
STATUTORY INSTRUMENTS

2014 No. 2848

The Firefighters' Pension Scheme (England) Regulations 2014

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Firefighters' Pension Scheme (England) Regulations 2014.

(2) These Regulations come into force on 1st April 2015.

Establishment of Firefighters' Pension Scheme 2015

2.—(1) These Regulations establish a scheme for the payment of pensions and other benefits to or in respect of fire and rescue workers⁽¹⁾ who are firefighters in England.

(2) This scheme is to be known as the Firefighters' Pension Scheme 2015.

Interpretation

3. In these Regulations, unless the context otherwise requires—

“1992 Scheme” means the Firefighters' Pension Scheme 1992 as set out in Schedule 2 to the Firemen's Pension Scheme Order 1992⁽²⁾ as it has effect in England;

“2013 Act” means the Public Service Pensions Act 2013;

“FA 2004” means the Finance Act 2004⁽³⁾;

“NFPS” means the New Firefighters' Pension Scheme (England) as set out in Schedule 1 to the Firefighters' Pension Scheme (England) Order 2006⁽⁴⁾;

“PIA 1971” means the Pensions (Increase) Act 1971⁽⁵⁾;

“PSA 1993” means the Pension Schemes Act 1993⁽⁶⁾;

“WRPA 1999” means the Welfare Reform and Pensions Act 1999⁽⁷⁾;

“accrued added pension” has the meaning given in regulation 23(4) (calculation of amount of accrued pension for purpose of deferment or retirement);

“accrued earned pension” has the meaning given in regulation 23(3) (calculation of amount of accrued pension for purpose of deferment or retirement);

(1) See paragraph 6 of Schedule 1 to the Public Service Pensions Act 2013 for the definition of “fire and rescue workers”.
(2) [S.I. 1992/129](#). The name of the scheme was changed to the Firefighters' Pension Scheme by article 4(1) of [S.I. 2004/2306](#). Other amendments made are not relevant to these Regulations.
(3) [2004 c.12](#).
(4) [S.I. 2006/3432](#); Schedule 1 is the subject of amendments not relevant to these Regulations.
(5) [1971 c.56](#).
(6) [1993 c.48](#).
(7) [1999 c. 30](#).

“active member” has the meaning given in regulation 19 (active membership);

“active member’s account” means the account established under regulation 31 (establishment of active member’s account);

“actuarial guidance” means actuarial guidance issued by the Secretary of State after consultation with the scheme actuary;

“added pension election” means the election to make added pension payments;

“added pension payments” means periodical payments or a lump sum payment for added pension made to this scheme;

“additional adoption leave” means leave under section 75B of the Employment Rights Act 1996⁽⁸⁾;

“additional maternity leave” means leave under section 73 of the Employment Rights Act 1996⁽⁹⁾;

“additional paternity leave” means leave under the Additional Paternity Leave Regulations 2010⁽¹⁰⁾;

“age addition” has the meaning given in regulation 26 (determination of “the age addition”);

“allocation amount” means the amount of the pension allocated as a result of making an allocation election;

“allocation election” means an election under regulation 72 (allocation election);

“amount of accrued added pension” has the meaning given in regulation 23(4) (calculation of amount of accrued pension for purpose of deferment or retirement);

“amount of accrued earned pension” has the meaning given in regulation 23(3) (calculation of amount of accrued pension for purpose of deferment or retirement);

“amount of added pension” means the amounts credited to the added pension account under paragraphs 11 or 14 of Schedule 1;

“annual allowance” has the meaning given in section 228 (annual allowance) of FA 2004⁽¹¹⁾;

“annual allowance charge” has the meaning given in section 227 (annual allowance charge) of FA 2004⁽¹²⁾;

“assumed age addition” has the meaning given in regulation 27 (determination of “the assumed age addition”);

“assumed pensionable pay” has the meaning given in regulation 18 (meaning of “assumed pensionable pay”);

“authority” means a fire and rescue authority for an area in England determined in accordance with section 1 of the Fire and Rescue Services Act 2004⁽¹³⁾;

“award” means an award of a benefit under these Regulations;

“beginning date”, in relation to a pension not attributable (directly or indirectly) to a pension credit, means the date on which the pension is deemed to begin for the purpose of section 8(2) (meaning of “pension” and other supplementary provisions) of PIA 1971⁽¹⁴⁾;

⁽⁸⁾ 1996 c.18; section 75B was inserted by the Employment Act 2002 (c.22), section 3.

