
WELSH STATUTORY INSTRUMENTS

2015 No. 622

The Firefighters' Pension Scheme (Wales) Regulations 2015

PART 8

Contributions

CHAPTER 1

Member contributions

Member contributions

119.—(1) Subject to regulations 120 to 122 (contributions during absences), an active member of this scheme must pay contributions to the scheme in respect of a scheme employment at the contribution rate applicable to the annual pensionable pay which that member is receiving in the pay period in which 1 April falls for that employment (or, in the case of an active member whose membership commences after 1 April in any year, to the annual pensionable pay the member receives at the commencement of that membership).

(2) The contribution rate applicable to a scheme employment is as specified in the following table, with the contribution rate specified in the appropriate column for the year to be considered applicable to the range of pensionable pay specified in the first column into which the active member's annual pensionable pay, rounded down to the nearest whole pound, falls:

<i>Pensionable pay range for an employment</i>	<i>Contribution rate 1 April 2015-31 March 2016</i>
Up to £27,000	10.0%
£27,001 to £50,000	12.2%
£50,001 to £142,500	13.5%
£142,501 or more	14.5%

<i>Pensionable pay range for an employment</i>	<i>Contribution rate 1 April 2016 – 31 March 2017</i>
Up to £27,270	10.0%
£27,271 to £50,500	12.5%
£50,501 to £142,500	13.5%
£142,501 or more	14.5%

<i>Pensionable pay range for an employment</i>	<i>Contribution rate 1 April 2017 – 31 March 2018</i>
Up to £27,543	10.5%

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<i>Pensionable pay range for an employment</i>	<i>Contribution rate 1 April 2017 – 31 March 2018</i>
£27,544 to £51,005	12.7%
£51,006 to £142,500	13.5%
£142,501 or more	14.5%

<i>Pensionable pay range for an employment</i>	<i>Contribution rate from 1 April 2018</i>
Up to £27,818	11.0%
£27,819 to £51,515	12.9%
£51,516 to £142,500	13.5%
£142,501 or more	14.5%

(3) The amount of pensionable pay of a retained or volunteer firefighter for the purpose of the first column of the table must be that firefighter’s reference pay.

(4) The amount of pensionable pay of a part-time regular firefighter for the purpose of the first column of the table must be the amount of pensionable pay of a whole-time regular firefighter of equivalent role and length of service.

(5) Where there is a change in scheme employment, or a material change which affects the member’s pensionable pay in the course of a financial year and the revised amount of the pensionable pay falls into a different contribution rate range, the scheme manager must determine that this rate must be applied and the scheme manager must inform the member of the contribution rate applicable and the date from which it is to be applied.

(6) Where the scheme manager has determined under paragraph (5) that a different contribution rate applies, the member must pay contributions at that rate on the pensionable pay which that member is receiving at that time.

(7) For the purposes of identifying which is the applicable contribution rate under this regulation, any reduction in pensionable pay which arises as a consequence of any of the following circumstances is to be disregarded—

- (a) the actual or assumed enjoyment by the member of any statutory entitlement during any period away from work;
- (b) child-related leave;
- (c) leave of absence with permission;
- (d) sick leave;
- (e) leave due to injury;
- (f) reserve forces service leave;
- (g) absence due to a trade dispute; or
- (h) circumstances specified by the scheme manager in a particular case.

(8) In these Regulations, “member contributions” (“*cyfraniadau aelod*”) means contributions which an active member pays under this regulation, and regulations 120 to 122 (contributions during absences from work).

Contributions during absence from work due to illness, injury, trade dispute or authorised absence

120.—(1) An active member who is absent from scheme employment by reason of illness or injury must pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the amount of any pensionable pay received, including statutory pay.

(2) If an active member is absent from scheme employment by reason of illness or injury and is not entitled to receive pensionable pay (including statutory pay) for any period, that member may pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the amount of pensionable pay received immediately before the cessation of pay and if required by the scheme employer, must pay the amount of employer contribution which the scheme employer would otherwise be required to pay by regulation 126(3) (employer contributions).

