
WELSH STATUTORY INSTRUMENTS

2015 No. 622

The Firefighters' Pension Scheme (Wales) Regulations 2015

PART 13

Supplementary

CHAPTER 2

Forfeiture

Forfeiture: relevant monetary obligations and relevant monetary losses

184.—(1) If a member (P) has a relevant monetary obligation or has caused a relevant monetary loss the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to P under this scheme.

(2) The scheme manager may withhold benefits to the extent the scheme manager considers appropriate but may only withhold that part of P's pension as exceeds any guaranteed minimum to which P is entitled under section 14 of PSA 1993.

(3) The scheme manager may not withhold more than the lesser of—

- (a) the amount of the relevant monetary obligation or relevant monetary loss; and
- (b) the value of P's entitlement to benefits.

(4) The scheme manager may only withhold benefits if—

- (a) there is no dispute as to the amount of the relevant monetary obligation or relevant monetary loss; or
- (b) the relevant monetary obligation or relevant monetary loss is enforceable as follows—
 - (i) under an order of a competent court, or
 - (ii) in consequence of an award of an arbitrator.

(5) In this regulation—

“relevant monetary loss” (*“colled ariannol berthnasol”*) means a monetary loss which—

- (a) was caused to this scheme, and
- (b) arose out of P's criminal, negligent or fraudulent act or omission; and

“relevant monetary obligation” (*“rhwymedigaeth ariannol berthnasol”*) means a monetary obligation which—

- (a) was incurred to P's employer,
- (b) was incurred after P became an active member of this scheme,
- (c) arose out of P's criminal, negligent or fraudulent act or omission, and
- (d) arose out of or was connected with service in the scheme employment in respect of which P is a member of this scheme.