

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⁽¹⁾; 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;

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Status: This is the original version (as it was originally made).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