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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 9**

**FIRE AND RESCUE SERVICES  
PENSIONS**

**The New Firefighters' Pension Scheme  
(Amendment) Order (Northern Ireland) 2015**

*Made - - - - 19th January 2015*

*Coming into operation 1st April 2015*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred by article 10(1), (3), (4) and (5) of the Fire Services (Northern Ireland) Order 1984 (1), and now vested in it(2) and with the approval of the Department of Finance and Personnel in accordance with article 10(1) of that Order makes the following Order

**Citation, commencement and effect**

1.—(1) This Order may be cited as the New Firefighters' Pension Scheme (Amendment) Order (Northern Ireland) 2015.

(2) Subject to paragraph (3) this Order shall come into operation on 1 April 2015.

(3) The following paragraphs of the Schedule shall have effect from 20 June 2014—

- (a) paragraph 3(5);
- (b) paragraph 5(3);
- (c) paragraph 9(6) to (8);
- (d) paragraph 10(6), (9) and (10);
- (e) paragraph 11(2).

**Amendment of the New Firefighters' Pension Scheme Order (Northern Ireland) 2007**

2. The annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007(3) shall be amended in accordance with the Schedule.

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(1) S.I. 1984/1821 (N.I. 11) article 10(5) was amended by S.I. 1998/1549 (N.I.11) article 4. Article 10 was continued by S.I. 2006/1254 (N.I.9) article 60(1) and (2).  
(2) See S.R. 1999 No. 481 article 6(c) and Schedule 4, Part III.  
(3) SR 2007 No 215, amended by SR 2008 No 381, SR 2012 No 162, SR 2013 Nos 84 and 172 and SR 2014 No 57.

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**Status:** This is the original version (as it was originally made).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

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Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 19th January 2015



*Linda Devlin*  
A senior officer of the  
Department of Health, Social Services and  
Public Safety

The Department of Finance and Personnel approves this Order  
Sealed with the Official Seal of the Department of Finance and Personnel on 19th January 2015



*Anthony Simpson*  
A senior officer of the  
Department of Finance and Personnel

## SCHEDULE

### Amendment to the Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007

#### **Amendment of Part 1 (citation and interpretation)**

1.—(1) Part 1 is amended as follows.

(2) In article 2 (interpretation) in paragraph (1)—

(a) after the definition of “the 1999 Act” insert—

““the 2004 Act” means the Finance Act 2004(4);

“actuary” means a fellow of the Institute and Faculty of Actuaries;”

(b) in the definition of “child” for “or a pensioner member” substitute “a pensioner member or a special member”;

(c) after the definition of “child” insert—

““child’s pension” means a pension under article 28 (child’s pension) of Part 4 (survivors’ pensions);”

(d) after the definition of “firefighter member” insert—

““Firefighters’ Pension Scheme” means the Scheme set out in the Annex to the Firefighters’ Pension Scheme Order (Northern Ireland) 2007(5)

(e) after the definition of “injury” insert—

“limited period” means the period beginning on 1st July 2000 or if later, the date falling before 6th April 2006, on which the person was first employed as a retained firefighter and ending on the earlier of—

(a) the date on which that person joined this Scheme as a special member or as a standard member in respect of service which he could otherwise reckon as special pensionable service, and

(b) the date, if applicable, on which he ceased to be employed as a retained or regular firefighter;”

(f) after “lower tier ill-health pension” insert—

““lump sum contribution” means the lump sum payable under paragraphs (1) to (13) of article 66A of Part 11;

“mandatory special period” means that part of a person’s service during the limited period beginning on the date selected by him before 6th April 2006 and ending on the earlier of—

(a) the date on which he joined this Scheme as a special member or as a standard member in respect of service which he could otherwise reckon as special pensionable service, and

(b) the date, if applicable, on which he was dismissed or retired from employment as a regular or retained firefighter;

“mandatory special period pension contributions” means the special pension contribution payable in respect of a special member’s service during the mandatory special period under article 66A of Part 11 together with any interest payable in respect of that contribution in accordance with article 66A(13);”

(g) at the end of the definition of “opt in” insert—

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(4) 2004 c. 12.

(5) SR 2007 No144

- “or, in the case of a special firefighter member means making an election under article 66A of Part 11 to pay the mandatory special period pension contributions;”
- (h) after the definition of “opt in” insert—
- ““ordinary pension”, in relation to a standard member, means a pension referred to in article 11 of Part 3 (personal awards);”
- (i) in the definition of “pensioner”, after “pensioner member”, insert “or “special pensioner member””;
- (j) for the definition of “retained firefighter” and “volunteer firefighter” substitute—
- ““retained firefighter” means a person employed by the Board—
- (a) as a retained firefighter, but not as a regular firefighter or as a volunteer firefighter;
- (b) on terms under which he is, or may be, required to engage in firefighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to his role as a firefighter (whether instead of, or in addition to, engaging in firefighting);
- (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 he receives;”
- (k) after the definition of “role” insert—
- ““Scheme Actuary” means the actuary appointed by the Department to provide actuarial advice and to carry out any statutory functions set out in the Scheme;
- “scheme chargeable payment” has the meaning given in section 241 of the 2004 Act;
- “special deferred member” has the meaning given in article 4A(3) and (6) to (9) of Part 2;
- “special eligibility conditions” has the meaning given in article 5A of Part 2;
- “special firefighter member” has the meaning given in article 4A(1) to (4) of Part 2;
- “special membership” means membership of this Scheme as a special firefighter member, special deferred member or special pensioner member as the case may be;
- “special member” means a special firefighter member, a special deferred member or a special pensioner member;
- “special member’s ordinary pension” means a pension of the description referred to in article 11A of Part 3;
- “special pension contribution” means the pension contribution set out in article 63(1A) of Part 11;
- “special pensionable retained service”, in relation to a retained firefighter who is a special member and any period of special pensionable service, means the same proportion of whole-time service as that which his actual pensionable pay for that period bears to his reference pay for that period;
- “special pensionable service” is to be construed in accordance with articles 56A to 59 of Part 10;
- “special pensioner member” has the meaning given in article 4A(10) to (14) of Part 2;

“standard member” means a member of this Scheme other than a special member;  
“standard membership” means membership of this Scheme as a standard member;”

(l) after the definition of “transfer value payment” insert—

““volunteer firefighter” means a person employed by the Board—

- (a) as a volunteer firefighter but not as a regular firefighter or as a retained firefighter;
- (b) on terms under which he is, or may be required to, engage in firefighting (whether instead of, or in addition to, engaging in firefighting);
- (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 he receives.”

