1971. No. 33 [C]

FIREMEN'S PENSIONS

ORDER, DATED 28TH JANUARY 1971, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 17 OF THE FIRE SERVICES ACT (NORTHERN IRELAND) 1969.

The Ministry of Home Affairs, in exercise of the powers conferred on it by Section 17 of the Fire Services Act (Northern Ireland) 1969(a) and with the approval of the Ministry of Finance, hereby makes the following Order:—

Citation and commencement

1. The Order may be cited as the Firemen's Pension Scheme Order (Northern Ireland) 1971 and shall come into operation on 1st February 1971.

Revocation

2.—(1) The Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(b) and the Fire Services (Part-time Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(c) shall cease to have effect save in relation to—

(*a*) any award or claim to an award on a person's retirement or dismissal or on his ceasing to serve in the armed forces of the Crown before 1st February 1971;

(*b*) any award or claim to an award in respect of the death of a person before the said date;

(*c*) any pension or claim to a pension by the nominee of a fireman whose pension has been reduced before the said date as the result of his having given notice of intention to surrender a portion thereof, being a pension actuarially equivalent to that surrendered portion;

(*d*) any undertaking to make payments under paragraph 33 or paragraph 34 of the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955.

(2) The Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955, in so far as it continues to have effect under this Order, shall do so as though—

(*a*) for Scheme I in Part IA of Appendix II to the Schedule thereto there were substituted the following:—

"Scheme I

The widow's pension shall be of such amount as, together with any increase to which she is entitled under the Pensions (Increase) Acts (Northern Ireland) of 1959, 1963, 1966 and 1969, as modified in their application to a fire service pension(d), is equal to the amount specified in the following table appropriate to the rank of her husband when he ceased to be a member and to her age:—

(a) 1969. c. 13 (N.I.).
(b) S.R. & O. (N.I.) 1955, No. 181.
(c) S.R. & O. (N.I.) 1955, No. 182.
(d) 1959. c. 10 (N.I.), as modified by S.R. & O. of N.I. 1962, No. 221.
1963. c. 3 (N.I.), as modified by S.R. & O. of N.I. 1965, No. 60.
1966. c. 5 (N.I.), as modified by S.R. & O. of N.I. 1967, No. 17.
1969. c. 5 (N.I.), as modified by S.R. & O. of N.I. 1969, No. 320.

TABLE

1 Husband's rank when he ceased to be a member	2 During any period before she attains the age of 70 years	3 During any period after she attains the age of 70 years
	s. d.	s. d.
Higher than that of Senior Company Officer	59 9 (£2·99)	70 3 (£3·51)
Company Officer or Senior Company Officer	47 11 (£2·40)	58 6 (£2·93)
Lower than Company Officer	36 8 (£1·83)	45 0 (£2·25) "

(*b*) paragraph 26 of the said Schedule made provision for the payment of a child's allowance, in the case of a child who has attained the age of 16 years, if and so long as he has not attained the age of 19 years and either is receiving full-time education or is an apprentice.

3. The Firemen's Pensions Scheme set out in the Appendix shall apply to regular firemen and retained firemen employed by the Northern Ireland Fire Authority.

Sealed with the Official Seal of the Ministry of Home Affairs this 28th day of January 1971.

(L.S.)

W. G. Robinson,
Assistant Secretary.

The Ministry of Finance hereby approves of the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance this 28th day of January 1971.

(L.S.)

C. F. Darling,
Assistant Secretary.

APPENDIX

THE FIREMEN'S PENSION SCHEME (NORTHERN IRELAND) 1971

ARRANGEMENT OF ARTICLES

PART I

AWARDS ON RETIREMENT OF REGULAR FIREMEN

Article
1. Fireman's ordinary pension.
2. Fireman's short service award.
3. Fireman's ill-health award.
4. Fireman's special pension.
5. Minimum aggregate amount of payments in respect of fireman's pension.
6. Cancellation of fireman's ill-health and special pensions on recovery.
7. Reassessment of fireman's special pension.
8. Reduction of award to fireman who causes or aggravates his infirmity.
9. Commutation of pension.

PART II

AWARDS ON DEATH OF REGULAR FIREMEN

WIDOWS

10. Widow's ordinary award.
11. Widow's special pension.
12. Widow's augmented award where husband's death results from an injury received in saving life.
13. Widow's gratuity by way of commuted pension.
14. Right to widow's pension dependent on date of marriage.
15. Special provisions where widow was living apart from her husband.
16. Effect of marriage.

CHILDREN

17. Child's ordinary allowance.
18. Child's special allowance.
19. Child's gratuity where father's death results from an injury received in saving life.
20. Child's gratuity by way of commuted allowance.
21. Duration of child's allowance.
22. Right to child's allowance dependent on date of birth and other matters.
23. Limitation on amount of child's special allowance.

GENERAL

24. Gratuities for dependants other than widows and children.
25. Limitation on discretion to grant a gratuity in lieu of a pension or allowance.

PART III

ALLOCATION OF PENSIONS AND GENERAL PROVISIONS AFFECTING RIGHTS TO AWARDS

26. Allocation of pension.
27. Limitation on right to commute or allocate part of a pension.
28. Prevention of duplication.
29. Withdrawal of pension or allowance for misconduct.
30. Withdrawal of pension on re-employment.
31. Discharge of liability of Authority on withdrawal of pension.

PART IV

PENSIONABLE SERVICE OF REGULAR FIREMEN

32. Reckoning of pensionable service.
33. Additions to pensionable service without payment.
34. Additions to pensionable service on payment.
35. Additions to pensionable service at the discretion of the Authority.
36. Period during which a special pension was payable.
37. Absence from duty in the force without pay.
38. Certificates of pensionable service.
39. Prevention of double reckoning.

PART V

PENSIONABLE PAY AND CONTRIBUTIONS OF REGULAR FIREMEN

40. Pensionable pay and average pensionable pay.
41. Rate of payment of pension contributions.
42. Rate of payment of additional contributions in certain cases.
43. Method of payment of pension contributions.
44. Form of election or notice.
45. Repayment of contributions on retirement or death.
46. Repayment of contributions on dismissal.

PART VI

DETERMINATION OF QUESTIONS AND APPEALS

47. General functions of Authority.
48. Appeal against opinion of Authority's medical practitioner.
49. Appeal against decision of Authority.

PART VII

PAYMENT OF AWARDS AND FINANCIAL PROVISIONS

50. Payment of awards generally.
51. Payment of awards in special cases.
52. Payment of transfer value to the Council of the County Borough of Belfast.

PART VIII

SERVICEMEN

53. Awards to servicemen.
54. Awards on death of servicemen.
55. Gratuities for dependants other than widows and children.
56. Servicemen who resume service as regular firemen.
57. Servicemen who do not resume service in the force.
58. Pensionable service, contributions and pay.
59. Servicemen deemed not to have retired.

PART IX

RETAINED FIREMEN

60. Payment of contributions by retained firemen.
61. Retained fireman: injury award.
62. Widow of retained fireman: injury pension.
63. Child of retained fireman: injury allowance.
64. Auxiliary provisions.

PART X

MISCELLANEOUS PROVISIONS AND INTERPRETATION

65. Assessment of disablement.
66. Meaning of "qualifying injury".
67. Meaning of infirmity or death occasioned by an injury.
68. Meaning of "aggregate contributions".
69. Meaning of reference to awards.
70. Meaning of certain expressions related to the operation of the National Insurance Acts.
71. Meaning of certain expressions.
72. Changeover to decimal currency.