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WELSH STATUTORY INSTRUMENTS

2015 No. 1016 (W. 71)

PUBLIC SERVICE PENSIONS, WALES

The Firefighters' Pension Scheme (Wales) (Transitional and Consequential Provisions) Regulations 2015

Made - - - -	*31 March 2015*
Laid before the National Assembly for Wales - -	*31 March 2015*
Coming into force - -	*1 April 2015*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 1(1) and (2)(**1**), 2(1), 3(1), (2), (3)(a) and (c), (6) and (7), 18(5) and (6) of, and paragraph 6(b) of Schedule 2, Schedule 3 and paragraphs 1(2)(ii), 2(2)(ii) and 5(1) of Schedule 7 to, the Public Service Pensions Act 2013(**2**).

In accordance with section 21 of that Act, the Welsh Ministers have consulted the representatives of such persons as appear to the Welsh Ministers likely to be affected by these Regulations.

Title and commencement

1.—(1) The title of these Regulations is the Firefighters' Pension Scheme (Wales) (Transitional and Consequential Provisions) Regulations 2015.

(2) These Regulations come into force on 1 April 2015.

Amendment of the Firefighters' Pension Scheme (Wales) Regulations 2015

2. The Firefighters' Pension Scheme (Wales) Regulations 2015(**3**) which establish the Firefighters' Pension Scheme (Wales) 2015 are amended in accordance with Schedule 1 to these Regulations.

Amendment of the Firefighters' Pension Scheme (Wales) Order 2007

3. Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007(**4**) (in which the New Firefighters' Pension Scheme (Wales) is set out) is amended in accordance with Schedule 2 to these Regulations.

(**1**) See also section 1(3) and Schedule 1.
(**2**) 2013 c. 25.
(**3**) S.I. 2015/622 (W. 50).
(**4**) S.I. 2007/1072 (W. 110); Schedule 1 is the subject of amendments not relevant to these Regulations.

Amendment of the Firemen's Pension Scheme Order 1992

4. Schedule 2 to the Firemen's Pension Scheme Order 1992(**5**) (in which is set out the Firefighters' Pension (Wales) Scheme), as it has effect in Wales, is amended in accordance with Schedule 3 to these Regulations.

Leighton Andrews
Minister for Public Services, one of the Welsh Ministers

31 March 2015

(**5**) S.I. 1992/129. Schedule 2 is the subject of amendments not relevant to these Regulations. The name of the scheme was changed to the Firefighters' Pension (Wales) Scheme by S.I. 2004/2918 (W. 257). By virtue of S.I. 2007/1072 (W. 110), subject to certain savings, the scheme has no effect in relation to any person who takes up employment with a Welsh fire and rescue authority on or after 6 April 2006.

SCHEDULES

SCHEDULE 1

Regulation 2

Amendments to the Firefighters' Pension Scheme (Wales) Regulations 2015

1. In Part 1 (preliminary), in regulation 3 (interpretation)—

(a) in the appropriate places insert—

""adjusted lower tier ill-health pension" ("*pensiwn addasedig afiechyd haen isaf*") has the meaning given in regulation 75(4) (annual rate of ill-health awards);";

""connected member of the NFPS" ("*aelod cysylltiedig o CPNDT*") has the meaning given in rule 1C of Part 2 of the NFPS;";

""connected special member of the NFPS" ("*aelod arbennig cysylltiedig o CPNDT*") has the meaning given in rule 1D of Part 2 of the NFPS;";

""continued pension" ("*pensiwn parhaus*") means—

(a) in relation to a member of the NFPS, the entitlement to a pension under rule 1B of Part 3 of the NFPS,

(b) in relation to a member of the 1992 Scheme, the entitlement to a pension under rule B2A of the 1992 Scheme;";

""deferred member of the 1992 Scheme" ("*aelod gohiriedig o Gynllun 1992*") means a person who is entitled to a deferred pension under rule B5 of the 1992 Scheme;";

""deferred member of the NFPS" ("*aelod gohiriedig o CPNDT*") has the meaning given in rule 2(1) of Part 1 of the NFPS;";

""equivalent amount to the 1992 Scheme lower tier ill-health pension" ("*swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992*") has the meaning given in regulation 74(5) (entitlement to lower tier ill-health pension and higher tier ill-health pension);";

""equivalent amount to the NFPS lower tier ill-health pension" ("*swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT*") has the meaning given in regulation 74(5)(a) (entitlement to lower tier ill-health pension and to higher tier ill-health pension);";

""initial period" ("*cyfnod dechreuol*") has the meaning given in regulation 86 (meaning of "initial period");";

""pensionable service in the 2015 Scheme" ("*gwasanaeth pensiynadwy yng Nghynllun 2015*") means any continuous pensionable service in relation to the active member's account in this scheme to which pensionable service in the 1992 Scheme was added for the purposes of regulation 66 (qualifying service) of these Regulations for the period whilst paragraph (7) of rule A3 of the 1992 Scheme continues to apply to that person;";

(b) in the definition of "retirement pension", after paragraph (b) insert—

"(c) an ill-health award and the payment of any equivalent amount to the 1992 Scheme lower tier ill-health pension (if any) and the payment of any equivalent amount to the NFPS lower tier ill-health pension (if any);".

2. In Part 2 (governance), at the end of paragraph (2) of regulation 4 (scheme manager) insert "in relation to each of the member's pension accounts".

3. In Part 3 (scheme membership) in Chapter 1 (eligibility for active membership), in regulation 15 (scheme employment), for paragraph (3) substitute—

"(3) A person who is a member of the 1992 Scheme or the NFPS satisfies the requirement in this paragraph."

4. In Part 4 (pension accounts), in Chapter 8 (retirement account), in regulation 60 (account to specify amount of retirement pension (active members))—

(a) after paragraph (3) insert—

"(3A) Where the active member is entitled to an equivalent amount to the 1992 Scheme lower tier ill-health pension or to an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify that amount.";

(b) after paragraph (4) insert—

"(4A) For an equivalent amount to the 1992 Scheme lower tier ill-health pension or an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify any commutation amount."

5. In Part 5 (retirement benefits), in Chapter 2—

(a) in regulation 68 (annual rate of retirement pension (active members))—

(i) in paragraph (2), for "sub-paragraphs (a), (b) and (c)" substitute "sub-paragraphs (a), (b), (ba) and (c)";

(ii) after paragraph (2)(b) insert—

"(ba) the sum of —

(i) the equivalent amount to the NFPS lower tier ill-health pension (if any) or the equivalent amount to the 1992 Scheme lower tier ill-health pension (if any) specified in the member's retirement account,

(ii) subtracting the commutation amount (if any) specified in that account in relation to that amount; and";

(b) in regulation 71 (employer initiated retirement), after paragraph (2) insert—

"(3) Where an employer is considering making the determination in paragraph (2) in respect of an active member who is a connected member of the NFPS, or a connected special member of the NFPS, in relation to that active member's pension account, the employer must also consider making a determination under rule 6 (pension on authority initiated early retirement) of Part 3 of the NFPS.";

(c) in regulation 74 (entitlement to lower tier ill-health pension and to higher tier ill-health pension), after paragraph (3) insert—

"(4) Where an active member (A) is entitled to a lower tier ill-health pension and paragraph 22 (transition member who has not reached normal pension age under the NFPS) or paragraph 24 (transition member who has not reached normal pension age under the 1992 Scheme) of Schedule 2 to these Regulations applies in relation to A—

(a) if paragraph 22 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under rule 2(2) of the NFPS, be payable to the member under the NFPS;

(b) if paragraph 24 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member

were entitled to payment of a lower tier ill-health pension under rule B3 (ill-health awards) of the 1992 Scheme, be payable to the member under the 1992 Scheme.

(5) In these Regulations—

(a) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (a) of paragraph (4) is referred to as the "equivalent amount to the NFPS lower tier ill-health pension" ("*swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT*");

(b) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (b) of paragraph (4) is referred to as the "equivalent amount to the 1992 Scheme lower tier ill-health pension" ("*swm cyfwerth â'r pensiwn afiechyd haen isaf Cynllun 1992*").";

(d) in regulation 75 (annual rate of ill-health awards)—

(i) after paragraph (3) insert—

"(3A) In the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension, the adjusted lower tier ill-health pension includes the adjusted equivalent amount.";

(ii) in paragraph (4), at the appropriate place insert—

""the adjusted equivalent amount" ("*y swm cyfwerth addasedig*") means—

(a) in the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension, that amount calculated—

(i) excluding from the calculation the amount of any additional period of service purchased under Part 11 of the NFPS, and

(ii) without the deduction of any commuted portion; and

(b) in the case of a member who is entitled to the equivalent amount to the 1992 Scheme lower tier ill-health pension, that amount calculated without the deduction of any commuted portion;";

(e) in regulation 78 (consequences of review), after paragraph (6) insert—

"(6A) Where L is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension, paragraphs (3) and (5) apply as if the reference to "lower tier ill-health pension" included an equivalent amount to the NFPS lower tier ill-health pension or an equivalent amount to the 1992 Scheme lower tier ill-health pension, as the case may be.";

(f) after regulation 80 (option to commute part of pension) insert—

"**Option to commute part of an equivalent amount**

80A.—(1) A member who becomes entitled to the immediate payment of an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension may opt under this regulation to exchange part of the pension for a lump sum.