(3) In article 2, after paragraph (2) insert—

“(3) References in this Scheme to a firefighter member, a deferred member or a pensioner member include references to a special firefighter member, a special deferred member or a special pensioner member, respectively, unless the contrary intention is shown.”

### **Amendment of Part 2 (scheme membership, cessation and retirement)**

2.—(1) Part 2 is amended as follows.

(2) In paragraph (4) of article 4 (scheme membership) after “pensionable service” insert “or special pensionable service”.

(3) After article 4 insert—

#### **“Special membership**

4A.—(1) Subject to paragraphs (2) to (5) and (15), a firefighter member of any of the following descriptions is also a special firefighter member of this Scheme—

- (a) a person who—
  - (i) having taken up employment as a retained firefighter before 6th April 2006;
  - (ii) having continued in such employment until the date of his election; and
  - (iii) having elected<sup>(6)</sup>, within the period required by article 66B(1), or 66B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions;
- (b) a person who—
  - (i) having taken up employment as a retained firefighter before 6th April 2006;
  - (ii) having continued in such employment until a date on or after 6th April 2006;
  - (iii) having, immediately after the termination of such employment, taken up employment as a regular firefighter and continued in that employment until the date of his election; and
  - (iv) having elected, within the period required by article 66B(1) or 66B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions.

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<sup>(6)</sup> See article 66B(10) of Part 11 for date when an election takes effect.

(2) Where a special firefighter member makes a contributions election in respect of his special membership and ceases to be a special member, he may again become a firefighter member (but not a special member) by virtue of article 9 of this Part, which shall apply to him with the omission of the word “again”.

(3) A special firefighter member who is treated as having ceased to make mandatory special period pension contributions in accordance with article 66B(5)(c) of Part 11 ceases to be a special firefighter member and becomes a special deferred member.

(4) A special firefighter member who is entitled to reckon a period as special pensionable service pursuant to article 59 of Part 10 and resumes service immediately after that period remains a special firefighter member.

(5) A special firefighter member who would be entitled to reckon a period as special pensionable service pursuant to article 58 of Part 10 (reckoning of unpaid period of absence) if he elected to purchase additional service during that period under article 58(1) of that Part and subsequently paid the special pension contribution in respect of that period, but does not so elect or pay that special pension contribution, remains a special firefighter member if he resumes service immediately after that period.

(6) Subject to paragraph (15), a person who satisfies the conditions in paragraph (7) is a special deferred member of this Scheme.

(7) The conditions are that he—

- (a) took up employment as a retained firefighter before 6th April 2006;
- (b) was employed as a retained firefighter on or after 1st July 2000;
- (c) resigned or was dismissed from that employment before the date that his election under article 66A of Part 11 to pay the mandatory special period pension contributions took effect;
- (d) was younger than 55 on the date of the resignation or dismissal;
- (e) is not entitled to an ill-health award under article 12 or 12A of Part 3; and
- (f) has elected, within the period required by article 66B(1) or 66B(12) as the case may be, of Part 11 to pay the mandatory special period pension contributions.

(8) Subject to paragraph (15) a person who—

- (a) satisfies the requirements of paragraph (1)(a);
- (b) has joined this Scheme as a standard member in respect of service which he would otherwise be entitled to treat as special pensionable service before electing to join this Scheme as a special member; and
- (c) does not elect to convert his standard membership to his special membership

is a special deferred member of this Scheme.

(9) A person who was a special firefighter member of this Scheme immediately before paragraph (1) of article 13 of Part 3 applied to him is then a special deferred member of this Scheme.

(10) Subject to paragraph (15), a person who satisfies all of the conditions in paragraph (11) and who satisfies at least one of the conditions in paragraph (12) is a special pensioner member of this Scheme.

(11) The conditions are that he—

- (a) took up employment as a retained firefighter before 6th April 2006;
- (b) was employed as a retained firefighter on or after 1st July 2000;

- (c) retired from that employment before the date that his election under article 66A of Part 11 to pay the mandatory special period pension contributions took effect;
  - (d) has elected, within the period required by article 66B(1) or 66B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions.
- (12) The conditions are that he—
- (a) retired having attained the age of 55;
  - (b) was dismissed or retired by reason of permanent disability and the conditions of article 12A of Part 3 (retrospective award on ill-health retirement) are capable of being satisfied; or
  - (c) has attained the age of 60.
- (13) Subject to paragraph (15), a person of any of the following descriptions is also a special pensioner member of this Scheme—
- (a) a person who was a special firefighter member of this Scheme immediately before he retired and to whom article 11A of Part 3 applies;
  - (b) a person who was a special deferred member of this Scheme immediately before he retired and who satisfies the requirements of paragraph (4) of article 13 of Part 3;
  - (c) a person who was a special firefighter member of this Scheme immediately before he left his employment by reason of permanent disablement and is entitled under article 12 (award on ill-health retirement) of Part 3 (personal awards) to a lower tier ill-health pension or a higher tier ill-health pension.
- (14) A person who was a special deferred member of this Scheme immediately before his 60th birthday is a special pensioner member after that date.
- (15) A person who was employed as a retained firefighter and to whom paragraph (1) of rule 2 of Part 8 of the Compensation Scheme applies (award to or in relation to a retained or volunteer firefighter) may not be a special member of this Scheme.”.
- (4) After article 5 (eligibility conditions) insert—

