

## SCHEDULE 2

### AMENDMENT OF THE FIREFIGHTERS' PENSION (WALES) SCHEME CONSEQUENT ON THE CIVIL PARTNERSHIP ACT 2004

7. For rule C5 (limitation on award to spouse by reference to date of marriage)(1), substitute—

**“Limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership**

5.—(1) A surviving spouse or civil partner is not entitled to an ordinary pension under rule C1, a special award under rule C2, an augmented award under rule C3 or an accrued pension under rule C4 unless he was married to, or had a civil partnership with, the deceased during a period before the deceased last ceased to be a regular firefighter.

(2) A surviving spouse who, but for paragraph (1), would be entitled to a pension or other award mentioned in that paragraph, is instead entitled to a pension calculated, subject in the case of a civil partner to paragraph (3), in accordance with Part IV of Schedule 3.

(3) A surviving civil partner who, but for paragraph (1), would be entitled to a pension or other award mention in that paragraph, is instead entitled to a pension of such amount as bears to the pension to which, under paragraph (2), he would have been entitled had he been the deceased’s surviving spouse, the same proportion that the deceased’s service after 5 April 1988 bears to the whole of his pensionable service.”

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(1) Rule C5 was substituted by paragraph 24 of Schedule 1 to this Order.