(2) The option may only be exercised—

(a) by written notice to the scheme manager which sets out the amount to be commuted; and

(b) before the first payment of the equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension is made.

(3) Where the person is entitled to the immediate payment of an equivalent amount to the NFPS lower tier ill-health pension and exercises the option to commute under this regulation, the lump sum is calculated—

(a) in the case of a person who is a connected member of the NFPS, in accordance with paragraphs (2) and (4) of rule 9 (commutation: general) of Part 3 of the NFPS, and

(b) in the case of a person who is a connected special member of the NFPS, in accordance with paragraphs (2A), (4) and (4A) of rule 9 of Part 3 of that scheme."

6. In Part 6 (death benefits)—

(a) in Chapter 1 (interpretation), in regulation 86 (meaning of "initial period"), for "For the purposes of this Part" substitute "For the purposes of these Regulations";

(b) in Chapter 2 (pensions for surviving partners)—

(i) in paragraph (3) of regulation 87 (surviving partner's pension payable on death of active member) for "Subject to regulation 91 (reduction in pensions in cases of wide age disparity)" substitute "Subject to paragraph (4) and regulation 91 (reduction of pensions in cases of wide age disparity)";

(ii) after paragraph (3) of regulation 87 insert—

"(4) Where the member referred to in paragraph (1) was a transition member who had additional pension benefit under rule 7A or 7B of Part 3 of the NFPS or additional pension benefit under rule B5B or B5C of the 1992 Scheme, half the amount of additional pension benefit is added to the amount of the annual rate of the surviving partner's pension referred to in paragraph (3).";

(iii) at the beginning of paragraph (2) of regulation 95 (eligible child's pension on death of active member) insert "Subject to paragraph (3)", and after that paragraph insert—

"(3) Where the member referred to in paragraph (1) was a transition member who had additional pension benefit under rule 7A or 7B of Part 3 of the NFPS or additional pension benefit under rule B5B or B5C of the 1992 Scheme, the amount of the additional pension benefit is added to the amount of the higher tier ill-health pension referred to in paragraph (2).";

(c) in Chapter 4 (lump sum death benefits), after paragraph (4) in regulation 102 (meaning of "final pay") insert—

"(5) Where the member referred to in paragraph (1) is a transition member and was in pensionable service under the 1992 Scheme or the NFPS, as the case may be, during the period referred to in paragraph (1)(a) or (1)(b) and service from that scheme is included in the qualifying service for the pension account in respect of which the lump sum death benefit is paid—

(a) pensionable pay in paragraph (1)(a) or (1)(b) includes average pensionable pay construed in accordance with rule G1 where the person was a member of the 1992 Scheme or pensionable pay under rule 1 or rule 2 of Part 11 of the NFPS where the person was a firefighter or special firefighter member of the NFPS, and

(b) pensionable service includes pensionable service construed in accordance with rule F1 where the person was a member of the 1992 Scheme or pensionable service construed in accordance with rules 2 to 5 of Part 10 of the NFPS.";

(d) after paragraph (3) of regulation 105 (lump sum payable on death of active member) insert—

"(4) Where the active member's account in respect of which the lump sum death benefit will be paid included pensionable service reckonable under rule F1 of the 1992 Scheme as qualifying service and a dependent relative's gratuity has been paid under rule E3 of the 1992 Scheme or the payment of the balance of contributions to estate has been paid under rule E4 of the 1992 Scheme, those amounts must be deducted from the amount of lump sum death benefit payable under this regulation."

7. Schedule 2 (transitional provisions) is amended as follows—

(a) in Part 1, in paragraph 3(2) for "Subject to sub-paragraph (3)" substitute "Subject to sub-paragraphs (3) and (4)" and after sub-paragraph (3) insert—

"(4) In the case of a tapered protection member of the NFPS who is a special member of the NFPS, the tapered protection closing date is the date found by applying the relevant date in column 3 of the 1992 Scheme table in Part 4 of this Schedule to the birthday referred to in column 1 and column 2.";

(b) in Part 2, in paragraph 9, after sub-paragraph (2) insert—

"(2A) Where P was a full protection member of the 1992 Scheme and, after retiring from pensionable service in this scheme, became entitled to a continuous service pension under rule B1A, to an ordinary pension under rule B1, to a short service award under rule B2 or to a continued pension under rule B2A of that scheme, P ceases to be eligible to be a full protection member of the NFPS.";

(c) in Part 3, in paragraph 15, after sub-paragraph (1) insert—

"(1A) Where P was a full protection member of the 1992 Scheme and, after retiring from pensionable service in this scheme, became entitled to a continuous service pension under rule B1A, to an ordinary pension under rule B1, to a short service award under rule B2 or to a continued pension under rule B2A of that scheme, P ceases to be eligible to be a tapered protection member of the NFPS.";

(d) after Part 3 insert—

"PART 3A

Payment of ill-health benefits to transition members

Transition member who has not reached normal pension age under the NFPS

22.—(1) This paragraph applies in relation to a transition member with continuity of service who—

(a) is a connected member of the NFPS or a connected special member of the NFPS;

(b) becomes entitled to an ill-health award under this scheme in relation to relevant scheme employment; and

(c) has not reached normal pension age under the NFPS.

(2) If this paragraph applies—

(a) neither a lower tier ill-health pension nor a higher tier ill-health pension is payable under rule 2 (awards on ill-health retirement) of the NFPS; and

(b) an ill-health award is payable under this scheme in accordance with this paragraph.

(3) If the member meets the conditions only for a lower tier ill-health pension under this scheme, the annual rate of a lower tier ill-health pension payable under this scheme is the sum of—

(a) the annual rate of a lower tier ill-health pension payable under this scheme; and

(b) an amount payable under regulation 74 (entitlement to lower tier ill-health pension and to higher tier ill-health pension).

(4) Where the member meets the conditions for a higher tier ill-health pension under this scheme, the adjusted lower tier ill-health pension in regulation 75(4) (annual rate of ill-health awards) includes the amount in sub-paragraph (3)(b) for the purposes of the calculation of the annual rate of the higher tier ill-health pension.

(5) If, after an ill-health award becomes payable under this scheme, a transfer value payment is made under Chapter 2 (transfers out of the Scheme) of Part 12 (transfers into and out of the Scheme) of the NFPS in respect of the member's rights under that Scheme and the transfer relates to a period of service included as qualifying service in relation to the member's retirement account, the scheme manager must deduct from the ill-health award the amount in respect of service in the NFPS which is equal to the value represented by that transfer value payment.

(6) In this paragraph—

"relevant scheme employment" ("*cyflogaeth gynllun berthnasol*") means the continuous period of pensionable service in scheme employment in relation to the active member's account to which the qualifying service for that connected member of the NFPS, or connected special member of the NFPS, was added for the purposes of regulation 66 (qualifying service).

Transition member who reaches normal pension age under the NFPS

23.—(1) This paragraph applies in relation to a transition member with continuity of service who is receiving payment of an ill-health award in accordance with paragraph 22.

(2) When the member reaches normal pension age under the NFPS—

(a) the equivalent amount to the NFPS lower tier ill-health pension specified under regulation 68(2)(ba) (annual rate of retirement pension (active members)) ceases to be payable under this scheme; and

(b) the member becomes entitled under the NFPS to the immediate payment of a continued pension of a sum equal to the annual rate of the equivalent amount to the NFPS lower tier ill-health pension payable immediately before the date on which the member reaches normal pension age.

Transition member who has not reached normal pension age under the 1992 Scheme

24.—(1) This paragraph applies in relation to a transition member who—

(a) was in pensionable service in the 1992 Scheme until the day before the transition date; and

(b) has continued in pensionable service in relevant scheme employment, or has been treated as an active member of this scheme in relation to that employment, until that member became entitled to an ill-health award under this scheme; and

(c) has not reached normal pension age under the 1992 Scheme or the age at which the conditions of rule B1 (ordinary pension) as modified by rule B1A (continuous service pension) of that scheme are satisfied.

(2) If this paragraph applies—

(a) neither a lower tier ill-health pension nor a higher tier ill-health pension is payable under rule B3 (ill health awards) of the 1992 Scheme; and

(b) an ill-health award is payable under this scheme.

(3) If the member meets the conditions for a lower tier ill-health pension only under this scheme, the annual rate of a lower tier ill-health pension payable under this scheme is the sum of—

(a) the annual rate of a lower tier ill-health pension payable under this scheme; and

(b) an amount payable under regulation 74(4) (entitlement to lower tier ill-health pension and to higher tier ill-health pension).

(4) If the member meets the conditions for a higher tier ill-health pension under this scheme, the adjusted lower tier ill-health pension in regulation 75(4) (annual rate of ill-health awards) includes the amount in sub-paragraph (3)(b) for the purposes of the calculation of the annual rate of the higher tier ill-health pension.

(5) If, after an ill-health award becomes payable under this scheme, a transfer value payment is made under rule F9 (payment of transfer value) of the 1992 Scheme in respect of the member's rights under that scheme and the transfer relates to a period of service included as qualifying service in relation to that member's retirement account, the scheme manager must deduct from the amount of the ill-health award an amount in respect of service in the 1992 Scheme which is equal to the value represented by that transfer value payment.