**“Special eligibility conditions**

- 5A.—(1) A special firefighter member is eligible for a special member’s ordinary pension or a pension under article 12 (award on ill-health retirement) or article 13 (deferred pension) of Part 3 as a special member under this Scheme if—
- (a) he pays the special pension contribution; and
  - (b) an eligibility condition is satisfied.
- (2) A special deferred member or a special pensioner member is eligible for a special member’s ordinary pension or a pension under article 12 (award on ill-health retirement) or article 12A (retrospective award on ill-health retirement) if an eligibility condition is satisfied.
- (3) A special deferred member who was a special firefighter member immediately before he satisfied the requirements of paragraph (1) of article 13 of Part 3 and in respect of whom an eligibility condition is satisfied is entitled to a special member’s ordinary pension.”.
- (5) In paragraphs (1) and (2) of article 6 (normal retirement age and normal benefit age) after “members” in each place where it occurs, insert “who are not special firefighter members”.
- (6) After paragraph (2) of article 6 (normal retirement age and normal benefit age) insert—
- “(3) The normal retirement age of special firefighter members, or for persons who joined this Scheme as special pensioner members, is 55.

(4) The normal benefit age of special firefighter members, or of special deferred members, is 60.”

### **Amendment of Part 3 (personal awards)**

3.—(1) Part 3 is amended as follows.

(2) In article 11 (ordinary pension) for paragraph (2) substitute—

“(2) This article does not apply to—

- (a) a firefighter member whose notice of retirement states that he is retiring for the purpose of taking up employment with a fire and rescue authority in England, Scotland or Wales; or
- (b) subject to article 84C of Part 12, a special firefighter member in respect of special pensionable service.”.

(3) After article 11 insert—

#### **“Special member’s ordinary pension**

11A.—(1) Subject to paragraph (2), this article applies to a member of this Scheme who is a special member and who satisfies one of the special eligibility conditions and retires or has retired.

(2) This article does not apply to a special firefighter member whose notice of retirement states that he is retiring for the purpose of taking up employment as a firefighter with a fire and rescue authority in England, Scotland or Wales.

(3) Where a special member to whom this article applies—

- (a) is not entitled to an ill health award under article 12 or 12A;
- (b) attains or has attained the age of 55; and
- (c) retires,

he is entitled to a special member’s ordinary pension.

(4) A special member who is not entitled to a special member’s ordinary pension under paragraph (3) or an ill health award under article 12 or 12A is entitled to a deferred pension.

(5) Where a special member to whom this article applies becomes entitled to a special member’s ordinary pension in respect of service as a retained firefighter, his special member’s ordinary pension shall be calculated by multiplying his final pensionable pay by his special pensionable retained service and dividing the resultant amount by 45.

(6) Where a special member to whom this article applies has special pensionable service as a regular firefighter accrued whilst he was a special member, he becomes entitled on retiring to a special member’s ordinary pension calculated by multiplying that part of his special pensionable service which is attributable to his service as a regular firefighter by his final pensionable pay and dividing the resultant amount by 45.

(7) Where paragraph (6) applies, the amount calculated under that paragraph shall be added to the amount calculated under paragraph (5).

(8) Where a person joins this Scheme as a special pensioner member and is entitled to a pension under this article, the Board shall pay to him a lump sum equal to the value, together with interest, of the pension payments (“the past pension payments”) he would have received up to the date of payment of the lump sum if at the date of his retirement he had been a member of this Scheme who had made contributions equivalent to his contributions under article 66A and 66B of Part 11 and shall thereafter pay him a special member’s ordinary pension.



- (9) The interest payable in accordance with paragraph (8) is payable as follows—
- (a) for the purposes of calculating interest under this paragraph it shall be assumed that the past pension payments were payable from the date that the member reached normal retirement age;
  - (b) interest starts to accrue from the date that the first past pension payment would have been made in accordance with sub-paragraph (a) and ceases to accrue on the date of payment of the lump sum in accordance with paragraph (8);
  - (c) interest shall be calculated by applying the past interest rate to the past pension payment compounded monthly between the month each past pension payment would have been made in accordance with sub-paragraph (a) until the date of payment of the lump sum,

and for the purposes of this article “past interest rate” is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period when the past pension payment in question would have been made in accordance with sub-paragraph (a).”

- (4) In article 12 (award on ill-health retirement) for paragraph (2) substitute—
- “(2) Every firefighter member to whom this article applies and who satisfies—
- (a) in the case of a firefighter member other than a special firefighter member, an eligibility condition;
  - (b) in the case of a special firefighter member, one of the special eligibility conditions, is entitled, on retiring, to a lower tier ill-health pension calculated in accordance with paragraph 1 of Schedule 1 to this Scheme.”
- (5) After article 12 insert—

**“Retrospective award on ill-health retirement**

12A.—(1) This article applies to a person who elects to join this Scheme as a special deferred member or a special pensioner member and who had been dismissed on the grounds of ill-health or had retired from employment as a retained firefighter before 6th April 2006.

(2) A person to whom this article applies may apply to the Board to be assessed by a qualified medical practitioner selected by it to determine whether he was permanently incapable of performing the duties of a firefighter on the date on which he was dismissed on the grounds of ill-health or retired and whether he has become capable of performing those duties since that date.

(3) An application under paragraph (2) shall be made during the period of three months beginning with the day on which the notice was served by the Board under article 65A(13) (purchase of service during the limited period) of Part 11.

