

SCHEDULES

SCHEDULE 3

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

7. In Part G (pensionable pay and contributions)—

(a) in article 56(1) (pensionable pay and average pensionable pay)—

(i) in paragraph (1) for “Subject to paragraphs (2) and (12)” substitute “Subject to paragraphs (2), (12) and (13)”;

(ii) after paragraph (12) insert—

“(13) Where paragraph (5A) of article 2 (exclusive application to regular firefighters) applies to a regular firefighter and paragraph 1 of Schedule 7 (final salary link) to the 2014 Act applies to that person, paragraph (1) does not apply and the average pensionable pay is determined in accordance with Schedule 7 to that Act so that the member's pensionable pay under the 2015 Regulations, as modified by paragraph 34 of Schedule 2 to those Regulations, derived from service in the 2015 Scheme is to be regarded as derived from service in this Scheme.

(14) Where paragraph (13) and paragraph 34(4) of Schedule 2 to the 2015 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2015 Regulations as modified by paragraph 34 of Schedule 2 to those Regulations for the last year of pensionable service before the reduction in pensionable pay.

(15) Where the pensionable pay under the 2015 Regulations is the pensionable pay of the person employed as a retained firefighter or as a volunteer firefighter for the purposes of paragraphs (13) and (14) the pensionable pay under the 2015 Regulations is that of a wholetime regular firefighter employed in a similar role and with equivalent qualifying service.

(16) Where paragraph 34(3) of schedule 2 to the 2015 Regulations applies to a person to whom paragraph (5A) of article 2 applies, average pensionable pay is determined in accordance with paragraph (4) and paragraph (13) does not apply in the case of that person.

(17) Subject to paragraph (16), where paragraph (13) applies—

(a) in sub-paragraph (a) of paragraph (9) “the date of the person's last day of service as a regular firefighter” is to be read as “the date of the person's last day of service in scheme employment in the 2015 Scheme”;

(b) in sub-paragraph (b) of paragraph (9) “in a period during which contributions were payable under article 57” is to be read as “in a period during which member contributions were payable under regulation 118 of the 2015 Regulations”; and

(c) in sub-paragraph (e) of paragraph (7) where any unpaid period of additional maternity leave or adoption leave is within a period for which

(1) Article 56 was amended by [S.R. 2014 No. 169](#).

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the pensionable pay derived from 2015 scheme service is treated as pensionable pay derived from this Scheme, “contributions have been paid under article 58” is to be read as “where contributions have been paid under regulation 121 of the 2015 Regulations”.

(18) In a case where paragraphs (1) and (14) apply, in sub-paragraph (a) of paragraph (9) “the date of the person’s last day of service as a regular firefighter” is to be read as “the date of the person’s last day of service in scheme employment in the 2015 Scheme before the reduction of pensionable pay”.”;

(b) in article 58 after paragraph (3) insert—

“(3A) Where the regular firefighter returns to work, or ceases to be employed, after the date on which paragraph (5A) or article 2 applies to that person, the election under paragraph (3) may only be made in respect of the period before paragraph (6) applied to that person.”;

(c) in article 63 (payment of periodical contributions for increased benefits) after paragraph (3) insert—

“(4) In the case of a person to whom paragraph (5B) of article 2 applies—

- (a) periodical payments continue to be payable whilst paragraph (5B) applies;
- (b) where the person is entitled to the payment of an equivalent amount to the FPS lower tier ill-health pension under regulation 73 of the 2015 Regulations and following review of that award under regulation 76 of those Regulations, accepts the offer of employment, the contributions again become payable.”;

(d) in article 64 (effect of payment for increased benefits) in sub-paragraph (a) of paragraph (1) after “pension under article” insert “13A” and after “16 (” insert “continued”.