

## SCHEDULE 1

### THE NEW FIREFIGHTERS' PENSION SCHEME (ENGLAND)

#### PART 14

#### PAYMENT OF AWARDS

##### **Authorities responsible for payment of awards**

1.—(1) An award payable to or in respect of a person by reason of his having been employed as a regular firefighter is payable by the authority by whom he was last so employed.

(2) An award payable under Part 6 (pension-sharing on divorce) to or in respect of a pension credit member, and any sum paid in commutation of such an award, is payable by the authority which employed the pension debit member from whose rights the pension credit member's award is derived when the pension sharing order took effect.

##### **Deduction of tax and lifetime allowance charges**

2. Where any payment that an authority are required to make under this Scheme is chargeable to tax or subject to a lifetime allowance charge under the Finance Act 2004(1), they shall deduct the amount of tax charged or to be recovered from the payment.

##### **Payment of awards**

3.—(1) Subject to paragraph (2), while an award is payable under this Scheme it shall be paid monthly in arrears.

(2) The authority may—

- (a) delay payment, in whole or part, to the extent necessary for determining any question as to their liability; and
- (b) where they are of the opinion that, by reason of the amount of the award, its payment monthly in arrears would be impracticable, discharge their liability in respect of it by making payments at such reasonable intervals as they think fit.

(3) Lump sums under Part 5 and, subject to paragraphs (4) and (5), pensions under Part 4 are payable from the day after the date of the death.

(4) A pension under Part 4 in respect of a posthumous child is payable from the date of his birth.

(5) Where—

- (a) the authority are not informed of the death of a pensioner; and
- (b) a pension to which he was entitled has continued in payment,

the authority may recover all or part of the overpayment, as they think fit; and may recover it by set-off against any other award payable under this Scheme in respect of the deceased.

(6) Where a person is entitled under rule 8 of Part 3 to the repayment of his aggregate pension contributions, the authority are not obliged to make payment—

- (a) until the expiration of a year from the date of his retirement, or
- (b) until he requests payment,

whichever is the earlier.

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(1) 2004 c.12.

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

### **Pensions under more than one contract of employment**

4. Where a person is a member of this Scheme in respect of more than one contract of employment (whether with the same or different authorities), each employment shall be treated separately for pension purposes.

### **Payments for minors and persons incapable of managing their affairs**

5.—(1) Any sum payable to a minor in respect of an award may, if the authority think fit, be paid to such other person as they may determine, who shall, in accordance with any directions given by the authority, apply it for the minor's benefit.

(2) If it appears to the authority that a person entitled to payment of an award is, by reason of mental disorder or otherwise, incapable of managing his affairs—

- (a) they may pay the award or any part of it to a person having the care of the person entitled, or such other person as they may determine, and
- (b) insofar as they do not pay the award in that manner, they may apply it in such manner as they think fit for the benefit of the person entitled or his dependants.

### **Payment of awards; further supplementary provision**

6.—(1) On the death of a person to whom there was due, in respect of an award, a sum not exceeding the amount specified in any order for the time being in force under section 6 of the Administration of Estates (Small Payments) Act 1965<sup>(2)</sup>, the authority may, without requiring the production of probate or any other proof of entitlement—

- (a) where only one person appears to be beneficially entitled to the personal estate of the deceased, pay the sum to that person, or
- (b) in any other case, either pay the sum to one of the persons appearing to be so entitled or distribute it among all or any of them in such proportions as the authority may determine.

(2) An assignment of, or charge on, an award is void to the extent that it is in favour of a person other than a dependant of the person entitled to the award.

(3) On the bankruptcy of a person entitled to an award, the award does not pass to any trustee or other person acting on behalf of the creditors.

(4) Subject to paragraphs (5) and (6), where as a result of fraud, theft or negligence on the part of a firefighter in connection with his employment, there has been a loss to the funds of an authority, the authority may withhold all or part of any sums becoming due to him from the authority in respect of an award.

(5) The total amount withheld under paragraph (4) must not exceed the amount of the loss; and in the event of any dispute as to the amount of the loss, nothing may be withheld unless the loss has become recoverable from the person entitled to the award under the order of a competent court.

(6) There shall not in any case be withheld any part of a sum due that is not attributable to service as an employee of an authority.

(7) Where an amount is withheld under paragraph (4), the authority shall provide the person entitled to the award with a certificate showing the amount withheld.

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(2) 1965 c.32.