

SCHEDULES

SCHEDULE 3

Amendments to the Annex to the Firefighters' Pension Scheme Order (Northern Ireland) 2007

2. In Part B (personal awards)—

(a) in article 13 (ordinary pension) in paragraph (2) after sub-paragraph (b) insert—

“or

(c) a person to whom paragraph (5A) of article 2 applies.”.

(b) after article 13 (ordinary pension) insert—

“Continuous service pension

13A.—(1) Where a person satisfies the requirements of paragraph (5B) of article 2, that person is entitled on retiring from scheme employment in the 2015 Scheme at or after normal pension age to a continuous service pension calculated in accordance with Part IIA of Schedule 2.

(2) A person to whom paragraph (1) applies is not entitled to a pension or award under article 13 (ordinary pension), article 14 (short service award), article 15 (ill-health awards) or article 16 (deferred pension).

(3) Where article 13 (ordinary pension) would have applied to a person to whom paragraph (1) applies if article 2(5A) (exclusive application to regular firefighters) had not applied to that person—

(a) the age at which that person may retire is ascertained by applying article 13 to that person as if the reference to the “pensionable service” in paragraph (1)(b) included “2015 pensionable service”, and

(b) in paragraph (1) “normal pension age” is to be read as “the age ascertained in accordance with sub-paragraph (a)”.

13B.—(1) A person to whom article 13A does not apply and to whom paragraph (5A) of article 2 does apply is entitled to a deferred pension under article 16 (deferred pension).

(2) A person who is entitled to a deferred pension under paragraph (1) is not entitled to a pension or award under article 13A (continuous service pension), article 13 (ordinary pension), article 14 (short service award) or article 15 (ill-health awards).”;

(c) in article 14 (short service award)—

(i) in paragraph (1) for “This article applies” substitute “Subject to paragraph (3), this article applies”;

(ii) after paragraph (2) insert—

“(3) This article does not apply to a person to whom paragraph (5A) of article 2 applies.”;

(d) after article 14 (short service award) insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Continued pension

14A. Where a person to whom paragraph (5B) of article 2 applies is entitled to an equivalent amount of FPS lower tier ill-health pension under regulation 73(4)(b) (entitlement to lower tier ill-health pension and higher tier ill-health pension) of the 2015 Regulations and that person reaches normal pension age under this Scheme or the age for retirement ascertained in accordance with article 13A(3)(a), that person is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the FPS lower tier ill-health pension.”;

(e) in article 15 (ill-health awards)—

(i) in paragraph (1) for “This article applies” substitute “Subject to paragraph (1A), this article applies”;

(ii) after paragraph (1) insert—

“(1A) This article applies to a person if paragraph (5A) of article 2 applies to that person and the requirements of paragraph (5B) of that article are not satisfied.”;

(f) in article 16 (deferred pension) after paragraph (1) insert—

“(1A) This article applies to a person to whom paragraph (5A) of article 2 applies if paragraph (5B) of that article does not apply to that person.”;

(g) in article 16A(1) (entitlement to two pensions) after paragraph (8) insert—

“(9) Where a person to whom this article applies is a person to whom paragraph (13) of article 56 applies, in paragraph (3) for “E is the firefighters’ average pensionable pay for the year ending with his last day of service” substitute “E is the firefighters’ average pensionable pay as modified by paragraph (13) of article 56 for the year ending with his last day of service in the 2015 scheme”.”;

(h) in article 16D(2) (additional pension benefit: supplementary provisions)—

(i) in paragraph (1) for “Subject to paragraphs (2) and (3)” substitute “Subject to paragraphs (1A), (2) and (3)”;

(ii) after paragraph (1) insert—

“(1A) Where additional pension benefit under article 16B or 16C(3) is payable to a person, who is entitled to a continuous service pension under article 13A, it is payable from normal pension age or at the age ascertained in accordance with paragraph (3)(a) of article 13A if that is earlier.”;

(iii) after paragraph (2) insert—

“(2A) Where a person to whom paragraph (5A) of article 2 applies is not entitled to a continuous service pension under article 13A or to an ill-health award under regulation 65 of the 2015 Regulations, paragraph (2) applies to that person as if that person were a firefighter who had resigned or been dismissed or made and election under article 59.”;

(iv) after paragraph (3) insert—

“(3A) Where the firefighter is entitled to an ill-health award under regulation 73 of the 2015 Regulations additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the FPS lower tier ill-health pension.”;

(1) Article 16A was inserted by [S.R. 2008 No. 382](#) and amended by [S.R. 2014 No. 169](#).

(2) Article 16D was inserted by [S.R. 2008 No. 382](#) and amended by [S.R. 2014 No. 169](#).

(3) Article 16B and article 16C were inserted by [S.R. 2008 No. 382](#) and amended by [S.R. 2014 No. 169](#).

- (i) in article 18(4) (commutation – general provision)—
 - (i) after paragraph (1) insert—

“(1A) This article also applies to a pension under article 13A and to the equivalent amount to the FPS lower tier ill-health pension where that amount is included in the annual rate of a retirement pension for a person under regulation 68(2)(ba) (annual rate of retirement pension (active members)) of the 2015 Regulations.”;
 - (ii) in paragraph (2) for “Subject to paragraph (3)” substitute “Subject to paragraphs (3) and (3A)” and after paragraph (3) insert—

“(3A) Where a person is entitled to a continued pension under article 14A, that person may not commute a portion of that pension under this article.”;
 - (iii) in paragraph (6) for “Subject to paragraph (6A)” substitute “Subject to paragraphs (6A) and (6B)” and after paragraph (6A) insert—

“(6B) In the case of a person who is entitled to a pension under article 13A or to the equivalent amount to the FPS lower tier ill-health pension where the annual rate of a retirement pension (active members) under regulation 68(2)(ba) of the 2015 Regulations includes that amount, the reference to “pensionable service” in subparagraph (a) of paragraph (6) includes “2015 pensionable service”.”;
- (j) in article 20 (allocation) after paragraph (1) insert—

“(1A) This article applies to a pension under article 13A.”;

(4) Article 18 was amended by [S.R. 2014 No. 169](#).