(3) If an active member is absent on a trade dispute, the member may elect to pay the contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the assumed pensionable pay that member is treated as receiving and, if required by the scheme employer, must pay the amount of employer contribution which the scheme employer would otherwise be required to pay by regulation 126(3) (employer contributions).

(4) If an active member is away from work during a period of authorised unpaid absence, the member may elect to pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the assumed pensionable pay that member is treated as receiving and, if required by the scheme employer, must pay the amount of employer contributions which the scheme employer would otherwise be required to pay by regulation 126(3) (employer contributions).

(5) Where paragraph (2), (3) or (4) applies, the contributions must be paid before the end of the period of six months starting with the date on which the member is treated as receiving assumed pensionable pay.

Contributions during absence from work on reserve forces service leave

121.—(1) An active member who is on reserve forces service leave and who is treated as receiving assumed pensionable pay must pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions).

(2) The amount of the contributions to be paid is calculated by multiplying the contribution rate by the lesser of the following amounts—

- (a) assumed pensionable pay;
- (b) the total of the actual pay received and any additional payment made by the scheme employer.

Contributions during child-related leave

122.—(1) An active member on child-related leave must pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by any pensionable pay received, including statutory pay, but that pay does not include any amount that reduces the member's actual pensionable pay on account of possible entitlement to statutory pay.

(2) If an active member is on ordinary maternity leave, paternity leave or ordinary adoption leave and is not entitled to receive pensionable pay (including statutory pay) for any of that period, that member is treated for the purposes of these Regulations as if that member had paid contributions for that unpaid period under paragraph (1).

(3) An active member on additional maternity leave, additional paternity leave, additional adoption leave or parental leave who is not entitled to receive any pensionable pay (including statutory pay) for any of the period of child-related leave may elect to pay contributions at the contribution rate ascertained in accordance with regulation 119 (member contributions) multiplied by the assumed pensionable pay which that member is treated as receiving.

(4) An election to pay contributions may only be made before the end of the period of 30 days starting with the date on which that member returns to work after the period of child-related leave, or if the member does not return to work, the day on which the member ceases to be employed by the employer.

Deduction and payment of contributions

123.—(1) The contributions required to be paid under regulation 119 (member contributions) may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due unless another method of payment has been agreed between the scheme manager and the member.

(2) Contributions required to be paid under regulation 121(1) (contributions during absence from work on reserve forces service leave) may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(1) to the extent that they are payable in respect of the same period.

(3) Contributions which the member has elected to pay, or is required to pay, under regulations 120 (contributions during absence from work due to illness, injury, trade dispute or authorised absence) and 122 (contributions during child-related leave) may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the scheme manager and the member.

Schedule 1 (payments for added pension)

124. Schedule 1 has effect (including as to deduction of payments for added pension).

CHAPTER 2

Refund of member contributions

Refund of all member contributions and payments for added pension made by member

125.—(1) This regulation applies in relation to a continuous period of pensionable service under the scheme.

(2) All member contributions and payments resulting from the election to make additional pension contributions under Schedule 1 are refundable if—

- (a) regulation 24 (opting out before the end of the first three months) applies; or
- (b) the member ceases to be in pensionable service under this scheme and—
 - (i) the member has less than three months qualifying service,
 - (ii) if a transfer payment has been received by this scheme in relation to the member, it was from another occupational pension scheme, and
 - (iii) the member has not reached GMP age under this scheme.

(3) If paragraph (2)(b) applies, the member is entitled to be paid an amount equal to the sum of any member contributions and payments for added pension made by the member, less an amount

equal to the income tax payable under section 205 of FA 2004 (short service refund lump sum charge) as a result of a refund of those contributions and payments(2).

(4) If all member contributions and payments for added pension made by the member are refunded under this regulation, the member's rights under this scheme in relation to the period of pensionable service are extinguished.

CHAPTER 3

Employer contributions

Employer contributions

126.—(1) The Welsh Ministers must, after consultation with the scheme actuary, determine the employer contribution rate.

(2) The employer of an active member of this scheme must pay contributions to the scheme at the employer contribution rate on that member's pensionable earnings.

(3) The employer of an active member who is treated under regulation 27 (meaning of "assumed pensionable pay") as receiving assumed pensionable pay must pay contributions at the employer contribution rate on the assumed pensionable pay that the member is treated as receiving.