(4) The Board shall obtain a written opinion from a qualified medical practitioner on whether the person was at the date of his dismissal or retirement permanently incapable of performing the duties of a firefighter and if so, whether he has become capable of performing those duties since that date.

(5) The Board shall determine whether the person is entitled to a retrospective award for ill-health retirement on the basis of the written opinion of the qualified medical practitioner and may only determine that a person is entitled to an award where the qualified medical practitioner gives an opinion that the person was permanently incapable of performing the duties of a firefighter on the date of his dismissal or retirement and has not become capable of performing those duties since that date.

(6) A qualified medical practitioner's opinion under paragraph (4) shall be binding on the Board unless it is superseded by his response under article 46 (determinations and decisions of the Board) of Part 8 (determination of questions and appeals) or the outcome of an appeal under article 47 (appeal against opinion on a medical issue) of Part 8.

(7) If—

- (a) the person concerned wilfully or negligently fails to submit himself to medical examination by the qualified medical practitioner selected by the Board, and
- (b) the qualified medical practitioner is unable to give an opinion on the basis of the medical evidence available to him,

the Board may make a decision on the issue on such other medical evidence as it thinks fit, or without medical evidence.

(8) If the Board determines that the person is entitled to a retrospective award following ill-health retirement, it shall give written notice to him within 14 days beginning with the date of its determination together with a copy of the qualified medical practitioner's opinion.

(9) Where the Board does not determine that the person is entitled as mentioned in paragraph (8) to a retrospective award following ill-health retirement, it shall—

- (a) give written notice to him within 14 days beginning with the date of its determination;
- (b) provide him with a copy of the qualified medical practitioner's opinion; and inform him that he can apply for a review of that opinion under article 46 (determinations and decisions of the Board) or appeal against that decision under article 47 (appeals against opinion on a medical issue) of part 8 (determination of questions and appeals).

(10) Where a person has satisfied one of the special eligibility conditions and the Board has determined that he is entitled to a retrospective award following ill-health retirement, the Board shall pay to him a lump sum equal to the value, together with interest, of the payments of higher tier ill-health pension ("past pension payments") he would have received up to the date of payment of the lump sum if at the date of his dismissal or retirement he had been a member of this Scheme who had made contributions equivalent to his contributions under article 66A Part 11 and shall thereafter pay him a higher tier ill-health pension.

(11) The interest payable in accordance with paragraph (10) is payable as follows—

- (a) for the purposes of calculating interest under this paragraph it shall be assumed that the past pension payments were payable from the date that the member would have first received payment of higher tier ill-health pension if, at the date of his dismissal or retirement, he had been a member of this Scheme;
- (b) interest starts to accrue from the date that the first past pension payment would have been made in accordance with sub-paragraph (a) and ceases to accrue on the date of payment of the lump sum in accordance with paragraph (10);
- (c) interest shall be calculated by applying the past interest rate to the past pension payment compounded monthly between the month each past pension payment would have been made in accordance with sub-paragraph (a) until the date of payment of the lump sum,

and for the purposes of this article "past interest rate" is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period when the past pension payment in question would have been made in accordance with sub-paragraph (a).

- (12) A member of this Scheme entitled to a retrospective award under this article is not entitled to an ordinary pension or a special member's ordinary pension in respect of the same special pensionable service.”.
- (6) In article 13 (deferred pension)—
- (a) in paragraph (1) for “This article applies” substitute “Subject to paragraph (7), this article applies”;
- (b) after paragraph (6) add—
- “(7) In the case of a firefighter member who is a special firefighter member, paragraph (1) shall apply with the substitution, in paragraph (a), of “one of the special eligibility conditions” for “an eligibility condition” and with the substitution in paragraph (3) of “45” for “60” and “special pensionable service” for “pensionable service”.”.
- (7) In paragraph (1) of article 15 (pension on member-initiated early retirement), after “firefighter member”, insert “other than a special firefighter member”.
- (8) In article 16 (pension on Board-initiated early retirement) after paragraph (2) add—
- “(3) This article does not apply to a firefighter member who is a special firefighter member.”.
- (9) In article 17 (entitlement to two pensions)—
- (a) in paragraph (1) for “Subject to paragraph (6)” substitute “Subject to paragraphs (6) and (9)”;
- (b) after paragraph (8), add—
- “(9) In the case of a special member, this article applies with the substitution of “45” for “60” in paragraphs (3), (4) and (7), with the substitution of “special pensionable service” for “pensionable service” wherever it occurs and with the substitution of (11A) for “11” in paragraph (5).”;
- (10) In article 17B (additional pension benefit), in paragraph (2), after “Scheme Actuary” add “and separate guidance and tables shall be provided for special members”.
- (11) In article 19 (commutation: general)—
- (a) in paragraph (2) for “The lump sum” substitute “Subject to paragraph (2A), the lump sum”;
- (b) after paragraph (2), insert—
- “(2A) In the case of a pension payable in respect of a special pensioner member the lump sum shall be calculated by multiplying the amount of the person's pension represented by the commuted portion at retirement by the factor specified in the table in Schedule ZA by reference to his age.”;
- (c) in paragraph (4) for “The commuted portion” substitute “Subject to paragraph (4A), the commuted portion”;
- (d) after paragraph (4) insert—
- “(4A) In the case of a special member, the commuted portion must not exceed—
- (a) the amount calculated in accordance with paragraph (4); and
- (b) the maximum amount which would enable a lump sum to be paid to the member without incurring a scheme chargeable payment,
- whichever is lower.”;
- (e) after paragraph (8), insert—
- “(8ZA) In relation to a pension payable to a person who joins this Scheme as a special pensioner member, paragraphs (6) and (7) have effect as if references to the day

of retirement and the effective date were references to the date on which the pension comes into payment.”;

(f) after paragraph (8C), insert—

“(8D) Where paragraph (8B) applies and the person entitled to that other pension is a special pensioner member, paragraph (8B) shall apply with the substitution of “special pensionable service” for “pensionable service”.”.

