1975 No. 358

FIRE SERVICES

Firemen's Pension Schemes (Amendment) Order (Northern Ireland) 1975

Made . . . . . 18*th December* 1975

Coming into operation . . 31*st January* 1976

The Department of the Environment for Northern Ireland in exercise of the powers conferred by section 17 of the Fire Services Act (Northern Ireland) 1969(a) and now vested in it(b) and of every other power enabling it in that behalf and with the approval of the Department of Finance(c) hereby makes the following Order:

PART I

CITATION, OPERATION AND INTERPRETATION

Citation, commencement and effect

1. This Order may be cited as the Firemen's Pension Schemes (Amendment) Order (Northern Ireland) 1975 and shall come into operation on 31st January 1976 and shall have effect—

(*a*) for the purposes of Articles 13, 14 and 15 on 1st April 1974; and

(*b*) for all other purposes on 1st December 1973.

Interpretation

2. In this Order—

(1) "the Scheme of 1973" means the Firemen's Pension Scheme (Northern Ireland) 1973 as set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973(d);

"the Scheme of 1971" means the Firemen's Pension Scheme (Northern Ireland) 1971 as set out in the Appendix to the Firemen's Pension Scheme Order (Northern Ireland) 1971(e);

"the Scheme of 1955" means the Scheme set out in the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(f);

"the Belfast Fire Brigade Scheme" means the Belfast Fire Brigade Superannuation Scheme made on 1st May 1953 by the Council of the County Borough of Belfast under section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950(g) and that or any Scheme maintained by the said Council under section 26(3) of the Fire Services Act (Northern Ireland) 1969.

(a) 1969 c. 13 (N.I.)
(b) S.R. & O. (N.I.) 1973 No. 504 (II, p. 2992)
(c) Formerly the Ministry of Finance: *see* 1973 c. 36 Sch. 5 para. 8(1)
(d) S.R. & O. (N.I.) 1973 No. 393 (II, p. 2187)
(e) S.R. & O. (N.I.) 1971 No. 33 (p. 221) as amended by S.R. & O. (N.I.) 1972 No. 157 (p. 908), 1972 No. 379 (p. 1781), and 1973 No. 1 (I, p. 1)
(f) S.R. & O. (N.I.) 1955 No. 181 (p. 198)
(g) 1950 c. 4 (N.I.)

(2) Any reference to a rank held by a member of a fire brigade is a reference to the rank held by him immediately before he ceased to serve as such; and the following shall be deemed to be equivalent ranks:

(*a*) Sub-Officer and Section Leader;

(*b*) Station Officer and Company Officer;

(*c*) Assistant Divisional Officer and Senior Company Officer.

PART II

AMENDMENT OF SCHEMES

Awards on the death of servicemen

3. In each of the following Articles, namely—

Article 68(4)(*a*) of the Scheme of 1973;

Article 54(4)(*a*) of the Scheme of 1971; and

Article 28(2)(*a*) of the Scheme of 1955,

for sub-paragraph (*a*) there shall be substituted the following sub-paragraph:

"(*a*) pay to the widow, in lieu of a gratuity, a pension at the rate of—

(i) £179.46 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £209.19 a year for any period with effect from 30th November 1974;".

Widow's ordinary pensions

4. In the Scheme of 1973, for paragraph 2 of Part I of Schedule 2 there shall be substituted the following paragraph:

"2.—(1) Where in respect of any period a widow so elects, then, subject to sub-paragraph (2), the annual rate of her ordinary pension in respect of that period 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—

(i) £179.46 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £209.19 a year for any period from 30th November 1974;

(*b*) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I)—

(i) £233.71 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £272.31 a year for any period from 30th November 1974;

(*c*) held a rank higher than that of divisional officer (Grade I)—

(i) £280.66 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £327.09 a year for any period from 30th November 1974.

(2) Where the husband was entitled to reckon at least 10 years pensionable service, sub-paragraph (1) shall have effect as if for the rates of £179.46, £233.71 and £280.66 there were substituted, respectively, the rates of £192.51, £246.76 and £293.71, and for the rates of £209.19, £272.31 and £327.09 there were substituted, respectively, the rates of £224.84, £287.96 and £342.74.".