(4) The Welsh Ministers must notify the scheme manager of the employer contribution rate and the date from which it will take effect.

(5) In these Regulations, "employer contribution" ("cyfraniad cyflogwr") means the contributions payable under paragraph (2) or (3) of this regulation.

Employer additional contribution: ill-health award

127.—(1) Where a member (H) has retired with an entitlement to the immediate payment of a higher tier ill-health pension and a lower tier ill-health pension under regulation 74(2) (entitlement to lower tier ill-health pension and higher tier ill-health pension), H's employer must pay a higher tier ill-health additional contribution.

(2) The amount of the higher tier ill-health additional contribution is the amount determined and notified to H's employer by the Welsh Ministers.

(3) Where a member (L) has retired with an entitlement to the immediate payment of a lower tier ill-health pension and without any entitlement to a higher tier ill-health pension, L's employer must pay a lower tier ill-health additional contribution.

(4) The amount of the lower tier ill-health additional contribution is the amount determined and notified to L's employer by the Welsh Ministers.

(5) The employer must pay the higher tier ill health additional contribution or the lower tier ill health additional contribution, as the case may be, in equal instalments due on:

- (a) the date on which the member retires;
- (b) 1 April of the financial year following the financial year in which the first instalment was paid; and
- (c) 1 April of the financial year following the financial year in which the second instalment was paid.

(2) Section 205 was amended by the Finance Act 2013 (c. 29) Schedule 46, paragraph 121 and S.I. 2010/536.

Refund of employer additional contribution for ill health award following review

128.—(1) Subject to paragraph (2), where the scheme manager has considered the entitlement of a member (P) to an ill-health award under regulation 77 (review of ill-health award or early payment of retirement pension) and as a consequence of that review the entitlement of P to either a higher tier ill-health pension or a lower tier ill-health pension has ceased, or the entitlement of P to both pensions has ceased, the scheme manager must pay the amount specified in paragraph (3) or (5), as the case may be, to the employer.

(2) Where the employer has paid all the instalments of higher tier ill-health additional contributions required by regulation 127 (employer additional contribution: ill-health award), the scheme manager is not required to pay the employer the amount mentioned in paragraph (3).

(3) Where P, as a result of a review under regulation 77 (review of ill-health award or early payment of retirement pension), ceases to be entitled to a higher tier ill-health pension and remains entitled to a lower tier ill-health pension, the scheme manager must pay to the employer an amount equal to the difference between the instalments of higher tier ill-health additional contribution which have been paid under regulation 127(1) (employer additional contribution: ill-health award) and the instalments of the lower tier ill-health additional contribution which would have been required to be paid under regulation 127(3) (employer additional contribution: ill-health award) if only the lower tier ill-health pension had been payable (“the notional payment”).

(4) The scheme manager must determine the amount of the notional payment payable under paragraph (3).

(5) Where P, as a result of a review under regulation 77 (review of ill-health award or early payment of retirement pension), ceases to be entitled to a higher tier ill health pension and to a lower tier ill-health pension or to a lower tier ill-health pension, as the case may be, and the employer has not paid all the instalments of higher tier ill-health additional contribution or lower tier ill-health additional contribution as required by regulation 127 (employer additional contribution: ill-health award), the scheme manager must repay to the employer any instalments of higher tier ill-health additional contribution or lower tier ill-health additional contribution, as the case may be, which have been paid in respect of P and no further instalments will be due in respect of P.

Employer additional contribution: employer initiated retirement

129.—(1) Where an employer has made a determination under regulation 71 (employer initiated retirement) to pay an active member who has not attained normal pension age a pension calculated in accordance with regulation 68 (annual rate of retirement pension (active members)) without making the early payment reduction, the employer must pay to the scheme the employer initiated retirement additional contribution.

(2) The amount of the employer initiated retirement additional contribution is calculated in accordance with actuarial guidance and that actuarial guidance must have regard to the difference between the pension that is payable under regulation 71 (employer initiated retirement) and the pension payable under regulation 68 (annual rate of retirement pension (active members)) reduced in accordance with regulation 70(3) (early payment reduction).