#### **Amendment of Part 4 (survivors’ pension)**

4.—(1) Part 4 is amended as follows.

(2) In paragraph (1) of article 23 (pensions for surviving spouses, civil partners and nominated partners)—

(a) in sub-paragraph (a) after “member” insert “, other than a special firefighter member,”;

(b) after sub-paragraph (a) insert—

“(aa) a special firefighter member who satisfies one of the special eligibility conditions and dies while employed by the Board; or”

(c) in paragraph (1)(b)(iii) after “articles 11”, insert “11A,” and after “12” insert “12A,”.

(3) In article 24 (amount of survivor’s pension: general) after paragraph (3) insert—

“(4) In the case of a firefighter member who is a special firefighter member, this article applies with the substitution in paragraph (1)(a) of “one of the special eligibility conditions” for “an eligibility condition”.”.

(4) In article 25 (amount of survivor’s pension: special cases)—

(a) in paragraph (1) for “for each year by which the survivor’s age exceeds, by more than twelve years, that of the deceased” substitute “for each year by which the deceased’s age exceeds, by more than twelve years, that of the survivor”;

(b) in paragraph (3) after “condition” insert “or, in the case of a special member, satisfies a special eligibility condition”.

(5) In article 28 (child’s pension) in sub-paragraph (a), after “eligibility conditions” insert “or, in the case of a special member, satisfies a special eligibility condition”.

#### **Amendment of Part 5 (awards on death)**

5.—(1) Part 5 is amended as follows.

(2) In article 35 (death grant)—

(a) in paragraph (2), after “paragraphs”, for “(3)” substitute “(2A)”;

(b) after paragraph (2) insert—

“(2A) In the case of a firefighter member who is a special firefighter member, paragraph (2) shall apply with the substitution of “twice” for “three times”.”;

(c) in paragraph (3)—

(i) for “Where” substitute “Subject to paragraph (3A), where”; and

(ii) in sub-paragraph (c), for “the product of the following formula is greater than three times that of” substitute “the product of the following formula is an amount greater than three times”;

(d) after paragraph (3) insert—

“(3A) In the case of a firefighter member who was a special firefighter member, paragraph (3) shall apply with the substitution of “twice” for “three times”, of “2” for

- “3” and “special pensionable service” for “pensionable service” where appropriate in the formula.”;
- (e) in paragraph (4) for “Where the deceased” substitute “Subject to paragraph (4A), where the deceased”;
- (f) after paragraph (4) insert—
- “(4A) In the case of a firefighter member who was a special firefighter member, paragraph (4) shall apply with the substitution in sub-paragraph (a) of “twice” for “three times”, of “2” for “3” and “special pensionable service” for “pensionable service” where appropriate in the formula.”;
- (g) in paragraph (5) for “Where the deceased” substitute “Subject to paragraph (5A), where the deceased ”;
- (h) after paragraph (5) insert—
- “(5A) In the case of a firefighter member who was a special firefighter member, paragraph (5) shall apply with the substitution, in sub-paragraph (b)(i), of “twice” for “three times” and with the modifications to paragraphs (3) and (4) applied by paragraphs (3A) and (4A).”.
- (3) After article 35 (death grant) insert—

**“Death grant for limited period**

- 35A.—(1) This article applies where a person—
- (a) was employed as a retained firefighter on or after 1st July 2000; and
- (b) continued in such employment until he died before 6th April 2006.
- (2) Where the deceased was married, or a member of a civil partnership, at the time of his death, his spouse or civil partner may apply in writing to the Board for a death grant and any such application shall be made during the period ending on 31st March 2015.
- (3) Subject to paragraph (4), where the deceased was not married, or a member of a civil partnership, at the time of his death or where his spouse or civil partner has died since his death, a child of the deceased may apply in writing to the Board for a death grant and any such application shall be made during the period ending on 31st March 2015.
- (4) A person shall not be eligible for a child’s death grant under this article if he would not have been eligible for a child’s pension by virtue of anything in article 29 of Part 4 at the time of the death of the deceased.
- (5) The Board shall request from the person making the application under paragraph (2) or (3) such information required to enable the Board to determine the deceased’s pensionable pay, or, where no information is provided, the Board shall determine the amount of pensionable pay from its records.
- (6) The amount of the death grant shall be equal to the product of 2.5 and the amount of pensionable pay which the Board determine the deceased received in his last year of service.
- (7) Where the Board determines that a death grant is payable, the Board shall pay the death grant during the period of three months beginning with the date on which the application for a death grant was received.
- (8) Subject to paragraph (9) the Board may pay the death grant, in whole or in part, to such person, or persons as it thinks fit.
- (9) The Board must not pay any part of the death grant to a person who is convicted of the murder or manslaughter of the deceased, but this is subject to paragraph (10).

(10) Where a conviction of the description mentioned in paragraph (9) is quashed on appeal, the Board may, if it has not then paid the death grant in full, pay all or part of it to the person whose conviction is quashed.

(11) Where this article applies, there is no entitlement to a death grant under article 35 (death grant) or a post-retirement death grant under article 36 or to a survivor's pension or a bereavement pension or a child's pension under Part 4 (survivors' pensions)."

(4) In paragraph (2) of article 36 (post-retirement death grant), for "Paragraphs (9) to (12)" substitute "Paragraphs (10) to (12)".

#### **Amendment of Part 6 (pension sharing on divorce)**

6.—(1) Part 6 is amended as follows.

(2) In article 37 (pension credit member's entitlement to pension) in paragraph (1)(a) after "65", insert "or the age of 60 where the pension debit member is a special member."

