

SCHEDULE 1

Amendment of the Firefighters' Compensation Scheme (Wales) Order 2007

Amendment of Schedule 1 (injury awards and duty-related compensation)

10.—(1) Schedule 1 is amended as follows.

(2) In Part 1 (calculation of awards for full-time service)—

(a) after paragraph 1 insert—

“**1A.**—(1) In the event that an award becomes payable in respect of a qualifying injury sustained in the course of employment in relation to which a person is or is eligible to be an active member in the 2015 Scheme, “relevant service” in the Table means the total of—

- (a) any relevant service in relation to the 2015 Scheme that relates to the person’s scheme employment which is the same as, or most similar to, the scheme employment in respect of which the award is payable; and
- (b) if applicable, any relevant service in relation to the 1992 Scheme or the 2007 Scheme that relates to the person’s employment which is the same as, or most similar to, the employment in respect of which the award is payable.

(2) In the event that an award is payable to a person who is not an active member of the 2015 Scheme, or has elected not to make pension contributions under the 2007 Scheme or the 1992 Scheme, when calculating an award payable under this scheme, the person’s ‘relevant service’ is determined according to the pension scheme the person would have been eligible to be a member of when they sustained the qualifying injury.

(3) In sub-paragraph (2), “eligible to be a member” means a person’s eligibility to be a member of any of the 1992 Scheme, the 2007 Scheme and the 2015 Scheme, pursuant to rule A3 (exclusive application to regular firefighters) of the 1992 Scheme, rule 1 of Part 2 of the 2007 Scheme or regulation 16 of, or Schedule 2 to, the 2015 Regulations, as the case may be.”;

(b) in paragraph 1, in the headings in the Table, for “or, as the case may be, final pensionable pay” in both places where the words occur substitute “final pensionable pay or final pay, as the case may be”;

(c) in paragraph 2(1), after “the 2007 Scheme” insert “or regulation 74 of the 2015 Regulations”;

(d) in paragraph 2(2), after “the 2007 Scheme”—

(i) where the words occur for the first time, insert “or the exercise of an option not to become an active member of the 2015 Scheme in accordance with Chapter 2 of Part 3 of the 2015 Regulations”;

(ii) where the words occur for the second time, insert “or regulation 122(3) of the 2015 Regulations or failed to exercise an option to become an active member of the 2015 Scheme in accordance with regulation 21 of the 2015 Regulations”;

(e) in paragraph 2(3)(a), after “the 2007 Scheme” insert “or regulation 118 (commutation of part of pension) or Chapter 6 (allocation of part of pension) of Part 5 of the 2015 Regulations”.

(3) In Part 2 (calculation of awards for part-time service)—

(a) in paragraph 2(1), for “or, as the case may be, the final pensionable pay” substitute “final pensionable pay or final pay, as the case may be”;

(b) after paragraph 2(2) insert—

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“(3) Where the person is or is eligible to be an active member in the 2015 Scheme, “relevant service” in B, C and D means the total of the service referred to in paragraph 1A(1)(a) and (b) of Part 1 of Schedule 1.”

(4) In Part 3 (calculation of awards for retained or volunteer service), in paragraph 1, for “paragraph 1” substitute “the table in paragraph 1 of Part 1 of this Schedule”.