
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 78

**The Firefighters' Pension Scheme
Regulations (Northern Ireland) 2015**

PART 5

Retirement benefits

CHAPTER 4

Ill-health benefits

Entitlement to lower tier ill-health pension and higher tier ill-health pension

73.—(1) An active member who has not reached normal pension age of 55 is entitled to immediate payment of a lower tier ill-health pension if the following conditions are met—

- (a) in the opinion of the IQMP the member is incapable of performing any duties of the role in which the member was last employed because of incapacity of mind or body and this incapacity will continue until normal pension age;
- (b) the member has three months of qualifying service;
- (c) consequent on the incapacity in sub-paragraph (a), the member has been dismissed or retired from scheme employment; and
- (d) the scheme manager has determined that the member is entitled to a lower tier ill-health pension.

(2) An active member is entitled to immediate payment of a higher tier ill-health pension in addition to the lower tier ill-health pension if the following conditions are met—

- (a) in the opinion of the IQMP the member is incapable of undertaking regular employment because of incapacity of mind or body and this incapacity will continue until normal pension age;
- (b) the member has at least five years of qualifying service;
- (c) the member is entitled to a lower tier ill-health pension; and
- (d) the scheme manager has determined that the member is entitled to a higher tier ill-health pension.

[^{F1}(2A) This paragraph applies where—

- (a) the Board has decided to obtain the written opinion of an IQMP under article 65 (determination by the Board) of the FPS concerning whether a member of that Scheme is permanently disabled or able to undertake regular employment before making a determination as to whether the member is entitled to an ill-health award under article 15 (ill health awards) of the FPS; and
- (b) the determination has not been made before 1st April 2022.]

(3) In these Regulations, an ill-health award means the entitlement to the payment of a lower tier ill-health pension, and in cases where the member is also entitled to a higher tier ill-health pension, the payment of a higher tier ill-health pension.

[^{F2}(4) Where an active member (A) is entitled to a lower tier ill-health pension and paragraph 22 (transition member who has not reached normal pension age under the NFPS) or paragraph 24 (transition member who has not reached normal pension age under the FPS) of Schedule 2 applies in relation to A—

- (a) if paragraph 22 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under article 12(2) of the NFPS, be payable to the member under the NFPS;
- (b) if paragraph 24 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under article 15 (ill-health awards) of the FPS, be payable to the member under the FPS.

(5) In these Regulations—

- (a) the amount equivalent to the annual amount of a lower tier ill-health pension in subparagraph (a) of paragraph (4) is referred to as the “equivalent amount to the NFPS lower tier ill-health pension”;
- (b) the amount equivalent to the annual amount of a lower tier ill-health pension in subparagraph (b) of paragraph (4) is referred to as the “equivalent amount to the FPS lower tier ill-health pension”.]

Textual Amendments

- F1** Reg. 73(2A) inserted (1.4.2022) by [The Firefighters' Pension Schemes \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/155\)](#), reg. 1(2), **Sch. 1 para. 1**
- F2** Reg. 73(4)(5) inserted (retrospective to 1.4.2015) by [The Firefighters Pension Scheme \(Transitional and Consequential Provisions\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/420\)](#), reg. 1(2), **Sch. 1 para. 4(c)**

Annual rate of ill-health awards

74.—(1) The annual rate of a lower tier ill-health pension and of a higher tier ill-health pension is calculated as follows.

(2) The annual rate of a lower tier ill-health pension is calculated in accordance with paragraphs (2)(a) and (2)(b) of regulation 68 (annual rate of retirement pension (active members)).

(3) The annual rate of a higher tier ill-health pension is calculated by multiplying the annual amount of the adjusted lower tier ill-health pension by the member's assumed period of pensionable service and by 2%.

[^{F3}(3A) In the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the FPS lower tier ill-health pension, the adjusted lower tier ill-health pension includes the adjusted equivalent amount.]

(4) In this regulation—

“the adjusted lower tier ill-health pension” means the lower tier ill-health pension payable under paragraph (2) calculated—

- (a) excluding an amount equal to the amount of any added pension which had been included in the calculation of the lower tier ill-health pension, and

- (b) without the deduction for any commuted portion of the pension;
- [^{F4}“the adjusted equivalent amount” means—
- (a) in the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension, that amount calculated—
- (i) excluding from the calculation the amount of any additional period of service purchased under Part 11 of the NFPS, and
- (ii) without the deduction of any commuted portion;
- (b) in the case of a member who is entitled to the equivalent amount to the FPS lower tier ill-health pension, that amount calculated without the deduction of any commuted portion.]
- “the member's assumed period of pensionable service” means the period expressed in years—
- (a) beginning with the day after the member's continuous period of pensionable service ceased, and
- (b) ending with the day before the day on which the member will reach normal pension age.

