



Fire and Rescue Services Act 2004

2004 CHAPTER 21

PART 4

EMPLOYMENT

Pensions etc

35 Information in connection with pensions etc

- (1) A fire and rescue authority or a Scottish fire authority may in prescribed circumstances—
 - (a) provide information in connection with the questions mentioned in subsection (2) to a prescribed person;
 - (b) require a person to whom information is provided under paragraph (a) to pay a reasonable fee in respect of any administrative expenses incurred in providing it.
- (2) These are the questions—
 - (a) whether an individual who has opted or transferred out has suffered loss as a result of a contravention which is actionable under section 150 of the Financial Services and Markets Act 2000 (c. 8) (actions for damages in respect of contravention of rules etc.);
 - (b) if so, what payment would need to be made in respect of that individual to the fire and rescue authority or Scottish fire authority concerned to restore the position to what it would have been if the individual had not opted or transferred out.
- (3) Subsection (4) applies if—
 - (a) an individual who has opted or transferred out becomes entitled to make contributions to a fire and rescue authority or Scottish fire authority under a scheme brought into operation under section 34, or

Status: This is the original version (as it was originally enacted).

- (b) a payment is made to a fire and rescue authority or Scottish fire authority in respect of such an individual to restore the position to what it would have been if the individual had not opted or transferred out.
- (4) The fire and rescue authority or Scottish fire authority may require a prescribed person to pay a reasonable fee in respect of any administrative expenses incurred in connection with the entitlement or payment.
- (5) An individual is taken to have opted or transferred out for the purposes of this section if—
- (a) for any period during which he is employed by a fire and rescue authority or Scottish fire authority, he does not make contributions to a scheme brought into operation under section 34 but instead makes contributions to a personal pension scheme, or
 - (b) a transfer value is paid in respect of him to a personal pension scheme by a fire and rescue authority or Scottish fire authority.
- (6) In this section—
- “personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993 (c. 48);
 - “prescribed” means prescribed by regulations made by the Secretary of State for the purposes of this section.