⁽⁹⁾ Section 73 was substituted by the Employment Relations Act 1999 (c.26) section 7 and Schedule 4.

⁽¹⁰⁾ S.I. 2010/1055.

⁽¹¹⁾ Section 228 was substituted by the Finance Act 2011 (c.11), Schedule 17, paragraphs 1 and 4 and was amended by the Finance Act 2013 (c.29), section 49.

⁽¹²⁾ Section 227 was amended by the Finance Act 2009 (c.10), Schedule 2, paragraphs 10 and 15 and the Finance Act 2011, Schedule 16, paragraph 45 and Schedule 17, paragraphs 1 and 3.

⁽¹³⁾ 2004 c.21.

⁽¹⁴⁾ Section 8(2) was amended by the Pensions (Miscellaneous Provisions) Act 1990 (c.7) section 1(5) and Welfare Reform and Pensions Act 1999 (c.30) section 39(1) and (4). Section 8(2) of PIA 1971 may be applied subject to such modifications, adaptations and exceptions as may be specified in regulations under section 5(3) of that Act.

“child-related leave” means—

- (a) ordinary adoption leave,
- (b) ordinary maternity leave,
- (c) additional maternity or adoption leave,
- (d) paternity leave,
- (e) additional paternity leave, or
- (f) a period of parental leave;

“closing date”, in relation to a transition member, has the meaning given in paragraph 1 of Schedule 2 (transitional provisions);

“club scheme” means a registered occupational pension scheme (other than a connected scheme) that has agreed to make and receive club transfer value payments under the club transfer arrangements;

“club transfer” means a transfer to or from this scheme under the club transfer arrangements;

“club transfer arrangements” means arrangements approved by the Secretary of State as providing reciprocal arrangements between this scheme and other registered occupational pension schemes for making and receiving club transfer value payments;

“club transfer earned pension” means pension attributable to the receipt of a club transfer value payment;

“club transfer value” has the meaning given in regulation 132 (interpretation in relation to Part);

“club transfer value payment” means payment of a club transfer value;

“cohabiting partner” has the meaning given in regulation 76 (meaning of “surviving partner”);

“the commutation amount” in relation to a pension means the amount of the pension exchanged for a lump sum as a result of the exercise of the commutation option;

“commutation option” means the option to exchange part of a pension for a lump sum—

- (a) exercisable under regulation 71 (option to commute part of pension) in relation to a retirement pension, or
- (b) exercisable under regulation 109 (commutation of part of pension) in relation to a pension credit member’s pension;

“connected scheme” means another statutory pension scheme that is connected, within the meaning of section 4(6) of the 2013 Act, with this scheme;

“continuity of service”, in relation to a transition member, has the meaning given in paragraph 2 of Schedule 2;

“continuous period of pensionable service” in relation to this scheme, means a period of pensionable service under this scheme disregarding any gap in pensionable service not exceeding five years unless otherwise provided;

“death benefits” means any of the following—

- (a) a surviving partner’s pension,
- (b) an eligible child’s pension, or
- (c) a lump sum death benefit;

“deferred member” has the meaning given in regulation 20 (deferred membership);

“deferred member’s account” has the meaning given in regulation 44 (establishment of deferred member’s account);

“deferred pension age” is the same as a person’s state pension age, or 65 if that is higher;

“early payment reduction” has the meaning given in regulation 61 (early payment reduction);
 “earned pension” means earned pension payable without actuarial reduction at normal pension age;

“eligible child” has the meaning given in regulation 85 (meaning of “eligible child”);

“eligible child’s pension” has the meaning given in regulation 84 (eligible child’s pension);

“eligible person” has the meaning given in regulation 7 (eligible persons);

“financial year” means a period of one year beginning with 1st April and ending with 31st March;

“GMP age” means 65 in the case of a man or 60 in the case of a woman;

“guaranteed minimum” means the guaranteed minimum as defined in sections 14(15) (earner’s guaranteed minimum and 17(16) (minimum pensions for widows and widowers) of PSA 1993—

