

Tel. Address: HOME OFFICE,
"Emblaz, Sowest, London."
Tel. No.: VICTORIA 4433. (Fire Brigades Division),
Any communication on the
subject of this letter CLELAND HOUSE,
should be addressed to:-
The Under Secretary of State, PAGE STREET,
and the following number quoted:-
F.B. GEN. 265/3 LONDON, S.W.1.
23rd September, 1940.

Sir,

Police and Firemen (Employment) Order, 1940.
Transfer to another Fire Brigade or Auxiliary Fire Service.

F.B. Circular No. 127/1940.

1. I am directed by Sir John Anderson to refer to F.B. Circular No. 81/1940, issued on 20th June last, on the subject of the Police and Firemen (Employment) Order, 1940; and to say that, as a result of a number of individual cases that have been brought to his notice, he has had under consideration the principles to be applied in dealing with cases of whole-time regular firemen (whether professional or temporarily engaged for whole-time service) to whom the Order applies and who wish to transfer to another fire brigade.

2. The principal object of the Order is to prevent loss of trained men to the Fire Service as a whole. In the Minister's view however, it would be wrong in principle to immobilise Fire Service personnel so as to prevent all change and development within the Fire Service, and it was not his intention that bona fide resignations to take

The Clerk of the London County Council,
The Town Clerk,
The Clerk to the Council.

up a post in another fire brigade should be barred under the Order. He assumes that Chief Officers of fire brigades would not in general exercise their powers under Article 2 of the Order so as to refuse to dispense with the services of a whole-time regular fireman where the man in question desired to transfer within the Fire Service, and it is suggested that in any cases of this kind the best course will be for the Chief Officers concerned to discuss the matter with a view to arriving at a decision which will have due regard to the situation in the district of each at the time. If it is not possible to reach a satisfactory settlement in this way, the Secretary of State would be prepared to consider whether, in pursuance of the dispensing powers which are also vested in him, he should himself dispense with the man's services. He would not, however, be prepared to exercise his powers under Article 2 of the Order if it were shown that, for some good and sufficient reason, the man could not be spared for transfer and that his retention was necessary in the public interest.

3. Fire authorities will be aware that by Section 7(1) of the Fire Brigade Pensions Act, 1925, the formal consent of the fire authority is required if a professional fireman to whom that Act applies is to preserve his pension rights on transfer to another brigade.

4. Fire authorities are also reminded that under the Police and Firemen (Employment) Order, where the person whose services are to be dispensed with is a whole-time Chief Officer of a fire brigade, the point of dispensing with his services rests with the Secretary of State. Any such cases should accordingly be referred to the Department for consideration, together with a full report of the circumstances of the proposed retirement.

I am, Sir,

Your obedient Servant,

J.B. MacIver

Issued to:-

All Fire Authorities in England and Wales.

Copies sent for information to:-

Chief Officers of Fire Brigades and

Chief Constables in England and Wales.