

## SCHEDULES.

### FIFTH SCHEDULE

Section 39.

#### TRANSITIONAL PROVISIONS.

*Provisions relating to period between passing of Act and appointed day.*

- 1 For the purposes of the Fire Services (Emergency Provisions) Act, 1941, the expression " the period of the present emergency" (being the expression which designates the period for which under that Act the National Fire Service is established) shall mean the period beginning as provided in that Act and ending immediately before the appointed day.
- 2 Subsection (2) of section four of the Emergency Laws (Transitional Provisions) Act, 1946 (which continues the Personal Injuries (Emergency Provisions) Act, 1939, in operation as respects war service injuries, as defined in that Act, sustained by members of the National Fire Service during the period during which the said section four is in force) shall have effect as if the said section four continued in force until the beginning of the appointed day.

*General provisions arising out of transfer of functions to fire authorities.*

- 3 (1) The Secretary of State may by regulations make such transitional provisions as appear to him expedient in consequence of the transfer to fire authorities of functions relating to fire services of the Secretary of State and of authorities which were fire authorities for the purposes of the Fire Brigades Act, 1938.  
(2) Nothing in the following provisions of this Schedule shall be construed as limiting the generality of the provisions of the last foregoing sub-paragraph.  
(3) In the following provisions of this Schedule the expression " regulations " means regulations made by the Secretary of State.

*Transfer of persons employed in connection with National Fire Service.*

- 4 Regulations may provide for the transfer on the prescribed terms, to the prescribed fire brigade maintained in pursuance of this Act or to such other service under such fire authority as may be prescribed, of persons who immediately before the appointed day were serving in the National Fire Service.
- 5 (1) Regulations may provide for the retention in the service of the Crown, on the prescribed terms, of persons to whom this paragraph applies who immediately before the appointed day were employed (whether as members of the National Fire Service or otherwise) for the purposes of the Fire Services (Emergency Provisions) Act, 1941.  
(2) The persons to whom this paragraph applies are persons in whose case the Secretary of State with the approval of the Treasury determines that it is expedient that they should be retained as aforesaid for the purpose of enabling him to perform his

---

*Status: This is the original version (as it was originally enacted).*

---

functions under this Act or for administrative purposes pending the bringing into operation by fire authorities of arrangements for the performance of their functions under this Act.

- 6 Regulations may provide for the employment in the service of the Crown, on such terms and for such period as may be prescribed, of persons transferred to a fire brigade under paragraph 4 of this Schedule where the Secretary of State determines with the approval of the Treasury that it is expedient so to do for the purpose of enabling him to perform his functions under this Act and the fire authority and person concerned consent to that person's being employed as aforesaid.

*Transfer of property, rights and liabilities.*

- 7 Regulations may provide for the transfer to fire authorities of property, rights and liabilities vested, enjoyed or incurred on behalf of His Majesty for the purposes of the National Fire Service, and for the carrying on by fire authorities of arrangements (including arrangements for the making of payments) entered into on behalf of the Crown for those purposes.
- 8 (1) Regulations may provide for the vesting in fire authorities of property used on behalf of His Majesty for the purposes of the National Fire Service but vested in an authority being a fire authority for the purposes of the Fire Brigades Act, 1938, or for the use of such property by a fire authority on such terms (including terms as to payments) as may be agreed between the authorities or in default of agreement as may be determined by the Secretary of State.
- (2) Where property is to be vested under the last foregoing sub-paragraph and it is agreed or determined as aforesaid that the property cannot conveniently be severed from other property, whether or not forming part of the same building, the other property shall also be vested in the fire authority, subject to such rights of the authority for the purposes of the said Act of 1938 to use the other property, on such terms (including terms as to payments), as may be agreed or determined as aforesaid.
- 9 (1) Subject to the provisions of the next following sub-paragraph, regulations may provide that where an authority for the purposes of the said Act of 1938 which does not on the appointed day become a fire authority is on or after the appointed day liable to make payments in respect of interest and redemption charges on moneys borrowed for fire-fighting purposes, the fire authority for the area including the area of the first-mentioned authority shall reimburse to that authority the amount of the payments.
- (2) Regulations having effect by virtue of the last foregoing sub-paragraph shall not apply in relation to moneys borrowed by the authority for the purposes of the said Act of 1938 in connection with property retained by that authority, but may be made to apply in relation to moneys borrowed in connection with property vested under sub-paragraph (2) of the last foregoing paragraph notwithstanding that the money was not borrowed for fire-fighting purposes.
- (3) Any question arising under this paragraph or regulations made thereunder shall be determined by the Minister of Health.