5. In the Scheme of 1971 in Schedule 2—

(*a*) for paragraph 2 of Part I there shall be substituted the following paragraph:

"2.—(1) Subject to sub-paragraph (2), where in respect of any period the widow so elects, her ordinary pension in respect of that period shall be at the rate specified in columns (1) and (2) in the following table as appropriate to her husband's last rank:

Husband's last rank	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate for any period from 30th November 1974
Lower than Company Officer	£179.46 a year	£209.19 a year
Company Officer or Senior Company Officer	£233.71 a year	£272.31 a year
Higher than Senior Company Officer	£280.66 a year	£327.09 a year

(2) Where the husband was entitled to reckon at least 10 years pensionable service, sub-paragraph (1) shall have effect as if for the rates of £179.46, £233.71 and £280.66 there were substituted, respectively, the rates of £192.51, £246.76 and £293.71, and for the rates of £209.19, £272.31 and £327.09 there were substituted, respectively, the rates of £224.84, £287.96 and £342.74.";

(*b*) for Scheme I in Part II there shall be substituted the following Scheme:

"SCHEME I

The pension shall be at the rate specified in columns (1) and (2) in the following table as appropriate to the husband's last rank:

Husband's last rank	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate with effect from 30th November 1974
Lower than that of Company Officer	£179.46 a year	£209.19 a year
Company Officer or Senior Company Officer	£233.71 a year	£272.31 a year
Higher than Senior Company Officer	£280.66 a year	£327.09 a year"

6. In the Scheme of 1955, for Scheme I in Part IA of Appendix II to the Schedule there shall be substituted the following Scheme:

"SCHEME I

The widow's ordinary pension shall be at the rate specified in columns (1) and (2) in the following table as appropriate to the rank of her husband when he ceased to be a member:

Husband's rank when he ceased to be a member	(1) Rate for any period from 30th November 1973 to 30th November 1974	(2) Rate for any period from 30th November 1974
Lower than Company Officer	£179.46 a year	£209.19 a year
Company Officer or Senior Company Officer	£233.71 a year	£272.31 a year
Higher than Senior Company Officer	£280.66 a year	£327.09 a year"

7. In the Belfast Fire Brigade Scheme, for Scheme I of Part I of the Second Schedule there shall be substituted the following Scheme:

"SCHEME I

The widow's ordinary pension shall be at the following rate:

(*a*) Where the husband's last rank was not higher than that of Sub-Officer—

(i) £179.46 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £209.19 a year for any period from 30th November 1974;

(*b*) where the husband's last rank was higher than that of Sub-Officer but not higher than that of Divisional Officer—

(i) £233.71 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £272.31 a year for any period from 30th November 1974;

(*c*) where the husband's last rank was higher than that of Divisional Officer—

(i) £280.66 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £327.09 a year for any period from 30th November 1974.".

Widow's accrued pensions

8. In the Scheme of 1973, for paragraph 3 of Part IV of Schedule 2 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, 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—

(i) £179.46 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £209.19 a year for any period from 30th November 1974;

(*b*) held a rank higher than that of sub-officer but not higher than that of divisional officer (Grade I)—

(i) £233.71 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £272.31 a year for any period from 30th November 1974;

(*c*) held a rank higher than divisional officer (Grade I)—

(i) £280.66 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £327.09 a year for any period from 30th November 1974.".

Children's allowances

9. In the Scheme of 1973, in Part I of Schedule 3—

(*a*) in paragraph 1, for sub-paragraph (4) there shall be substituted the following sub-paragraph:

"(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 payable as follows:

(*a*) Where the father's last rank was not higher than that of sub-officer at the rate of—

(i) £50.61 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £59.47 a year for any period from 30th November 1974;

(*b*) where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I) at the rate of—

(i) £60.00 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £69.91 a year for any period from 30th November 1974; or

(*c*) where the father's last rank was higher than that of divisional officer (Grade I) at the rate of—

(i) £73.56 a year for any period from 30th November 1973 to 30th November 1974; and

(ii) £86.08 a year for any period from 30th November 1974.";

(*b*) in paragraph 2, for sub-paragraph (4) there shall be substituted the following sub-paragraph:

"(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 payable as follows:

(*a*) Where the father's last rank was not higher than that of sub-officer at the rate of—

(i) £74.60 a year for any period from 30th November 1973 to 30th November 1974 or such higher rate not exceeding £98.08 a year as the Authority may from time to time determine;