

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (ENGLAND)

PART 9

REVIEW, WITHDRAWAL AND FORFEITURE OF AWARDS

Review of ill-health pension

1.—(1) So long as a person—

- (a) has been in receipt of an ill–health pension for less than 10 years, and
- (b) is under state pensionable age,

the authority shall consider, at such intervals as they think proper, whether he has become capable—

- (i) of performing any duty appropriate to the role from which he retired on grounds of ill–health, and
- (ii) of undertaking regular employment.

(2) The authority shall, at such intervals as they think proper, consider in relation to a person whose deferred pension is being paid early by virtue of rule 3(4) of Part 3 (early payment of deferred pension on permanent disablement), the same matters as they are required to consider in relation to persons of the description mentioned in paragraph (1).

Consequences of review

2.—(1) If, on such consideration as is mentioned in rule 1(1), it is found that a person who is in receipt of a higher tier ill–health pension has become capable of undertaking regular employment, his entitlement to that pension shall cease with immediate effect.

(2) Subject to paragraph (3), a lower tier ill–health pension shall continue to be paid to a person who ceases to be entitled to a higher tier ill–health pension.

(3) If—

- (a) on such consideration as is mentioned in rule 1(1), it is found that a person who is in receipt of a lower tier ill–health pension has become capable of performing the duties appropriate to the role from which he retired on grounds of ill–health, and
- (b) the authority make him an offer of employment in that role (“a paragraph (3)(b) offer”),

his entitlement to a lower tier ill–health pension shall cease, with immediate effect, whether he accepts or declines the offer.

(4) A person who accepts or declines a paragraph (3)(b) offer becomes entitled to a deferred pension under rule 3 of Part 3.

(5) If, on such consideration as is mentioned in rule 1(2), it is found that a person whose deferred pension is being paid early has become capable of undertaking regular employment, his entitlement to early payment of the deferred pension shall cease with immediate effect.

Withdrawal of pension during service as firefighter

3.—(1) Subject to paragraph (2), the authority by which a pension under Part 3 is payable may withdraw the whole or any part of the pension for any period during which the person entitled to it is again employed as a firefighter by any authority.

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(2) Where a person who is entitled to pensions under this Scheme in respect of both regular and retained or volunteer service (whether from the same authority or from different authorities)—

- (a) resumes regular service, but does not resume retained or volunteer service, or
- (b) resumes retained or volunteer service, but does not resume regular service,

paragraph (1) applies only as regards the pension referable to his previous retained or volunteer service or, as the case may be, his previous regular service.

(3) An authority may abate a pension to which a person is entitled under Part 3 so long as he is employed (in whatever capacity) by any authority.

(4) A person who—

- (a) is entitled to a pension under Part 3, and
- (b) accepts an offer of employment with an authority (in whatever capacity),

shall, as soon as reasonably practicable after accepting that offer, give written notice to each authority by which a pension is payable to him under Part 3, specifying the name of his employing authority.

Withdrawal of early payment of deferred pension

4. A person who, on dismissal from an authority's employment, becomes entitled to a deferred pension under rule 3 of Part 3, shall not be entitled to early payment of the deferred pension before reaching the age of 65, unless the authority by which the pension is payable determine otherwise.

Withdrawal of pension on conviction of certain offences

5.—(1) Where paragraph (2) applies, the authority by which a pension under Part 3 or 4 is payable may withdraw the pension in whole or in part and permanently or temporarily as they think fit.

(2) This paragraph applies where—

- (a) the pensioner has been convicted of an offence referred to in paragraph (3), and, in the case of a pension under Part 4, that the offence was committed after the death on which the pensioner became entitled to it, or
- (b) that the pensioner has been convicted of an offence, committed in connection with his employment by an authority, which is certified by the Secretary of State—
 - (i) as gravely injurious to the interests of the State; or
 - (ii) as likely to lead to serious loss of confidence in the public service.

(3) The offences mentioned in paragraph (2)(a) are—

- (a) an offence of treason, and
- (b) one or more offences under the Official Secrets Acts 1911 to 1989(1) for which the pensioner has been sentenced, on the same occasion—
 - (i) to a term of imprisonment of at least 10 years, or
 - (ii) to two or more consecutive terms amounting in aggregate to at least 10 years.

(4) The authority may, at any time and to such extent as they think fit—

- (a) apply for the benefit of any dependant of the pensioner, or
- (b) restore to the pensioner,

so much of any pension as has been withdrawn under this rule.

(1) 1911 c.28, 1920 c.75, 1939 c.121, 1989 c.6.

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Forfeiture of award

6. A person who has been convicted of an offence under subsection (6) of section 34 of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums), forfeits the whole or part of an award or sum obtained by him under this Scheme, as the authority think fit.