

## SCHEDULE

### AMENDMENTS TO THE FIREFIGHTERS' COMPENSATION SCHEME (ENGLAND) 2006

7. After Part 7, insert—

#### “PART 7A RESERVISTS

##### **Interpretation of Part 7A**

- 1.—(1) This Part applies to a person who—
- (a) on or after 6th April 2006—
    - (i) takes up employment with a fire and rescue authority, or
    - (ii) having been employed by such an authority before that date, becomes a member of the 2006 Scheme, and
  - (b) immediately before undertaking relevant service in the armed forces, is employed by the authority as a firefighter,

and in this Part such a person is referred to as a reservist.

(2) For the purposes of this Scheme a reservist shall be treated as having continued to be a firefighter during his period of relevant service in the armed forces (referred to in this Part as his “forces period”).

- (3) References in this Part to relevant service in the armed forces are references to—
- (a) service specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(1) (“the 1951 Act”), other than service specified in paragraph 5(b) of that Schedule; and
  - (b) service for the purposes of training only performed by a person mentioned in paragraph 7 of Schedule 1 to the 1951 Act for a period shorter than 7 days.

##### **Awards to reservists**

2.—(1) This rule applies to a reservist who, at the end of his forces period, is permanently disabled.

(2) Subject to paragraph (3), rule 2 of Part 3 of the 2006 Scheme (award on ill-health retirement) has effect in relation to a reservist to whom this rule applies as if the reservist were a firefighter member taking ill-health retirement at the end of his forces period.

(3) Where the infirmity that occasioned his incapacity for the performance of duty was occasioned by an injury received during his forces period or by a qualifying injury the fire and rescue authority may—

- (a) pay him, instead of an ill-health pension under rule 2 of Part 3 of the 2006 Scheme, a pension at the rate of one twelfth of his final pensionable pay, and
- (b) subject to paragraph (4), increase any such pension.

(4) Paragraph 1 of Schedule 7 has effect for limiting increases under paragraph (3)(b).

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(1) 1951 c.65.

*Status: This is the original version (as it was originally made).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

### **Awards on death of reservists**

3.—(1) This rule applies in the case of a reservist who—

- (a) dies during his forces period, or
- (b) was permanently disabled at the end of his forces period, has not since been a firefighter, and dies either from the effects of an injury that occasioned his incapacity for the performance of duty or while in receipt of a pension.

(2) If the reservist dies from the effects of an injury received during his forces period or a qualifying injury, the fire and rescue authority may, subject to paragraph (3), increase any pension or child's pension payable under rule 1, or rule 6 or 9, of Part 4 of the 2006 Scheme.

(3) Paragraphs 2 and 3 of Schedule 7 have effect for limiting increases under paragraph (2).

### **Reservists who resume service as firefighters**

4. Paragraph (2) of rule 2 or, as the case may be, paragraph (2) of rule 3 shall apply in relation to a reservist who, having sustained an injury during his forces period and resumed service as a firefighter—

- (a) is permanently disabled, or
- (b) dies, whether or not while serving as a firefighter,

as they apply in relation to reservists to whom rule 2 or, as the case may be, rule 3 applies.”.