

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (WALES)

PART 2

SCHEME MEMBERSHIP, CESSATION AND RETIREMENT

Scheme membership

1.—(1) Subject to paragraph (2), a person of any of the following descriptions is a firefighter member of this Scheme—

- (a) a person who on or after 6 April 2006 takes up employment with an authority as a firefighter, and whose role on taking up that employment includes—
 - (i) resolving operational incidents, or
 - (ii) leading and supporting others in the resolution of operational incidents;
- (b) a person who—
 - (i) having taken up employment as a firefighter before 6 April 2006,
 - (ii) having continued in such employment until the date of the member's election, and
 - (iii) having been a member of the 1992 Scheme,elects to become a member of this Scheme; and
- (c) a person to whom article 3(3) of the Firefighters' Pension Scheme (Wales) Order 2007 refers (persons becoming members of the 1992 Scheme on taking up employment with an authority on or after 6 April 2006 and before that Order comes into force).

(2) A person may not be a firefighter member of this Scheme if that person makes a contributions election (but the person may again become a firefighter member by virtue of rule 6(4)).

(3) A person is a deferred member of this Scheme if the person is entitled to a deferred pension under rule 3 of Part 3.

(4) A person is a pensioner member of this Scheme if the person is in receipt of a pension or other benefits under the Scheme in respect of that person's pensionable service or by reason of service credited to the Scheme under Part 12.

(5) A person is a dependent member of this Scheme if that person is—

- (a) the spouse or civil partner of a deceased firefighter member;
- (b) the nominated partner of a deceased firefighter member;
- (c) a pension credit member in relation to a firefighter member;
- (d) the child of a person who is a member of the Scheme by virtue of any of paragraph (1) (a) or (b) whose dependency on that person satisfies the conditions specified in paragraph 15(2) and (3) of Schedule 28 to the Finance Act 2004(1); or
- (e) in receipt of a portion of a firefighter's pension allocated under rule 11 of Part 3.

(6) For the purposes of paragraph (5), a firefighter member may nominate a person (a "nominated partner") who—

- (a) has been living with the member, otherwise than as the member's spouse or civil partner, in a long-term relationship; and

(1) 2004 c. 12. See also Schedule 36 to the Finance Act 2004, amended by the Finance Act 2005(c. 7), Schedule 10.

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- (b) at the date on which the question of the person’s status in relation to the firefighter member falls to be considered—
 - (i) is not the spouse or civil partner of any other person,
 - (ii) is registered with the scheme administrator as the member’s nominated partner, and
 - (iii) is financially dependent on the member or is, with the member, in a state of mutual financial dependencybut this is subject to paragraph (8).

(7) In paragraph (6) —

- (a) “long-term relationship” (“*perthynas hirdymor*”) means a relationship that has continued, to the exclusion of any other relationship, for the period of two years ending with the date on which the question of the person’s status in relation to the firefighter member falls to be considered, or such shorter period as the authority may in any particular case think fit; and
- (b) “scheme administrator” has the meaning given by section 270 of the Finance Act 2004.

(8) A firefighter member may not make a nomination under paragraph (6) if (under the law of England and Wales) the member is prohibited from marrying or, as the case may be, becoming the civil partner of the person the member wishes to nominate.

(9) A nomination ceases to have effect if the firefighter member or the nominated partner marries or enters into a civil partnership (whether with each other or with another person).

(10) Where a person who is—

- (a) employed by more than one authority, or
- (b) employed by a particular authority under more than one contract of employment,

is a member of this Scheme, that member is a member of it in respect of each employment; but such person cannot be a member by virtue of any employment in respect of which that person makes a contributions election that is not cancelled.