(6) In this paragraph—

"relevant scheme employment" ("*cyflogaeth gynllun berthnasol*") means the continuous period of pensionable service in scheme employment in relation to the active member's account to which the pensionable service in the 1992 Scheme was added for the purposes of regulation 66 (qualifying service).

Transition member who reaches normal pension age under the 1992 Scheme

25.—(1) This paragraph applies in relation to a transition member who is receiving the payment of an ill-health award in accordance with paragraph 24.

(2) When the member reaches normal pension age under the 1992 Scheme or the age for retirement ascertained under rule B1A(3)(i) of that scheme—

(a) the member ceases to be entitled to the immediate payment of the equivalent amount to the 1992 Scheme lower tier ill-health pension under regulation 74(4)(b) (entitlement to lower tier ill-health pension and to higher tier ill-health pension) under this scheme; and

(b) the member becomes entitled under the 1992 Scheme to the immediate payment of a continued pension of a sum equal to the annual rate of the equivalent amount of the 1992 Scheme lower tier ill-health pension payable immediately before the date on which the member reaches normal pension age or the age for retirement ascertained under rule B1A(3)(i) of the 1992 Scheme.

PART 3B

Payment of death benefits in respect of transition members

Annual rate of pensions for surviving partners payable under this scheme when certain transition members die in service with accrued benefits in the 1992 Scheme

26.—(1) This paragraph applies in relation to a transition member who—

(a) was in pensionable service in the 1992 Scheme until the day before the transition date;

(b) has continued in pensionable service in scheme employment, or to be treated as an active member of this scheme, until that member dies; and

(c) dies as an active member of this scheme.

(2) Awards for surviving spouses and civil partners are not payable under Part C (awards on death: spouses) of the 1992 Scheme in respect of a member to whom this paragraph applies.

(3) A surviving spouse or civil partner of a member to whom this paragraph applies is not entitled to receive a bereavement pension under rule E8 of the 1992 Scheme.

Annual rate of pensions payable to an eligible child under this scheme when a transition member dies in service with accrued benefits in the NFPS

27.—(1) This paragraph applies in relation to a transition member with continuity of service who is a connected member of the NFPS or a connected special member of the NFPS—

(a) who dies as an active member of this scheme; and

(b) whose period of qualifying service is at least 3 months.

(2) Pensions for an eligible child are not payable under the NFPS in respect of that member.

Annual rate of pensions payable to an eligible child under this scheme when a transition member dies in service with accrued benefits in the 1992 Scheme

28.—(1) This paragraph applies in relation to a transition member who—

(a) was in pensionable service in the 1992 Scheme until the day before the transition date;

(b) has continued in pensionable service in scheme employment, or has been treated as an active member of this scheme, until that member dies; and

(c) dies as an active member of this scheme.

(2) Awards for an eligible child are not payable under Part D (awards on death – children) and a bereavement pension is not payable under rule E8A of the 1992 Scheme in respect of that member.

Amount of lump sum death benefit payable under this scheme when a transition member dies in service with accrued benefits in the NFPS

29.—(1) This paragraph applies in relation to a transition member (T) who is a member of the NFPS and who dies as an active member of this scheme.

(2) Subject to sub-paragraph (3), where T dies as a pensioner member of the NFPS, the amount of the lump sum death benefit payable under this scheme is the greater of the amount of the lump sum death benefit payable under regulation 105(2) and the amount of post-retirement death grant payable under rule 2 (post-retirement death grant) of Part 5 of the NFPS.

(3) Where T at the time of T's death was a pensioner member of this scheme and an active member of this scheme, and regulation 107 (lump sum payable on death in certain cases) applies, in a case where the greater amount of the lump sum death benefit payable is that under regulation 106 (lump sum payable on death of pensioner member), "regulation 105" in sub-paragraph (2) is to be read as "regulation 106".

Amount of lump sum death benefit payable under this scheme when a transition member dies in service with accrued benefits in the 1992 Scheme

30.—(1) This paragraph applies in relation to a transition member (T) who is a member of the 1992 Scheme and who dies as an active member of this scheme.

(2) Sub-paragraph (3) applies where paragraph (7) of rule A3 of the 1992 Scheme applied to T immediately before T died and a lump sum death grant of an amount specified in regulation 105(2) (lump sum payable on death of active member) of this scheme is payable to those persons that the scheme manager determines under regulation 104 (person to whom lump sum death benefit payable) and—

(a) a lump sum death grant has been paid under rule E1 of the 1992 Scheme,

(b) a payment of the balance of contributions has been made under rule E4 of the 1992 Scheme, or

(c) a dependent relative's gratuity has been paid under rule E3 of the 1992 Scheme.

(3) Where this sub-paragraph applies, the payments which have been made and are referred to in paragraphs (a), (b) or (c) of sub-paragraph (2) must be deducted from the lump sum death grant payable under regulation 105.

(4) Sub-paragraph (5) applies where T dies as a deferred member of the 1992 Scheme or in receipt of a pension from that scheme and a lump sum death grant of an amount specified in regulation 105(2) of this scheme is payable to those persons that the scheme manager determines under regulation 104 and—

(a) a dependent relative's gratuity has been paid under rule E3 of the 1992 Scheme, or

(b) an amount of post retirement death grant has been paid under rule E4.

(5) Where this sub-paragraph applies, the payments which are referred to in paragraphs (a) or (b) of sub-paragraph (4) and which have been made must be deducted from the amount of lump sum death grant payable under regulation 105.

PART 3C

Transitional provisions relating to the NFPS and the 1992 Scheme

Pensionable service under the NFPS

31.—(1) This paragraph applies in relation to a transition member (T) who is a connected member of the NFPS, or a connected special member of the NFPS, and has continuity of service.

(2) The following provisions of Chapter 2 (purchase of additional service) of Part 11 (pensionable pay, pension contributions and purchase of additional service) of the NFPS continue to apply after the transition date as if T continued in pensionable service under that scheme—

(a) the provisions relating to the payment of periodical contributions for the purchase of additional service if T had made an election to purchase additional service under rule 6 (election to purchase additional service) or if T returns to pensionable service as a firefighter after a period of unpaid service or absence and T elects to purchase additional service in respect of the period before the transition date under that rule; and

(b) the provisions relating to the payment of the mandatory special period pension contributions payable in respect of an election to purchase service during the limited period under rule 6A (election to purchase service during the limited period).

(3) In determining whether T qualifies under the NFPS for retirement benefits (other than an award on ill-health retirement or a deferred pension), T's pensionable service under the NFPS terminates when T's pensionable service under this scheme terminates.

Final salary of certain transition members for any purposes of the NFPS

32.—(1) This paragraph applies to a transition member with continuity of service (T) who is in pensionable service under this scheme and is a member of the NFPS.

(2) Subject to sub-paragraphs (3) to (5), in determining T's final pensionable pay for any purposes of the NFPS under Schedule 7 to the 2013 Act (final salary link)—

(a) the provisions of paragraph 1 or paragraph 2 of that Schedule apply as if the reference to "final salary" were a reference to "final pensionable pay", and

(b) pensionable pay derived from service under this scheme is to be regarded as derived from service under the NFPS.

(3) Where T's pensionable pay derived from service under this scheme at a time when T's final pensionable pay is determined for any purposes of the NFPS under Schedule 7 (final salary link) to the 2013 Act is lower than T's pensionable pay derived from service under the NFPS on the day before the transition date—

(a) sub-paragraph (2) does not apply; and

(b) T's final pensionable pay is determined in accordance with rule 1 (pensionable pay) and rule 2 (final pensionable pay) of Part 11 of the NFPS.

(4) Where T's pensionable pay derived from service under this scheme at the time when T's final pensionable pay is determined for any purposes of the NFPS under Schedule 7 to the 2013 Act (final salary link) is lower than the pensionable pay for any year after

the transition date, the pensionable pay for the year of service before the reduction in pensionable pay is to be regarded for the purposes of Schedule 7 as the pensionable pay derived from service under the NFPS.

(5) The definition of pensionable pay derived from service under this scheme in regulation 26 (pensionable pay) is modified for the purposes of sub-paragraphs (2) and (4) by the omission of paragraph (1)(d) of that regulation, and in a case where T is being paid an allowance or supplement within the meaning of paragraph (6) of rule 1 to Part 11 of the NFPS which the employer would have treated as pensionable under that scheme were the member still a firefighter member of that scheme, that amount is treated as included in pensionable pay for the purposes of determining T's final pensionable pay under the NFPS.

Final salary of certain transition members for any purposes of the 1992 Scheme

33.—(1) This paragraph applies in relation to a transition member (T) with continuity of service who is in pensionable service under this scheme and is a member of the 1992 Scheme.

(2) Subject to sub-paragraphs (3) to (5), in determining T's average pensionable pay for any purposes of the 1992 Scheme under Schedule 7 to the 2013 Act (final salary link)—

(a) the provisions of paragraph 1 of that Schedule apply as if the reference to "final salary" were a reference to "average pensionable pay", and

(b) pensionable pay derived from service under this scheme is to be regarded as derived from service under the 1992 Scheme.