- (a) as increased in accordance with the requirements of section 109(17) of that Act (annual increase of guaranteed minimum pensions), and
- (b) if a reduction has been made under section 15A(18) of that Act (reduction of guaranteed minimum in consequence of pension debit), as reduced in accordance with that section;

“higher tier ill-health pension” means a higher tier ill-health pension payable under regulation 65(2) (entitlement to lower tier ill-health pension and higher tier ill-health pension);

“ill-health award” means—

- (a) a lower tier ill-health pension, and
- (b) a higher tier ill-health pension where this has also been awarded;

“index adjustment” means—

- (a) in relation to the opening balance of earned pension for any scheme year, the change in earnings for the previous scheme year(19), and
- (b) in relation to the opening balance of club transfer earned pension for any scheme year, the in-service revaluation index that the sending scheme would have applied to the transferred pension for that scheme year, had it not been transferred;

“in-service revaluation index”, in relation to a pension scheme, means the percentage increase or decrease by which the pensionable earnings of a person, or a proportion of those earnings accrued as a pension, are revalued whilst the person is in pensionable service in that pension scheme;

“IQMP” means a medical practitioner holding a diploma in occupational medicine or an equivalent or higher qualification issued by a competent authority in an EEA State, or being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State; and for the purposes of this definition “a competent authority” has the meaning given by section 55(1) of the Medical Act 1983(20);

(15) Section 14 was amended by the Pensions Act 1995 (c.26) Schedule 5 paragraph 27 and Schedule 7 Part 3, the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c.2) Schedule 1 paragraph 38 and the Proceeds of Crime Act 2002 (c.29) Schedule 11 paragraphs 1 and 22.

(16) Section 17 was amended by the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c.2) Schedule 1 paragraph 39; the Child Support, Pensions and Social Security Act 2000 (c.19) Schedule 5 paragraph 1 and Schedule 9 Part 3; the Pensions Act 2004 (c.35) section 284(2); the Pensions Act 2007 (c.22) section 14(2); the Marriage (Same Sex Couples) Act 2013 (c.30) Schedule 4 paragraphs 18 and 20; and S.I. 2005/2050 and 2014/560.

(17) Section 109 was amended by the Pensions Act 1995 (c.26) section 55 and S.I. 2005/2050.

(18) Section 15A was inserted by the Welfare Reform and Pensions Act 1999 (c.30) section 32(1) and (3).

(19) Under section 9 of the 2013 Act the change in earnings to be applied in a period is the percentage increase or decrease as a Treasury order under that section may specify in relation to the period.

(20) 1983 c.54; the definition of “competent authority” was inserted by S.I.2007/3101.

“last active scheme year” means the scheme year in which an active member of this scheme ceases to be in pensionable service under this scheme ;

“last day of pensionable service”, means the last day of a continuous period of pensionable service under this scheme;

“leaving year” means the scheme year in which the relevant last day falls;

“lower tier ill-health pension” means a lower tier ill-health pension payable under regulation 65(1) (entitlement to lower tier ill-health pension and higher tier ill-health pension);

“member”, in relation to this scheme, means an active member, deferred member, or pensioner member of this scheme;

“member contributions” has the meaning given in regulation 110(8) (member contributions);

“normal pension age” in relation to this scheme, means 60 as required by section 10(2) of the 2013 Act;

“occupational pension scheme” has the meaning given in section 1 of PSA 1993(21);

“opening balance”, in relation to a description of pension for a scheme year other than added pension, has the meaning given in regulation 35 (opening balance, index adjustment and age addition) and in relation to added pension, has the meaning given in regulation 40 (account to specify opening balance and PIA index adjustment);

“ordinary adoption leave” means leave under section 75A of the Employment Rights Act 1996;

“ordinary maternity leave” means leave under section 71 of the Employment Rights Act 1996(22);

“parental leave” has the meaning given in regulation 2(1) of the Maternity and Parental Leave etc. Regulations 1999(23);

“partial retirement option” means the option exercisable under regulation 63 (exercise of partial retirement option);

“paternity leave” means leave under regulation 4 or 8 of the Paternity and Adoption Leave Regulations 2002(24);

“pay period” means the period in respect of which a payment of pensionable pay is made;

“pensionable pay” has the meaning given in regulation 17 (pensionable pay);

