

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (ENGLAND)

PART 7

RESERVISTS

Interpretation of Part

1. In this Part—

“the 1996 Act” means the Reserve Forces Act 1996⁽¹⁾;

“forces period” means the period during which a person undertakes relevant service in the reserve forces;

“former authority”, in relation to a reservist, means the authority by which he was employed immediately before his forces period began;

“qualifying injury” means an injury, received by a person in the performance of his duties as a firefighter, which is not wholly or mainly due to his own serious and culpable negligence or misconduct;

“relevant service in the reserve forces” means service in the forces specified in section 1(2) of the 1996 Act—

(a) in pursuance of a training obligation under Part 3 of that Act, or

(b) by virtue of a call out for permanent service or a recall under the Reserve Forces Act 1980⁽²⁾ or Part 7 of the 1996 Act; and

“reservist” means a person who, immediately before a forces period, was a firefighter.

Continuity of employment

2.—(1) For the purposes of this Scheme, a reservist shall be treated as having continued, throughout his forces period—

(a) to be a firefighter; and

(b) for the purposes of his pensionable service under Part 10, to be employed by his former authority.

(2) Where, before his forces period, a reservist had elected to purchase additional service under Chapter 2 of Part 11 by periodical contributions, his forces period is not reckonable as pensionable service unless the contributions payable in respect of it are paid (whether during his forces period or, if the authority have agreed that contributions may be discontinued as mentioned in paragraph (2) of rule 8 of Part 11 (discontinuance period not exceeding six months), in accordance with that paragraph).

(3) For the purposes of calculating the amount of a reservist's pension contributions under rule 3 of Chapter 1 of Part 11—

(a) the pay that he would have received from his former authority during his forces period shall be regarded as his pay for that period (his “notional pay”); and

(b) in respect of any period during his forces period in which the aggregate of—

(1) 1996 c.14.

(2) 1980 c.9.

Status: This is the original version (as it was originally made).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

- (i) his actual pay; and
- (ii) any payments he receives under section 4 of the 1996 Act,

is less than his notional pay for that first-mentioned period, he shall be treated as having no pensionable pay (and, accordingly, no liability to make pension contributions)(3).

Awards on death or permanent disablement

3.—(1) A reservist who, at the end of his forces period, is permanently disabled(4) for performing the duties of a firefighter by reason of an infirmity that—

- (a) is unrelated to any injury received during his forces period; and
- (b) is not a qualifying injury,

is entitled to an award under rule 2 of Part 3 (award on ill-health retirement).

(2) Where a reservist dies—

- (a) during his forces period;
- (b) from the effects of an injury which rendered him incapable of performing the duties of a firefighter; or
- (c) while receiving a pension under this Scheme,

an award shall be payable in accordance with paragraph (3) or (4).

(3) Where the reservist's death—

- (a) is not the result of a qualifying injury, and
- (b) occurs during his forces period,

a survivor's pension under Chapter 1 of Part 4 is payable to his spouse, civil partner or nominated partner (as the case may be) as if the reservist were a firefighter member entitled as mentioned in rule 1(a) of that Part.

(4) Where the reservist's death occurs during his forces period and is not the result of a qualifying injury—

- (a) a child's pension is payable under Chapter 2 of Part 4 as if—
 - (i) the reservist were a firefighter member who died while employed by an authority; and
 - (ii) paragraphs (1)(c), (2) and (3) of rule 8 were omitted; and
- (b) a death grant is payable under rule 1 of Part 5.

Reservists who do not resume employment with their former authority

4. A reservist who does not resume employment with his former authority within one month of the end of his forces period shall be treated as having left the authority's employment at the end of his forces period.

(3) See, as to pension payments, regulation 5 of the Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005 (S.I. 2005/859).

(4) See rule 3 of Part 1.