

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (ENGLAND)

PART 11

PENSIONABLE PAY, PENSION CONTRIBUTIONS AND PURCHASE OF ADDITIONAL SERVICE

CHAPTER 1

PENSIONABLE PAY AND PENSION CONTRIBUTIONS

Final pensionable pay

2.—(1) For the purpose of calculating pensions under this Scheme, the final pensionable pay of a firefighter member is the aggregate of pensionable pay received in respect of the 365 pensionable pay days ending with the relevant date, but this is subject to the following paragraphs of this rule.

(2) Subject to paragraph (3), “the relevant date” for the purposes of paragraph (1)—

(a) in relation to a firefighter member who is entitled to two pensions under rule 7 of Part 3, means—

(i) as regards the first pension, the date on which he was last paid at the higher rate (before changing roles and accepting a reduction in pensionable pay);

(ii) as regards the second pension, the last day of his membership of the Scheme⁽¹⁾ or, if he dies in service, the date of his death;

(b) in any other case, means the date of the firefighter member’s last day of pensionable service or, if he dies in service, the date of his death;

(3) Where a firefighter member’s final pensionable pay would have been more than the amount calculated in accordance with paragraph (1) if the relevant date had occurred on the corresponding day in either of the two periods of 365 pensionable pay days preceding the first day of the period of 365 pensionable pay days ending with the relevant date (as defined in paragraph (2) without reference to this paragraph), that corresponding day in whichever of those periods produces the higher amount shall be treated as the relevant date for the purposes of paragraph (1).

(4) Subject to paragraph (6), where a firefighter member is entitled to count only part of a year as a period of membership of the Scheme (“the membership period”), his final pensionable pay is the amount of pensionable pay received in the membership period multiplied by 365 and divided by the number of days in the membership period.

(5) For the purposes of paragraph (1), any reduction of pensionable pay as a result of—

(a) sick leave;

(b) stoppage of pay by way of punishment;

(c) ordinary maternity leave, ordinary adoption leave or paternity leave;

(d) paid additional maternity leave or additional adoption leave;

(e) unpaid periods in respect of which the firefighter member has paid pension contributions;
or

(f) unpaid additional maternity leave or additional adoption leave in respect of which pension contributions have been paid,

(1) See rule 4 of Part 2.

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shall be disregarded.

(6) The final reference pay of a retained or volunteer firefighter shall be determined by reference to the equivalent whole-time rate of pay for a regular firefighter of similar service, role and experience.

(7) A firefighter member's final pensionable pay in any tax year shall be taken not to include any amount in excess of the figure which is the permitted maximum for that year.