

## ANNEX

### The Firefighters' Compensation Scheme (Northern Ireland) 2007

## PART 8

### SPECIAL CASES

#### **Award for or in relation to employee who is not a regular or retained firefighter**

1.—(1) This rule applies where a person who is an employee of the Board but is not a regular or retained firefighter suffers an injury, without his own default—

- (a) while in attendance at a fire; and
- (b) in the execution of his duties as an employee of the Board.

(2) If the person retires in consequence of the injury, the Board may, subject to paragraph (4), grant him such pension or gratuity as they think fit.

(3) If the person dies from the effects of the injury, either before or after retiring from that employment, the Board may, subject to paragraph (4)—

- (a) grant such pension and gratuity as they think fit to any surviving spouse or civil partner; and
- (b) grant such allowance as they think fit to any child.

(4) The total of—

- (a) any benefit under this rule; and
- (b) any relevant additional benefit payable to the recipient,

must not exceed the appropriate amount.

(5) An additional benefit is any payment of whatever nature made—

- (a) by the Board otherwise than under this rule; or
- (b) by a Minister of the Crown,

except a benefit payable under Part V of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup>; and a relevant additional benefit is, in relation to a pension or allowance under this rule, one by way of periodical payments and, in relation to a gratuity under this rule, one otherwise than by way of periodical payments.

(6) The appropriate amount is—

- (a) for a pension or gratuity under paragraph (2), that of the injury pension or gratuity under rule 1 of Part 2;
- (b) for a pension or gratuity under paragraph (3)(a), that of the special pension or gratuity under rule 1 of Part 3; and
- (c) for an allowance under paragraph (3)(b), that of the special allowance under rule 1 of Part 4,

which would have been payable on the required assumptions.

(7) The required assumptions are—

- (a) in every case, that the person was employed in the role of firefighter;

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(1) 1992 c.7.

*Status: This is the original version (as it was originally made).*

- (b) where paragraph (2) applies, that the person retired on account of a qualifying injury during the first year of service and that paragraph 2 of Part 1 of Schedule 1 (reduction of injury pension on account of certain other pensions) did not apply; and
- (c) where paragraph (3) applies, that the person died or retired during the first year of service and died from the effects of a qualifying injury.

**Award for or in relation to a retained or volunteer firefighter**

2.—(1) Subject to paragraph (2), this paragraph applies to a person—

- (a) who was employed by the Board as a retained firefighter or volunteer firefighter; and
- (b) has retired; and
- (c) is permanently disabled,

if the infirmity that occasioned his incapacity for the performance of duty was occasioned by a qualifying injury.

(2) A person to whom paragraph (1) applies shall be treated for the purposes of rules 1 and 3 of Part 2 (injury awards) as having been a regular firefighter falling within the description in paragraph (10).

(3) Articles 18 (commutation), 20 (allocation) and 21 (limitation of commuted or allocated portion) shall apply in relation to the awards to which, by virtue of paragraph (2), he is entitled.

(4) A person to whom paragraph (1) applies shall be treated for the purposes of article 15 (ill-health awards) of the Pension Scheme as having been a regular firefighter falling within the description in paragraph (10); and articles 18 (commutation), 20 (allocation), 21 (limitation of commuted or allocated portion), 80 (review of ill-health and certain deferred pensions), 81 (consequences of review) and 82 (reduction in case of default) apply accordingly in relation to the awards to which he is thus entitled.

(5) This paragraph applies where a person is or has been employed by the Board as a retained firefighter or who is or has been a volunteer firefighter dies from the effects—

- (a) of a qualifying injury; or
- (b) of infirmity of mind or body occasioned by a qualifying injury.

(6) Where paragraph (5) applies and the deceased leaves a surviving spouse or civil partner, the deceased shall be treated for the purposes of rules 2 and 3 of Part 3 (spouse's or civil partner's special and augmented awards) as having been a regular firefighter falling within the description in paragraph (10).

(7) Rules 3, 4 and 5 of Part 3 (limitations with reference to date of marriage or formation of partnership and where spouses or civil partners living apart, and effect of new relationship), rule 3 of Part 5 (gratuity in lieu of surviving spouse's and civil partner's pension) and rule 5 of that Part (increase of pensions and allowances during first 13 weeks) shall apply in relation to the awards to which, by virtue of paragraph (6) above, the spouse or civil partner is entitled.

(8) Where paragraph (5) applies and the deceased leaves a child, the deceased shall be treated for the purposes of rules 1 and 2 of Part 4 (child's special allowance and gratuity) as having been a regular firefighter falling within the description in paragraph (10).

(9) Rule 3 of Part 4 (child's special allowance or gratuity: limitations), rule 3 of Part 5 (gratuity in lieu of child's special allowance) and rule 5 of that Part (increase of pensions and allowances during first 13 weeks) shall apply in relation to the awards to which, by virtue of paragraph (8), the child is entitled.

(10) The regular firefighter mentioned in paragraphs (2), (4), (6) and (8) is one who is a whole-time employee of the Board and—

- (a) was employed in the same role as the retained or volunteer firefighter and had the same service in that role;
- (b) was entitled to reckon as pensionable service a period equal to the retained or volunteer member's service as such; and
- (c) in respect of any service before 1st April 1980 paid pension contributions at the rate of 6p a week less than 6.75% of his pensionable pay.

**Employees other than regular firefighters: supplementary**

- 3.—(1) Part 1 applies for the interpretation of rules 1 and 2.
- (2) Parts 6, 9 and 10 apply in relation to awards under rules 1 and 2.