

SCHEDULE

Article 2

Amendment of Schedule 2 to the Firemen’s Pension Scheme Order 1992

1.—(1) Rule E8 (increase of pensions and allowances during first 13 weeks) is amended as follows.

(2) For paragraph (3)(b) substitute—

“(b) where paragraph (1)(b) applies—

- (i) the weekly amount of the deceased’s pension together with any increase in it under the Pensions (Increase) Act 1971; and
- (ii) the weekly amount of any Increased Pension Entitlement (within the meaning of rule P5), if applicable.”.

2. After rule N19 (application of rules of this Scheme to pension credit members etc), insert—

“PART P

INCREASED PENSION ENTITLEMENT

Interpretation

P1.—(1) In this Part—

“the 1971 Act” means the Pensions (Increase) Act 1971(1);

“basic rate” has the meaning given by section 17(1) of the 1971 Act;

“the existing Orders” means the Pensions Increase (Review) Order 1979(2) the Pensions Increase (Review) Order 1980(3), the Pensions Increase (Review) Order 1981(4), the Pensions Increase (Review) Order 1982(5), the Pensions Increase (Review) Order 1983(6), the Pensions Increase (Review) Order 1984(7), the Pensions Increase (Review) Order 1985(8), the Pensions Increase (Review) Order 1986(9), the Pensions Increase (Review) Order 1987(10), the Pensions Increase (Review) Order 1988(11), the Pensions Increase (Review) Order 1989(12), the Pensions Increase (Review) Order 1990(13), the Pensions Increase (Review) Order 1991(14), the Pensions Increase (Review) Order 1992(15), the Pensions Increase (Review) Order 1993(16), the Pensions Increase (Review) Order 1994(17), the Pensions Increase (Review) Order 1995(18), the Pensions Increase (Review) Order 1996(19), the

(1) 1971 c. 56.
(2) S.I.1979/1047.
(3) S.I. 1980/1302.
(4) S.I. 1981/1217.
(5) S.I. 1982/1178.
(6) S.I. 1983/1264.
(7) S.I. 1984/1307.
(8) S.I. 1985/1575.
(9) S.I. 1986/1116.
(10) S.I. 1987/130.
(11) S.I. 1988/217.
(12) S.I. 1989/477.
(13) S.I. 1990/483.
(14) S.I. 1991/684.
(15) S.I. 1992/198.
(16) S.I. 1993/779.
(17) S.I. 1994/776.
(18) S.I. 1995/708.

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Pensions Increase (Review) Order 1997(20), the Pensions Increase (Review) Order 1998(21), the Pensions Increase (Review) Order 1999(22), the Pensions Increase (Review) Order 2000(23), the Pensions Increase (Review) Order 2001(24), the Pensions Increase (Review) Order 2002(25), the Pensions Increase (Review) Order 2003(26), the Pensions Increase (Review) Order 2004(27), the Pensions Increase (Review) Order 2005(28), the Pensions Increase (Review) Order 2006(29), the Pensions Increase (Review) Order 2007(30), the Pensions Increase (Review) Order 2008(31) and the Pensions Increase (Review) Order 2009(32); and “existing Order” shall be construed accordingly;

“guaranteed minimum pension” has the same meaning as in section 181(1) of the Pension Schemes Act 1993 (33);

“pension authority” has the same meaning as given by section 7(1) of the 1971 Act;

“relevant fire and rescue authority” means, in relation to a person, the authority responsible for payment of that person’s pension as determined by rule L1 (authorities responsible for payment of awards) of the Scheme; and

“tax year” means a period of 12 months beginning on 6th April and ending on the following 5th April.

Application of Part P

P2. This Part applies to a person who—

- (a) was entitled to a pension under this Scheme on 5th April 2009;
- (b) was entitled to a guaranteed minimum pension(34) on that date; and
- (c) has in any tax year since entitlement to the guaranteed minimum pension commenced received a GMP related payment.