*Provisions as to pensions.*

- 10 (1) The liabilities of any authority for pensions, allowances and gratuities in respect of members of a transferred fire brigade retiring or dying at any time before the

---

*Status: This is the original version (as it was originally enacted).*

---

appointed day, and the functions of that authority in relation thereto, shall on the appointed day be transferred to the fire authority.

- (2) In the last foregoing sub-paragraph the expression " transferred fire brigade " means a fire brigade maintained in pursuance of the Fire Brigades Act, 1938, by an authority which does not on the appointed day become a fire authority, and the expression " the fire authority " in relation to any such brigade means the fire authority for the area including the area for which the brigade was maintained.
- 11 (1) Regulations may provide for payments by a former pension authority, in respect of pension liabilities of a fire authority accrued at the appointed day, of such amounts at such times as may be prescribed, and if the regulations so provide out of such funds as may be prescribed.
- (2) Regulations made under this paragraph may provide for the determination by the Secretary of State of questions arising under the regulations.
- (3) In this paragraph the following expressions have the meaning hereby assigned to them respectively, that is to say :—
- " Pension liabilities of a fire authority accrued at the appointed day " means, in relation to any fire authority.—
- (a) any liabilities for pensions, allowances and gratuities in respect of members of a fire brigade retiring or dying at any time before the appointed day, being liabilities which either were liabilities of the authority immediately before the appointed day or were transferred under the last foregoing paragraph, and
- (b) any liabilities of the authority under the Firemen's Pension Scheme in respect of employment or service before the appointed day which under that scheme is treated as employment in the fire brigade maintained by the authority ;
- " former pension authority " means—
- (a) in relation to liabilities specified in paragraph (a) of the last foregoing definition, the authority which immediately before the appointed day was liable to meet them ;
- (b) in relation to liabilities specified in paragraph (b) of the last foregoing definition, the authority liable immediately before the appointed day for meeting liabilities, whether vested or contingent, for pensions, allowances or gratuities in respect of such employment or service as is specified in the said paragraph (b).
- 12 (1) The liabilities of fire authorities for such pensions, allowances and gratuities as are specified in sub-paragraph (i) of paragraph 10 of this Schedule shall, if regulations so provide, be defrayed out of funds established for defraying liabilities under the Firemen's Pension Scheme.
- (2) Payments under sub-paragraph (1) of the last foregoing paragraph shall, if regulations so provide, be carried into funds established as aforesaid.
- 13 Where by virtue of this Act or a combination scheme an authority which maintained a fire brigade in pursuance of the Fire Brigades Act, 1938, ceases to maintain a fire brigade, the Police and Firemen (War Service) Acts, 1939 and 1944, shall, in the case of former members of the brigade to whom section one of the Police and Firemen (War Service) Act, 1939, applies, have effect with such modification of references to the fire brigades to which they belonged, and to the authority maintaining that brigade, as may be prescribed.

---

*Status: This is the original version (as it was originally enacted).*

---

*Compensation for loss of emoluments or employment.*

- 14 (1) Regulations made with the approval of the Treasury may provide for authorising or requiring the appropriate authority to pay compensation in respect of loss of emoluments or pension—
- (a) to members of police forces and persons employed by local authorities, not being in either case persons who were transferred to the National Fire Service, as to whom the Secretary of State is satisfied that by reason of the National Fire Service (General) Regulation, 1941, they suffered a loss of emoluments ;
  - (b) to persons who, having been members of the National Fire Service immediately before the appointed day, become on that day members of a fire brigade maintained in pursuance of this Act and suffer a reduction of emoluments in comparison with the emoluments determined by the regulations to be appropriate to their former employment in connection with the provision of fire services ;
  - (c) to persons who immediately before the eighteenth day of August, nineteen hundred and forty-one, were employed by a local authority, or were engaged in war service within the meaning of the Local Government Staffs (War Service) Act, 1939, having left employment with the local authority to undertake such service, and immediately before the appointed day were employed for the purposes of the Fire Services (Emergency Provisions) Act, 1941, otherwise than as members of the National Fire Service, and who either—
    - (a) become employed on the appointed day by a local authority and suffer a reduction in emoluments in comparison with the emoluments determined by the regulations to be appropriate as aforesaid, or
    - (b) do not on the appointed day become employed by a local authority.
- (2) Regulations may authorise or require the payment by the appropriate authority of emoluments, and of pensions, gratuities or allowances, of such amounts and subject to such conditions as may be prescribed in the case of persons who, having at any time before the appointed day been chief officers of fire brigades maintained in pursuance of the Fire Brigades Act, 1938, do not on or after the appointed day become chief officers of fire brigades maintained in pursuance of this Act.
- (3) In this paragraph the expression " appropriate authority ", in relation to the whole or any part of any payment, means a fire authority or the Secretary of State, as may be prescribed.
- (4) Regulations under this paragraph may make provision as to the determination of questions arising under the regulations.

