

SCHEDULE

Article 2

AMENDMENT OF THE FIREFIGHTERS' PENSION SCHEME (ENGLAND ONLY)

1. In rule B2 (short service award), in paragraph (2), for sub-paragraph (a) substitute—
 - “(a) if—
 - (i) he is entitled to reckon at least two years' pensionable service; or
 - (ii) a transfer value in respect of his rights under a personal pension scheme has been paid to the scheme,to a short service pension calculated in accordance with Part II of Schedule 2; and”.
2. In rule B3 (ill-health awards), in paragraphs (3) and (4), omit “outside the fire and rescue service”.
3. In rule B5 (deferred pension), for paragraph (1) substitute—

“**B5.**—(1) This rule applies to a regular firefighter—

 - (a) who is entitled to reckon at least 2 years' pensionable service, or
 - (b) in respect of whom a transfer value attributable to his rights under a personal pension scheme has been paid into the scheme, or
 - (c) who is entitled to reckon pensionable service by virtue both of service as a regular firefighter and of a period of other employment which together amount to 2 years or more, or
 - (d) who has an earlier period of service as a regular firefighter which, disregarding breaks in service of not more than a month, is continuous and which after—
 - (i) deducting from it—
 - (aa) any period during which an election under rule G3 not to pay contributions had effect, and
 - (bb) any period of maternity or adoption leave which does not count as pensionable service as a result of rule F2A or G2A, and
 - (ii) aggregating the remainder with his pensionable service,amounts to 2 years or more.”.
4. In rule B7 (commutation: general provision)—
 - (a) in paragraph (2), for “A”, substitute “Subject to paragraph (2A), a”; and
 - (b) after paragraph (2) insert—

“(2A) A person who retires with an ill-health award may not commute any portion of a higher tier ill-health pension.”.
5. In rule E5 (lump sum in lieu of surviving spouse's or civil partner's pension)—
 - (a) in paragraph (1)—
 - (i) after “subject to”, insert “paragraph (2) and”; and
 - (ii) after “commute the”, insert “whole or any part of the”;
 - (b) in paragraph (2), for the words from “for a lump sum” to the end, substitute “the whole or any part of the pension for a lump sum”; and
 - (c) in paragraph (3), after “commute”, insert “the whole or any part of”.
6. For rule E6 (lump sum in lieu of child's allowance), substitute—

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“Lump sum in lieu of child’s allowance

E6.—(1) Where the amount of a child’s allowance under Part D, together with any increase under the Pensions (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 2 of Schedule 29 to the Finance Act 2004 (trivial commutation lump sum death benefit)(1), the fire and rescue authority may, subject to the provisions of this rule and rule E7, commute the whole or any part of the allowance for a lump sum.

(2) The allowance may not be commuted unless—

- (a) the fire and rescue authority are satisfied that there are sufficient reasons, and
- (b) a surviving parent or the child’s guardian or, if he has neither, the child himself consents, and
- (c) the deceased died before his 75th birthday.

(3) The payment of a lump sum on the commutation of the whole or any part of an allowance under this rule must be made before the date on which the deceased would have attained the age of 75.

(3) A lump sum under this rule shall be calculated in accordance with Part III of Schedule 5.”.

7. In rule F6A (previous service reckonable following actionable loss), in paragraph (7)—

- (a) at the end of sub-paragraph (b), insert “and”; and
- (b) omit sub-paragraph (c).

8. In rule LA1 (establishment, maintenance and operation of Firefighters’ Pension Fund, etc)(2), in paragraph (3), omit sub-paragraph (e) and the word “and” immediately preceding that sub-paragraph.

9. In Schedule 1 (interpretation)—

- (a) in the second column of the entry for the defined expression “personal pension scheme”, for “in section 84(1) of the Social Security Act 1986”, substitute “by section 1 of the 1993 Act”;
- (b) omit the definitions of the expressions “Retained member” and “Volunteer member of the fire and rescue service”; and
- (c) after the definition of “Relevant service in the armed forces”, insert—

“ “Retained firefighter” and “volunteer firefighter”	A person employed by an authority— (a) as a firefighter, but not as a regular firefighter, (b) on terms under which he is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to his role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting),
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(1) As to the lump sum rule, see section 166 of the Finance Act 2004 (c.12).
 (2) Rule LA1 was inserted by S.I. 2006/1810.

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	<p>(c) otherwise than in a temporary capacity, and</p> <p>(d) who is obliged to attend at such times as the officer in charge considers necessary. And in accordance with the orders that he receives.”</p>
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