GMP related payment

P3.—(1) Where, in any tax year, the relevant fire and rescue authority has—

- (a) increased the annual rate of an official pension in accordance with the existing Order relevant to that tax year; but
- (b) the amount by reference to which that increase is calculated is not reduced by the GMP-related reduction,

the GMP-related payment for that tax year is the amount equal to the GMP-related reduction in that tax year.

(19) S.I. 1996/800.

(20) S.I. 1997/634.

(21) S.I. 1998/503.

(22) S.I. 1999/522.

(23) S.I. 2000/672.

(24) S.I. 2001/664.

(25) S.I. 2002/669.

(26) S.I. 2003/681.

(27) S.I. 2004/758.

(28) S.I. 2005/858.

(29) S.I. 2006/741.

(30) S.I. 2007/801.

(31) S.I. 2008/711.

(32) S.I. 2009/692.

(33) 1993 (c. 48).

(34) See section 17 of the Pension Schemes Act 1993 (c. 48).

(2) The GMP-related reduction for any tax year is the reduction in the amount by reference to which any increase in the rate of an official pension is calculated by the amount calculated in accordance with—

- (a) the existing Order for that tax year;
- (b) section 59(5) and (5ZA) of the Social Security Pensions Act 1975(35), as modified by section 59A of that Act, as these sections have effect in relation to that tax year; and
- (c) any direction made under section 59A of that Act which has effect in relation to that tax year.”.

3. After rule P3 (payments) insert—

“Authorisation of payment of GMP-related payments

P4.—(1) The relevant fire and rescue authority may pay GMP related payments to—

- (a) a person to whom this Part applies; and
- (b) a deceased entitled member.

(2) Where a relevant fire and rescue authority has paid GMP related payments before 6th April 2009, the authority may not recover those payments after 6th April 2009.

(3) In this rule, a deceased entitled member is a person who—

- (a) at the date of his death was entitled to a pension under this Scheme;
- (b) at that date was entitled to a guaranteed minimum pension; and
- (c) has in any tax year since entitlement to the guaranteed minimum pension commenced received a GMP related payment.”.

4. After rule P4 (authorisation of payment of GMP related payments) insert—

“Increased Pension Entitlement

P5.—(1) Subject to paragraphs (3) and (4), a person to whom this Part applies is entitled to an Increased Pension Entitlement calculated in accordance with paragraph (2).

(2) The Increased Pension Entitlement is an amount equal to the basic rate of a pension which, if that pension had been increased by the amount of any increase under section 1 of the 1971 Act and the existing Orders, would result in an annual amount being paid to the person in relation to the tax year 2009–10 which equals the Protected Sum.

(3) Where the person’s entitlement to a pension ceases under this Scheme, the person is not entitled to receive any payment of an amount of the Increased Pension Entitlement in respect of any period after the date on which the entitlement to that pension ceases.

(4) Where the person’s pension, or any proportion of the pension is forfeited under this Scheme, either permanently or temporarily, the same proportion of the Increased Pension Entitlement is forfeited for the same period.

(5) For the purposes of paragraph (2) of this rule “pension” has the meaning given by section 8 of the 1971 Act and begins at the time stated in section 8(2) of that Act.

(6) In this rule—

- (a) “Protected Sum” is the amount equal to the annual amount of the GMP related payment for the tax year 2009–10; and

(35) 1975 (c. 60).

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- (b) the annual amount of the GMP related payment for the tax year 2009–10 is the amount that the relevant fire and rescue authority would have paid to the persons in the tax year 2009–10 if that authority had, in relation to that complete tax year, applied the existing Orders as if the person was not entitled to a guaranteed minimum pension.

Increased Pension Entitlement – further provision

P6.—(1) An Increased Pension Entitlement is payable by the relevant fire and rescue authority.

(2) An Increased Pension Entitlement is payable for life and shall be discharged by payments at such reasonable intervals as the relevant fire and rescue authority may, in their discretion, determine except that payment on account of an Increased Pension Entitlement may be delayed, in whole or in part, pending the determination of any question as to the liability of the relevant fire and rescue authority in respect thereof, including any question as to the continuance of that liability.

(3) Neither the Increased Pension Entitlement nor any proportion of it may be commuted for a lump sum.”.