

## ANNEX

### THE NEW FIREFIGHTERS' PENSION SCHEME (NORTHERN IRELAND)

## PART 9

### REVIEW, WITHDRAWAL AND FORFEITURE OF AWARDS

#### **Review of ill-health pension**

49.—(1) So long as a person—

- (a) has been in receipt of an ill–health pension for less than 10 years; and
- (b) is under state pensionable age,

the Board shall consider, at such intervals as it thinks proper, whether he has become capable—

- (i) of performing any duty appropriate to the role from which he retired on grounds of ill–health; and
- (ii) of undertaking regular employment.

(2) The Board shall, at such intervals as it thinks proper, consider in relation to a person whose deferred pension is being paid early by virtue of article 13(4) (early payment of deferred pension on permanent disablement), the same matters as they are required to consider in relation to persons of the description mentioned in paragraph (1).

#### **Consequences of review**

50.—(1) If, on such consideration as is mentioned in article 49(1), it is found that a person who is in receipt of a higher tier ill–health pension has become capable of undertaking regular employment, his entitlement to that pension shall cease with immediate effect.

(2) Subject to paragraph (3), a lower tier ill–health pension shall continue to be paid to a person who ceases to be entitled to a higher tier ill–health pension.

(3) If—

- (a) on such consideration as is mentioned in article 49(1), it is found that a person who is in receipt of a lower tier ill–health pension has become capable of performing the duties appropriate to the role from which he retired on grounds of ill–health; and
- (b) the Board make him an offer of employment in that role (“a paragraph (3)(b) offer”),

his entitlement to a lower tier ill–health pension shall cease, with immediate effect, whether or not he accepts or declines the offer.

(4) A person who accepts or declines a paragraph (3)(b) offer becomes entitled to a deferred pension under article 13.

(5) If, on such consideration as is mentioned in article 49(2), it is found that a person whose deferred pension is being paid early has become capable of undertaking regular employment his entitlement to early payment of the deferred pension shall cease with immediate effect.

#### **Reduction of award in case of default**

51.—(1) Subject to paragraph (2), where a person—

- (a) is permanently disabled; and

(b) has brought about or contributed to his infirmity by his own serious and culpable negligence or misconduct,  
the Board may reduce any ill-health award payable to him by it to not less than half its full amount.

(2) Where—

- (a) a pension has been reduced under paragraph (1); and
- (b) then the person attains the age of 60 the amount of the reduced pension is less than that of the notional deferred pension,

the amount of the reduced pension shall be increased to that of the notional deferred pension.

(3) The notional deferred pension is the deferred pension that would have been payable if the person had become entitled to one on the date of his ceasing to serve.

#### **Withdrawal of pension during service as firefighter**

52.—(1) Subject to paragraph (2), the Board may withdraw the whole or any part of the pension for any period during which the person entitled to it is again employed as a firefighter by the Board, or by any fire authority in England, Scotland or Wales.

(2) Where a person who is entitled to pensions under this Scheme in respect of both whole-time and retained or volunteer service—

- (a) resumes whole-time service, but does not resume retained or volunteer service; or
- (b) resumes retained or volunteer service, but does not resume whole-time service,

paragraph (1) applies only as regards the pension referable to his previous retained or volunteer service or, as the case may be, his whole-time service.

(3) The Board may abate a pension to which a person is entitled under Part 3 so long as he is employed (in whatever capacity) by it, or by any fire authority in England, Scotland or Wales.

(4) A person who—

- (a) is entitled to a pension under Part 3; and
- (b) accepts an offer of employment with a fire authority in England, Scotland or Wales (in whatever capacity),

shall, as soon as reasonably practicable after accepting that offer, give notice in writing to the Board, specifying the name of his employing fire authority.

#### **Withdrawal of early payment of deferred pension**

53. A person who, on dismissal from the Board's employment, becomes entitled to a deferred pension under article 13, shall not be entitled to early payment of the deferred pension before reaching the age of 65, unless the Board determines otherwise.

#### **Withdrawal of pension on conviction of certain offences**

54.—(1) Where paragraph (2) applies the Board may withdraw the pension in whole or in part and permanently or temporarily as it thinks fit.

(2) This paragraph applies where—

- (a) the pensioner has been convicted of an offence referred to in paragraph (3), and, in the case of a pension under Part 4, that the offence was committed after the death on which the pensioner became entitled to it; or
- (b) that the pensioner has been convicted of an offence, committed in connection with his employment by the Board, which is certified by a Minister of the Crown—

- (i) as gravely injurious to the interests of the State; or
  - (ii) as likely to lead to serious loss of confidence in the public service.
- (3) The offences mentioned in paragraph (2)(a) are—
  - (a) an offence of treason; and
  - (b) one or more offences under the Official Secrets Acts 1911 to 1989<sup>(1)</sup> for which the pensioner has been sentenced, on the same occasion—
    - (i) to a term of imprisonment of at least 10 years; or
    - (ii) to two or more consecutive terms amounting in aggregate to at least 10 years.
- (4) The Board may, at any time and to such extent as it thinks fit—
  - (a) apply for the benefit of any dependant of the pensioner; or
  - (b) restore to the pensioner,  
so much of any pension as has been withdrawn under this article.

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<sup>(1)</sup> 1911 c.28, 1920 c.75, 1939 c.121, 1989 c.6.