(3) In article 39 (commutation of part of pension credit benefits)—

(a) in paragraph (7) for "When a person's notice" substitute "Subject to paragraphs (7A) to (7C), when a person's notice";

(b) after paragraph (7) insert—

"(7A) Where the pension debit member in relation to the pension to be commuted under paragraph (1) is a special member, the lump sum shall be calculated under paragraph (7B and 7C) and sub-paragraph (b) of paragraph (7) shall not apply.

(7B) Subject to paragraph (7C), the lump sum shall be calculated by multiplying the amount of the person's pension represented by the commuted portion at the time when the pension becomes payable under article 37 by the factor specified in the table in Schedule ZA by reference to his age at that time.

(7C) A lump sum payable under paragraph (7B) shall be reduced to the extent necessary to prevent the payment of it resulting in a scheme chargeable payment."

#### **Amendment of Part 9 (review, withdrawal and forfeiture of awards)**

7.—(1) Part 9 is amended as follows.

(2) In article 53 (withdrawal of early payment of deferred pension) after "65" insert "or the age of 60 in the case of a special member".

#### **Amendment of Part 10 (qualifying service and pensionable service)**

8.—(1) Part 10 is amended as follows.

(2) In article 55 (qualifying service)—

(a) after sub-paragraph (g) add—

"(h) any period of service during the limited period in respect of which the person has paid the mandatory special period pension contributions; and

(i) any period of service as a retained firefighter before 1st July 2000 which, if it had been a period of service during the limited period in relation to which mandatory special period pension contributions had been paid, would have been qualifying service in accordance with sub-paragraph (h)."

(3) In paragraph (1) of article 56 (reckoning of pensionable service)—

(a) for "Subject to paragraph (5)" substitute "Subject to paragraph (5) and article 56A";

(b) after sub-paragraph (f) add—

“(g) any period of service treated as accrued in accordance with article 84A of Part 12.”.

(4) After article 56 (reckoning of pensionable service), insert—

**“Reckoning of special pensionable service**

56A.—(1) Subject to paragraph (6), for the purposes of this Scheme, the special pensionable service of a special member accrues as special pension contributions or mandatory special period pension contributions are paid, and consists of—

- (a) any period in respect of which he has paid special pension contributions as a special firefighter member;
- (b) subject to paragraph (4), any period during the limited period which he is entitled to reckon as special pensionable service under article 66A (election to purchase service during the limited period) of Part 11;
- (c) any period which he is entitled to reckon as special pensionable service under article 59 (reckoning of maternity, paternity and adoption leave, etc) of this Part or articles 65 and 66 to 69 of Part 11;
- (d) any period of special pensionable service taken into account for the purposes of a lower tier ill-health award under article 12 of Part 3 where—
  - (i) the award is cancelled under article 50 of Part 9; and
  - (ii) he remains a member of this Scheme;
- (e) where the special member has transferred-in pensionable service from another pension scheme, the period of special pensionable service calculated in accordance with article 81(1) (calculation of transferred-in pensionable service ) of Part 12;
- (f) where the person was a member of the Firefighters’ Pension Scheme(7), and the period of service used for determining his eligibility to an award under that Scheme, was transferred to his special membership of this Scheme under article 81A of Chapter 3A of Part 12, that period of service;
- (g) where the person was a standard member of this Scheme and converted the pensionable service accrued as a standard member of this Scheme to his membership of this Scheme as a special member, the special pensionable service that person is treated as having accrued under article 84B or 84C of Part 12;
- (h) where a member has two pensions with special pensionable service in relation to the second pension under article 17 of Part 3 (entitlement to two pensions), the period of special pensionable service taken into account in calculating the first pension under that article;
- (i) any period of absence without pay in respect of which he has paid special pension contributions in accordance with article 58 of Part 10.

(2) Subject to paragraph (3), the special pensionable service of a special member may not exceed 30 years.

(3) A special firefighter member may not buy additional service, except service during the limited period, if that service would increase his special pensionable service to more than 30 years by normal retirement age.

(4) Any additional period of service purchased or in the process of being purchased under Part 11 is reckonable as special pensionable service where the appropriate special pension contributions are paid; but where only a portion of the special pension contributions payable

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(7) See Annex to [SR 2007 No 144](#).

in respect of a period of additional service have been paid, only the equivalent portion of the period is reckonable as special pensionable service.

(5) Subject to paragraph (6), an additional period of service purchased under Part 11 is to be taken into account for the purposes of determining—

(a) the amount of pension payable to the special firefighter member or to his survivors; and

(b) the amount of service a special firefighter member has or may accrue in the Scheme.

(6) An additional period of service purchased under article 65 of Part 11 is not to be taken into account in assessing—

(a) the amount of the higher tier ill-health pension included in a higher tier ill-health award under Part 3; or

(b) the amount of a death grant under article 35 of Part 5.

(7) Subject to article 84C of Part 12 (converting membership from standard membership to special membership – special pension members), a period of service which is reckonable as special pensionable service is not reckonable as pensionable service under article 56 of Part 10.”.

(5) In article 57 (non-reckonable service) after “not reckonable as pensionable service”, insert “or as special pensionable service”.

(6) In article 58 (reckoning of unpaid period of absence) after “reckon as pensionable service” insert “or as special pensionable service”.

(7) In article 59 (reckoning of maternity, paternity and adoption leave, etc) after paragraph (3) add—

“(4) If the firefighter member was a special firefighter member immediately before any period which he is entitled to reckon under this article, he is entitled to reckon that period as special pensionable service.”.

(8) In article 60 (calculation of pensionable service) after paragraph (6) add—

“(7) Where the firefighter member is a special firefighter member, this article shall apply with the substitution of “special pensionable service” for “pensionable service” and with the substitution of “article 56A(2) and (3)” for “article 56(2) and (3)”.”.