“pension credit” means a credit under section 29(1)(b) of WRPA 1999;

“pension credit member” has the meaning given by regulation 21 (pension credit member);

“pension credit member’s account” has the meaning given in regulation 54 (establishment of pension credit member’s account);

“pension credit member’s pension” means a pension payable under regulation 105 (entitlement to pension credit member’s pension);

“pension credit rights” has the meaning given in section 124(1) of the Pensions Act 1995;

“pension debit member”, in relation to this scheme, means a person who is a member of this scheme whose benefits or future benefits under this scheme have been reduced under section 31 of WRPA 1999 (reduction of benefit under pension sharing order);

“pensionable public service” means pensionable service under an existing scheme(25) or an existing public body pension scheme as defined in paragraph 1 of Schedule 2;

(21) Relevant amendments were made to section 1 by the Pension Act 2004 (c.35), section 239 and by S.I. 2007/3014.

(22) Section 71 was substituted by the Employment Relations Act 1999.

(23) S.I. 1999/3312 to which there are amendments not relevant to these Regulations.

(24) S.I. 2002/2788.

(25) See section 18(2) of the 2013 Act for the meaning of “existing scheme”.

“pensioner member” in relation to this scheme, means a person who is entitled to the immediate payment of a retirement pension under this scheme;

“pension sharing order” means any provision or order specified in section 28 of WRPA 1999;

“personal pension scheme” means a personal pension scheme as defined in section 1 of PSA 1993 that is a registered pension scheme;

“PIA index adjustment”, in relation to the opening balance of added pension for any scheme year, means the amount by which the annual rate of a pension of an amount equal to the opening balance would have been increased in that year under PIA 1971 if—

- (a) that pension were eligible to be so increased, and
- (b) the beginning date for that pension were the first day of the previous financial year;

“protected member”, in relation to the 1992 Scheme or the NFPS, has the meaning given in Schedule 2;

“provisional amount of deferred pension” has the meaning given in regulation 45 (provisional amount of deferred pension);

“qualifying service” has the meaning given in regulation 57 (qualifying service);

“reference pay”, in relation to the pay of a retained or volunteer firefighter for any period, means the whole-time equivalent pensionable pay for that period of a regular firefighter employed in a similar role and with equivalent qualifying service;

“registered”, in relation to a pension scheme, means registered under Chapter 2 of Part 4 (registration of pension schemes) of FA 2004;

“regular employment” means employment for at least 30 hours a week on average over a period of not less than 12 consecutive months beginning with the date on which the issue of the person’s capacity for employment arises;

“regular firefighter” means a person (P) employed (whether whole-time or part-time) by an authority—

- (a) as a firefighter, but not as a retained or volunteer firefighter,
- (b) on terms under which P is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to P’s role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting), and
- (c) otherwise than in a temporary capacity;

“the relevant last day” means—

- (a) for a partially retired member, the day on which the partial retirement option was exercised, and
- (b) otherwise, the member’s last day of pensionable service;

“reserve forces” has the meaning given in section 1(2) of the Reserve Forces Act 1996(26);

“reserve forces service leave” means absence from duty because of being called out or recalled for permanent service in Her Majesty’s armed forces pursuant to a call-out notice served, or a call-out or recall order made, under the Reserve Forces Act 1996 or absence during training required under section 22 or permitted under section 27 of that Act;

“retained firefighter” means a person (P) employed by an authority—

- (a) as a firefighter, but not as a regular firefighter or a volunteer firefighter,

- (b) on terms under which P is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to P's role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting),
- (c) otherwise than in a temporary capacity, and
- (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that P receives;

“retirement account” has the meaning given in regulation 50 (establishment of retirement account);

“retirement added pension” has the meaning given in regulation 51(3) (account to specify amount of retirement pension);

“retirement amount of deferred pension” has the meaning given in regulation 46(3) (retirement amount of deferred pension);

“retirement benefits” means benefits payable under Part 5 (retirement benefits);

“retirement earned pension” has the meaning given in regulation 51(2) (account to specify amount of retirement pension);

“retirement index adjustment”, in relation to an amount of accrued pension, has the meaning given in regulation 24 (calculation of “retirement index adjustment”);

“retirement pension” means—

- (a) in relation to a pensioner member who was an active member at the time of claiming a retirement pension, a retirement earned pension and a retirement added pension (if any);
- (b) in relation to a pensioner member who was a deferred member at the time of claiming a retirement pension, the retirement amount of deferred pension.