(3) Where T's pensionable pay derived from service under this scheme at the time when T's average pensionable pay is determined for any purposes of the 1992 Scheme under Schedule 7 to the 2013 Act (final salary link) is lower than T's pensionable pay derived from service under the 1992 Scheme on the day before the transition date—

(a) sub-paragraph (2) does not apply, and

(b) T's average pensionable pay is determined in accordance with rule G1 (pensionable pay and average pensionable pay) of the 1992 Scheme.

(4) Where T's pensionable pay derived from service under this scheme at the time when T's average pensionable pay is determined for any purposes of the 1992 Scheme under Schedule 7 to the 2013 Act (final salary link) is lower than the pensionable pay for any year after the transition date, the pensionable pay for the year of service before the reduction in pensionable pay is to be regarded for the purposes of Schedule 7 as the pensionable pay derived from service under the 1992 Scheme.

(5) The definition of pensionable pay derived from service under this scheme in regulation 26 is modified for the purposes of sub-paragraphs (2) and (4) by the omission of paragraph (1)(d) of that regulation, and in a case where the member of the 1992 Scheme is being paid an allowance or supplement within the meaning of paragraph (9) of rule G1 (pensionable pay and average pensionable pay) which the employer would have treated as pensionable pay under that Scheme were the member still entitled to reckon pensionable service in that Scheme, that amount is included in pensionable pay for the purposes of determining T's average pensionable pay under the 1992 Scheme.

Continuous pensionable service under the 1992 Scheme

34.—(1) This paragraph applies to a transition member (T) who was in pensionable service under the 1992 Scheme on the date before that member's transition date and joined this scheme on the transition date, and has remained in pensionable service under this

scheme until the date on which T qualifies under the 1992 Scheme for an award under that scheme.

(2) The requirement in paragraph (1) that T has remained in pensionable service under this scheme is satisfied where T has been or is treated as an active member of this scheme.

(3) In determining whether T qualifies under the 1992 Scheme for retirement benefits (other than an award on ill-health retirement or to a deferred pension), T's pensionable service under the 1992 Scheme terminates when T's pensionable service under this scheme terminates.

(4) For the purposes of calculating the pension under rule B1A of the 1992 Scheme and for the commutation under rule B7 (commutation – general provision) of that scheme, pensionable service under this scheme is reckonable under rule F2 (current service) of that scheme as 2015 pensionable service.

(5) Where T had elected to pay periodical contributions for increased benefits under rule G6 (election to purchase increased benefits) of the 1992 Scheme, these continue to be payable as if T continued in pensionable service under the 1992 Scheme until T leaves pensionable service under the 2015 Scheme.

(6) If after the transition date T returns to work following a period of maternity or adoption leave and is entitled to elect to pay pension contributions under rule G2A (optional pension contributions during maternity and adoption leave) of the 1992 Scheme in respect of that period, the election may only be made in respect of the period before the transition date.

(7) Where this paragraph applies and T is entitled to an ordinary pension under rule B1 (ordinary pension) of the 1992 Scheme or a short service award under rule B2 (short service award) of that scheme, T's ordinary pension or short service award, as the case may be, is calculated in accordance with Part 2A of Schedule 2 to the 1992 Scheme and Part 1 and Part 2 of Schedule 2 to that scheme do not apply.

Deferred member of the 1992 Scheme

35. A transition member with accrued benefits in the 1992 Scheme to whom paragraph 34 does not apply is a deferred member of the 1992 Scheme.

Deferred member of the NFPS

36.—(1) A transition member with continuity of service (T), who is a connected member of the NFPS or a connected special member of the NFPS, does not become a deferred member of that scheme unless T becomes a deferred member of this scheme in relation to the active member's account to which the qualifying service for that connected member of the NFPS or connected special member of the NFPS was added.

(2) If T opts out of this scheme in relation to a scheme employment, or leaves scheme employment before being entitled to a pension in relation to that pensionable service, and T has at least 3 months' qualifying service—

(a) T becomes a deferred member of the NFPS in relation to pensionable service under that scheme; and

(b) any periodical payments for additional service under the NFPS cease to be payable.

(3) If T re-enters pensionable service under this scheme after a gap in service not exceeding 5 years, T ceases to be a deferred member of the NFPS.

Scheme manager determines member of the NFPS is not entitled to an ill-health award

37.—(1) This paragraph applies if the authority has decided to obtain the written opinion of an IQMP concerning whether a member of the NFPS is permanently disabled or able to undertake regular employment before making a determination as to whether a member is entitled to an ill-health award, and the determination has not been made before the member's transition date.

(2) If this paragraph applies, the member joins this scheme on whichever is the latest of—

(a) the member's transition date;

(b) if the member decides not to appeal, the expiry of 28 days from the date on which the member received the last of the documents which the authority is required to supply under rule 4 (appeals against decisions based on medical advice) of Part 8 of the NFPS;

(c) if the member withdraws the appeal, the date of the withdrawal of the appeal; and

(d) where the member's appeal has been heard, the expiry of 28 days from the date on which the member received the report by the board of medical referees where no statement has been supplied by the authority to the Welsh Ministers or, where the board reconsiders its decision, the notice confirming the decision or the revised decision.

Scheme manager determines member of the 1992 Scheme is not entitled to an ill-health award

38.—(1) This paragraph applies if the authority has decided to obtain the written opinion of an IQMP under rule H1 (determination by fire authority) of the 1992 Scheme concerning whether a member of that scheme is permanently disabled or able to undertake regular employment before making a determination as to whether a member is entitled to an ill-health award, and the determination has not been made before the member's transition date.

(2) If this paragraph applies, the member joins this scheme on whichever is the latest of—

(a) the member's transition date;

(b) if the member decides not to appeal, the expiry of 28 days from the date on which the member received the last of the documents which the authority is required to supply under rule H2A (appeals against opinion based on medical advice) of Part H of the 1992 Scheme;

(c) if the member withdraws the appeal, the date of the withdrawal of the appeal; and

(d) where the member's appeal has been heard, the expiry of 28 days from the date on which the member received the report by the board of medical referees or, where the board reconsiders its decision, the notice confirming the decision or the revised decision.

Repayment of contributions under the NFPS

39. If a transition member with continuity of service (T) opts out of this scheme and T has less than 3 months' qualifying service in the NFPS and this scheme—

(a) T must be repaid pension contributions and special pension contributions and mandatory special period pension contributions paid under the NFPS; and

(b) any further periodical payments for additional service to be paid under the NFPS cease to be payable.

Qualifying for retirement benefits under the NFPS

40. In determining whether a transition member with continuity of service qualifies for retirement benefits under the NFPS, the member's qualifying service includes the total of—

(a) the member's qualifying service under the NFPS; and

(b) the member's qualifying service under this scheme.

Qualifying for retirement benefits under the 1992 Scheme

41. In determining whether a transition member with continuity of service qualifies for retirement benefits under the 1992 Scheme, the member's qualifying service includes the total of—

(a) the member's qualifying service under the 1992 Scheme; and

(b) the member's qualifying service under this scheme.

Final salary link not to apply again to a pension in payment under the NFPS

42. Where any element of a pension under the NFPS which is in payment under that Scheme has been calculated by reference to Schedule 7 (final salary link) to the 2013 Act, that element of the pension is not recalculated by reference to Schedule 7 in consequence of a subsequent period of pensionable public service (within the meaning of paragraph 3 of Schedule 7 to the 2013 Act).

Final salary link not to apply again to a pension in payment under the 1992 Scheme

43. Where any element of a pension under the 1992 Scheme which is in payment under that scheme has been calculated by reference to Schedule 7 (final salary link) to the 2013 Act, that element of the pension is not recalculated by reference to Schedule 7 (final salary link) to the 2013 Act in consequence of a subsequent period of pensionable public service (within the meaning of paragraph 3 to Schedule 7 to the Act).

PART 3D

Transfer of final salary benefits

Meaning of "final salary benefit"

44.—(1) In this Part, "final salary benefit" ("*budd cyflog terfynol*means benefit accrued under a final salary scheme, subject to sub-paragraph (2).

(2) Where only part of the pension entitlement payable under a final salary scheme to or in respect of person which is based on the pensionable service of that person is or may be determined by reference to the person's final salary, "final salary benefit" means the benefit in respect of which the pension entitlement is so determined.

Acceptance of club transfer value payments

45. Any part of a club transfer value payment from another scheme that relates to a member's final salary benefit must be paid into the NFPS.

Member of this scheme or the NFPS

46.—(1) This paragraph applies to a person who transfers final salary benefits into the NFPS.

(2) Unless the person is a protected member of the NFPS, the person's service in relation to the final salary benefits which have been transferred into the NFPS is taken to be qualifying service for the purposes of this scheme and the person—

(a) becomes a member of this scheme; and

(b) is taken to be a transition member with continuity of service."

