

SCHEDULES

SCHEDULE 2

Transitional provisions

PART 1

General

Interpretation

1. In this Schedule—

“active member of an existing scheme” has the meaning given in paragraph 6;

“active member of an existing public body pension scheme” has the meaning given in paragraph 7;

“active member of the 1992 Scheme or the NFPS” has the meaning given in paragraph 5;

“closing date”—

(a) in relation to an existing scheme, means the date referred to in section 18(4)(a) or (b) of the 2013 Act, as the case may be,

(b) in relation to an existing public body pension scheme, means the date determined under section 31(2) of the 2013 Act by the public authority responsible for that scheme, and

(c) in relation to a transition member, means—

(i) if the member is a tapered protection member of the 1992 Scheme or the NFPS, the tapered protection closing date for that member, or

(ii) if the member is not a protected member of one of those schemes, the scheme closing date;

“eligible to be an active member of the NFPS” has the meaning given in paragraph 4;

“exception” means—

(a) in relation to an existing scheme, an exception under section 18(5) of the 2013 Act provided for in the scheme regulations for that scheme,

(b) in relation to an existing public body pension scheme, an exception under section 31(4) of the 2013 Act provided for by the public authority responsible for that scheme;

“existing public body pension scheme” means a public body pension scheme to which section 31 of the 2013 Act applies;

“full protection member”, in relation to the 1992 Scheme or the NFPS, has the meaning given in paragraph 9;

“fully protected member” of an existing scheme or an existing public body pension scheme means a person in respect of whom an exception applies, which exception is one to which section 18(6) of the 2013 Act (or that section as applied by section 31(4)) applies for the purposes of that scheme;

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“protected member”, in relation to an existing scheme or an existing public body pension scheme, means a full protection member or tapered protection member of one of those schemes;

“protection period”—

- (a) for a full protection member of the 1992 Scheme or the NFPS, has the meaning given in paragraph 10, and
- (b) for a tapered protection member of the 1992 Scheme or the NFPS, has the meaning given in paragraph 16;

“scheme closing date” means 31st March 2015;

“tapered protection closing date”, in relation to a tapered protection member of an existing scheme, has the meaning given in paragraph 3;

“tapered protection member”, in relation to the 1992 Scheme or the NFPS, has the meaning given in paragraph 15;

“transition date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the 1992 Scheme or the NFPS, the day after the tapered protection closing date for that member, and
- (b) if the member is not a protected member of the 1992 Scheme or the NFPS, the day after the scheme closing date, or, if later, the day the person ceased to be a protected member of that scheme;

“transition member” means a person—

- (a) who is a member of the 1992 Scheme or the NFPS by virtue of his or her pensionable service under that scheme, or who is eligible to be an active member of the NFPS, before the transition date, and
- (b) who is a member of this scheme by virtue of the person’s pensionable service under this scheme.

Meaning of “continuity of service”

2.—(1) A transition member (T) has continuity of service between pensionable service in the 1992 Scheme or the NFPS, as the case may be, and pensionable service in this scheme unless T has a gap in service exceeding five years which—

- (a) begins on or before T’s transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(2) For the purposes of sub-paragraph (1), after the scheme closing date T is not on a gap in service while T is in service which is pensionable under an existing scheme, an existing public body pension scheme, a scheme under section 1 of the 2013 Act or a new public body pension scheme.

Meaning of “tapered protection closing date”

3.—(1) The tapered protection closing date for a tapered protection member of the 1992 Scheme is the date found by applying the relevant date in column 3 of the 1992 Scheme table in Part 4 of this Schedule to the birthday referred to in column 1 and column 2.

(2) Subject to paragraph (3), the tapered protection closing date for a tapered protection member of the NFPS is the date found by applying the relevant date in column 3 of the NFPS table in Part 4 of this Schedule to the birthday referred to in column 1 and column 2.

(3) The tapered protection closing date for a tapered protection member of the NFPS to whom paragraph 9(5) or 21 applies is a date determined by the scheme manager.

Meaning of “eligible to be an active member” of the NFPS

4.—(1) For the purpose of this Schedule, a person (P) is eligible to be an active member of the NFPS on a given date if on that date P is not in pensionable service under the 1992 Scheme or the NFPS and either—

- (a) P is in service as a firefighter which entitles P to be eligible to be an active member of the NFPS; or
- (b) P is on a gap in pensionable service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Meaning of “active member of the 1992 Scheme or the NFPS”

5.—(1) For the purpose of this Schedule, a person (P) is an active member of the 1992 Scheme or the NFPS on a given date if on that date—

- (a) P is in pensionable service under the 1992 Scheme or the NFPS; or
- (b) P is on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Meaning of “active member of an existing scheme”

6.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing scheme⁽¹⁾ (other than the 1992 Scheme or the NFPS) on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing scheme P is not on a gap in service while P is in pensionable public service.

Meaning of “active member of an existing public body pension scheme”

7.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing public body pension scheme on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding five years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing public body pension scheme, P is not on a gap in service while P is in pensionable public service.

Commencement of active membership of this scheme

8.—(1) A person who is a transition member on entering pensionable service under this scheme who does not have continuity of service becomes an active member of this scheme on the day the person begins pensionable service in a scheme employment.

(2) A person who is a transition member on entering pensionable service under this scheme who has continuity of service (T) becomes an active member of this scheme—

- (a) if T is in pensionable service in a scheme employment on the transition date, on that date; or

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

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- (b) if T is not in pensionable service in a scheme employment on the transition date, on the day T enters pensionable service in a scheme employment after that date.