

SCHEDULE 1

AMENDMENT OF THE FIREFIGHTERS' PENSION (WALES) SCHEME

78. In rule L4 (prevention of duplication)(1)—

- (a) omit paragraph (2)(c);
- (b) in paragraph (3), after “paragraph (4)”, insert “and rule L4B”;
- (c) in paragraph (4)—
 - (i) for “service as a member of a brigade”, substitute “employment with a fire and rescue authority”
 - (ii) for “such a member”, substitute “an employee of a fire and rescue authority”; and
 - (iii) for “served as members of a brigade”, substitute “were employed by a fire and rescue authority”; and
- (d) after paragraph (4), insert—
 - “(5) Where—
 - (a) a person who is employed as a retained firefighter by more than one fire and rescue authority sustains a qualifying injury; and
 - (b) it cannot be established that the injury is attributable to only one of those employments,

a single award shall be paid under rule J4; and the award shall be payable by the fire and rescue authorities by whom the person is so employed in such proportion as may be agreed or, in default of agreement, in equal shares.”.

79. After rule L4, insert—

“Prevention of duplication: other injury awards for persons who are both regular and retained firefighters

L4A.—(1) This rule applies in relation to a person employed as both a regular firefighter and a retained firefighter who is entitled to both—

- (a) an ill-health award under rule B3, an injury award under rule B4, or awards under both those rules, from the fire and rescue authority which employs him as a regular firefighter; and
- (b) an ill-health and injury award under rules B3 and B4, as they have effect as mentioned in rule J4(2) (“the rule J4 award”), from the fire and rescue authority which employs him as a retained firefighter.

(2) The fire and rescue authority which employs the person as a regular firefighter shall pay the award under rule B3 in full and, subject to paragraph (3), the authority which employs him as a retained firefighter shall pay only the injury element of the rule J4 award.

(3) Where the amount awarded under rule B3 is less than the amount which, but for paragraph (2), would have been paid to the person as the ill-health element of the rule J4 award, the fire and rescue authority which employs him as a retained firefighter shall pay him an amount equal to the amount of the difference.

(4) A firefighter who is entitled to both an award under rule B4 and the rule J4 onward, shall receive a single award of an amount equal to the greater of the

(1) Rule L4 was amended by [S.I. 2001/3691](#).

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award under rule B4 and the rule J4 award; and rule L1(6) shall apply in respect of the payment of that single award.”.

Prevention of duplication: other awards for spouses or children of persons who are both regular and retained firefighters

L4B.—(1) This rule applies where—

- (a) a person employed as both a regular firefighter and a retained firefighter dies (whether during or after such employment); and
- (b) a qualifying injury sustained in the course of such employment is certified by an independent qualified medical practitioner as the cause of death; and
- (c) in consequence of the person’s death, another person becomes entitled not only to an award of a description mentioned in paragraph (2), but also to an award of a description mentioned in paragraph (3).

(2) The descriptions mentioned in this paragraph are—

- (a) a spouse’s ordinary pension under rule C1,
- (b) a spouse’s accrued pension under rule C4,
- (c) a spouse’s requisite benefit and temporary pension under rule C6,
- (d) a spouse’s award under rule C7 (award where no other award is payable),
- (e) a child’s ordinary allowance under rule D1, and
- (f) a child’s accrued allowance under rule D4.

(3) The descriptions mentioned in this paragraph are—

- (a) a spouse’s special award under rule C2 (whether or not by virtue of rule J4(4)),
- (b) a spouse’s augmented award under rule C3 (whether or not by virtue of rule J4(4)),
- (c) a child’s special allowance under rule D2 (whether or not by virtue of rule J4(5)), and
- (d) a child’s special gratuity under rule D3 (whether or not by virtue of rule J4(5)).

(4) The award of the description in paragraph (2) shall be paid in full, and the award of the description in paragraph (3) shall not be paid.

(5) Where the amount of the award paid to a person in accordance with paragraph (4) is less than the amount which, but for that paragraph, would have been paid to him by way of an award of a description in paragraph (3), the fire and rescue authority which employed the deceased as a retained firefighter shall pay an amount equal to the amount of the difference.”.