

EXPLANATORY NOTE*(This note is not part of the Order)*

This Order brings into operation the Firemen's Pension Scheme 1992 set out in Schedule 2 to the Order ("the 1992 Scheme") and revokes the Orders specified in Schedule 1. It effects the consolidation, with some further variations, of the Scheme brought into operation by the Firemen's Pension Scheme Order 1973 as varied by the other Orders specified in Part I of Schedule 1. The further variations, apart from those that consist in the omission of spent or obsolete provisions, are described in the Table below.

TABLE

<i>1992 provisions</i>	<i>Corresponding 1973 provisions</i>	<i>Subject</i>	<i>Variations</i>
r.A7(2)	—	Apportionment of service credit by reference to date	New provision.
r.A11(2)	art.4(2)	Injury occasioning infirmity	Includes injury substantially contributing to infirmity.
r.B3(1)	art.14(1)	Ill-health award	Payable only where retirement compulsory.
r.B7(7)	art.21(4)	Notice to commute pension	May be given 4 (instead of 2) months before retirement.
r.B8	art.21A	Commutation of small pensions	Maximum commutable pension increased.
r.C1(1)	art.22(1)	Spouse's ordinary pension	Payable in additional case (death while in receipt of injury pension after ill-health pension discontinued).
r.C4	art.25	Spouse's accrued pension	Payable even if deceased's deferred pension commuted.
r.C6(3)	art.27A(2)	Widow's temporary pension	In calculating pension deceased's pensions, if more than one, to be aggregated and account to be taken of any statutory increases.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>1992 provisions</i>	<i>Corresponding 1973 provisions</i>	<i>Subject</i>	<i>Variations</i>
r.D1(1)	art.33(1)	Child's ordinary allowance	Payable in same additional case as spouse's ordinary pension.
r.E5(1)	art.26(1)	Commutation of spouse's pension for gratuity	Maximum commutable pension increased.
r.E5(2)	art.26(2)	Same	Excess over guaranteed minimum commutable only in case of ordinary or special pension.
r.E6(1)	art.37(1)	Commutation of child's allowance for gratuity	Child may consent where there is no parent or guardian.
r.E8	Sch.2 Part V Sch. 3 Part IV	Increases for spouses and children during first 13 weeks	Deceased's pensions, if more than one, to be aggregated and account to be taken of any statutory increases.
r.L3(8)	art.69(8)	Payment of gratuities	Payment may be deferred pending determination of fire authority's liability.
r.L5(2)	art.70(2)	Awards: payment where person entitled incapable	Authority's choice of payee widened.
r.L5(3)	art.70(3)	Payment without proof of title	Not to exceed amount specified under 1965 c. 32 (instead of £1500).
Sch.3 Part IV	Sch. 2 Part IX	Pension for widow of post-retirement marriage	Rate linked to that of special award where one would otherwise have been payable.
Sch. 5 Part III	Sch. 3 Part V	Commutation of child's allowance for gratuity	Child may agree amount where there is no parent or guardian.
—	Art.16D	Transitional award	Not reproduced: award not in conformity with current preservation requirements under 1973 c.38 .

Section 12(2) of the Superannuation Act 1972 (c. 11), as applied by section 16(3) of that Act in relation to orders under section 26 of the Fire Services Act 1947, allows such an order to be framed so as to apply in relation to pensions which are being paid, or may become payable, to or in respect of persons who have ceased to serve or died before the order comes into operation. The 1992 Scheme brought into operation by this Order is framed so as to apply in relation to some such pensions (for example, surviving spouses' pensions becoming payable under Part C). Schedule 12 to the 1992 Scheme contains related transitional provisions, including provision (required by section 12(4) of the Superannuation Act 1972 as applied) for persons who might be adversely affected by any changes to elect that the changes are not to apply.

This Order finally revokes the Orders specified in Part II of Schedule 1 to the Order. These had brought into operation, or varied, six successive Firemen's Pension Schemes, and had previously been revoked subject to savings preserving their effect for old cases. Schedule 12 to the 1992 Scheme contains provision for continuing any remaining effect of the savings.