

SCHEDULES

SCHEDULE 2

Regulation 196

Transitional provisions

PART 1

General

Interpretation

1. In this Schedule—

“active member of an existing public body pension scheme” (“*aelod actif o gynllun pensiwn corff cyhoeddus presennol*”) has the meaning given in paragraph 7;

“active member of an existing scheme” (“*aelod actif o gynllun presennol*”) has the meaning given in paragraph 6;

“active member of the 1992 Scheme or the NFPS” (“*aelod actif o Gynllun 1992 neu o CPNDT*”) has the meaning given in paragraph 5;

“closing date” (“*dyddiad cau*”)—

- (a) in relation to an existing scheme, means the date referred to in section 18(4)(a) or (b) of the 2013 Act, as the case may be,
- (b) in relation to an existing public body pension scheme, means the date determined under section 31(2) of the 2013 Act by the public authority responsible for that scheme, and
- (c) in relation to a transition member, means—
 - (i) if the member is a tapered protection member of the 1992 Scheme or the NFPS, the tapered protection closing date for that member, or
 - (ii) if the member is not a protected member of one of those schemes, the scheme closing date;

“eligible to be an active member of the NFPS” (“*cymwys i fod yn aelod actif o CPNDT*”) has the meaning given in paragraph 4;

“exception” (“*eithriad*”) means—

- (a) in relation to an existing scheme, an exception under section 18(5) of the 2013 Act provided for in the scheme regulations for that scheme,
- (b) in relation to an existing public body pension scheme, an exception under section 31(4) of the 2013 Act provided for by the public authority responsible for that scheme;

“existing public body pension scheme” (“*cynllun pensiwn corff cyhoeddus presennol*”) means a public body pension scheme to which section 31 of the 2013 Act applies;

“full protection member” (“*aelod diogelwch llawn*”), in relation to the 1992 Scheme or the NFPS, has the meaning given in paragraph 9;

“fully protected member” (“*aelod a ddiogelir yn llawn*”) of an existing scheme or an existing public body pension scheme means a person in respect of whom an exception applies, which

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exception is one to which section 18(6) of the 2013 Act⁽¹⁾ (or that section as applied by section 31(4) of that Act) applies for the purposes of that scheme;

“protected member” (“*aelod a ddiogelir*”), in relation to an existing scheme or an existing public body pension scheme, means a full protection member or tapered protection member of one of those schemes;

“protection period” (“*cyfnod diogelwch*”)—

- (a) for a full protection member of the 1992 Scheme or the NFPS, has the meaning given in paragraph 10, and
- (b) for a tapered protection member of the 1992 Scheme or the NFPS, has the meaning given in paragraph 16;

“scheme closing date” (“*dyddiad cau’r cynllun*”) means 31 March 2015;

“tapered protection closing date” (“*dyddiad cau diogelwch taprog*”), in relation to a tapered protection member of an existing scheme, has the meaning given in paragraph 3;

“tapered protection member” (“*aelod diogelwch taprog*”), in relation to the 1992 Scheme or the NFPS, has the meaning given in paragraph 15;

“transition date” (“*dyddiad trosiant*”), in relation to a transition member, means—

- (a) if the member is a tapered protection member of the 1992 Scheme or the NFPS, the day after the tapered protection closing date for that member, and
- (b) if the member is not a protected member of the 1992 Scheme or the NFPS, the day after the scheme closing date, or, if later, the day the person ceased to be a protected member of that scheme;

“transition member” (“*aelod trosiannol*”) means a person—

- (a) who is a member of the 1992 Scheme or the NFPS by virtue of their pensionable service under that scheme, or who is eligible to be an active member of the NFPS, before the transition date, and
- (b) who is a member of this scheme by virtue of the person’s pensionable service under this scheme.

Meaning of “continuity of service”

2.—(1) A transition member (T) has continuity of service between pensionable service in the 1992 Scheme or the NFPS, as the case may be, and pensionable service in this scheme unless T has a gap in service exceeding five years which—

- (a) begins on or before T’s transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(2) For the purposes of sub-paragraph (1), after the scheme closing date T is not on a gap in service while T is in service which is pensionable under an existing scheme, an existing public body pension scheme, a scheme under section 1 of the 2013 Act or a new public body pension scheme.

Meaning of “tapered protection closing date”

3.—(1) The tapered protection closing date for a tapered protection member of the 1992 Scheme is the date found by applying the relevant date in column 3 of the 1992 Scheme table in Part 4 of this Schedule to the birthday referred to in column 1 and column 2.