SCHEDULE 2 Regulation 3

Amendment of Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007

1. In Part 1 (title and interpretation), in rule 2(1)—

(a) in the appropriate places insert—

""the 2013 Act" ("*Deddf 2013*") means the Public Service Pensions Act 2013;";

""connected member" ("*aelod cysylltiedig*") has the meaning given in rule 1C of Part 2;";

""connected special member" ("*aelod arbennig cysylltiedig*") has the meaning given in rule 1D of Part 2;";

""continued pension" ("*pensiwn parhaus*") has the meaning given in rule 1B of Part 3;";

""continuity of service" ("*parhad gwasanaeth*") has the meaning given in paragraph 2 of Schedule 2 to the 2015 Regulations;";

""equivalent amount to the NFPS lower tier ill-health pension" ("*swm cyfwerth â'r pensiwn afiechyd haen isaf CPNDT*") has the meaning given in regulation 74(5) of the 2015 Regulations;";

""final salary link" ("*cyswllt cyflog terfynol*") means the final salary link which applies when the requirements of paragraph 1 or paragraph 2 of Schedule 7 to the 2013 Act are met;";

""scheme closing date" ("*dyddiad cau'r cynllun*") means 31 March 2015;";

""scheme employment" ("*cyflogaeth gynllun*") in relation to the 2015 Scheme has the meaning given in regulation 15 of the 2015 Regulations;";

""tapered protection closing date" ("*dyddiad cau diogelwch taprog*") has the meaning given in paragraph 3 of Schedule 2 to the 2015 Regulations;";

""transition date" ("*dyddiad trosiant*") means—

(a) if the firefighter member or the special firefighter member is a tapered protection member of this Scheme, the date after the tapered protection closing date for that member;

(b) if the firefighter member or special firefighter member is not a full protection member of this Scheme or a tapered protection member of this Scheme, the date after the scheme closing date; or

(c) the date on which the member ceased to be a full protection member of this Scheme;";

""transition member" ("*aelod trosiannol*") has the meaning given in paragraph 1 of Schedule 2 to the 2015 Regulations;";

(b) for the definition of "Scheme Actuary" substitute—

""Scheme Actuary" ("*Actiwari'r Cynllun*") means the actuary appointed by the Welsh Ministers under regulation 159 (appointment of scheme actuary) of the 2015 Regulations;";

(c) for the definition of "special member" substitute—

""special member" ("*aelod arbennig*") means—

(a) a special firefighter member,

(b) a special deferred member,

(c) a special pensioner member,

(d) a connected special member;".

2. In Part 2 (scheme membership, cessation and retirement)—

(a) after rule 1A (special membership) insert—

"**Cessation of firefighter membership and special firefighter membership**

1B. A person ceases to be a firefighter member or a special firefighter member of this Scheme—

(a) where the member is not a full protection member of this Scheme or a tapered protection member of this Scheme, on the scheme closing date;

(b) where the member is a tapered protection member of this Scheme, on the tapered protection closing date or, if earlier, on the date on which the member ceases to be a tapered protection member;

(c) where the member is a full protection member of this Scheme, on the date on which the member retires from scheme employment in the 2015 Scheme or, if earlier, on the date on which the member ceases to be a full protection member of this Scheme.

Standard membership of this Scheme after the transition date

1C.—(1) In the case of a standard member of this Scheme to whom rule 1B applies and who joins the 2015 Scheme with continuity of service—

(a) if that person (P) remains in pensionable service in that Scheme, P is a connected member of this Scheme in respect of the membership to which paragraph (4) applies;

(b) if P opts out of pensionable service in the 2015 Scheme or leaves scheme employment in the 2015 Scheme before reaching normal retirement age, P is a deferred member of this Scheme;

(c) if P opts into the 2015 Scheme or takes up scheme employment in the 2015 Scheme and paragraph (2) applies, P is again a connected member of this Scheme.

(2) This paragraph applies if P re-enters pensionable service under the 2015 Scheme after a gap in pensionable service not exceeding 5 years.

(3) In the case of a standard member of this Scheme to whom rule 1B applies and who joins the 2015 Scheme with a gap in pensionable service of more than 5 years, that member is a deferred member of this Scheme.

(4) This paragraph applies in relation to the active member's account of the 2015 Scheme to which the qualifying service of the membership of this Scheme was added for the purposes of regulation 66 (qualifying service) of the 2015 Regulations or, if the entries from the account were transferred to another active member's account under regulation 158 (transfer of pension account entries) of those Regulations, to that active member's account.

Special membership of this Scheme after the transition date

1D.—(1) In the case of a special member of this Scheme to whom rule 1B applies—

(a) if that person (S) was a special firefighter member of this Scheme who joins the 2015 Scheme immediately after rule 1B applied to S, or who had joined this Scheme as a special member on or after the date on which rule 1B applied to S, S is a connected special member of this Scheme in respect of the membership to which paragraph (2) applies;

(b) if that person (D) was a special firefighter member of this Scheme who joins the 2015 Scheme with a gap in pensionable service after rule 1B applied to D, or who had joined this Scheme as a special member with a gap in pensionable service after the date on which rule 1B applied to D, D is a special deferred member of this Scheme in respect of the membership to which paragraph (2) applies;

(c) if S opts out of pensionable service in the 2015 Scheme or leaves scheme employment under the 2015 Scheme before reaching normal retirement age, S is a special deferred member of this Scheme.

(2) This paragraph applies in relation to the active member's account of the 2015 Scheme to which the qualifying service of the membership of this Scheme was added for the purposes of regulation 66 (qualifying service) of the 2015 Regulations or, if the entries from the account were transferred to another active member's account under regulation 158 (transfer of pension account entries) of those Regulations, to that member's account.

Membership of this Scheme where ill-health award paid from 2015 Scheme

1E.—(1) A person who is entitled to the payment of an equivalent amount to the NFPS lower tier ill-health pension under the 2015 Scheme continues to be a connected member, or connected special member of this Scheme.

(2) A person who was entitled to an ill-health award under this Scheme or under the 2015 Scheme and who accepts an offer of employment referred to in rule 2 of Part 9 of this Scheme or referred to in regulation 78(3)(b) of the 2015 Scheme, continues to be a connected member, or a connected special member, of this Scheme.";

(b) in rule 3 (normal retirement age and normal benefit age), after paragraph (4) insert—

"(5) The normal retirement age of connected members is 60.

(6) The normal retirement age of connected special members is 55."; and

(c) in rule 4 (last day of membership)—

(i) in paragraph (1) for "Where a firefighter member" substitute "Subject to paragraphs (3) to (5), where a firefighter member";

(ii) after paragraph (2) insert—

"(3) The last day of membership of a firefighter member or a special firefighter member, who is not a full protection member of this Scheme or a tapered protection member of this Scheme, is to be taken as the scheme closing date.

(4) The last day of membership of a firefighter member or a special firefighter member, who is a tapered protected member of this Scheme, is to be taken as the tapered protection closing date or, if earlier, the date on which that member ceases to be a tapered protection member.

(5) The last day of membership of a firefighter member or a special firefighter member who is a full protection member of this Scheme is to be taken as the date on which that member ceases to be a full protection member of this Scheme."

3. In Part 3 (personal awards)—

(a) in rule 1 (ordinary pension), after paragraph (1) insert—

"(1A) Subject to paragraph (2), this rule applies to a connected member of this Scheme who was a firefighter member of this Scheme, satisfies an eligibility condition and retires from scheme employment in the 2015 Scheme having reached normal retirement age under this Scheme.";

(b) in rule 1A (special member's ordinary pension), after paragraph (1) insert—

"(1A) Subject to paragraph (2), this rule applies to a connected special member of this Scheme who satisfies a special eligibility condition and retires from scheme employment in the 2015 Scheme having reached normal retirement age.";

(c) after rule 1A (special member's ordinary pension) insert—

"**Continued pension**

1B. Where a connected member, or connected special member, is entitled to an equivalent amount to the NFPS lower tier ill-health pension under regulation 74(4)(a) (entitlement to lower tier ill-health pension and to higher tier ill-health pension) of the 2015 Regulations and that member reaches normal retirement age under this Scheme, that member is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the NFPS lower tier ill-health pension.";

(d) in rule 3 (deferred pension), after paragraph (1) insert—

"(1A) Subject to paragraph (7), this rule applies to a person who ceases to be a firefighter member or a special firefighter member under rule 1B (cessation of firefighter membership and special firefighter membership) of Part 2.

(1B) Subject to paragraph (7), this rule applies to a connected member, or a connected special member, who—

(a) opts out of pensionable service in the 2015 Scheme,

(b) leaves scheme employment under the 2015 Scheme before reaching normal retirement age, or

(c) ceases to be entitled to a lower tier ill-health pension or a higher tier ill-health pension under the 2015 Scheme in consequence of a review under regulation 78 (consequences of review) of the 2015 Regulations and declines an offer of employment made by the authority referred to in regulation 78(3)(b) of those Regulations.

(1C) This rule ceases to apply to a connected member who re-joins the 2015 Scheme after a gap in pensionable service not exceeding 5 years.";

(e) in rule 4 (cancellation of deferred pension)—

(i) in paragraph (1) for "Where" substitute "Subject to paragraph (4), where";

(ii) after paragraph (3) insert—

"(4) Where the person entitled to receive a deferred pension is not a protected member of this Scheme, the member may not instruct the authority to cancel the deferred pension.