*Special provisions as to police-firemen.*

- 15 (1) The provisions of the Police Act, 1946, as to the transfer of property, rights and liabilities from the council of an area ceasing to be a separate police area to the council of a county or to a combined police authority shall apply, and be deemed always to have applied, to property, rights and liabilities of the first-mentioned council held or incurred in connection with pensions', allowances or gratuities—
- (a) in respect of whole-time service for fire-fighting purposes in the police force of the said area, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) in respect of service for such purposes (whether before or after the said area ceased to be a separate police area) falling by virtue of regulations made under the Fire Services (Emergency Provisions) Act, 1941, to be treated for the purposes of the Police Pensions Act, 1921, as service in the said police force.
  - (2) The said provisions of the Police Act, 1946, shall not apply, and shall be deemed never to have applied, to any other property, rights or liabilities held or incurred in connection with the provision of fire services.
  - (3) Without prejudice to the generality of sub-paragraph (1) of this paragraph, the provisions of sub-paragraph (1) of paragraph 3 of the Third Schedule to the said Act of 1946 as to the treatment of pensions, allowances and gratuities granted before the date of transfer in respect of members of a transferred force shall apply, and be deemed always to have applied, to pensions, allowances and gratuities granted before that date to members of the National Fire Service whose service therein fell by virtue of regulations made under the said Act of 1941 to be treated as service in the transferred force.
- 16 (1) Where section one of the Police and Firemen (War Service) Act, 1939, applied to a constable by reason of his having ceased to serve as a member of a fire brigade maintained in pursuance of the Fire Brigades Act, 1938—
- (a) engagement in service on the National Fire Service, whether before or after the passing of this Act, shall be treated for the purposes of the Police and Firemen (War Service) Acts, 1939 and 1944, as resumption of service as a constable ;
  - (b) if he is, or was before the passing of this Act, prevented as mentioned in those Acts from engaging in service in the National Fire Service or a fire brigade maintained in pursuance of this Act, he shall be treated for the purposes of those Acts as having been so prevented from resuming service as a constable.
- (2) Nothing in the last foregoing sub-paragraph shall be construed as prejudicing the power of the Secretary of State under subsection (3) of section six of the Police and Firemen (War Service) Act, 1944, to declare what during the existence of the National Fire Service is to be treated for the purposes of the said Acts of 1939 and 1944 as resuming service as a fireman.

*Miscellaneous provisions.*

- 17 (1) Regulations may provide for authorising the taking before the appointed day by councils of counties and county boroughs and other authorities which on the appointed day will become fire authorities of such steps as appear to the Secretary of State to be requisite for the purpose of enabling fire authorities to perform their functions under this Act on or after that day.
- (2) Without prejudice to the provisions of the last foregoing paragraph, a combination scheme may be made before the appointed day, but so as to come into operation on or after that day, or, if the scheme is made by virtue of section ten of this Act, on or after the appointed day or the date mentioned in that section, whichever is the later.
- (3) In relation to a combination scheme made by virtue of the last foregoing sub-paragraph, references in sections five, six, nine and ten of this Act to fire authorities (other than references to the fire authority constituted by the scheme) shall be

---

*Status: This is the original version (as it was originally enacted).*

---

construed as references to authorities which apart from the scheme would on the appointed day become fire authorities.

- (4) Notwithstanding anything in the provisions of the last foregoing sub-paragraph or in section ten of this Act, a combination scheme made by virtue thereof may come into operation earlier than would be permissible under those provisions, in so far as is requisite for the purposes of sub-paragraph (1) of this paragraph.
- 18 —The provisions of Part VIII of the Requisitioned Land and War Works Act, 1945 (which provides for adjustments of compensation on the acquisition of land in certain cases for the purpose of eliminating changes in value due to the exercise of emergency powers) shall have effect in relation to any purchase of land by a fire authority under subsection (5) of section three of this Act as if the expression " war period " in the said Act of 1945 included any period during which the Supplies and Services (Transitional Powers) Act, 1945, is in force.

*Provisions as to regulations.*

- 19 (1) Regulations shall be made after consultation with such associations representing local authorities as appear to the Secretary of State to be concerned.
- (2) In this Schedule the expression " prescribed " means prescribed by or under regulations.
- (3) Regulations may be made either generally or so as to apply in such circumstances as may be prescribed, and may make different provisions for different cases.