⁽¹⁾ Section 18(6) was amended by the Pensions Act 2014 (c. 19), section 52(3).

(2) Subject to sub-paragraph (3), the tapered protection closing date for a tapered protection member of the NFPS is the date found by applying the relevant date in column 3 of the NFPS table in Part 4 of this Schedule to the birthday referred to in column 1 and column 2.

(3) The tapered protection closing date for a tapered protection member of the NFPS to whom paragraph 9(5) or 21 applies is a date determined by the scheme manager.

Meaning of “eligible to be an active member” of the NFPS

4.—(1) For the purpose of this Schedule, a person (P) is eligible to be an active member of the NFPS on a given date if on that date P is not in pensionable service under the 1992 Scheme or the NFPS and either—

- (a) P is in service as a firefighter which entitles P to be eligible to be an active member of the NFPS; or
- (b) P is on a gap in pensionable service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Meaning of “active member of the 1992 Scheme or the NFPS”

5.—(1) For the purpose of this Schedule, a person (P) is an active member of the 1992 Scheme or the NFPS on a given date if on that date P is—

- (a) in pensionable service under the 1992 Scheme or the NFPS; or
- (b) on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Meaning of “active member of an existing scheme”

6.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing scheme (2) (other than the 1992 Scheme or the NFPS) on a given date if on that date P is—

- (a) in pensionable service under that scheme; or
- (b) on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing scheme P is not on a gap in service while P is in pensionable public service.

Meaning of “active member of an existing public body pension scheme”

7.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing public body pension scheme on a given date if on that date P is—

- (a) in pensionable service under that scheme; or
- (b) on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing public body pension scheme P is not on a gap in service while P is in pensionable public service.

(2) See section 18(2) of the 2013 Act for the meaning of “existing scheme”.

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Commencement of active membership of this scheme

8.—(1) A person who is a transition member on entering pensionable service under this scheme and who does not have continuity of service becomes an active member of this scheme on the day the person begins pensionable service in a scheme employment.

(2) A person who is a transition member on entering pensionable service under this scheme and who has continuity of service (T) becomes an active member of this scheme—

- (a) if T is in pensionable service in a scheme employment on the transition date, on that date; or
- (b) if T is not in pensionable service in a scheme employment on the transition date, on the day T enters pensionable service in a scheme employment after that date.

PART 2

Full protection members of the 1992 Scheme or the NFPS

Full protection members of the 1992 Scheme or the NFPS

9.—(1) A person (P) to whom any of paragraphs 12 to 14 applies is a full protection member of the 1992 Scheme or the NFPS, as the case may be.

(2) P ceases to be a full protection member of the 1992 Scheme or the NFPS, as the case may be, when P ceases to be in pensionable service under that scheme and ceases to be eligible to be an active member of the NFPS, unless sub-paragraph (3) or (4) applies.

(3) This sub-paragraph applies if P—

- (a) returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme (other than the 1992 Scheme) or an existing public body pension scheme; and
- (b) would have been a fully protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.

(4) This sub-paragraph applies if P returns to service which is pensionable under the NFPS—

- (a) otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and
- (b) after a gap in service not exceeding five years.

(5) If P returns to service which is pensionable under the NFPS in circumstances where sub-paragraph (6) applies, P is a tapered protection member of the NFPS when P returns to that service.

(6) This sub-paragraph applies if P—

- (a) returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and
- (b) would have been a protected member of the existing scheme or existing public body pension scheme by virtue of an exception to which section 18(7)(a) and (b) of the 2013 Act (or that section as applied by section 31(4) of that Act) applies had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.

(7) For the purpose of sub-paragraph (4)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Exception for full protection member during protection period

10.—(1) The protection period for a person (P) who is a full protection member of the 1992 Scheme or the NFPS, as the case may be, is the period which—

- (a) begins on the day after the scheme closing date; and
 - (b) ends when P ceases to be a full protection member of the 1992 Scheme or the NFPS (unless P is a tapered protection member by virtue of paragraph 9(5)).
- (2) During the protection period—
- (a) P is eligible to be in pensionable service under the NFPS or, where P is an active member of the 1992 Scheme, eligible to be in pensionable service under that scheme;
 - (b) section 18(1) of the 2013 Act does not apply in respect of that pensionable service; and
 - (c) benefits are to be provided under the 1992 Scheme or the NFPS, as the case may be, to or in respect of P in relation to that pensionable service.

