SCHEDULE

AMENDMENT OF THE FIREFIGHTERS' PENSION SCHEME

27. For rule E5 (gratuity in lieu of surviving spouse's pension)(**1**) substitute–

"**Lump sum in lieu of surviving spouse's or civil partner's pension**

E5.—(1) Subject to rule E7, where the amount of any pension payable under Part C, together with any increase under the Pensions (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 1 of Schedule 29 to the Finance Act 2004 (lump sum rule)(**2**), the fire and rescue authority may commute the pension for a lump sum.

(2) Where–

(a) a surviving spouse or civil partner is entitled to a pension under rule C1; and

(b) the fire and rescue authority are satisfied that there are sufficient reasons; and

(c) the surviving spouse or civil partner consents; and

(d) the deceased spouse or civil partner died before his 75th birthday,

the fire and rescue authority may commute for a lump sum the pension or so much of it as may be commuted without exceeding the commutation limit.

(3) A fire and rescue authority may under this rule commute a pension for a lump sum only when the pension first becomes payable.

(4) The payment of a lump sum on the commutation of the whole or any part of a pension under this rule must be made before the date on which the deceased would have attained the age of 75.

(5) A lump sum under this rule shall be calculated in accordance with such guidance as is provided for the purpose by the Government Actuary.".

(**1**) Rule E5 was substituted by article 2 of and paragraph 32 of the Schedule to S.S.I. 2005/566 and was amended by article 2 and paragraph 17 of Schedule 1 to S.I.2005/3228.

(**2**) As to "the lump sum rule", see section 166 of the Finance Act 2004 (c. 12). As to the commutation limit, see paragraph 7(4) of Part 1 of Schedule 29 to that Act.