Textual Amendments

- F3** Reg. 74(3A) inserted (retrospective to 1.4.2015) by The Firefighters Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015 (S.R. 2015/420), reg. 1(2), Sch. 1 para. 4(d)(i)
- F4** Words in reg. 74 inserted (retrospective to 1.4.2015) by The Firefighters Pension Scheme (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015 (S.R. 2015/420), reg. 1(2), Sch. 1 para. 4(d)(ii)

Early payment of retirement pension to deferred member

75. A deferred member who has not reached deferred pension age is entitled to immediate payment of a retirement pension calculated under regulation 69 (annual rate of retirement pension (deferred members)) if the following conditions are satisfied—

- (a) the member has given written notice requesting payment of the pension before deferred pension age to the scheme manager;
- (b) in the opinion of the IQMP the member is incapable of undertaking regular employment because of infirmity of mind or body and this incapacity will continue until deferred pension age; and
- (c) the scheme manager has determined that the member is entitled to the early payment of the pension.

Review of ill-health award or early payment of pension of retirement pension

76.—(1) Where a member (P) has been in receipt of an ill-health award under regulation 73 (entitlement to lower tier ill-health pension and higher tier ill-health pension) for less than 10 years, and is under deferred pension age, the scheme manager must consider, at such intervals as it considers appropriate, whether P has become capable—

- (a) of performing any duty appropriate to the role from which P retired on grounds of ill-health, and
- (b) of undertaking regular employment.

(2) The scheme manager must consider, at such intervals as it considers appropriate before the member reaches deferred pension age, in relation to a pensioner member who was a deferred member

and whose pension is being paid early by virtue of regulation 75 (early payment of retirement pension to deferred member), whether the member has become capable of undertaking regular employment.

Consequences of review

77.—(1) If, on such consideration as is mentioned in regulation 76(1) (review of ill-health award or early payment of retirement pension), the scheme manager determines^{MI} that a member (H) who is in receipt of a higher tier ill-health pension has become capable of undertaking regular employment, H's entitlement to that pension must cease with immediate effect.

(2) Subject to paragraph (3), a lower tier ill-health pension must continue to be paid to a member who ceases to be entitled to a higher tier ill-health pension.

(3) If—

(a) on such consideration as is mentioned in regulation 76(1) (review of ill-health award or early payment of retirement pension), the scheme manager determines that a member (L) who is in receipt of a lower tier ill-health pension has become capable of performing the duties appropriate to the role from which L retired on grounds of ill-health; and

(b) the Board makes L an offer of employment in that role (“a paragraph (3)(b) offer”),

L's entitlement to a lower tier ill-health pension must cease whether L accepts or declines the offer.

(4) The Board must by written notice when making a paragraph (3)(b) offer specify a date by which, if the member has not accepted the offer, the member will be taken to have declined it.

(5) A lower tier ill-health pension ceases to be payable on the earlier of the following dates—

(a) the date on which a member re-enters scheme employment pursuant to a paragraph (3) (b) offer; or

(b) such date after the paragraph (3)(b) offer is made as the employer specifies by notice under paragraph (4).

(6) Where a member declines a paragraph (3)(b) offer, a deferred member's account must be established under regulation 57 (account established after ill-health award ceases to be payable) from the date on which that member's ill-health award ceases to be payable in accordance with paragraph (5).

[^{F5}(6A) Where L is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the FPS lower tier ill-health pension, paragraphs (3) and (5) apply as if the reference to “lower tier ill-health pension” included an equivalent amount to the NFPS lower tier ill-health pension or an equivalent amount to the FPS lower tier ill-health pension, as the case may be.]

(7) If, on such consideration as is mentioned in regulation 76(2) (review of ill-health award or early payment of retirement pension), the scheme manager has obtained the IQMP's opinion which states that a deferred member (P) whose deferred pension is being paid early has become capable of undertaking regular employment, P's entitlement to early payment of the pension must cease with immediate effect and P's deferred member's account must be adjusted under regulation 56 (adjustment of account after early payment of deferred pension ceases).

Textual Amendments

- F5** Reg. 77(6A) inserted (retrospective to 1.4.2015) by [The Firefighters Pension Scheme \(Transitional and Consequential Provisions\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/420\)](#), reg. 1(2), [Sch. 1 para. 4\(e\)](#)

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Marginal Citations

M1 Regulation 151 (determinations by the Pension Board) requires the scheme manager to obtain the opinion of the IQMP in certain circumstances.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg. 3(c) word omitted by [S.R. 2023/157 reg. 21\(2\)\(c\)\(i\)](#)
- reg. 3(e) words substituted by [S.R. 2023/157 reg. 21\(2\)\(c\)\(ii\)](#)
- reg. 3(f) word omitted by [S.R. 2023/157 reg. 21\(2\)\(a\)\(i\)](#)
- reg. 3(f) words inserted by [S.R. 2023/157 reg. 21\(2\)\(c\)\(iii\)](#)
- reg. 3(g) word inserted by [S.R. 2023/157 reg. 21\(2\)\(a\)\(ii\)](#)
- reg. 3(h) inserted by [S.R. 2023/157 reg. 21\(2\)\(a\)\(iii\)](#)