Full protection member not eligible to join this scheme

11. While a person (P) is a full protection member of the 1992 Scheme or the NFPS, P is not eligible to be an active member of this scheme in respect of that scheme employment.

Full protection: members of the 1992 Scheme or the NFPS on scheme closing date

12.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of the 1992 Scheme or an active member, or eligible to be an active member, of the NFPS on the scheme closing date;
- (b) P was an active member of the 1992 Scheme or an active member, or eligible to be an active member, of the NFPS on 31 March 2012; and
- (c) if P—
 - (i) is an active member of the 1992 Scheme, P would, unless P dies, reach normal pension age under the 1992 Scheme⁽³⁾ on or before 1 April 2022; or
 - (ii) is an active member, or eligible to be an active member, of the NFPS, P would, unless P dies, reach normal pension age under the NFPS⁽⁴⁾ on or before 1 April 2022.

(3) This sub-paragraph applies if P—

- (a) was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme (“P’s transitional scheme”) on 31 March 2012;
- (b) was an active member or eligible to be an active member of the NFPS on the scheme closing date; and
- (c) would, unless P dies, reach normal pension age under the NFPS and P’s transitional scheme on or before 1 April 2022.

Full protection: members of an existing scheme

13. This paragraph applies if—

(3) [S.I. 1992/129](#): rule A13 provides that normal pension age is 55 and rule B1 enables regular firefighters over the age of 50 to retire once they have reckoned pensionable service of at least 25 years. Rule A13 as it has effect in Wales was substituted by [S.I. 2006/1672](#). Rule B1 as it has effect in Wales has been amended by [S.I. 2005/566](#) and [2014/3242](#).

(4) [S.I. 2007/1072 \(W. 110\)](#): rule 3(1) of Part 2 provides that normal retirement age of firefighter members is 60.

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- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;
- (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31 March 2012;
- (c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing scheme other than the 1992 Scheme or the NFPS;
- (d) on the date that P begins service which is pensionable under the NFPS, P would have been a fully protected member of the existing scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and
- (e) P would, unless P dies, reach normal pension age under the NFPS and P’s transitional scheme on or before 1 April 2022.

Full protection: members of an existing public body pension scheme

14. This paragraph applies if—

- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;
- (b) P was an active member of an existing scheme or an existing public body pension scheme (“transitional scheme”) on 31 March 2012;
- (c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing public body pension scheme;
- (d) on the date that P begins service which is pensionable under the NFPS, P would have been a fully protected member of the existing public body pension scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and
- (e) P would, unless P dies, reach normal pension age under the NFPS and P’s transitional scheme on or before 1 April 2022.

PART 3

Exceptions to section 18(1) of the 2013 Act: tapered protection members of the 1992 Scheme or the NFPS

Tapered protection members of the 1992 Scheme or the NFPS

15.—(1) A person (P) to whom any of paragraphs 18 to 21 applies is a tapered protection member of the 1992 Scheme or the NFPS.

(2) P ceases to be a tapered protection member of the 1992 Scheme or the NFPS on whichever of the following days occurs first—

- (a) P’s tapered protection closing date; or
- (b) the day on which P ceases to be in pensionable service under the 1992 Scheme or if later, ceases to be eligible to be in pensionable service under the NFPS, unless sub-paragraph (3) or sub-paragraph (4) applies.

(3) This sub-paragraph applies if—

- (a) before P's transition date P returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and
 - (b) P would have been a protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.
- (4) This sub-paragraph applies if—
- (a) before P's transition date P returns to service which is pensionable under the NFPS otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and
 - (b) P returns to service which is pensionable under the NFPS after a gap in service not exceeding five years.
- (5) For the purpose of paragraph (4)(b), after the scheme closing date, P is not on a gap in service while P is in pensionable public service.

Exception for tapered protection members during protection period

16.—(1) The protection period for a tapered protection member of the 1992 Scheme or the NFPS is the period which—

- (a) begins on the day after the scheme closing date; and
 - (b) ends when P ceases to be a tapered protection member of the 1992 Scheme or the NFPS.
- (2) During the protection period—
- (a) P is eligible to be in pensionable service under the NFPS or, where P is an active member of the 1992 Scheme, eligible to be in pensionable service under that scheme;
 - (b) section 18(1) of the 2013 Act does not apply in respect of that pensionable service; and
 - (c) benefits are to be provided under the 1992 Scheme or the NFPS, as the case may be, to or in respect of P in relation to that pensionable service.

