
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 133

The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023

PART 1

Introductory provisions

Citation and commencement

1. These Regulations may be cited as the Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 and come into operation on 1st October 2023.

Interpretation

2.—(1) In these Regulations—

“PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;

“WRP(NI)O 1999” means the Welfare Reform and Pensions (Northern Ireland) Order 1999⁽¹⁾;

“the FPS” means the Firefighters' Pension Scheme Order (Northern Ireland) 2007⁽²⁾;

“the NFPS” means the New Firefighters' Pension Scheme Order (Northern Ireland) 2007⁽³⁾;

“the 2015 Regulations” means the Firefighters' Pension Scheme Regulations (Northern Ireland) 2015⁽⁴⁾;

“the PSP(NI) Directions 2023” means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions (Northern Ireland) 2023⁽⁵⁾;

“deferred choice decision” has the meaning given in regulation 11(1);

“deferred choice decision-maker” means the person who may make a deferred choice decision under regulation 11(2);

“deferred choice member” means a member with remediable service as a firefighter who is not an immediate choice member;

“deferred choice pension” means a pension the rate of which—

(a) is not determined (by any extent) by reference to the member's remediable service, as a firefighter, and

(b) is not affected by the coming into force of section 2(1) of PSPJOA 2022;

(1) S.I. 1999/3147 (N.I. 11)

(2) S.R. 2007 No. 144, amended by S.R. 2008 No. 382, S.R. 2012 No. 161, S.R. 2013 No. 85, S.R. 2014 No. 56 and No. 169, S.R. 2015 No. 8, No. 11, No. 420 and No. 421, S.R. 2019 No. 109 and S.R. 2022 No. 155.

(3) S.R. 2007 No. 215, amended by S.R. 2008 No. 381, S.R. 2012 No. 162, S.R. 2013 No. 84 and No. 172, S.R. 2014 No. 57 and No. 168, and S.R. 2015 No. 9 and No. 10, S.R. 2015 No. 420, No. 422 and S.R. 2022 No. 155.

(4) S.R. 2015 No. 78, amended by S.R. 2015 No. 420 and S.R. 2022 No. 155.

(5) Published on 26 January 2023 and accessible at <https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/The-Public-Service-Pensions-Exercise-of-Powers-Compensation-and-Information-Directions-Northern-Ireland-2023.PDF>

“eligible child” has, in relation to—

- (a) the FPS, the meaning given in articles 33 to 35 of that Order;
- (b) the NFPS, the meaning given in article 28 of Part 4 of that Order;
- (c) the 2015 Regulations, the meaning given in regulation 93 of those Regulations;

“end of the section 10 election period”, in relation to a deferred choice member, means the time determined in accordance with—

- (a) where the member is the deferred choice decision-maker, regulation 13(3)(b);
- (b) where a person other than the member is the deferred choice decision-maker, regulation 14(2)(b);

“firefighters’ pension scheme” means the FPS, the NFPS or the reformed scheme;

“immediate choice decision” has the meaning given in regulation 8(1);

“immediate choice decision-maker” means the person who may make an immediate choice decision under regulation 8(2);

“immediate choice member” means a member with remedial service as a firefighter who, immediately before 1st October 2023, was deceased or entitled to the present payment of a pension, other than a deferred choice pension, under a firefighters pension scheme;

“legacy scheme”, in relation to a member, means whichever of the FPS or the NFPS is the relevant Chapter 1 legacy scheme⁽⁶⁾ for the member, and “legacy scheme benefits” means benefits calculated in accordance with that scheme;

“member” means an active, deferred, deceased or pensioner member of a firefighters’ pension scheme;

“opted out service election” has the meaning given in regulation 6(1);

“reformed scheme” means the pension scheme established by the 2015 Regulations, and “reformed scheme benefits” means the new scheme⁽⁷⁾ benefits under the reformed scheme;

“remediable service as a firefighter” means, in relation to a member, the member’s remediable service⁽⁸⁾ in an employment or office that is pensionable service⁽⁹⁾ under a firefighters’ pension scheme;

“remedy member” means a deferred choice member or an immediate choice member;

“section 6 election” has the meaning given in regulation 8(1)(a);

“section 10 election” has the meaning given in regulation 12(1)(a)

(2) For the purposes of these Regulations, a reference in PSPJOA 2022 to section 2(1) of that Act coming into force is to be understood as a reference to that section coming into force in relation to members of a firefighters’ pension scheme.

(3) A term used in these Regulations which—

- (a) is defined in, or for the purposes of, a provision in Chapter 1 of Part 1 of PSPJOA 2022, and
- (b) is not defined differently in these Regulations,

has the meaning given in, or for the purposes of, that provision.

(4) A term used in these Regulations which—

- (a) is defined in the FPS, the NFPS or the 2015 Regulations (“the relevant Regulations”), and
- (b) is not defined differently—

⁽⁶⁾ See section 4 of PSPJOA 2022 for the meaning of “relevant Chapter 1 legacy scheme”.

⁽⁷⁾ See section 34 of the PSPJOA 2022 for the meaning of “new scheme benefits”.

⁽⁸⁾ See section 1 of PSPJOA 2022 for the meaning of “remediable service”.

⁽⁹⁾ See section 110(1) of PSPJOA 2022 for the meaning of “pensionable service”.

(i) in these Regulations, or

(ii) in, or for the purposes of, a provision in Chapter 1 of Part 1 to PSPJOA 2022,

has, in relation to the scheme established by the relevant Regulations, the meaning given in those Regulations.

(5) In these Regulations, a reference to a provision of the PSP(NI) Directions 2023 is a reference to that provision as amended from time to time.

(6) The Interpretation Act (Northern Ireland) 1954 applies to these Regulations as it applies to an Act of the Assembly.

Delegation

3. The scheme manager may delegate any functions of the scheme manager under these Regulations, including this power to delegate.