

SCHEDULE 2

Article 5

MINOR AND CONSEQUENTIAL AMENDMENTS
TO THE FIREMEN'S PENSION SCHEME 1992

1. In rule A3 (exclusive application to regular firefighters)–
 - (a) in paragraph (1) for “paragraph (3)” there shall be substituted “paragraphs (3) and (4)”; and
 - (b) after paragraph (3) there shall be inserted–

“(4) Nothing in this rule prevents provision being made by this Scheme in respect of pension credit members.”.
2. In rule A7 (reckoning of service for purposes of awards), after paragraph (3) there shall be inserted–

“(4) In the case of a regular firefighter or a person to whom rule A4 or A5 applies who is also a pension credit member under Part N, no account shall be taken of the pension credit in the reckoning of service for purposes of awards.”.
3. In rule B7 (commutation – general provision), after paragraph (11) there shall be inserted–

“(12) This rule shall not apply to a pension credit member, who shall be subject to the commutation provisions in rule N11.”
4. In rule B8 (commutation – small pensions) in paragraph (1) after the words “together with” there shall be inserted “any pension to which he is entitled under rule N11 and”.
5. In rule B9 (allocation), after the word “Part” in paragraph (1) there shall be inserted “but not to a pension credit under Part N”.
6. After rule B11 the following rule shall be inserted–

“Pension debit members

- B12.** Where a pension debit member is entitled to an award under rule B1, B2, B3 or B5–
 - (a) the award is calculated by reference to the member’s rights under this Scheme as reduced by virtue of section 31 of the Welfare Reform and Pensions Act 1999⁽¹⁾ and in accordance with such tables and other guidance as are provided for the purpose by the Government Actuary, and
 - (b) rules B7 to B10 have effect accordingly.”.
7. After rule C9 the following rule shall be inserted–

“Pension debit members

- C10.** Where a pension debit member dies leaving a surviving spouse, any award under rule C1, C4, C5, C6, C7 or C8, and the pension under any of those rules by reference to which any payment under rule C9 is made, is calculated by reference to the member’s rights under this Scheme as reduced by virtue of section 31 of the Welfare Reform and Pensions Act 1999 and in accordance with such tables and other guidance as are provided for the purpose by the Government Actuary.”.
8. After rule D5 the following rule shall be inserted:–

(1) 1999 c. 30.

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“Pension debit members

D6. Where a pension debit member dies leaving a child, the reduction in his rights under this Scheme by virtue of section 31 of the Welfare Reform and Pensions Act 1999 is disregarded for the purposes of calculating any award payable under this Part.”.

9. In rule E4 (payment of balance of contributions to estate) in sub-paragraph (2)(f) after the word “death” there shall be inserted “or any pension credit member’s pension derived from the person’s pension”.

10. In rule F7 (receipt of transfer value)–

(a) in paragraph (1) after “(4)” there shall be inserted “and (6)”, and

(b) after paragraph (5) there shall be inserted–

“(6) A transfer value may not be accepted in respect of any pension credit rights.”.

11.—(1) The existing provisions of rule F8 (transfer payments between fire authorities) shall become paragraph (1) of that rule.

(2) In that paragraph after the word “shall” there shall be inserted the words “subject to paragraph (2)”.

(3) After that paragraph there shall be inserted–

“(2) No sum may be paid in respect of any pension credit rights.”.

12. In rule F9 (payment of transfer values)–

(a) in paragraph (1) for “(8)” there shall be substituted “(8A)”, and

(b) after paragraph (8) there shall be inserted–

“(8A) A transfer value may not be paid in respect of any pension credit rights.”.

13.—(1) In rule G5 (purchase of increased benefits), after paragraph (3), there shall be inserted–

“(4) This rule is subject to rule N12.”;

(2) In rule G6 (election to purchase increased benefits), after paragraph (5), there shall be inserted–

“(6) This rule is subject to rule N12.”;

(3) In rule G7 (payment of periodical contributions for increased benefits), after paragraph (4), there shall be inserted–

“(5) This rule is subject to rule N12.”;

(4) In rule G8 (effect of payment for increased benefits), after paragraph (6), there shall be inserted–

“(7) This rule is subject to rule N12.”.

14. In rule K4 (withdrawal of pension during service as a regular firefighter), after the word “brigade” there shall be inserted the words “, save that such withdrawal shall not apply to any pension credit under Part N”.

15. In rule L1 (authorities responsible for payment of awards) after paragraph (2) there shall be inserted–

“(3) An award payable to or in respect of a pension credit member under Part N, and any sum paid in commutation of such an award, is payable by the relevant fire authority.

(4) In this Scheme “the relevant fire authority”, in relation to a pension credit member, means–

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- (a) the fire authority who employ the pension debit member from whose rights the pension credit member's pension credit is derived at the time when the pension sharing order takes effect, or
 - (b) if he is not then employed by a fire authority, the fire authority by whom he was last employed.”.
- 16.** In rule L4 (prevention of duplication) after paragraph (2)(d) there shall be inserted– “or
(e) under rule N11 (pension credit member's entitlement to pension),”.
- 17.** In paragraph 2(2) of Part V of Schedule 2 (injury awards) after the words “this Schedule” there shall be inserted “or by virtue of a pension debit”.
- 18.** In Part I of Schedule 3 (awards on death-spouses), after paragraph 2 there shall be inserted–
“**3.** If the deceased was a pension debit member, paragraph 2 only applies if the amount of the ordinary pension calculated in accordance with rule E9 would exceed the amount calculated in accordance with paragraph 1 if the reduction of the member's rights by virtue of section 31 of the Welfare Reform and Pensions Act 1999 were disregarded.”.
- 19.** In Part III of Schedule 6 (transfer payments between fire authorities) after paragraph 6 there shall be inserted–
“**6A.** In the case of a pension debit member, the sum payable is reduced by such amount as is calculated in accordance with such guidance as is provided for the purpose by the Government Actuary.”.
- 20.** In Part IV of Schedule 6 (amount of transfer value) after paragraph 5 there shall be inserted–
“**6.** In the case of a pension debit member, the sum payable is reduced by such amount as is calculated in accordance with such guidance as is provided for the purpose by the Government Actuary.”.