

## **EXPLANATORY MEMORANDUM TO**

### **The New Firefighters' Pension Scheme (Amendment) (No 3) Order (Northern Ireland) 2015**

**SR 2015 No. 355**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health, Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rules are made under powers conferred by Article 10(1), (3), (4) and (5) of the Fire Services (Northern Ireland) Order 1984 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Order amends the New Firefighters' Pension Scheme Order (Northern Ireland) 2007 in order to revoke Article 61(6).

#### **3. Background**

- 3.1 This Department has policy responsibility for Firefighters' pensions, which are administered by the Northern Ireland Fire and Rescue Service (NIFRS). Firefighters' pensions have, in line with other public sector pension schemes in Northern Ireland, operated on the basis of parity with their counterparts in England, Scotland and Wales.

In July 2014 an amendment was made to implement Article 17(B) – Additional Pension Benefit to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007. This brought the Northern Ireland legislation into parity with GB. The implementation of Article 17B contradicted Article 61(6) of the New Firefighters' Pension Scheme Order (Northern Ireland) 2007 and therefore an amendment is now needed to revoke Article 61(6).

Article 61(6) currently allows for a pension to be calculated on a final salary basis that includes temporary promotion. Article 17B – Additional pension benefit gave the NIFRS Board discretion whether payments were to be treated as pensionable.

#### **4. Consultation**

- 4.1 The Northern Ireland Fire & Rescue Service and representative bodies were involved in discussions regarding the impact of the retention of Article 61(6) in NFPS, and Article 17B in NFPS. The recent amendments, introduced in July 2014 included the insertion of Article 17B. This brought the Northern Ireland legislation into parity with GB. To retain both Article 61(6) and Article 17B would have a financial impact on NIFRS. NIFRS Board were advised of the situation and asked to make a decision to either

remove Article 17B or remove Article 61(6). NIFRS Board confirmed their agreement to the removal of 61(6).

**5. Equality Impact**

5.1. The Order will have no adverse differential impact on equality of opportunity.

**6. Regulatory Impact**

6.1. As the Order will impose no additional costs on businesses, charities or the voluntary sector a full Regulatory Impact Assessment has not been completed.

**7. Financial Implications**

7.1. There will be no additional costs for the Northern Ireland Fire and Rescue Service arising from these amendments.

**8. Section 24 of the Northern Ireland Act 1998**

8.1. It is the view of the Department that this Order is compatible with section 24 of the Northern Ireland Act 1998.

**9. EU Implications**

9.1. Not applicable

**10. Parity or Replicatory Measure**

10.1. This Order will ensure Northern Ireland maintains parity with equivalent schemes across GB.

**11. Additional Information**

11.1. Not applicable