
STATUTORY INSTRUMENTS

2020 No. 1122

**The Restriction of Public Sector
Exit Payments Regulations 2020**

Payments exempt from restriction

6. The following descriptions of payment are not exit payments—
- (a) any payment in respect of death in service;
 - (b) any payment in respect of incapacity as a result of accident, injury or illness;
 - (c) any payment under—
 - (i) rule B7(5A), Schedule 2 to the Firemen’s Pension Scheme Order 1992(1) where the relevant fire and rescue authority has determined that an individual be paid a lump sum;
 - (ii) rule 6, Part 3, Schedule 1 to the Firefighters’ Pension Scheme (England) Order 2006(2) where the relevant fire and rescue authority has determined that an individual should be retired with an early retirement pension initiated by that authority in accordance with the Addendum to the Fire and Rescue National Framework for England on firefighters’ fitness prepared in accordance with section 21 of the Fire and Rescue Services Act 2004(3);
 - (iii) rule 6, Part 3, Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007(4) where the relevant fire and rescue authority has determined that an individual should be retired with an early retirement pension;
 - (iv) regulation 62 of the Firefighters’ Pension Scheme (England) Regulations 2014(5) where the relevant fire and rescue authority has determined that an individual should be retired with an early retirement pension initiated by that authority in accordance with the Addendum to the Fire and Rescue National Framework for England on firefighters’ fitness prepared in accordance with section 21 of the Fire and Rescue Services Act 2004(6);
 - (v) regulation 71 of the Firefighters’ Pension Scheme (Wales) Regulations 2015 (employer initiated retirement)(7) where the relevant fire and rescue authority has determined that an individual should be retired with an early retirement pension initiated by the authority;

(1) [SI 1992/129](#). Rule B7(5A), Schedule 2 was amended by the [Firefighters’ Pension Scheme \(Amendment\) \(No.2\) \(England\) Order 2013/1392](#) Schedule 1 paragraph 2(i).

(2) [Order 2006/3432](#). Pt 3 rule 6(4) inserted by the [Firefighters’ Pensions Scheme \(England\) \(Transitional and Consequential Provisions\) Regulations 2015/589](#) Schedule 2 paragraph 3(f).

(3) [2004 c 21](#). Section 21 was added by [Policing and Crime Act 2017 \(c. 3\)](#) Schedule 1(1) paragraph 9.

(4) [Order 2007/1072](#). Pt 3 rule 6(4) inserted by the [Firefighters’ Pension Scheme \(Wales\) \(Transitional and Consequential Provisions\) Regulations 2015/1016](#) Schedule.2 paragraph 3(f).

(5) [S.I. 2014/2848](#). Regulation 62(3) added by the [Firefighters’ Pension Scheme \(England\) \(Transitional and Consequential Provisions\) Regulations 2015/589](#) Schedule 1 paragraph 5(b).

(6) [2004 c.21](#). Section 21 was added by the [Policing and Crime Act 2017 c.3](#) Schedule Sch.1(1) paragraph 9.

(7) [S.I. 2015/622](#). Regulation 71(3) added by the [Firefighters’ Pension Scheme \(Wales\) \(Transitional and Consequential Provisions\) Regulations 2015/1016](#) Schedule 1 paragraph 5(b).

- (d) any service award to a member of the judiciary in accordance with the determination of the Lord Chancellor dated 31 March 2006⁽⁸⁾;
- (e) any payment in respect of annual leave due under a contract of employment but not taken;
- (f) any payment in compliance with an order of a court or tribunal;
- (g) any payment in lieu of notice due under a contract of employment that does not exceed one quarter of the relevant person's salary.

⁽⁸⁾ A copy of the determination can be found at: https://jac.judiciary.gov.uk/sites/default/files/sync/basic_page/moj_jupra_1993_scheme_guide_nov2014_web_3.pdf.