

SCHEDULE 1

Amendment of the Firefighters' Compensation Scheme (Wales) Order 2007

Amendment of Part 3 (awards on death: spouses and civil partners)

3.—(1) Part 3 is amended as follows.

(2) In rule 1 (special award for spouse or civil partner)—

(a) in paragraph (3)—

(i) for “or, as the case may be, his final pensionable pay”, in each place where the words occur, substitute “or the deceased’s final pensionable pay or the deceased’s final pay, as the case may be”;

(ii) in paragraph (3)(a)(ii), after “the 2007 Scheme (ill health award)” insert “or regulation 74 of the 2015 Regulations”;

(b) in paragraph (4), for “as the case may be, his final pensionable pay” substitute “the deceased’s final pensionable pay or the deceased’s final pay, as the case may be”.

(3) In rule 4 (limitation where spouse or civil partner is living apart), for paragraph (1A) substitute—

“(1A) Paragraph (1) does not apply to a person—

(a) who is a member of the 2007 Scheme;

(b) who first takes up employment with a fire and rescue authority on or after 6 April 2006 and is entitled to be a member of the 2007 Scheme but elects not to pay pension contributions;

(c) who is a member of the 2015 Scheme; or

(d) who is eligible to be an active member of the 2015 Scheme and—

(i) exercises an option not to become an active member of that scheme in accordance with Chapter 2 of Part 3 of the 2015 Regulations; or

(ii) does not exercise an option to become an active member of that scheme in accordance with regulation 21 of the 2015 Regulations.”

(4) In rule 5 (effect of new relationship), for paragraph (3) substitute—

“(3) Paragraphs (1) and (2) do not apply to a person—

(a) who is a member of the 2007 Scheme;

(b) who first takes up employment with a fire and rescue authority on or after 6 April 2006 and is entitled to be a member of the 2007 Scheme, but elects not to pay pension contributions;

(c) who is a member of the 2015 Scheme; or

(d) who is eligible to be an active member of the 2015 Scheme and—

(i) exercises an option not to become an active member of that scheme in accordance with Chapter 2 of Part 3 of the 2015 Regulations; or

(ii) does not exercise an option to become an active member of that scheme in accordance with regulation 21 of the 2015 Regulations.”

(5) In rule 6 (amount of survivor’s pension: special cases), for paragraph (1) substitute—

“(1) This rule applies in relation to a person—

(a) who is a member of the 2007 Scheme on the day on which the person dies;

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- (b) in respect of whom an election under rule 5(1) of Part 2 of the 2007 Scheme not to make pension contributions has effect on the day on which the person dies;
- (c) who is a member of the 2015 Scheme on the day on which the person dies; or
- (d) who is eligible to be an active member of the 2015 Scheme and—
 - (i) has exercised an option not to become an active member of that scheme in accordance with Chapter 2 of Part 3 of the 2015 Regulations which has effect on the day on which the person dies; or
 - (ii) has not exercised an option to become an active member of that scheme in accordance with regulation 21 of the 2015 Regulations on the day on which the person dies.”