annual sum or rate specified in a preceding paragraph shall be increased to the sum or rate which would be payable in the relevant year in respect of a corresponding official pension having regard to relevant orders under section 59 of the Social Security Pensions Act 1975.

(2) Subject to sub-paragraph (3) a weekly sum or rate specified in a preceding paragraph shall be increased to the sum or rate which would be payable in the relevant week in respect of a corresponding official pension having regard to relevant orders under section 59 of the Social Security Pensions Act 1975 and as if for any reference to an annual rate in the relevant orders there were substituted a reference to the weekly rate.

(3) For the purposes of this paragraph—

- (a) the reference to an official pension means an official pension within the meaning of the Pensions (Increase) Act 1971 which began on 30th June 1978, and
- (b) in performing the necessary calculations sums shall be expressed to the nearest penny (a half penny to count as one penny)."

22. In the case of the Schemes of 1966, 1964 and 1956 the provisions inserted by Article 21 above shall have effect as if for the words "Article 65(4)(a)" in paragraph 1(1), the words "Article 75(3)" in paragraph 2(1), the words "Article 76(3)(a)" in paragraph 3(1), and the words "Article 76(3)(b)" in paragraph 4(1) there were substituted respectively—

- (a) in the case of the Scheme of 1966 the words "Article 53(4)(a)", "Article 63(3)", "Article 64(3)(a)" and "Article 64(3)(b)";
- (b) in the case of the Scheme of 1964 the words "Article 51(4)(a)", "Article 61(3)", "Article 62(3)(a)" and "Article 62(3)(b)", and
- (c) in the case of the Scheme of 1956 the words "Article 46(4)(a)", "Article 56(1)", "Article 57(1)(a)" and "Article 57(1)(b)".

23. In the case of the Schemes of 1964 and 1956 the provisions inserted by paragraph 21 above shall have effect as if—

- (a) (i) in the case of the Scheme of 1964 paragraph 5 were omitted and remaining paragraphs were renumbered accordingly;
- (ii) in the case of the Scheme of 1956 for paragraph 5 there were substituted the following provisions:—

"5.—(1) In any week the appropriate rate of a pension under Article 55(3)(a) and (b) shall be that specified in sub-paragraph (2) increased in accordance with paragraph 12.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be £14·03 in the case of a pension under paragraph (a) of Article 55(3) and £9·43 in the case of a pension under paragraph (b) of the said provision.

(3) In any week the appropriate rate of a pension under Article 55(3)(c) shall be that specified in sub-paragraph (4) below increased in accordance with paragraph 12.

(4) The appropriate rate for the purposes of sub-paragraph (1) shall be £7·36 a week.”;

- (b) for the words “Part II of Schedule 2” in paragraph 6(1) there were substituted the words “Part I of Schedule 2”;
- (c) for the words “paragraph 9 of Schedule 10” in paragraph 9(1) there were substituted—
- (i) in the case of the Scheme of 1964 the words “paragraph 9 of Schedule 9”; and
 - (ii) in the case of the Scheme of 1956 the words “paragraph 9 of Schedule 8”; and
- (d) for the words “paragraph 10 of Schedule 10” in paragraphs 10(1) and 11(1) respectively there were substituted—
- (i) in the case of the Scheme of 1964 the words “paragraph 10 of Schedule 9”; and
 - (ii) in the case of the Scheme of 1956 the words “paragraph 10 of Schedule 8.”.

24. After Schedule 3 to the Scheme of 1952 there shall be inserted the following provisions:—

“SCHEDULE 3A

SPECIAL PROVISIONS ABOUT AWARDS NOT BASED ON PENSION
OR NOTIONAL PENSION

1.—(1) In any year the amount of a widow’s pension under Article 37B (4)(a) shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be £284·83.

2.—(1) In any week the rate of a pension under paragraphs (a), (b) and (c) respectively of Article 23B(1) shall be the appropriate rate set out in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be £5·21 a week, £7·81 a week and £11·74 a week respectively.

3.—(1) In any week the appropriate rate of a pension under Article 23 A(2) (a) and (b) shall be that specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be £14·03 in the case of a pension under paragraph (a) of Article 23A(2) and £9·43 in the case of a pension under paragraph (b) of the said provision.

4.—(1) In any week the rate of a child’s injury allowance under Article 23C(1) shall be the appropriate rate specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate rate for the purposes of sub-paragraph (1) shall be £2·83 a week.

5.—(1) The amount of a widow's ordinary pension under Scheme I of Schedule 3 shall be the appropriate amount specified in sub-paragraph (2) increased in accordance with paragraph 6.

(2) The appropriate amount for the purposes of sub-paragraph (1) shall be such that the rate of payment is—

- (a) where the husband's last rank was not higher than that of sub-officer, £284·83 a year;
- (b) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370·90 a year;
- (c) where the husband's last rank was higher than that of divisional officer (Grade I), £454·55 a year.

