

## SCHEDULE 1

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

## PART 15

### MISCELLANEOUS PROVISIONS

#### **Survivors' guaranteed minimum pensions**

2.—(1) Subject to paragraph (3), this rule applies in relation to a firefighter member's surviving spouse or civil partner who has a guaranteed minimum pension under section 17 of the 1993 Act in relation to benefits under Chapter 1 of Part 4 of this Scheme in respect of the deceased member.

(2) If apart from this rule—

- (a) no pension is payable to the surviving spouse or civil partner under this Scheme; or
- (b) the weekly rate of the pension payable is less than the surviving spouse or civil partner's guaranteed minimum,

a pension, of which the weekly rate is equal to the surviving spouse or civil partner's guaranteed minimum, is payable to the surviving spouse or civil partner from the date on which the deceased died until the death of the surviving spouse or civil partner.

(3) This rule does not apply if—

- (a) any part of the firefighter member's pension has been withdrawn permanently under rule 5 of Part 9 following the firefighter member's conviction of an offence of a description specified in paragraph (3) of that rule (treason and certain offences under the Official Secrets Acts 1911 to 1989);
- (b) the firefighter member's pension has been commuted under rule 10 of Part 3; or
- (c) the survivor's pension has been commuted under rule 5 of Part 4.