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FIRE BRIGADES National Employers

**To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of HR**

Members of the Employers' Side of the NJC

11 November 2005

CIRCULAR EMP/20/05

Dear Sir/Madam

RETAINED FIREFIGHTERS AND THE PART-TIME WORKERS (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS – HOUSE OF LORDS LISTING

1. Circular EMP/2/05 advised authorities that the House of Lords had granted the FBU leave to appeal and that the case would continue to be defended by Beachcroft Wansbroughs, through the Employers Organisation, on behalf of fire authorities.
2. I write to advise you that the case has been listed in the House of Lords for 11 and 12 January 2006.
3. Authorities are reminded that it is anticipated that legal costs in respect of this appeal will be in the region of £40,000 plus VAT and under the cost-sharing agreement, which all authorities committed to (proportionate to the number of retained firefighters in each fire and rescue service) once the costs of this stage have been finalised, those authorities with retained firefighters will be invoiced by the appropriate amount, offset by any award made in respect of costs.
4. Authorities are also reminded that costs could be awarded against us, with an Order to pay the FBU's costs, should we lose the case at the House of Lords. However, the costs to authorities in terms of losing the case and subsequent back payment liability would far outweigh such costs.
5. This case does not affect the June 2003 Pay and Conditions Agreement. Whilst the Employers as part of the Agreement accepted the future principle of parity with wholtime firefighters, it was on the basis of the introduction of the Integrated Personal Development System (IPDS).

Yours faithfully

**Jacky Teasell
Negotiating Officer**