### **Amendment of Part 11 (pensionable pay, pension contributions and purchase of additional service)**

9.—(1) Part 11 is amended as follows.

(2) In article 62 (final pensionable pay) after paragraph (8) add—

“(9) In the case of a special member, paragraph (2)(b) applies with the substitution of “special pensionable service” for “pensionable service”.

(10) In the case of a person who joined this Scheme as a special deferred member or a special pensioner member, his final pensionable pay shall be the amount determined by the Board and set out in the notice given by the Board under article 65A(13) of this Part.”.

(3) In article 63 (pension contributions)—

(a) in paragraph (1), for “A firefighter member” substitute “Subject to paragraph (1A), a firefighter member”;

(b) after paragraph (1) insert—

“(1A) A firefighter member who is a special member shall pay pension contributions to the Board at the rate of 11% of his pensionable pay in respect of a period ending on



31st March 2012 and in respect of any period commencing on or after 1st April 2012, at the percentage rate of his pensionable pay for the period in question specified in the Table in Schedule AB1.”;

- (c) in paragraph (2), after “paragraph (1)” insert “or (1A)”.
- (4) In article 64 (optional pension contributions during maternity and adoption leave)—
  - (a) in paragraph (1)(a) for “article 62” substitute “article 56, or as special pensionable service under article 56A”;
  - (b) in paragraph (5) after “pensionable service” insert “or as special pensionable service”.
- (5) In article 65 (purchase of additional service) after paragraph (6) add—
  - “(7) In the case of a special firefighter member—
    - (a) this article applies—
      - (i) in paragraph (2)(c) with the substitution of “30 years special pensionable service” for “40 years’ pensionable service”;
      - (ii) in paragraph (3) with the substitution of “special pensionable service” for “pensionable service” and “30 years” for “40 years”;
    - (b) in relation to paragraph (4)(a) the Scheme Actuary shall provide different tables for special members and in paragraph (4)(b) the determination by the Scheme Actuary shall take account of the purchase being made by a special member.”.
- (6) After article 65 insert—

**“Purchase of service during the limited period**

65A.—(1) A person member who satisfies the conditions specified in paragraph (2) may, in accordance with the following provisions of this Chapter, elect to pay pension contributions in respect of his service during the limited period.

- (2) The conditions are that—
  - (a) the person is entitled to join this Scheme as a special member;
  - (b) the service is—
    - (i) as a retained firefighter; or
    - (ii) as a regular firefighter where he took up employment after 5th April 2006 as a regular firefighter immediately after the termination of his employment as a retained firefighter; or
    - (iii) with the agreement of the Board, as a regular firefighter, but not as a retained firefighter, where he had been employed by the Board as a retained firefighter and then required by the Board after 5th April 2006 to remain in employment as a retained firefighter whilst taking up employment as a regular firefighter.
- (3) Where paragraph (1) applies—
  - (a) subject to article 66A(11) of this Part, mandatory special period pension contributions shall be paid in respect of the person’s service during the mandatory special period; and
  - (b) mandatory special period pension contributions shall be paid for the period required by article 66A(12) of this Part, where a person has elected to transfer his accrued rights in the Firefighters’ Pension Scheme to his special membership,

but the period of service referred to in sub-paragraph (a) or (b) does not, subject to articles 81A or 84C of Part 12, include any period of service in respect of which he paid pension

contributions under the Firefighters' Pension Scheme or under this Scheme as a standard member.

(4) Within two months of 20 June 2014, the Board shall use reasonable endeavours to notify all those existing employees and former employees who may be entitled to join this Scheme as a special member that they may be so entitled.

(5) Within two months of receiving the notification in paragraph (4), or if no notification has been received, within three months of 20 June 2014, a person may apply to the Board falling within paragraph (2) for a statement of the service in respect of which he may become entitled to pay contributions under this article and the mandatory special period pension contributions which he would be required to pay in respect of it.

(6) An application under paragraph (5) shall be in writing and shall state—

- (a) the date on which the applicant took up employment as a retained firefighter;
- (b) where he has left that employment, the date on which he left;
- (c) where he took up employment as a regular firefighter, the date on which he took up that employment;
- (d) if he joined this Scheme as a standard member or joined the Firefighters' Pension Scheme, the date on which he joined the Scheme and, if it was the case, the date on which he made an election not to pay pension contributions under article 8 of this Scheme or under article 59 of the Firefighters' Pension Scheme (as the case may be).

(7) The Board shall determine the period of the person's service during the limited period from their records.

(8) Where the Board is not able to determine the period of the person's service during the limited period from its records, the person may provide the Board with documents to assist it to determine the person's period of service during the limited period and the Board shall determine the period of the person's service from those documents.

(9) Where the Board is not able to determine the period of the person's service during the limited period and the Board does not hold records of that person's pay for that period, and the person cannot provide the Board with the necessary documents, the Board may estimate the person's pensionable pay for that period from the records which it holds and may in particular estimate this on the basis of the average of recent pay data for retained firefighters at the same station or stations as that at which the person was based for the relevant period.

(10) Where the Board has estimated the pay of a person in accordance with paragraph (9), the Board shall determine that person's period of pensionable service during the limited period.

(11) Where the service is as a retained firefighter, the Board shall determine the person's retained pensionable service during the limited period by calculating the same proportion of whole-time service as that which his actual pensionable pay or, as the case may be, his pensionable pay as estimated by the Board under paragraph (9), bears to his reference pay for each year of service during that period.

(12) The Board shall calculate the amount of the special pension contributions payable in respect of special pensionable service during the limited period by applying a rate determined by the Scheme Actuary having regard to the rate required by paragraph (1A) of article 63 (pension contributions) for the appropriate period for the person's pensionable pay.

