

This Statutory Instrument has been made in consequence of a defect in S.I. 1991/343 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

1992 No. 409 (S.42)

FIRE SERVICES

**The Fire Services (Appointments and Promotion)
(Scotland) Amendment Regulations 1992**

<i>Made</i>	- - - -	<i>27th February 1992</i>
<i>Laid before Parliament</i>		<i>9th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by section 18(1) of the Fire Services Act 1947⁽¹⁾, after consultation with the Scottish Central Fire Brigades Advisory Council, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Fire Services (Appointments and Promotion) (Scotland) Amendment Regulations 1992 and shall come into force on 1st April 1992.

Amendment of the Fire Services (Appointments and Promotion) (Scotland) Regulations 1978

2. For sub-paragraphs (1) and (2) of regulation 6(6)⁽²⁾ of the Fire Services (Appointments and Promotion) (Scotland) Regulations 1978⁽³⁾ there shall be substituted—

“(6) A member of a brigade shall not be eligible to enter for any of the examinations specified in Part I of Schedules 1 or 2, or in Schedule 3, as the case may be, if—

- (a) (i) in the immediately preceding year, he entered for the examination in question but attended the sitting of none of the papers for which he entered in that examination; and
- (ii) he has not satisfied the Fire Services Examinations Board that he had a reasonable excuse for such non-attendance; or

(1) 1947 c. 41; section 18(1) was amended by the Fire Services Act 1959 (c. 44), section 6 and Schedule.
(2) Sub-paragraphs (1) and (2) of regulation 6(6) were substituted by S.I. 1991/343, regulation 2(d)(ii).
(3) S.I. 1978/1727; the relevant amending instruments are S.I. 1985/1176 and 1991/343.

(b) in the two successive immediately preceding years he has failed the examination in question and has, on each occasion, obtained less than 25% of the total marks available in that examination.

(6A) Any excuse submitted for the purposes of paragraph (6)(a) above must be notified to the Fire Services Examinations Board within 21 days of the date of the sitting of the final paper in the examination to which it relates.

(6B) Paragraph (6) above shall not apply in respect of—

- (a) non-attendance at the sitting of papers; or
- (b) failure to achieve 25% or more of the total marks available,

in an examination before 1st April 1991.

(6C) Where a member of a brigade, on or after 1st April 1991 and before 1st April 1992, entered for an examination for which, by reason only of -

- (a) non-attendance at the sitting of papers at an examination before 1st April 1991; or
- (b) failure to obtain 25% or more of the total marks available in an examination before that date,

he was not eligible to enter, he shall be treated for the purposes of these Regulations as if he was eligible to enter and, accordingly, as if he entered for the examination in question.”.

St Andrew’s House,
Edinburgh
27th February 1992

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations substitute provisions of the Fire Services (Appointments and Promotion) (Scotland) Regulations 1978 (as amended by the Fire Services (Appointments and Promotion) (Scotland) Amendment Regulations 1991) relating to ineligibility to enter for certain examinations. The Regulations make it clear that a member of a fire brigade is to be ineligible if, without reasonable excuse, he attended the sitting of none of the papers for which he had entered in the immediately preceding year's examination. The Regulations ensure that ineligibility will not occur in respect of non-attendance at, or failure to achieve 25% or more of the marks available in, an examination before 1st April 1991. The Regulations also ensure that a person who entered for an examination on or after 1st April 1991 and before 1st April 1992 when so ineligible will be treated as though he was eligible to enter, and duly entered, the examination in question.