

SCHEDULE

AMENDMENT OF THE FIREFIGHTERS' PENSION SCHEME

73. In rule L1 (authorities responsible for payment of awards)(1)–
- (a) in paragraph (1)–
 - (i) for “fire authority”, substitute “fire and rescue authority”; and
 - (ii) at the end, insert “or, where his employment ceased before 2nd August 2005, by the fire and rescue authority which inherited the liabilities of the fire authority which last employed him.”;
 - (b) in paragraph (2)–
 - (i) for “as a member of a brigade”, substitute “by a fire and rescue authority”; and
 - (ii) for “the fire authority”, substitute “the authority”;
 - (c) in paragraph (3), for “fire authority”, substitute “fire and rescue authority”; and
 - (d) for paragraph (4), substitute–
 - “(4) In this Scheme “the relevant fire and rescue authority”, in relation to a pension credit member, means–
 - (a) the fire and rescue 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 and rescue authority, the fire and rescue authority by whom he was last employed or, where his employment ceased before 1st October 2004, by the fire and rescue authority which inherited the liabilities of the fire authority which last employed him.
 - (5) Subject to paragraph (6), an award payable in respect of a qualifying injury sustained by a person who is employed as both a regular firefighter and a retained firefighter shall be paid–
 - (a) where the injury was sustained in the course of his regular employment, by the fire and rescue authority which employs him as a regular firefighter;
 - (b) where the injury was sustained in the course of his retained employment, by the fire and rescue authority which employs him as a retained firefighter;
 - (c) where the injury is of such a nature that it cannot be attributed solely to either his regular employment or his retained employment–
 - (i) by such one of his employing authorities as may be agreed; or
 - (ii) by both of them, in such proportion as may be agreed; or
 - (iii) in default of agreement, in equal proportions.
 - (6) An award payable to a person in respect of both a qualifying injury sustained in the course of his regular employment and a different qualifying injury sustained in the course of his retained employment, shall be paid–
 - (a) by such one of his employing authorities as may be agreed; or
 - (b) by both of them, in such proportion as may be agreed; or
 - (c) in default of agreement, in equal proportions.”.

(1) Rule L1 was amended by [S.S.I. 2001/310](#), paragraph 15 of Schedule 2.

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