

## SCHEDULE

### Amendment to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007

#### Amendment of Part 5

- 4.—(1) Part 5 (awards on death) is amended as follows.  
(2) After article 35A (Death grant for limited period), insert—

##### **“Death grant for extended limited period**

35B.—(1) This article applies where a person—

- (a) was employed as a retained firefighter on or after 7th April 2000; and
- (b) continued in such employment until the person died before 6th April 2006.

(2) Where the deceased was married, or a member of a civil partnership, at the time of the deceased's death, their spouse or civil partner may apply in writing to the Board for a death grant and any such application must be made on or before 30th April 2025.

(3) Subject to paragraph (4), where the deceased was not married, or a member of a civil partnership, at the time of the deceased's death or where their spouse or civil partner has died since the deceased's death, a child of the deceased may apply in writing to the Board for a death grant and any such application must be made on or before 30th April 2025.

(4) A person is not eligible for a child's death grant under this article if the person would not have been eligible for a child's pension by virtue of anything in article 29 (child's pension: limitations and duration) of Part 4 at the time of the death of the deceased.

- (5) The Board may determine the amount of the deceased's pensionable pay based on —
- (a) information provided by the person making the application in response to a request by the Board;
  - (b) if no information is provided, the Board's records; or
  - (c) if no information is provided and no records are available, the assumption that the person's retained pensionable pay for the period was equal to 25% of the pensionable pay of a whole-time regular firefighter employed in a similar role with equivalent qualifying service.

(6) Subject to paragraph (15), a death grant under this article consists of—

- (a) the basic death grant, calculated in accordance with paragraph (7); and
- (b) the additional death grant, calculated in accordance with paragraph (8), if the additional death grant is payable under paragraph (9).

(7) The amount of the basic death grant is a sum equal to the product of 2.5 and the amount of pensionable pay which the Board determine the deceased received in the deceased's last year of service.

(8) The amount of the additional death grant must be calculated in accordance with the formula—

$$0.1 \times A \times B$$

where—

A is the amount of pensionable pay which the Board determine the deceased received in their last year of service, and

**Changes to legislation:** *There are currently no known outstanding effects for the The Firefighters' Pension Schemes (Amendment) Regulations (Northern Ireland) 2023, Paragraph 4. (See end of Document for details)*

B is the number of completed years (which has the meaning in article 60(2) (calculation of pensionable service) of Part 10) during which the deceased was employed as a retained firefighter in the period before 7th April 2000, as determined by the Board.

(9) The additional death grant is payable only where the deceased first took up employment as a retained firefighter before 7th April 2000.

(10) Where the Board determine that a death grant is payable under this article, the Board must pay the death grant during the period of three months beginning with the date on which the application for a death grant was received.

(11) Subject to paragraph (12) the Board may pay the death grant, in whole or in part, to such person, or persons as the Board think fit.

(12) The Board must not pay any part of the death grant to a person who is convicted of the murder or manslaughter of the deceased, but this is subject to paragraph (13).

(13) Where a conviction of the description mentioned in paragraph (12) is quashed on appeal, the Board may, if they have not then paid the death grant in full, pay all or part of it to the person whose conviction is quashed.

(14) Where this article applies, there is no entitlement to a death grant under article 35 (death grant) or a post-retirement death grant under article 36 (post-retirement death grant) of this Part or to a survivor's pension or a bereavement pension or a child's pension under Part 4 (survivors' pensions).

(15) No basic death grant is payable under this article if a death grant has been paid under article 35A (death grant for limited period) of this Part in relation to the deceased.

### **Additional death grant**

35C.—(1) This article applies where a person—

- (a) first took up employment as a retained firefighter before 1st July 2000;
- (b) elected to join this Scheme under article 66A (election to purchase service during the limited period) of Part 11 in respect of the person's service during the limited period following an application under article 65A (purchase of service during the limited period) of Part 11; and
- (c) died before 30th April 2025 and without making an election under article 66A of Part 11 in respect of their service during the extended limited period following an application under article 65B of Part 11 (purchase of service during the extended limited period).

(2) Where the deceased was married, or a member of a civil partnership, at the time of the deceased's death, their spouse or civil partner may apply in writing to the Board for a death grant and any such application must be made on or before 30th April 2025.

(3) Subject to paragraph (4), where the deceased was not married, or a member of a civil partnership, at the time of the deceased's death or where their spouse or civil partner has died since the deceased's death, a child of the deceased may apply in writing to the Board for a death grant and any such application must be made on or before 30th April 2025.

(4) A person is not eligible for a child's death grant under this article if the person would not have been eligible for a child's pension by virtue of anything in article 29 (child's pension: limitations and duration) of Part 4 at the time of the death of the deceased.

(5) The Board must determine the amount of the deceased's pay based on—

- (a) information provided by the person making the application in response to a request by the Board;
- (b) if no information is provided, the Board's records; or

(c) if no information is provided and no records are available, the assumption that the person's retained pensionable pay for the period was equal to 25% of the pensionable pay of a whole-time regular firefighter employed in a similar role with equivalent qualifying service.

(6) The amount of the death grant payable under this article must be calculated in accordance with the formula—

$$0.1 \times A \times B$$

where –

A is the amount of pensionable pay which the Board determine the deceased received in their last year of service, and

B is the number of completed years (which has the meaning in article 60(2) (calculation of pensionable service) of Part 10) during which the deceased was employed as a retained firefighter in the period before 1st July 2000, as determined by the Board.

(7) Where the Board determine that a death grant is payable under this article, the Board must pay the death grant during the period of three months beginning with the date on which the application for a death grant was received.

(8) Subject to paragraph (9) the Board may pay the death grant, in whole or in part, to such person, or persons as the Board think fit.

(9) The Board must not pay any part of the death grant to a person who is convicted of the murder or manslaughter of the deceased, but this is subject to paragraph (10).

(10) Where a conviction of the description mentioned in paragraph (9) is quashed on appeal, the Board may, if they have not then paid the death grant in full, pay all or part of it to the person whose conviction is quashed.

(11) Where this article applies, there is no entitlement to a death grant under article 35 (death grant) or a post-retirement death grant under article 36 (post-retirement death grant) of this Part or to a survivor's pension or a bereavement pension or a child's pension under Part 4.”

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#### **Commencement Information**

**II** Sch. para. 4 in operation at 31.10.2023, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Firefighters' Pension Schemes (Amendment) Regulations (Northern Ireland) 2023, Paragraph 4.