

1980 No. 273**FIRE SERVICES****The Firemen's Pension Scheme (Amendment) Order 1980**

Made - - - - - 28th February 1980

Laid before Parliament 10th March 1980

Coming into operation in accordance with Article 2

In exercise of the powers conferred upon me by section 26 of the Fire Services Act 1947^(a), as amended and extended by section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951^(b) and sections 12 and 16 of the Superannuation Act 1972^(c), and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, I hereby, with the approval of the Minister for the Civil Service, make the following Order:—

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order 1980.

2. This Order shall come into operation on 1st April 1980 and shall have effect—

- (a) for the purposes of paragraph (a) of Article 4, as from 1st April 1972;
- (b) for the purposes of paragraph (b) of Article 4, as from 7th April 1977;
- (c) for the purposes of paragraph (c) of Article 4, as from 6th April 1978;
- (d) for the purposes of paragraph (d) of Article 4, as from 1st April 1980;
- (e) for the purposes of paragraph (e) of Article 4, as from 6th April 1980.

3. In this Order “the Scheme of 1973” means the Firemen's Pension Scheme 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order 1973^(d).

4. The Scheme of 1973 shall have effect—

- (a) from 1st April 1972 subject to the amendments specified in Part I of the Schedule to this Order;
- (b) from 7th April 1977 subject to the amendments specified in Part II of the Schedule to this Order;
- (c) from 6th April 1978 subject to the amendments specified in Part III of the Schedule to this Order;
- (d) from 1st April 1980 subject to the amendments specified in Part IV of the Schedule to this Order;
- (e) from 6th April 1980 subject to the amendments specified in Part V of the Schedule to this Order.

^(a) 1947 c. 41.

^(b) 1951 c. 65.

^(c) 1972 c. 11.

^(d) S.I. 1973/966. The relevant amending instruments are S.I. 1976/1273; 1978/1228, 1349.

5. In the case of a regular fireman who ceased to be a member of a brigade before 1st April 1980 and to whom Article 16D of the Scheme of 1973 applies by virtue only of the amendment made by Part III of the Schedule to this Order, notice in writing for the purposes of paragraph (2) or (3) of that Article may be given at any time before 1st August 1980.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

27th February 1980.

Approval of the Minister for the Civil Service given under her Official Seal on 28th February 1980.

(L.S.)

T. A. A. Hart,
Authorised by the Minister for
the Civil Service.

Article 4

SCHEDULE

PART I

AMENDMENTS TO THE SCHEME OF 1973 TAKING EFFECT 1ST APRIL 1972

1. In paragraph 1(1) of Part IV of Schedule 2 there shall be inserted after sub-paragraph (b) the following sub-paragraph:—

“(bb) if he had made an election under Article 58(3), or if paragraph 3 of Part VIII of Schedule 1 applied to his case, and the period of pensionable service taken into account in making any calculation under that Article, or that Part of that Schedule, was less than a year, that period of service;”.

2. In paragraph 1(2) of that Part there shall be inserted after sub-paragraph (b) the following sub-paragraph:—

“(bb) if he had made such an election as is mentioned in Article 57 or an election under Article 58(3), or if paragraph 2 of Part VIII of Schedule 1 applied to his case, and the period of pensionable service taken into account in making any calculation under that Article, or that Part of that Schedule, was less than a year, that period of service;”.

3. In paragraph 2 of that Part there shall be inserted after sub-paragraph (1) the following sub-paragraph:—

“(1A) For the purposes of sub-paragraph (1), in calculating the husband's deferred pension the following provisions shall be disregarded, that is to say:—

- (a) the restrictions on payment contained in Article 16B(2), and
- (b) the provisions for the reduction of a pension contained in Articles 21(6) and 41(6) and in Parts VII and VIII of Schedule 1.”.

PART II

AMENDMENTS TO THE SCHEME OF 1973 TAKING EFFECT 7TH APRIL 1977

In proviso (iii) to Article 47 there shall be omitted the words “including any period of suspension from duty terminating with the fireman having been found guilty of an offence against discipline or a criminal offence”.

PART III

AMENDMENTS TO THE SCHEME OF 1973 TAKING EFFECT 6TH APRIL 1978

In Article 16D—

- (a) in paragraph (1) for the words “whose average annual pensionable pay has not exceeded £5,000 in any tax year” there shall be substituted the words “whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service”; and
- (b) in paragraph (6) for the words “paragraph (5)” there shall be substituted the words “paragraphs (1) and (5)”.

PART IV

AMENDMENTS TO THE SCHEME OF 1973 TAKING EFFECT 1ST APRIL 1980

1. For Article 56 there shall be substituted the following Article:—

“56. A regular fireman shall pay pension contributions to the fire authority at the rate of 1p a week less than 6.75% of his pensionable pay.”.

2. For sub-paragraph (c) of Article 85(2) there shall be substituted the following sub-paragraph:—

“(c) in respect of any service before 1st April 1950 paid pension contributions at the rate of 6p a week less than 6.75% of his pensionable pay.”.

3. For sub-paragraphs (1) to (4) of paragraph 1 of Part VII of Schedule 1 there shall be substituted the following provisions:—

“(1) In any case to which sub-paragraph (2) or (3) applies, the unsecured portion of an ordinary, ill-health, short service or deferred pension shall be reduced in respect of any period beyond insured pensionable age by an amount calculated in accordance with the relevant sub-paragraph.