(5) Where the person entitled to receive a deferred pension was a connected member of this Scheme and re-joins the 2015 Scheme after a gap in pensionable service not exceeding 5 years, the authority must cancel the deferred pension.";

(f) in rule 6 (pension on authority-initiated retirement), after paragraph (3) insert—

"(4) Where an authority is considering making a determination under regulation 71 (employer initiated retirement) of the 2015 Regulations that an active member of that Scheme who has attained the age of 55 should receive the payment of a pension without the early payment reduction, the authority must also consider making a determination under paragraph (1) of this rule.";

(g) in rule 7 (entitlement to two pensions), after paragraph (9) insert—

"(10) Where a person to whom this rule applies is a person to whom paragraph (7) of rule 1 of Part 11 applies, this rule applies with the substitution in paragraph (4) for "final pensionable pay to which the member is entitled on the last day of the member's membership of the Scheme" with "final pensionable pay as modified by paragraph (7) or (8) of rule 1 of Part 11.";

(h) in rule 7C (additional pension benefit: supplementary provisions)—

(i) after paragraph (2) insert—

"(2A) Where rule 1B of Part 2 applies to a person (P) who is not a connected member or entitled to the payment of an ill-health award under regulation 74 (entitlement to lower tier ill-health pension and higher tier ill-health pension) of the 2015 Regulations, additional pension benefit is payable at normal benefit age; paragraphs (4) to (6) of rule 3 (deferred pension) apply in relation to that benefit as if it were a deferred pension to which P was entitled under that rule.";

(ii) after paragraph (3) insert—

"(3A) Where the firefighter member is entitled to an ill-health award under regulation 74 of the 2015 Regulations, additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the NFPS lower tier ill-health pension is payable under the 2015 Scheme.";

(i) in rule 9 (commutation: general)—

(i) in paragraph (1) for "Subject to paragraphs (3) and (4)" substitute "Subject to paragraphs (1B), (3) and (4)";

(ii) after paragraph (1) insert—

"(1A) This rule applies to an equivalent amount of the NFPS lower tier ill-health pension included in the annual rate of a retirement pension for the person under regulation 68(2)(ba) of the 2015 Regulations.

(1B) Where a person is entitled to a continued pension under rule 1B, that person may not commute a portion of that pension under this rule.";

(j) in rule 11 (allocation of pension), in paragraph (1), after "A firefighter member" insert ", a a connected member or a connected special member".

4. In Part 10 (qualifying service and pensionable service)—

(a) in rule 1 (qualifying service), after paragraph (h) omit "and" and after paragraph (i) insert—

"and

(j) any period of pensionable service for the active member's account under the 2015 Scheme to which the person's qualifying service had been added for the purposes of qualifying service in the 2015 Scheme.";

(b) after rule 3 (non-reckonable service) insert—

"**Period after transition date**

3A. A period of service or of leave or unpaid leave after a person's transition date is not reckonable as pensionable service or as special pensionable service under this Scheme."

5. In Part 11 (pensionable pay, pension contributions and purchase of additional service), in Chapter 1 (pensionable pay and pension contributions)—

(a) in rule 1 (pensionable pay)—

(i) in paragraph (1) for "Subject to paragraphs (3) and (6) and rule 3(3)" substitute "Subject to paragraphs (3), (6) and (7) and rule 3(3)";

(ii) after paragraph (6) insert—

"(7) Subject to paragraphs (8) and (9), where rule 1B of Part 2 has applied to a member of this Scheme who has joined the 2015 Scheme with continuity of service and paragraph 1 or 2 of Schedule 7 (final salary link) to the 2013 Act applies to that person, paragraph (1) of this rule does not apply and final pensionable pay is determined in accordance with Schedule 7 so that the member's pensionable pay under the 2015 Regulations (as modified by paragraph 33 of Schedule 2 to those Regulations) derived from service in the 2015 Scheme is to be regarded as pensionable pay derived from service in this Scheme.

(8) Where paragraph (7) and paragraph 33(4) of Schedule 2 to the 2015 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2015 Regulations (as modified by paragraph 33 of Schedule 2 to those Regulations) for the last year of pensionable service in the 2015 Scheme before the reduction in pensionable pay.

(9) Where paragraph 33(3) of Schedule 2 to the 2015 Regulations applies to a member of this Scheme, pensionable pay is determined in accordance with paragraph (1) of this rule and paragraph (7) does not apply."

(b) in rule 2 (final pensionable pay)—

(i) in paragraph (2) for "Subject to paragraph (3)" substitute "Subject to paragraphs (2A) and (3)";

(ii) after paragraph (2) insert—

"(2A) In the case of a connected member or a deferred member to whom paragraph (7) of rule 1 applies, "the relevant date" ("*y dyddiad perthnasol*") means—

(a) where the final salary link applies, the last day of pensionable service in the 2015 Scheme, or

(b) where paragraph 33(4) of Schedule 2 to the 2015 Regulations applies, the last day of pensionable service in the 2015 Scheme before the reduction of pensionable pay in the 2015 Scheme.";

(c) in rule 4 (optional pension contributions during maternity and adoption leave)—

(i) in paragraph (3) for "Subject to paragraph (6)" substitute "Subject to paragraphs (6) and (7)";

(ii) after paragraph (3) insert—

"(3A) Where the firefighter member returns to work, or ceases to be employed, after the transition date, the election under paragraph (3) may only be made in respect of the period before the transition date.";

(iii) after paragraph (6) insert—

"(7) Where a person to whom this rule applies is a connected member who dies before the end of the period of 30 days referred to in paragraph (3) without having given the required notice—

(a) that person is to be deemed to have given the required notice, and

(b) the authority—

(i) must give to that person's personal representatives a statement of the amount of contributions due; and

(ii) may collect the contributions with the agreement of the personal representatives by deducting the amount required from any lump sum death benefit payable under regulation 105 (lump sum payable on death of active member) of the 2015 Regulations.";

(d) in rule 6A (election to purchase service during the limited period)—

(i) after paragraph (7) insert—

"(7A) A person who intends to join this Scheme as a connected special member must make the election in paragraph (7) and where a person elects to join this Scheme as a connected special member, the reference to "special firefighter member" in this rule and rule 6B is to be treated as a referring to a "connected special member".";

(ii) after paragraph (9) insert—

"(9A) Where a special firefighter member has not paid all the mandatory special period pension contributions before the date on which rule 1B of Part 2 applies to that member, the member may continue to pay those contributions after that date.";

(e) in rule 7 (duration of periodical contributions and premature cessation)—

(i) at the end of sub-paragraph (c) of paragraph (2) omit "or" and after sub-paragraph (d) insert—

"or

(e) in the case of a connected member, or a connected special member, on the date that member ceases to be in pensionable service under the 2015 Scheme.";

(f) in rule 8 (discontinuance and resumption of periodical contributions), after paragraph (6) insert—

"(7) This rule applies to a connected member, or connected special member, as it applies to a firefighter member.";

(g) in rule 9 (periodical contributions in respect of periods of unpaid service or absence), after paragraph (4) insert—

"(5) This rule applies to a connected member, or a connected special member, as it applies to a firefighter member who elects to purchase additional service in respect of a period of unpaid service or unpaid leave before the transition date.

(6) Where the connected member complies with the requirements in paragraph (2) that person may require the authority to treat the period referred to in paragraph (5) as pensionable service or in the case of a connected special member as special pensionable service."

6. In Part 12 (transfers into and out of the Scheme)—

(a) in Chapter 1 (interpretation of Part 12 and entitlement to transfer value payment)—

(i) in rule 1 (interpretation of Part 12), in the appropriate place insert—

""final salary benefit" ("*budd cyflog terfynol*") means benefit accrued under a final salary scheme as defined in section 37 (general interpretation) of the 2013 Act;";

(ii) in rule 2 (entitlement to transfer value payment), in paragraph (2), after "Subject to" insert "paragraph (2A) and to" and after paragraph (2) insert—

"(2A) A transition member (T), who is a connected member of this Scheme or has received a lower tier ill-health pension under the 2015 Scheme, is not entitled to require the payment of a transfer value in respect of the rights to benefits that have accrued to or in respect of T under this Scheme.";

(b) in Chapter 3 (transfers into the Scheme)—

(i) in rule 8 (applications for acceptance of transfer value payment from another scheme), after paragraph (3) insert—

"(4) A person who is a protected member of this Scheme, or a person who becomes an active member of the 2015 Scheme, may apply for a transfer value payment from another public service pension scheme which is a final salary scheme, or includes final salary benefit, to be accepted by the authority for the purposes of this Scheme.";

(ii) in rule 9 (procedure for applications under rule 8), in paragraph (2) for "Subject to paragraph (4)" substitute "Subject to paragraphs (4) and (5)," and after paragraph (4) insert—

"(5) Where the application is made by a person who joins this Scheme as firefighter member (other than as a special firefighter member) the application must be made within one year of the person becoming a firefighter member of this Scheme or within one year of the person becoming an active member of the 2015 Scheme, as the case may be.";

(iii) in rule 10 (acceptance of transfer value payments), in paragraph (1) for "Subject to paragraph (3) below" substitute "Subject to paragraphs (3) and (4) below" and after paragraph (3) insert—

"(4) Where the application under rule 8 is made by a person to whom paragraph (4) of that rule applies, paragraphs (2) and (3) (limit on maximum amount of pensionable service that may be accrued) of rule 2 of Part 10 do not apply to that transfer value payment and the authority must accept the transfer value payment unless paragraph (3) of this rule applies."

7. In Part 15 (miscellaneous provisions), after rule 4 (annual benefit statements) insert—

"**Actuarial valuations**

4A. Where the scheme actuary is carrying out a valuation of the 2015 Scheme and is required to carry out a valuation of this Scheme, the authority must provide the scheme actuary with any data that the scheme actuary requires in order to carry out a valuation and prepare a report on the valuation."

