

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (ENGLAND)

PART 12

TRANSFERS INTO AND OUT OF THE SCHEME

CHAPTER 4

TRANSFERS BETWEEN ENGLISH AUTHORITIES

Transfer of pension history between English authorities

12.—(1) Subject to paragraph (7), where a firefighter member—

- (a) leaves the employment of an English authority (his “former authority”),
- (b) without a break of service, takes up employment as a firefighter with another English authority (his “new authority”), and
- (c) in that capacity continues to be a member of this Scheme,

his former authority shall, not later than six months after he left their employment, supply his new authority with a certificate showing the pensionable service he was entitled to reckon as at the date on which he left his former authority’s employment (“the material date”).

(2) At the same time as the former authority supply a certificate under paragraph (1), they shall send a copy of it to the person concerned, together with a statement of its effect on completion of the transfer.

(3) Subject to paragraph (7), if the person concerned is dissatisfied with the information specified in a certificate under paragraph (1), he may, within three months after being supplied with a copy of it, ask his former authority to determine the accuracy of the information contained in it.

(4) A person who makes a request under paragraph (3) shall send a copy of it to his new authority.

(5) A request under paragraph (3) shall be considered by means of the arrangements for the resolution of disagreements implemented by the authority pursuant to the requirements of section 50 of the Pensions Act 1995⁽¹⁾ (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996⁽²⁾; and the authority shall either confirm the certificate or issue a new certificate.

(6) If the person concerned does not make a request under paragraph (3), the certificate as supplied, and if he does make such a request, the certificate as confirmed or the new certificate issued (as the case may be), is conclusive as to the pensionable service he was entitled to reckon at the material date.

(7) If, after the material date but before a certificate has been supplied under paragraph (1), the person concerned—

- (a) claims a pension or lump sum under this Scheme,
- (b) claims a pension or lump sum under the Compensation Scheme, or
- (c) dies,

that paragraph ceases to apply.

(1) 1995 c.26.

(2) S.I. 1996/2788.

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

(8) If an event mentioned in any of sub-paragraphs (a) to (c) of paragraph (7) occurs before the certificate in question has become conclusive, the certificate ceases to have effect and paragraph (3) ceases to apply.

(9) As soon as reasonably practicable after a certificate has become conclusive, the new authority shall give effect to it by crediting the person concerned with the pensionable service shown in the certificate.