(2) In the case of a person who has elected to pay pension contributions at the lower rate under Article 38 of the Firemen's Pension Scheme 1948(a) the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to his age on the appointed day in the first column of the said Table by the number of years specified in sub-paragraph (4):—

TABLE

Age in years						Sum to be multiplied
						£
Under 23	...	...	...	...	...	1.700
23 but under 24	...	...	...	...	...	1.650
24	“	“	25	...	...	1.600
25	“	“	26	...	...	1.550
26	“	“	27	...	...	1.525
27	“	“	28	...	...	1.500
28	“	“	29	...	...	1.475
29	“	“	30	...	...	1.450
30	“	“	31	...	...	1.425
31	“	“	32	...	...	1.400
32	“	“	33	...	...	1.375
33	“	“	34	...	...	1.350
34	“	“	35	...	...	1.325
35	“	“	37	...	...	1.300
37	“	“	38	...	...	1.275
38	“	“	40	...	...	1.250
40	“	“	42	...	...	1.225
42	“	“	44	...	...	1.200
44 and over	...	...	...	...	...	1.175

(a) S.I. 1948/604.

(3) In the case of any other person who has paid pension contributions at a rate of 6p a week less than the appropriate percentage of his pensionable pay, the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying £1.70 by the number of years specified in sub-paragraph (4).

(4) The number of years referred to in sub-paragraphs (2) and (3) is the period of service in years in respect of which the person concerned has paid pension contributions as a regular fireman at a rate of 6p a week less than the appropriate percentage of his pensionable pay:

Provided that no account shall be taken of any service which is not reckonable as pensionable service.”.

3. In paragraph 1(5) of Part VII of Schedule 1—

(a) for the words “is entitled to reckon a period as pensionable service” there shall be substituted the words “became entitled before 1st April 1980 to reckon a period as pensionable service”; and

(b) for the words “sub-paragraph (1)” and “sub-paragraph (3)” there shall be substituted respectively the words “sub-paragraph (3)” and “sub-paragraph (2)”.

4. For sub-paragraphs (2) to (4) of paragraph 2 of Part I of Schedule 9 there shall be substituted the following sub-paragraphs:—

“(2) Where the fireman’s notional deferred pension would fall to be reduced under paragraph 1 of Part VII of Schedule 1, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount of that reduction multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(3) In the case of a fireman entitled to reckon pensionable service, immediately before he ceased to be a member of his former brigade by virtue of a participating period of relevant employment, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount by which the fireman’s notional deferred pension would fall to be reduced under paragraphs 2 and 3 of Part VII of Schedule 1 multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(4) For the purposes of sub-paragraph (3) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the fireman ceased to be a member of his former brigade.”.

PART V

AMENDMENTS TO THE SCHEME OF 1973 TAKING EFFECT 6TH APRIL 1980

In Article 16D—

(a) in paragraph (1) the words “and whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service” shall be omitted; and

(b) in paragraph (6) for the words “paragraphs (1) and (5)” there shall be substituted the words “paragraph (5)”.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Firemen's Pension Scheme 1973 with effect, as provided by Article 2, from the dates mentioned below (retrospection is authorised by sections 12 and 16 of the Superannuation Act 1972).

Part I of the Schedule to this Order, which takes effect from 1st April 1972 (the date from which the 1973 Scheme took effect), makes three amendments which clarify certain provisions in the 1973 Scheme about the interpretation of which doubts have been expressed. The first two amendments deal with the case of a fireman who has elected to uprate his service before 1st April 1972 for a one-third or half rate widow's pension, or who transferred service into the Firemen's Pension Scheme after that date under Article 48, 49, 51 or 52, and the service concerned amounted to less than a year. These amendments make it clear that all the service concerned reckons towards the widow's accrued pension. The third amendment makes it clear that where a widow's accrued pension is calculated as a proportion of her husband's deferred pension, it is his gross deferred pension to which the calculation applies.

Part II of the Schedule, which takes effect from 7th April 1977, omits from Article 47 words which assume that when a fireman is suspended from duty because he is accused of an offence against discipline or a criminal offence he is not paid. The amendment is a consequence of the decision that from 7th April 1977 such a fireman will receive pay while suspended from duty.

Part III of the Schedule, which takes effect from 6th April 1978 (the date from which the relevant provisions of the Firemen's Pension Scheme (Amendment) (No. 2) Order 1978, took effect), amends Article 16D (inserted by the 1978 Order) to provide that the earnings limit on repayment of contributions is pensionable pay of £5,000 in any tax year falling within the appropriate period of service (defined in Article 16D(6)).

Part IV of the Schedule, which takes effect from 1st April 1980, amends provisions in the 1973 Scheme concerned with flat-rate national insurance modifications. When the flat-rate benefits were introduced in 1948 under the National Insurance Act 1946 the Firemen's Pension Scheme, like other public service pensions schemes, was amended to provide that those joining after that date would have their pensions modified and pay lower pension contributions. Those who joined before that date had the choice of having their pensions modified or unmodified. Since 1948 there has been no change in these arrangements to take account of increases in flat-rate benefits and the modification in firemen's pensions still stands at £1.70 for each year of modified service (subject to a maximum of £51 a year). Contributions are reduced on this account by 5p a week. The amendments made by Part IV end this reduction of pension contributions (the continuing reduction of 1p a week is in respect of the non-duplication of industrial injury benefits). The amendments also adapt the provisions about the modification of pensions so that they do not apply to service to which the new contribution rate applies.

Part V of the Schedule, which takes effect from 6th April 1980, abolishes the earnings limit on repayment of contributions referred to in the note on Part III of the Schedule.

Article 5 is a transitional provision which extends the time limit for claiming an award under Article 16D of the 1973 Scheme to allow advantage to be taken of the change in the earnings limit made by Part III of the Schedule to this Order.

