

SCHEDULE 3

TRANSITIONAL ARRANGEMENTS

Regular firefighters who became members of the 2007 scheme on or after 6th April 2006

13.—(1) The following provisions of this paragraph apply in relation to regular firefighters who became members of the 2007 Scheme on or after 6th April 2006 and before the coming into operation of this Order.

(2) Where, before the coming into force of this Order, the firefighter made an election under article 59 of the 2007 Scheme (election not to pay pension contributions), that election shall be treated on and after the coming into operation of this Order as an election under article 8 of the New Firefighters' Pension Scheme (Northern Ireland) ("the new scheme").

(3) The period of the firefighter's service as a member of the 2007 Scheme shall be treated as a period of qualifying service under article 55(1)(a) of the new scheme.

(4) The period of the firefighter's pensionable service accrued under the 2007 Scheme shall be treated as pensionable service accrued under article 56(1)(a) of the new scheme.

(5) Where, before 6th April 2006, the Board accepted a transfer value in respect of the firefighter under article 53 of the 2007 Scheme (receipt of transfer value)—

- (a) the amount accepted shall be treated as a transfer value payment accepted under article 80 of the new scheme, irrespective of paragraphs (2) and (3) of article 56, and
- (b) article 81 shall apply as if, for paragraph (2), there were substituted—

“(2) For the purposes of that calculation, the member's pensionable earnings are to be taken to be the amount of those earnings as at the date on which the transfer value payment is received.”.

Options for pre-6th April 2006 members of the 2007 Scheme

14.—(1) Sub-paragraph (2) applies in relation to each person who—

- (a) was a member of the 2007 Scheme both before 6th April 2006 and immediately before the coming into operation of this Order; and
- (b) was not at any time before the coming into operation of this Order in receipt of a pension or entitled to a deferred pension under that Scheme.

(2) The Board shall, not later than six months after this Order comes into operation give to each person to whom this sub-paragraph applies a written statement—

- (a) of the pensionable service that the Board would treat the person as having accrued in the new scheme (calculated in accordance with paragraph 3) if he were to elect to transfer his accrued rights under the 2007 Scheme to the new scheme;
- (b) that, if he wishes to make such an election, he must do so by notice in writing to the Board not later than three months after the date of receipt of the Board's statement; and
- (c) that a transfer in accordance with such an election will have effect from 6th April 2006.

(3) A person's notice under sub-paragraph (1)(b) must state whether he wishes—

- (i) to retain his accrued rights in the 2007 Scheme; or
- (ii) to transfer those rights, calculated in accordance with paragraph 3, to the new scheme.

(4) The Board must not accept a person's election to transfer his accrued rights if the aggregate of—

- (a) his pensionable service treated as accrued as mentioned in sub-paragraph (2)(a); and

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- (b) his prospective pensionable service, on the assumption that he continues to be a member of the new scheme until he reaches the age of 60, would exceed 45 years by the time of his 60th birthday.
- (5) Where the Board accepts a person's election to transfer his accrued rights, the transfer shall have effect from 6th April 2006; and the Board shall—
 - (a) within 28 days after the date on which it receives his notice under sub-paragraph (2)(b), make all the arrangements necessary to give effect to that election; and
 - (b) within 28 days of making those arrangements, supply him with a written statement of the pensionable service credited in the new scheme in consequence of the transfer of his accrued rights.
- (6) A person whose election to transfer his accrued rights has been accepted shall be treated as having ceased to be a member of the 2007 Scheme on 6th April 2006.
- (7) Where a person elects to transfer to the new scheme—
 - (a) pensionable service that he accrued in the 2007 Scheme on and after that date shall be disregarded for the purposes of the 2007 Scheme;
 - (b) his pensionable and qualifying service on and after that date shall, insofar as it does not accrue in the new scheme, be treated as having accrued in that scheme; and
 - (c) the Board shall refund to him the amount of the difference between the pension contributions—
 - (i) that he made, as a member of the 2007 Scheme, in respect of the period beginning on 6th April 2006 and ending on the date on which all necessary arrangements to give effect to his election have been made; and
 - (ii) that he would have made, as a member of the new scheme, in respect of that period.
- (8) Where a person in relation to whom sub-paragraph (2) applies had elected under article 62 of the 2007 Scheme to purchase increased benefits—
 - (a) his election under that article shall, notwithstanding paragraph (5)(c) of that article, be treated as revoked with effect from 6th April 2006;
 - (b) nothing in paragraph (a) shall affect his entitlement to make an election under article 66 of the new Scheme (election to purchase additional service); and
 - (c) for the purposes of article 65(4), the calculation under sub-paragraph (a) or, as the case may be, the determination under sub-paragraph (b), shall be made on the basis of his age at the time of his election under article 62 of the 2007 Scheme.

Calculation of transferred-in pensionable service

15. For the purposes of calculating the pensionable service that a person is treated as having accrued in the new scheme on the transfer of his accrued rights under the 2007 Scheme, the Board shall—
- (a) have regard to guidance and tables provided by the Scheme Actuary for the purposes of this Schedule, and
 - (b) disregard Chapter 3 of Part 12 of the new scheme (transfers into the Scheme).