8. In Annex 1 (ill-health pensions), after paragraph (6) insert—

"(7) Where a connected member or a connected special member of this Scheme is entitled to the payment of an equivalent amount to a lower tier ill-health pension, that amount must be calculated in accordance with paragraph (1) of this annex."

SCHEDULE 3 Regulation 4

Amendments to Schedule 2 to the Firemen's Pension Scheme Order 1992

1. In Part A (general provisions and retirement)—

(a) in rule A3 (exclusive application to regular firefighters), in paragraph (1) for "Subject to paragraphs (3) to (5)" substitute "Subject to paragraphs (3) to (6)" and after paragraph (5) insert—

"(6) This paragraph applies to a person who satisfies the requirements of paragraph (5) if that person ceases to be a person who is entitled to reckon service as a firefighter as pensionable service under rule F2 (current service) of this Scheme—

(a) where the person is not a full protection member of this Scheme or a tapered protection member of this Scheme, on the scheme closing date;

(b) where the person is a tapered protection member of this Scheme, on the tapered protection closing date or, if earlier, on the date on which the person ceases to be a tapered protection member;

(c) where the person is a full protection member of this Scheme, on the date on which the member retires from scheme employment in the 2015 Scheme or, if earlier, on the date on which the person ceases to be a full protection member of this Scheme.

(7) Where paragraph (6) applies, if the person remains in continuous pensionable service under the 2015 Scheme, or is treated as an active member of that Scheme, after the transition date without a break in that service or membership until the date on which that person retires or ceases to be an active member of that Scheme, and the pension account for that scheme employment was the account to which the pensionable service from this Scheme was added, the person is entitled to a pension under rule B1A of this Scheme.

(8) A person who is entitled to the payment of an equivalent amount to the 1992 Scheme lower tier ill-health pension is treated as having been in continuous pensionable service under the 2015 Scheme for the purposes of paragraph (7) of this rule.

(9) Where paragraph (6) applies to a person who was entitled to an ill-health award under this Scheme or under the 2015 Scheme and who accepts an offer of employment made as referred to in rule K1A(2)(b) of this Scheme or referred to in regulation 78(3)(b) of the 2015 Scheme, that person is treated as having been in continuous pensionable service under the 2015 Scheme for the purposes of paragraph (7) of this rule.

(10) A person who refuses the offer of employment mentioned in paragraph (9) becomes entitled to a deferred pension under rule B5 of this Scheme and paragraph (7) does not apply to that member.";

(b) after rule A13 (normal pension age) insert—

"**A13A.** The normal pension age for a regular firefighter to whom paragraph (7) of rule A3 applies is 55."

2. In Part B (personal awards)—

(a) in rule B1 (ordinary pension), in paragraph (2) after sub-paragraph (c) insert—

"or

(d) a person to whom paragraph (6) of rule A3 applies.";

(b) after rule B1 (ordinary pension) insert—

"**Continuous service pension**

B1A.—(1) Where a person satisfies the requirements of paragraph (7) of rule A3, that person is entitled on retiring from scheme employment in the 2015 Scheme at or after normal pension age to a continuous service pension calculated in accordance with Part 2A of Schedule 2.

(2) A person to whom paragraph (1) applies is not entitled to a pension or award under rule B1 (ordinary pension), B2 (short service award), rule B3 (ill-health awards) or B5 (deferred pension).

(3) Where rule B1 (ordinary pension) would have applied to a person to whom paragraph (1) applies if rule A3(6) (exclusive application to regular firefighters) had not applied to that person—

(a) the age at which that person may retire is ascertained by applying rule B1 to that person as if the reference to the "pensionable service" in paragraph (1)(a) included "2015 pensionable service", and

(b) in paragraph (1) of this rule for "normal pension age" as if the age is ascertained in sub-paragraph (a).

B1B.—(1) A person to whom rule B1A does not apply and to whom paragraph (6) of rule A3 does apply is entitled to a deferred pension under rule B5 (deferred pension).

(2) A person who is entitled to a deferred pension under paragraph (1) of this rule is not entitled to a pension or award under rule B1A (continuous service pension), rule B1 (ordinary pension), rule B2 (short service award), or rule B3 (ill-health awards).";

(c) in rule B1 (ordinary pension), in paragraph (2) after sub-paragraph (c) insert—

"or

(d) a person to whom paragraph (6) of rule A3 applies.";

(d) in rule B2 (short service award)—

(i) in paragraph (1) for "This rule applies" substitute "Subject to paragraph (3), this rule applies";

(ii) after paragraph (2) insert—

"(3) This rule does not apply to a person to whom paragraph (6) of rule A3 applies.";

(e) after rule B2 (short service award) insert—

"**Continued pension**

B2A. Where a person to whom paragraph (7) of rule A3 applies is entitled to an equivalent amount of 1992 lower tier ill-health pension under regulation 74(4)(b) (entitlement to lower tier ill-health pension and to higher tier ill-health pension) of the 2015 Regulations and that person reaches normal pension age under this Scheme or the age for retirement ascertained in accordance with rule B1A(3)(i), that person is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the 1992 Scheme lower tier ill-health pension.";

(f) in rule B3 (ill-health awards)—

(i) in paragraph (1) for "This rule applies" substitute "Subject to paragraph (1A), this rule applies";

(ii) after paragraph (1) insert—

"(1A) This rule applies to a person if paragraph (6) of rule A3 applies to that person and the requirements of paragraph (7) of that rule are not satisfied.";

(g) in rule B5 (deferred pension) after paragraph (1) insert—

"(1A) This rule applies to a person to whom paragraph (6) of rule A3 applies if paragraph (7) of that rule does not apply to that person.";

(h) in rule B5A (entitlement to two pensions) after paragraph (8) insert—

"(9) Where a person to whom this rule applies is a person to whom paragraph (10) of rule G1 applies, in paragraph (3) for "E is the firefighter's average pensionable pay for the year ending with his last day of service" substitute "E is the firefighter's average pensionable pay as modified by paragraph (10) of rule G1 for the year ending with his last day of service in the 2015 Scheme".";

(i) in rule B5D (additional pension benefit: supplementary provisions)—

(i) in paragraph (1) for "Subject to paragraphs (2) and (3)" substitute "Subject to paragraphs (1A), (2) and (3)";

(ii) after paragraph (1) insert—

"(1A) Where additional pension benefit under rule B5B or B5C is payable to a person, who is entitled to a continuous service pension under rule B1A, it is payable from normal pension age or at the age ascertained in accordance with paragraph (3)(i) of rule B1A if that is earlier.";

(iii) after paragraph (2) insert—

"(2A) Where a person to whom paragraph (6) of rule A3 applies is not entitled to a continuous service pension under rule B1A or to an ill-health award under regulation 74 of the 2015 Regulations, paragraph (2) of this rule applies to that person as if that person were a firefighter who had resigned or been dismissed or made an election under rule G3.";

(iv) after paragraph (3) insert—

"(3A) Where the firefighter is entitled to an ill-health award under regulation 74 of the 2015 Regulations, additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the 1992 Scheme lower tier ill-health pension is payable.";

(j) in rule B7 (commutation – general provision)—

(i) after paragraph (1) insert—

"(1A) This rule also applies to a pension under rule B1A and to the equivalent amount to the 1992 Scheme lower tier ill-health pension where that amount is included in the annual rate of a retirement pension for a person under regulation 68(2)(ba) (annual rate of retirement pension (active members)) of the 2015 Regulations.";

(ii) in paragraph (2) for "Subject to paragraph (2A)" substitute "Subject to paragraphs (2A) and (2B)" and after paragraph (2A) insert—

"(2B) Where a person is entitled to a continued pension under rule B2A, that person may not commute a portion of that pension under this rule.";

(iii) in paragraph (5) for "Subject to paragraph (5A)" substitute "Subject to paragraphs (5A) and (5B)" and after paragraph (5A) insert—

"(5B) In the case of a person who is entitled to a pension under rule B1A or to the equivalent amount to the 1992 Scheme lower tier ill-health pension where the annual rate of a retirement pension under regulation 68(2)(ba) of the 2015 Regulations includes that amount, the reference to "pensionable service" in sub-paragraph (a) of paragraph (5) includes "2015 pensionable service"."";

(k) in rule B9 (allocation), after sub-paragraph (1) insert—

"(1A) This rule applies to a pension under rule B1A.".

3. In Part C (awards on death – spouses) in rule C1 (spouse's ordinary pension), in paragraph (1) for "This rule applies" substitute "Subject to paragraph (1A), this rule applies" and after paragraph (1) insert—

"(1A) This rule does not apply to a person who dies leaving a spouse or civil partner while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person."

4. In Part D (awards on death – children) in rule D1 (child's ordinary allowance), in paragraph (1) for "This rule applies" substitute "Subject to paragraph (1A) this rule applies" and after paragraph (1) insert—

"(1A) This rule does not apply to a person who dies leaving a child while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person."