Tapered protection member not eligible to join this scheme

17. While a person (P) is a tapered protection member of the 1992 Scheme or the NFPS, P is not eligible to be an active member of this scheme in respect of that scheme employment.

Tapered protection: members of the 1992 Scheme or the NFPS on scheme closing date

18.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.

- (2) This sub-paragraph applies if—
- (a) P was an active member of the 1992 Scheme or was an active member, or eligible to be an active member, of the NFPS on the scheme closing date;
 - (b) on 31 March 2012 P was an active member of the 1992 Scheme or was an active member, or eligible to be an active member, of the NFPS; and
 - (c) if P—
 - (i) is an active member of the 1992 Scheme P would, unless P dies, reach normal pension age under the 1992 Scheme during the period beginning with 2 April 2022 and ending with 31 March 2026; or
 - (ii) is an active member, or eligible to be an active member, of the NFPS, P would, unless P dies, reach normal pension age under the NFPS during the period beginning with 2 April 2022 and ending with 31 March 2026.

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- (3) This sub-paragraph applies if P—
- (a) was an active member of an existing scheme (other than the 1992 Scheme or the NFPS), or of an existing public body pension scheme (“P’s transitional scheme”) on 31 March 2012;
 - (b) was an active member of the NFPS on the scheme closing date; and
 - (c) would, unless P dies, reach normal pension age—
 - (i) under the NFPS during the period beginning with 2 April 2022 and ending with 31 March 2026, and
 - (ii) under P’s transitional scheme on or before 1 September 2025.

Tapered protection: members of an existing scheme

19. This paragraph applies if—
- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31 March 2012;
 - (c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing scheme other than the 1992 Scheme or the NFPS;
 - (d) on the date that P begins service which is pensionable under the NFPS, P would have been a protected member of the existing scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and
 - (e) P would, unless P dies, reach normal pension age—
 - (i) under the NFPS during the period beginning with 2 April 2022 and ending with 31 March 2026, and
 - (ii) under P’s transitional scheme on or before 1 September 2025.

Tapered protection: members of an existing public body pension scheme

20. This paragraph applies if—
- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31 March 2012;
 - (c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing public body pension scheme;
 - (d) on the date that P begins service which is pensionable under the NFPS, P would have been a protected member of the existing public body pension scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and
 - (e) P would, unless P dies, reach normal pension age—
 - (i) under the NFPS during the period beginning with 2 April 2022 and ending with 31 March 2026, and
 - (ii) under P’s transitional scheme on or before 1 September 2025.

Tapered protection members of an existing scheme or an existing public body pension scheme

21. This paragraph applies if—

- (a) paragraph 13 or 14 of this Schedule would have applied but for the fact that P would not have been a fully protected member of the existing scheme or existing public body pension scheme referred to in paragraph 13(c) or 14(c), as the case may be, (“transferring scheme”) on the date P begins service which is pensionable under the NFPS; and
- (b) P would have been a protected member of the transferring scheme by virtue of an exception to which section 18(7)(a) and (b) of the 2013 Act (or that section as applied by section 31(4) of that Act) applies had P re-entered service which is pensionable under the transferring scheme on the date P returns to service which is pensionable under the NFPS.

PART 4

1992 Scheme

<i>Date of birth from</i>	<i>Date of birth to</i>	<i>Date of end of protection</i>
02/04/1967	01/05/1967	31/03/2022
02/05/1967	01/06/1967	06/02/2022
02/06/1967	01/07/1967	14/12/2021
02/07/1967	01/08/1967	23/10/2021
02/08/1967	01/09/1967	29/08/2021
02/09/1967	01/10/1967	06/07/2021
02/10/1967	01/11/1967	15/05/2021
02/11/1967	01/12/1967	21/03/2021
02/12/1967	01/01/1968	28/01/2021
02/01/1968	01/02/1968	05/12/2020
02/02/1968	01/03/1968	11/10/2020
02/03/1968	01/04/1968	22/08/2020
02/04/1968	01/05/1968	28/06/2020
02/05/1968	01/06/1968	07/05/2020
02/06/1968	01/07/1968	14/03/2020
02/07/1968	01/08/1968	21/01/2020
02/08/1968	01/09/1968	28/11/2019
02/09/1968	01/10/1968	05/10/2019
02/10/1968	01/11/1968	13/08/2019
02/11/1968	01/12/1968	20/06/2019
02/12/1968	01/01/1969	28/04/2019
02/01/1969	01/02/1969	05/03/2019

