

SCHEDULES

SCHEDULE 2

Transitional provisions

PART 2

Full protection members of the 1992 Scheme or the NFPS

Full protection members of the 1992 Scheme or the NFPS

9.—(1) A person (P) to whom any of paragraphs 12 to 14 applies is a full protection member of the 1992 Scheme or the NFPS, as the case may be.

(2) P ceases to be a full protection member of the 1992 Scheme or the NFPS, as the case may be, when P ceases to be in pensionable service under that scheme and ceases to be eligible to be an active member of the NFPS unless sub-paragraph (3) or (4) applies.

(3) This sub-paragraph applies if—

- (a) P returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme (other than the 1992 Scheme) or an existing public body pension scheme; and
- (b) P would have been a fully protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.

(4) This sub-paragraph applies if—

- (a) P returns to service which is pensionable under the NFPS otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and
- (b) P returns to service which is pensionable under the NFPS after a gap in service not exceeding five years.

(5) If P returns to service which is pensionable under the NFPS in circumstances where sub-paragraph (6) applies, P is a tapered protection member of the NFPS when P returns to that service.

(6) This sub-paragraph applies if—

- (a) P returns to service which is pensionable under the NFPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and
- (b) P would have been a protected member of the existing scheme or existing public body pension scheme by virtue of an exception to which section 18(7)(a) and (b) of the 2013 Act (or that section as applied by section 31(4)) applies had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the NFPS.

(7) For the purpose of paragraph (4)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Status: This is the original version (as it was originally made).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

Exception for full protection member during protection period

10.—(1) The protection period for a person (P) who is a full protection member of the 1992 Scheme or the NFPS, as the case may be, is the period which—

- (a) begins on the day after the scheme closing date; and
 - (b) ends when P ceases to be a full protection member of the 1992 Scheme or the NFPS (unless P is a tapered protection member by virtue of paragraph 9(5)).
- (2) During the protection period—
- (a) P is eligible to be in pensionable service under the NFPS or where P is an active member of the 1992 Scheme, eligible to be in pensionable service under that scheme;
 - (b) section 18(1) of the 2013 Act does not apply in respect of that pensionable service; and
 - (c) benefits are to be provided under the 1992 Scheme or the NFPS, as the case may be, to or in respect of P in relation to that pensionable service.

Full protection member not eligible to join this scheme

11. While a person (P) is a full protection member of the 1992 Scheme or the NFPS, P is not eligible to be an active member of this scheme in respect of that scheme employment.

Full protection: members of the 1992 Scheme or the NFPS on scheme closing date

12.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of the 1992 Scheme or an active member, or eligible to be an active member, of the NFPS on the scheme closing date;
- (b) P was an active member of the 1992 Scheme or an active member, or eligible to be an active member, of the NFPS on 31st March 2012; and
- (c) if P is an active member of the 1992 Scheme, P would, unless P dies, reach normal pension age under the 1992 Scheme⁽¹⁾ or if P is an active member or eligible to be an active member of the NFPS, normal pension age under the NFPS⁽²⁾ on or before 1st April 2022.

(3) This sub-paragraph applies if—

- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
- (b) P was an active member or eligible to be an active member of the NFPS on the scheme closing date; and
- (c) P would, unless P dies, reach normal pension age under the NFPS and P’s transitional scheme on or before 1st April 2022.

Full protection: members of an existing scheme

13. This paragraph applies if—

- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;

(1) [S.I.1992/129](#):rule A13 provides that normal pension age is 55 and rule B1 enables regular firefighters over the age of 50 to retire once have reckoned pensionable service of at least 25 years. These rules have been amended by [S.I. 2005/2980](#), [3228](#) and [S.I. 2006/342](#), [1810](#), [3433](#) and [2013/1392](#).

(2) [S.I. 2006/3432](#): rule 3(1) of Part 2 provides that normal retirement age of firefighter members is 60.

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

- (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
- (c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing scheme other than the 1992 Scheme or the NFPS;
- (d) on the date that P begins service which is pensionable under the NFPS, P would have been a fully protected member of the existing scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and
- (e) P would, unless P dies, reach normal pension age under the NFPS and P’s transitional scheme on or before 1st April 2022.

Full protection: members of an existing public body pension scheme

14. This paragraph applies if—

- (a) P was an active member of an existing scheme (other than the 1992 Scheme or the NFPS) or an existing public body pension scheme on the closing date for that scheme;
- (b) P was an active member of an existing scheme or an existing public body pension scheme (“transitional scheme”) on 31st March 2012;
- (c) P begins service which is pensionable under the NFPS not more than five years after leaving pensionable service under an existing public body pension scheme;
- (d) on the date that P begins service which is pensionable under the NFPS, P would have been a fully protected member of the existing public body pension scheme referred to in sub-paragraph (c) had P re-entered service which is pensionable under that scheme on that date; and
- (e) P would, unless P dies, reach normal pension age under the NFPS and P’s transitional scheme on or before 1st April 2022.