

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (WALES)

PART 13

FIREFIGHTERS' PENSION FUND

Excess amounts — actual surpluses

8.—(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 credited to an authority's FPF in the year in question exceeds the total amount paid out of the authority's FPF in that year—

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

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

- (a) where the difference between those total amounts ("the audited surplus") exceeds the total of any amounts paid (but not repaid or repayable) or payable to it by the authority in relation to that year under paragraph (1)(a) or (c) or rule 6(1) or (2) ("the un-audited rule 6 total"), it must require the authority to pay to it out of their FPF the amount of the audited surplus less the un-audited rule 6 total;
- (b) where the audited surplus is less than the un-audited rule 6 total, the amount of the un-audited rule 6 total less the audited surplus is not payable under paragraph (1)(a) or (c) or rule 6(1) or (2) and, if already paid, the Assembly must repay it to the authority;
- (c) where no amount was paid or payable to it by the authority in relation to the year in question under paragraph (1)(a) or (c) or rule 6(1) or (2), it must require the authority to pay to the Assembly the amount of the audited surplus; and
- (d) any amount paid or payable by it to the authority in relation to that year under rule 5(1) or (2) or rule 7(1)(a) or (c) is not payable and, if already paid, the authority must repay it to the Assembly.

(3) The Assembly must give to the authority, on or before 3 July in the financial year after the year in question ("the second year"), written notice of the amount of the payment that it requires the authority to make under paragraph (1)(a) or (c).

(4) An amount payable or repayable by the authority to the Assembly, or vice versa, under paragraph (1), must be paid or repaid in July in the second year.

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(5) The Assembly must give to the authority, on or before 3 July in the financial year that is the second financial year after the year in question (“the third year”), written notice of the amount of any payment that it requires the authority to make under paragraph (2)(a) or (c).

(6) An amount payable or repayable by the authority to the Assembly, or vice versa, by virtue of paragraph (2), must be paid or repaid in July in the third year.