6.—(1) Subject to sub-paragraph (3) an annual sum specified in a preceding paragraph shall be increased to the sum which would be payable in the relevant year in respect of a corresponding official pension having regard to relevant orders under section 59 of the Social Security Pensions Act 1975.

(2) Subject to sub-paragraph (3) a weekly rate specified in a preceding paragraph shall be increased to the rate which would be payable in the relevant week in respect of a corresponding official pension having regard to relevant orders under section 59 of the Social Security Pensions Act 1975 and as if for any reference to an annual rate in the relevant orders there were substituted a reference to a weekly rate.

(3) For the purposes of this paragraph—

- (a) the reference to an official pension means an official pension within the meaning of the Pensions (Increase) Act 1971 which began on 30th June 1978; and
- (b) in performing the necessary calculations sums shall be expressed to the nearest penny (a half penny to count as one penny)."

25. After Schedule 3 to the Scheme of 1948 there shall be inserted the following provisions:—

“SCHEDULE 3A

SPECIAL PROVISIONS ABOUT AWARDS NOT BASED ON PENSION
OR NOTIONAL PENSION

1.—(1) In any year the amount of a widow's pension under Article 37 B(4)(a) shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 3.

(2) The appropriate sum for the purposes of sub-paragraph (1) shall be £284·83.

2.—(1) The amount of a widow's ordinary pension under Scheme I of Schedule 3 shall be the appropriate amount specified in sub-paragraph (2) increased in accordance with paragraph 3.

(2) The appropriate amount for the purposes of sub-paragraph (1) shall be such that the rate of payment is—

- (a) where the husband's last rank was not higher than that of sub-officer £284·83 a year;

- (b) where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370·90 a year;
- (c) where the husband's last rank was higher than that of divisional officer (Grade I), £454·55 a year:

Provided that where the husband died before 5th July 1948, or the widow is not entitled in right to her husband's insurance to widow's benefit or a retirement pension under the Social Security Act 1975 but would have been so entitled had her husband not failed to satisfy the contribution conditions therefore (otherwise than by defaulting in the payment of contributions), this sub-paragraph shall have effect as if for the rates of £284·83, £370·90 and £454·55 a year there were substituted, respectively, the rates of £379·78, £494·54 and £594·18.

3. A sum or rate specified in a preceding paragraph shall be increased to the sum or rate which would be payable in the relevant year in respect of a corresponding official pension which began on 30th June 1978 having regard to relevant orders under section 59 of the Social Security Pensions Act 1975, and in performing the necessary calculations sums shall be expressed to the nearest penny (a half penny to count as one penny)."

26. In Article 85(2)(c) of the Scheme of 1973 for the words "1st April 1950" there shall be substituted the words "1st April 1980".

27. In paragraph 2(2) of Part VIII of Schedule 1 to the Scheme of 1973 for the words "sub-paragraph (1)(a) or (b)" there shall be substituted the words "sub-paragraph (1)(a), (b) or (c)".

28. In paragraph 1(2)(bb) of Part IV of Schedule 2 to the Scheme of 1973 for the words "Article 58(3)" there shall be substituted the words "Article 58(2)".

29. In paragraph 4(a) of Part III of Schedule 3 to the Scheme of 1973 and paragraph 6 of Schedule 10 to the said Scheme for the words "Article 16(2)" there shall be substituted the words "Article 16B(2)".

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

Home Office
24th October 1980.

Consent of the Minister for the Civil Service given under her Official Seal on 27th 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.)

This Order amends the Firemen's Pension Scheme Orders of 1973, 1971, 1966, 1964, 1956, 1952 and 1948. The Orders of 1971, 1966, 1964, 1956, 1952 and 1948 have ceased to have effect except in the case of an award or payment to or in respect of, or relating to a person who ceased to be a member of a fire brigade before the respective dates of 1st April 1972, 15th February 1971, 26th August 1966, 1st August 1964, 10th July 1956 and 16th May 1952.

The main amendments to the above-mentioned Orders are concerned with awards under those Orders which are at present of specified amounts. These amounts have been increased by amending Orders in line with the increases in pensions made by the Pensions (Increase) Act 1971 (c.56) and the Social Security Pensions Act 1975 (c.60). The amendments made by this Order ensure that the amounts of these awards will increase automatically in line with increases in pensions under the 1975 Act and will so avoid the need for frequent amending Orders.

The remaining amendments in Articles 26 to 29 are drafting amendments to rectify the effects of earlier amending instruments (retrospective effect is authorised by Sections 12 and 16 of the Superannuation Act 1972).

SI 1980/1615
ISBN 0-11-007615-X



780110 076157