

TEL. No.: VICTORIA 4433

Any communication on the
subject of this letter should be
addressed to:—

THE UNDER SECRETARY OF STATE,
HOME OFFICE, (FIRE BRIGADES DIVISION),
CLELAND HOUSE,
PAGE STREET,
LONDON, S.W.1.



HOME OFFICE,
CLELAND HOUSE,
PAGE STREET,
LONDON, S.W.1.

and the following number quoted:—

F.B.C.M.F. 66/2/2.

2nd July, 1940.

Sir,

Compensation for Part-time Regular Firemen
injured on duty in connexion with Fires due
to War Operations.

F.B.Circular No.95/1940.

1. I am directed by Sir John Anderson to say that he has had under consideration the position in regard to compensation of part-time (i.e. retained or volunteer) members of regular fire brigades (hereinafter referred to as "part-time firemen") who may be injured while on duty in connexion with fires due to war operations (hereinafter referred to as "war fires").

2. Injuries which part-time firemen may sustain in connexion with war fires may be divided into two categories:—

- (a) injuries directly due to war operations, e.g. caused by bomb, bullet or gas;
- (b) injuries which might be sustained by any fireman on duty at any fire, irrespective of the cause of the fire.

In respect of injuries in category (a), almost all part-time firemen are already eligible for compensation under the Government's Personal Injuries (Civilians) Scheme. In respect of injuries in category (b), part-time firemen, like professional firemen, continue to be eligible for compensation under the existing arrangements made by their fire authorities. The position is set out in greater detail below.

3. The Personal Injuries (Civilians) Scheme provides compensation in respect of "war injuries" - injuries directly due to war operations, e.g. caused by bomb, bullet or gas, sustained by "gainfully occupied persons". (See the Ministry of Pensions Circular to local authorities S.S.145 of 14th September, 1939). With very few exceptions, part-time firemen will be gainfully occupied persons. If a part-time fireman who is not a gainfully occupied person sustains a war injury while on duty in

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

connexion with a war fire, he would, of course, be eligible for free treatment in hospital under the Ministry of Health Emergency Hospital Scheme, but there is no statutory provision for the payment of a compensation allowance. Should the need arise, however, the possibility of an ex gratia grant would be considered by the Ministry of Pensions in the light of the circumstances.

4. In respect of other injuries, the position is that the personal accident or similar insurance policies which are taken out by fire authorities should, of course, be continued. These policies will no doubt be subject to a war risk exclusion clause. The Minister has been in consultation with representative insurers and he understands that this clause will be interpreted by the insurers as if it only excluded "war injuries" as defined in Section 8(1) of the Personal Injuries (Emergency Provisions) Act, 1939, (under which Act the Personal Injuries (Civilians) Scheme is made). This interpretation has been subscribed to by the insurance companies concerned with this type of business and has also been brought to the notice of Lloyds' underwriters.

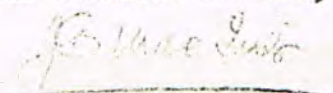
5. Part-time firemen, not being "civil defence volunteers", are not eligible for compensation under the Personal Injuries (Civilians) Scheme in respect of injuries other than "war injuries". It is, therefore, important that fire authorities should see to it that the arrangements which they themselves have hitherto made for compensation to their part-time firemen are effectively maintained.

6. Part-time firemen who have been temporarily engaged for whole-time paid service during the war will be in the same position as other part-time firemen, but in these cases fire authorities should notify the insurer concerned of the alteration in status of the firemen in question in order to ensure that compensation will be available to them in respect of injuries other than "war injuries".

7. This Circular has no application to professional firemen, who continue subject to the statutory superannuation provisions affecting them, or to members of the Auxiliary Fire Service, who are within the scope of the Personal Injuries (Civilians) Scheme for all purposes.

I am, Sir,

Your obedient Servant,



Issued to:-

The Clerk of the London County Council.
All Fire Authorities in England and Wales.

Copies sent for information to:-

Chief Officers of Fire Brigades and
Chief Constables in England and Wales.