

1991 No. 447

FIRE SERVICES

**The Firemen's Pension Scheme (Amendment No. 2) Order
(Northern Ireland) 1991**

Made 9th September 1991

Coming into operation 14th October 1991

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2) and 10(1) and (4) of the Fire Services (Northern Ireland) Order 1984(a) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel(b), makes the following Order:

Citation and commencement

1. This Order may be cited as the Firemen's Pension Scheme (Amendment No. 2) Order (Northern Ireland) 1991 and shall come into operation on 14th October 1991.

Interpretation

2. In this Order "the Scheme of 1973" means the Firemen's Pension Scheme (Northern Ireland) 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973(c).

Amendments to the Scheme of 1973

3.—(1) The Schedule to this Order has effect for amending the Scheme of 1973 as from 1st July 1991.

(2) A reference in the Schedule to a numbered Article or Schedule is a reference to the Article or Schedule identified by that number in the Scheme of 1973.

Sealed with the Official Seal of the Department of the Environment on 9th
September 1991.

(L.S.)

Trevor Pearson

Assistant Secretary

(a) S.I. 1984/1821 (N.I.11); *See* Art. 2(2) for definition of "the Department"

(b) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

(c) S.R. & O. (N.I.) 1973 No. 393; the relevant amending Orders are S.R. 1978 No. 24, S.R. 1979 Nos. 88 and 387, S.R. 1980 Nos. 62 and 208, S.R. 1981 Nos. 143 and 320, S.R. 1982 No. 418, S.R. 1983 No. 116, S.R. 1984 No. 99, S.R. 1987 No. 424, S.R. 1988 No. 185, S.R. 1989 No. 383 and S.R. 1991 No. 312

The Department of Finance and Personnel approves this Order.

Sealed with the Official Seal of the Department of Finance and Personnel
on 3rd October 1991.

(L.S.)

D. Brown

Assistant Secretary

SCHEDULE

Article 3

1. In Article 7(1) (meaning of certain expressions) in the definition of “award” after the word “gratuity” insert “, grant”.

2. After Article 26 insert—

“Lump sum death grant

26A.—(1) On the death of a person while serving as a regular fireman a lump sum death grant becomes payable unless an election under Article 50AA (election not to pay pension contribution)(a) not to pay pension contributions had effect at the time of the death.

(2) The grant is payable whether or not any award is payable under Articles 18 (widows’ ordinary pension)(b), 18A (widow’s lump sum option)(c), 19 (widow’s special award)(d) and 20 (widow’s augmented award), 23 (widow’s award where no other award payable)(e) or 23A (widows’ temporary and requisite benefit pensions)(f).

(3) The amount of the grant is twice that of the deceased’s pensionable pay, expressed as an annual rate—

(a) at the time of the death, or

(b) if he was then absent from duty without pay, immediately before that absence began.

(4) The grant is to be paid—

(a) to any qualifying widow, or

(b) if there is no qualifying widow, to the personal representatives.

(5) A qualifying widow is one who was not living apart from the deceased at the time of the death.”.

3. In Article 50(g) (rate of payment of pension contributions) for the words “8.75% (as from 1st November 1983 10.75%)” substitute “11%”.

4. In Article 75 (widow of retained fireman: injury award) after paragraph (2) insert—

“(3) The treatment of the member for the purposes of paragraph (2) as if he had been a regular fireman does not mean that any death grant is payable under Article 26A.”.

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- (a) Art. 50AA was inserted by paragraph 16 of Part II of the Schedule to S.R. 1991 No. 312
 (b) Art. 18 was amended by paragraph 3 of Part II of Schedule 2 of S.R. 1979 No. 88 and paragraph 9 of Part II of the Schedule to S.R. 1991 No. 312
 (c) Art. 18A was inserted by Art. 6(a) of S.R. 1979 No. 387
 (d) Art. 19 was amended by Art. 6(b) of S.R. 1979 No. 387
 (e) Art. 23 was amended by paragraph 10 of Part III of Schedule 2 to S.R. 1979 No. 88 and paragraph 10 of Part II of the Schedule to S.R. 1991 No. 312
 (f) Art 23A was inserted by paragraph 11 of Part III of Schedule 2 to S.R. 1979 No. 88 and amended by paragraph 11 of Part II of the Schedule to S.R. 1991 No. 312
 (g) Art. 50 was amended by paragraph 1 of Part IV of the Schedule to S.R. 1980 No. 208, Art. 2 of S.R. 1983 No. 116 and paragraph 15 of Part II of the Schedule to S.R. 1991 No. 312

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order further varies the Firemen's Pension Scheme brought into operation by the Firemen's Pension Scheme Order (Northern Ireland) 1973 ("the Scheme of 1973"). The variations are set out in the Schedule to this Order, to which effect is given by Article 3.

Paragraph 2 of the Schedule introduces a new lump sum death grant, equivalent to 2 years' pensionable pay. The grant is payable, in addition to any other death benefits, on the death of a regular fireman who when he died was a contributing member of the Scheme of 1973. If the fireman leaves a widow (which by virtue of the definition inserted in Article 7(1) of the Scheme of 1973 by Article 4 of S.R. 1987 No. 424 includes a widower) and they were not living apart, the grant is payable to the widow; otherwise, it is payable to the personal representatives.

Paragraph 3 makes a related increase in pension contribution rates.

Paragraph 4 negatives any possible implication that the grant might be payable in respect of a part-time fireman.

The Order has effect from 1st July 1991 (retrospective effect is authorised by Article 10(4) of the Fire Services (Northern Ireland) Order 1984).

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.