“retirement PIA index adjustment” in relation to an amount of accrued pension, has the meaning given in regulation 25 (calculation of “retirement PIA index adjustment”);

“role”, in relation to a firefighter, means the role in which the firefighter is for the time being employed, being a role set out in “Fire and Rescue Services Rolemaps” issued by the National Joint Council for Local Authority Fire and Rescue Services in August 2005⁽²⁷⁾;

“this scheme” means the scheme established by these Regulations;

“scheme actuary” means the actuary appointed by the Secretary of State under regulation 150 (appointment of scheme actuary);

“scheme employer” has the meaning given in regulation 6 (scheme employment);

“scheme employment” has the meaning given in regulation 6 (scheme employment);

“scheme manager”, except where the context otherwise requires, has the meaning given in regulation 4 (scheme manager);

“scheme year” means a period of one year beginning with 1st April and ending with 31st March;

“sending scheme” means a club scheme which pays a club transfer value;

“specified proportion” has the meaning given in regulation 89 (specified proportion);

“statutory pay” means—

(27) A copy is available at http://www.local.gov.uk/c/document_library/get_file?uuid=326723e9-8192-4798-89bb-d152fb05fa5f&groupId=10180.

- (a) statutory adoption pay within the meaning of section 171ZL(1) (entitlement) of the Social Security Contributions and Benefits Act 1992(28),
- (b) statutory maternity pay within the meaning of section 164(1) (statutory maternity pay-entitlement and liability to pay) of the Social Security Contributions and Benefits Act 1992,
- (c) ordinary statutory paternity pay within the meaning of section 171ZA(1) (entitlement: birth) or 171ZB(1) (entitlement: adoption) of the Social Security Contributions and Benefits Act 1992(29), or
- (d) additional statutory paternity pay within the meaning of section 171ZEA(1) (entitlement to additional statutory paternity pay: birth) or 171ZEB(1) (entitlement to additional statutory paternity pay: adoption) of the Social Security Contributions and Benefits Act 1992(30);

“survivor member” has the meaning given in regulation 52 (establishment of survivor member’s account);

“surviving partner” has the meaning given in regulation 76 (meaning of “surviving partner”);

“surviving partner’s pension” means a pension payable to a surviving partner under regulation 78 (surviving partner’s pension payable on death of active member), regulation 79 (surviving partner’s pension payable on death of deferred member), or regulation 80 (surviving partner’s pension payable on death of pensioner member);

“tax year” means a period of one year which is the period of assessment for income tax purposes;

“total allocation amount”, in relation to an amount of retirement pension, means the total amount of that pension allocated under Chapter 6 of Part 5 (retirement benefits);

“trade dispute” has the meaning given in section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992(31);

“transfer payment” means a transfer value payment or a club transfer value payment;

“transfer value” has the meaning given in regulation 132 (interpretation in relation to Part);

“transfer value payment” means payment of a transfer value;

“transferred pension” means pension attributable to receipt of a transfer value payment;

“transition member” has the meaning given in paragraph 1 of Schedule 2;

“volunteer firefighter” means a person (P) who carries out operational firefighting for an authority—

- (a) as a firefighter, but not as a regular firefighter or a retained firefighter,
- (b) on terms under which P is, or may be, required to engage in fire-fighting or may be required to perform other duties appropriate to P’s role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting),
- (c) otherwise than in a temporary capacity, and
- (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that P receives;

(28) 1992 c.4. Section 171ZL was inserted by the Employment Act 2002 (c.22) section 4.

(29) Sections 171ZA and 171ZB were inserted by the Employment Act section 2. Subsections (1) of those sections were amended by the Work and Families Act 2006 (c.18) Schedule 1 paragraph 12 and 13.

(30) Section 171ZEA and 171ZEB were inserted by the Work and Families Act 2006 (c.18) sections 6 and 7.

(31) 1992 c.52.

“weekly rate”, in relation to a guaranteed minimum pension, has the meaning given in regulation 55(2) of the Occupational Pension Scheme (Contracting-out) Regulations 1996⁽³²⁾.