

## SCHEDULE 1

### THE NEW FIREFIGHTERS' PENSION SCHEME (WALES)

## PART 13

### FIREFIGHTERS' PENSION FUND

#### Excess amounts — actual deficits

7.—(1) Where, having taken into account the un-audited information and any other relevant information available to it, it appears to the Assembly that the total amount likely to be payable out of an authority's FPF in the year in question exceeds the total amount likely to be credited to the authority's FPF in that year—

- (a) where the likely deficit (“the un-audited deficit”) exceeds the total of any amounts paid or payable to the authority in relation to that year under rule 5(1) or (2) (“the rule 5 total”), the Assembly must pay to the authority the amount of the un-audited deficit less the rule 5 total;
- (b) where the un-audited deficit is less than the rule 5 total, the amount of the rule 5 total less the un-audited deficit is not payable under rule 5(1) or (2) and, if already paid, the authority must repay that amount to the Assembly;
- (c) where no amount was paid or payable by it to the authority in relation to the year in question under rule 5(1) or (2), it must pay to the authority the amount of the un-audited deficit; and
- (d) any amount paid or payable to the Assembly in relation to that year under rule 6(1) or (2) is not payable and, if already paid, the Assembly must repay it to the authority.

(2) Where, having taken into account the audited information and any other relevant information available to the Assembly, it appears to it that the total amount paid or payable out of an authority's FPF in the year in question exceeds the total amount credited to their FPF in that year—

- (a) where the difference between those total amounts (“the audited deficit”) exceeds the total of any amounts paid (but not repaid or repayable) or payable to the authority in relation to that year under paragraph (1)(a) or (c) or rule 5(1) or (2) (“the un-audited total”), it must pay to the authority the amount of the audited deficit less the un-audited total;
- (b) where the audited deficit is less than the un-audited total, the amount of the un-audited total less the audited deficit is not payable under paragraph (1)(a) or (c) or rule 5(1) or (2) and, if already paid, the authority must repay it to the Assembly;
- (c) where no amount was paid or payable by it to the authority in relation to the year in question under paragraph (1)(a) or (c) or rule 5(1) or (2), it must pay to the authority the amount of the audited deficit; and
- (d) any amount paid or payable to the Assembly in relation to the year in question under rule 6(1) or (2) or rule 8(1)(a) or (c) is not payable and, if already paid, the Assembly must repay it to the authority.

(3) An amount payable or repayable by the Assembly to an authority, or vice versa, under paragraph (1) must be paid or repaid in July in the financial year following the year in question (“the second year”).

(4) An amount payable or repayable by the Assembly to an authority, or vice versa, under paragraph (2), must be paid or repaid in July in the financial year following the second year.