

## SCHEDULES

### SCHEDULE 2

#### Amendment of Schedule 1 to the Firefighters' Pension Scheme (England) Order 2006

5. In Part 11 (pensionable pay, pension contributions and purchase of additional service) in Chapter 1 (pensionable pay and pension contributions)—

(a) in rule 1 (pensionable pay)—

(i) in paragraph (1) for “Subject to paragraphs (3) and (6) and rule 3(3)” substitute “Subject to paragraphs (3), (6) and (7) and rule 3(3)”;

(ii) after paragraph (6) insert—

“(7) Subject to paragraphs (8) and (9), where rule 1B of Part 2 has applied to a member of this Scheme who has joined the 2015 Scheme with continuity of service and paragraph 1 or 2 of Schedule 7 (final salary link) to the 2013 Act applies to that person, paragraph (1) of this rule does not apply and final pensionable pay is determined in accordance with Schedule 7 so that the member’s pensionable pay under the 2014 Regulations as modified by paragraph 33 of Schedule 2 to those Regulations derived from service in the 2015 Scheme is to be regarded as pensionable pay derived from service in this Scheme.

(8) Where paragraph (7) and paragraph 33(4) of Schedule 2 to the 2014 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2014 Regulations as modified by paragraph 33 of Schedule 2 to those Regulations for the last year of pensionable service in the 2015 Scheme before the reduction in pensionable pay.

(9) Where paragraph 33(3) of Schedule 2 to the 2014 Regulations applies to a member of this Scheme, pensionable pay is determined in accordance with paragraph (1) of this rule and paragraph (7) does not apply.”.

(b) in rule 2 (final pensionable pay)—

(i) in paragraph (2) for “Subject to paragraph (3)” substitute “Subject to paragraphs (2A) and (3);

(ii) after paragraph (2) insert—

“(2A) In the case of a connected member or a deferred member to whom paragraph (7) of rule 1 applies, “the relevant date” means—

(a) where the final salary link applies, the last day of pensionable service in the 2015 Scheme, or

(b) where paragraph 33(4) to Schedule 2 to the 2014 Regulations applies, the last day of pensionable service in the 2015 Scheme before the reduction of pensionable pay in the 2015 Scheme.”;

(c) in rule 4 (optional pension contributions during maternity and adoption leave)—

(i) in paragraph (3) for “Subject to paragraph (6)” substitute “Subject to paragraphs (6) and (7)”;

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- (ii) after paragraph (3) insert—
  - “(3A) Where the firefighter member returns to work, or ceases to be employed, after the transition date, the election under paragraph (3) may only be made in respect of the period before the transition date.”;
- (iii) after paragraph (6) insert—
  - “(7) Where a person to whom this rule applies is a connected member who dies before the end of the period of 30 days referred to in paragraph (3) without having given the required notice—
    - (a) that person shall be deemed to have given the required notice, and
    - (b) the authority—
      - (i) shall give to that person’s personal representatives a statement of the amount of contributions due; and
      - (ii) may collect the contributions with the agreement of the personal representatives by deducting the amount required from any lump sum death benefit payable under regulation 96 (lump sum payable on death of active member) of the 2015 Scheme.”;
- (d) in rule 6A (election to purchase service during the limited period)—
  - (i) after paragraph (7) insert—
    - “(7A) A person who intends to join this Scheme as a connected special member shall make the election in paragraph (7) and where a person elects to join this Scheme as a connected special member—
      - (a) the reference to “special firefighter member” in this rule and rule 6B shall be treated as referring to a “connected special member”,
      - (b) the paragraphs referring to a “special firefighter member” in this rule and rule 6B shall be treated as referring to a “connected special member”.”;
  - (ii) after paragraph (9) insert—
    - “(9A) Where a special firefighter member has not paid all the mandatory special period pension contributions before the date on which rule 1B of Part 2 applies to that member, the member may continue to pay those contributions after that date.”;
- (e) in rule 7 (duration of periodical contributions and premature cessation)—
  - (i) at the end of sub-paragraph (c) of paragraph (2) omit “or” and after sub-paragraph (d) insert—
    - “or
    - (e) in the case of a connected member, or a connected special member, on the date that member ceases to be in pensionable service under the 2015 scheme.”;
- (f) in rule 8 (discontinuance and resumption of periodical contributions) after paragraph (6) insert—
  - “(7) This rule applies to a connected member, or a connected special member, as it applies to a firefighter member.”;
- (g) in rule 9 (periodical contributions in respect of periods of unpaid service or absence) after paragraph (4) insert—
  - “(5) This rule applies to a connected member or a connected special member as it applies to a firefighter member who elects to purchase additional service in respect of a period of unpaid service or unpaid leave before the transition date.

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(6) Where the connected member complies with the requirements in paragraph (2) that person may require the authority to treat the period referred to in paragraph (5) as pensionable service or in the case of a connected special member as special pensionable service.”.