5. In Part E (awards on death – additional provisions)—

(a) in paragraph (1) of rule E1 (lump sum death grant) for "On the death of" substitute "Subject to paragraph (1A), on the death of" and after that paragraph insert—

"(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.";

(b) in paragraph (1) of rule E3 (dependent relative's gratuity) for "This rule applies" substitute "Subject to paragraph (1A), this rule applies" and after that paragraph insert—

"(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.";

(c) in paragraph (1) of rule E4 (payment of balance of contributions to estate) for "This rule applies" substitute "Subject to paragraph (1A), this rule applies" and after that paragraph insert—

"(1A) This rule does not apply to a person who dies while serving as a regular firefighter if paragraph (6) of rule A3 applied to that person.";

(d) in paragraph (1) of rule E8A (bereavement pension: children) for "This rule applies" substitute "Subject to paragraph (1A), this rule applies" and after that paragraph insert—

"(1A) This rule does not apply where the deceased died while serving as a regular firefighter if paragraph (6) of rule A3 had applied to the deceased."

6. In Part F (pensionable service and transfer values)—

(a) in rule F2 (current service)—

(i) in paragraph (2), after sub-paragraph (a) insert—

"(ab) any period of service as a regular firefighter beginning with the day on which paragraph (6) of rule A3 applies to that person, or";

(ii) after paragraph (7) insert—

"(8) A person to whom paragraph (7) of rule A3 applies is entitled to reckon as 2015 pensionable service any continuous pensionable service in relation to the active member's account in the 2015 Scheme to which pensionable service in this Scheme was added for the purpose of regulation 66 (qualifying service) of the 2015 Regulations for the period whilst paragraph (7) of rule A3 continues to apply.";

(b) in rule F9 (payment of transfer values)—

(i) in paragraph (1) for "Subject to paragraphs (2) to (8A)" substitute "Subject to paragraphs (1A) to (8A)";

(ii) after paragraph (1) insert—

"(1A) A transfer value may not be paid if—

(a) paragraph (6) of rule A3 applies to the person, and

(b) paragraph 1(1) of Schedule 7 to the 2013 Act applies to that person by virtue of the person's pensionable service in the 2015 Scheme so that person's final salary falls to be determined by reference to paragraph 1(2) of that Schedule.

(1B) A transfer value may not be paid if paragraph (7) of rule A3 applies to the person and that person is receiving payment of the equivalent amount to the 1992 Scheme lower tier ill-health pension from the 2015 Scheme under the 2015 Regulations."

7. In Part G (pensionable pay and contributions)—

(a) in rule G1 (pensionable pay and average pensionable pay)—

(i) in paragraph (1) for "Subject to paragraphs (2) and (9)" substitute "Subject to paragraphs (2), (9) and (10)";

(ii) after paragraph (9) insert—

"(10) Where paragraph (6) of rule A3 (exclusive application to regular firefighters) applies to a regular firefighter and paragraph 1 of Schedule 7 (final salary link) to the 2013 Act applies to that person, paragraph (1) of this rule does not apply and the average pensionable pay is determined in accordance with Schedule 7 so that the member's pensionable pay under the 2015 Regulations, as modified by paragraph 34 of Schedule 2 to those Regulations, derived from service in the 2015 Scheme is to be regarded as derived from service in this Scheme.

(11) Where paragraph (10) and paragraph 34(4) of Schedule 2 to the 2015 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2015 Regulations as modified by paragraph 34 of Schedule 2 to those Regulations for the last year of pensionable service before the reduction in pensionable pay.

(12) Where the pensionable pay under the 2015 Regulations is the pensionable pay of the person employed as a retained firefighter or as a volunteer firefighter for the purposes of paragraphs (10) and (11), the pensionable pay under the 2015

Regulations is that of a wholetime regular firefighter employed in a similar role and with equivalent qualifying service.

(13) Where paragraph 34(3) of Schedule 2 to the 2015 Regulations applies to a person to whom paragraph (6) of rule A3 applies, average pensionable pay is determined in accordance with paragraph (3) of this rule and paragraph (10) does not apply in the case of that person.

(14) Subject to paragraph (13), where paragraph (10) applies—

(a) in sub-paragraph (a) of paragraph (4) "the date of the person's last day of service as a regular firefighter" is to be read as "the date of the person's last day of service in scheme employment in the 2015 Scheme";

(b) in sub-paragraph (b) of paragraph (4) "in a period during which contributions were payable under rule G2" is to be read as "in a period during which member contributions were payable under regulation 119 of the 2015 Regulations"; and

(c) in sub-paragraph (e) of paragraph (6), where any unpaid period of additional maternity leave or adoption leave is within a period for which the pensionable pay derived from 2015 Scheme service is treated as pensionable pay derived from this Scheme, "contributions have been paid under rule G2A" is to be read as "contributions have been paid under regulation 122 of the 2015 Regulations".

(15) In a case where paragraphs (1) and (11) apply, in sub-paragraph (a) of paragraph (4) "the date of the person's last day of service as a regular firefighter" is to be read as "the date of the person's last day of service in scheme employment in the 2015 Scheme before the reduction of pensionable pay".";

(b) in rule G2A (optional pension contributions during maternity and adoption leave), after paragraph (3) insert—

"(3A) Where the regular firefighter returns to work, or ceases to be employed, after the date on which paragraph (6) of rule A3 applies to that person, the election under paragraph (3) may only be made in respect of the period before paragraph (6) applied to that person.";

(c) in rule G7 (payment of periodical contributions for increased benefits), after paragraph (3) insert—

"(4A) In the case of a person to whom paragraph (7) of rule A3 applies—

(a) periodical payments continue to be payable whilst paragraph (7) applies;

(b) where the person is entitled to the payment of an equivalent amount to the 1992 Scheme lower tier ill-health pension under regulation 74 of the 2015 Regulations and following review of that award under regulation 77 of those Regulations, accepts the offer of employment, the contributions again become payable.";

(d) in rule G8 (effect of payment for increased benefits), in sub-paragraph (a) of paragraph (1), after "pension under rule" insert "B1A" and after "B5(" insert "continued".

8. In Part I (glossary of expressions) of Schedule 1 (interpretation), in the appropriate places insert—

""The 2013 Act"	The Public Service Pensions Act 2013.
"The 2015 Regulations"	The Firefighters' Pension Scheme (Wales) Regulations 2015.

"2015 pensionable service"	Construe in accordance with rule F2(8).
"The 2015 Scheme"	The Firefighters' Pension Scheme (Wales) 2015 which is established in the Firefighters' Pension Scheme (Wales) Regulations 2015.
"Continued pension"	Construe in accordance with rule B2A.
"Continuous service pension"	Construe in accordance with rule B1A.
"Equivalent amount to the 1992 lower tier ill-health pension"	Construe in accordance with regulation 74(5) of the 2015 Regulations.
"Full protection member of this Scheme"	A person who is a full protection member of this Scheme by virtue of paragraph 9 of Schedule 2 to the 2015 Regulations.
"Scheme closing date"	31 March 2015.
"Tapered protection closing date"	Construe in accordance with paragraph 3 of Schedule 2 to the 2015 Regulations.
"Tapered protection member of this Scheme"	A person who is a tapered protection member of this Scheme by virtue of paragraph 15 of Schedule 2 to the 2015 Regulations."

9. In Schedule 2—

(a) after Part 2 insert—

"PART 2A

Continuous service pension

1. Subject to Parts 6A and 8 of this Schedule, the amount of a continuous service pension of a member of this Scheme to whom paragraph (7) of rule A3 applies, or has applied, is—

$$A/60 \times B/C \times APP$$

Where—

APP is person's average pensionable pay,

B is the period in years of the person's pensionable service until the day before the person's transition date,

C is the period in years of the person's pensionable service and of the person's 2015 Scheme pensionable service (subject to a maximum of pensionable service of 40 years),

A is the sum of E + (F x 2) and must not exceed 40 years

Where—

E is the period in years of the person's pensionable service and of the person's 2015 pensionable service up to 20 years,

F is the period in years by which the person's pensionable service and the person's 2015 pensionable service exceeds 20 years.";

(b) in Part 6A—

(i) in paragraph 1, after sub-paragraph (b) insert—

"(ba) continuous service pension under Part 2A,";

(ii) after paragraph 2 insert—

"(3) Where the award listed in paragraph 1 is a continuous service pension, the reference to "pensionable service" in paragraphs 1 and 2 includes 2015 pensionable service."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make transitional provisions for a member of the Firefighters' Pension Scheme 1992 ("the 1992 Scheme") and a member of the New Firefighters' Pension Scheme (Wales) 2007 (NFPS) who are no longer able to remain active members of those Schemes following the transitional provisions in Schedule 2 to the Firefighters' Pension Scheme (Wales) Regulations 2015 ("the 2015 Regulations").

The amendments to Schedule 2 to the 2015 Regulations provide for the ill-health benefits and survivorship benefits in relation to an active member of the Firefighters' Pension Scheme (Wales) 2015 who is treated as an "active member" of the 1992 Scheme and the NFPS for this purpose. The amendments provide when a member of these Schemes is treated as "active" and when treated as a deferred member. Consequential amendments are made for these purposes to the NFPS and the 1992 Scheme.

The amendments to the Schedule also make consequential amendments in connection with Schedule 7 (final salary link) to the Public Service Pensions Act 2013. Further amendments are made in connection with this to the definitions of "pensionable pay" and "final pensionable pay" in the NFPS and to the definitions of "pensionable pay" and "average pensionable pay" in the 1992 Scheme.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Fire and Armed Forces Branch, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ or 0300 062 8221.