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<i>Date of birth from</i>	<i>Date of birth to</i>	<i>Date of end of protection</i>
02/02/1969	01/03/1969	10/01/2019
02/03/1969	01/04/1969	22/11/2018
02/04/1969	01/05/1969	29/09/2018
02/05/1969	01/06/1969	07/08/2018
02/06/1969	01/07/1969	14/06/2018
02/07/1969	01/08/1969	22/04/2018
02/08/1969	01/09/1969	27/02/2018
02/09/1969	01/10/1969	04/01/2018
02/10/1969	01/11/1969	12/11/2017
02/11/1969	01/12/1969	19/09/2017
02/12/1969	01/01/1970	29/07/2017
02/01/1970	01/02/1970	04/06/2017
02/02/1970	01/03/1970	11/04/2017
02/03/1970	01/04/1970	21/02/2017
02/04/1970	01/05/1970	29/12/2016
02/05/1970	01/06/1970	06/11/2016
02/06/1970	01/07/1970	13/09/2016
02/07/1970	01/08/1970	23/07/2016
02/08/1970	01/09/1970	29/05/2016
02/09/1970	01/10/1970	05/04/2016
02/10/1970	01/11/1970	13/02/2016
02/11/1970	01/12/1970	20/12/2015
02/12/1970	01/01/1971	29/10/2015
02/01/1971	01/02/1971	05/09/2015
02/02/1971	01/03/1971	12/07/2015
02/03/1971	01/04/1971	24/05/2015

NFPS

<i>Date of birth from</i>	<i>Date of birth to</i>	<i>Date of end of protection</i>
02/04/1962	01/05/1962	31/03/2022
02/05/1962	01/06/1962	06/02/2022
02/06/1962	01/07/1962	14/12/2021
02/07/1962	01/08/1962	23/10/2021
02/08/1962	01/09/1962	29/08/2021
02/09/1962	01/10/1962	06/07/2021

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<i>Date of birth from</i>	<i>Date of birth to</i>	<i>Date of end of protection</i>
02/10/1962	01/11/1962	15/05/2021
02/11/1962	01/12/1962	21/03/2021
02/12/1962	01/01/1963	28/01/2021
02/01/1963	01/02/1963	05/12/2020
02/02/1963	01/03/1963	11/10/2020
02/03/1963	01/04/1963	23/08/2020
02/04/1963	01/05/1963	30/06/2020
02/05/1963	01/06/1963	09/05/2020
02/06/1963	01/07/1963	15/03/2020
02/07/1963	01/08/1963	23/01/2020
02/08/1963	01/09/1963	30/11/2019
02/09/1963	01/10/1963	06/10/2019
02/10/1963	01/11/1963	15/08/2019
02/11/1963	01/12/1963	22/06/2019
02/12/1963	01/01/1964	30/04/2019
02/01/1964	01/02/1964	07/03/2019
02/02/1964	01/03/1964	12/01/2019
02/03/1964	01/04/1964	22/11/2018
02/04/1964	01/05/1964	29/09/2018
02/05/1964	01/06/1964	07/08/2018
02/06/1964	01/07/1964	14/06/2018
02/07/1964	01/08/1964	22/04/2018
02/08/1964	01/09/1964	27/02/2018
02/09/1964	01/10/1964	04/01/2018
02/10/1964	01/11/1964	12/11/2017
02/11/1964	01/12/1964	19/09/2017
02/12/1964	01/01/1965	29/07/2017
02/01/1965	01/02/1965	04/06/2017
02/02/1965	01/03/1965	11/04/2017
02/03/1965	01/04/1965	21/02/2017
02/04/1965	01/05/1965	29/12/2016
02/05/1965	01/06/1965	06/11/2016
02/06/1965	01/07/1965	13/09/2016
02/07/1965	01/08/1965	23/07/2016

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02/08/1965	01/09/1965	29/05/2016
02/09/1965	01/10/1965	05/04/2016
02/10/1965	01/11/1965	13/02/2016
02/11/1965	01/12/1965	20/12/2015
02/12/1965	01/01/1966	29/10/2015
02/01/1966	01/02/1966	05/09/2015
02/02/1966	01/03/1966	12/07/2015
02/03/1966	01/04/1966	24/05/2015