(13) Within three months of receiving an application under paragraph (5), the Board shall give the applicant a notice setting out the period of service during the limited period which he may purchase, the amount of special pension contributions payable in respect of the mandatory special period, the amount of special pension contribution payable in respect of the remainder of his service during the limited period, the pensionable pay and in appropriate cases the final pensionable pay which the Board has determined was paid during the limited period.

(14) Where it is not reasonably practicable to comply with any requirement set out in this article within the period specified, the Board or applicant as the case may be shall comply with that requirement as soon as reasonably practicable after the end of that period”.

(7) In article 66(1) (election to purchase additional service) for “An election” substitute “Subject to article 66A, an election”.

(8) After article 66 insert—

**“Election to purchase service during the limited period**

66A.—(1) A person who intends to join this Scheme as a special pensioner member shall elect to pay mandatory special period pension contributions in respect of his service during the mandatory special period.

(2) A special pensioner member shall pay the mandatory special period pension contributions by way of a lump sum contribution which the special pensioner member may request the Board to deduct from any lump sum which he is entitled under this Scheme—

(a) pursuant to a notice to commute a portion of his pension under article 19 (commutation: general) of Part 3;

(b) under paragraph (8) of article 11A (special member’s ordinary pension) or under paragraph (10) of article 12A (retrospective award on ill-health retirement) of Part 3.

(3) A person who intends to join this Scheme as a special deferred member shall elect to pay mandatory special period pension contributions in respect of his service during the mandatory special period.

(4) The mandatory special period pension contributions may be paid by periodic contributions which shall be calculated in accordance with tables provided by the Scheme Actuary so as to discharge his liability over a period of 10 years or may be paid by way of a lump sum contribution.

(5) A special deferred member shall cease to pay periodic contributions referred to in paragraph (4) on the date on which his special deferred pension becomes payable, and he may then pay within three months of that date a lump sum of an amount equivalent to the contributions which would otherwise be paid calculated in accordance with tables provided by the Scheme Actuary.

(6) Where paragraph (5) applies, a special deferred member may pay all or part of the lump sum required by that paragraph by deduction from any lump sum which he may be entitled to receive pursuant to a notice to commute a portion of his pension under article 19 (commutation: general) or article 20 (commutation: small pensions) of Part 3.

(7) Subject to paragraphs (11) and (12), a person who intends to join this Scheme as a special firefighter member shall elect to pay mandatory special period pension contributions in respect of his service during the mandatory special period.

(8) The mandatory special period pension contributions may be paid by periodic contributions which shall be calculated in accordance with tables provided by the Scheme Actuary so as to discharge his liability over a period of 10 years or may be paid by way of a lump sum contribution.

(9) If a special firefighter member makes a contributions election, or retires, he shall cease to pay periodic contributions and he may then pay within three months of the date of the contributions election a lump sum of an amount equivalent to the contributions which would otherwise be paid calculated in accordance with tables provided by the Scheme Actuary.

(10) Where paragraph (9) applies so that a lump sum may be payable as a result of his retirement, the member may pay all or part of the lump sum required by that paragraph by deduction from any lump sum which he may be entitled to receive pursuant to a notice

to commute a portion of his pension under article 19 (commutation: general) or article 20 (commutation: small pensions) of Part 3.

(11) A special firefighter member who elects under paragraph (5) of article 81A of Part 12 to transfer his accrued rights in the Firefighters' Pension Scheme to his special membership of this Scheme shall pay mandatory special period pension contributions for the period of his service during the mandatory special period from the later of the date on which his pensionable service under the Firefighters' Pension Scheme ended and 1st July 2000.

(12) A special firefighter member who elects under paragraph (5) of article 84A of Part 12 to convert his accrued rights as a special firefighter member to standard membership, shall pay mandatory special period pension contributions for the period of his service during the mandatory special period before 6th April 2006 and from that date shall pay pension contributions as if he had been a standard member until the date on which he joined this Scheme as a standard member.

(13) Interest is payable in respect of the special pension contribution required to be paid in respect of a special member's service during the mandatory special period as follows—

- (a) for the purposes of calculating interest under this paragraph it shall be assumed that in respect of the mandatory special period, pension contributions were payable by monthly periodic contributions from the first pay date following the start of the mandatory special period;
- (b) interest starts to accrue from the date that the first monthly contribution would have been paid in accordance with sub-paragraph (a) and ceases to accrue on the date that the lump sum contribution or final periodic contribution is paid in accordance with paragraphs (2), (4), (5), (8);
- (c) in relation to mandatory special period pension contributions which are paid by lump sum contribution, interest shall be calculated by applying the past interest rate to the contribution payable in accordance with article 63(1A) of Part 11 compounded monthly between the month each contribution would have been made in accordance with sub-paragraph (a) until the calculation date;
- (d) in relation to mandatory special period pension contributions which are paid by periodic contribution—
  - (i) interest shall be calculated as for a lump sum contribution under sub-paragraph (c);
  - (ii) the amount of interest payable shall then be adjusted in accordance with tables provided by the Scheme Actuary so as to allow for interest at the future interest rate in relation to the period from the calculation date to the date that the contribution is paid, so as to discharge liability over a period of ten years;

(e) for the purpose of this article—

“calculation date” means—

- (i) in the case of a lump sum contribution, the date when the lump sum is paid; and
- (ii) in the case of payment of the mandatory special period pension contribution by periodic contribution, the date when the member joined this Scheme as a special member;

“future interest rate” is a rate equivalent to 1.5% plus the FTSE Actuaries UK Gilt 10 years yield index less the average of the FTSE Actuaries UK Index-linked Gilt 5 to 15 years index with assumed inflation rates of 0% and 5%

“past interest rate” is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments

available on the 15th day of each month which would have been applicable to the period in question.

**Election to purchase service during the limited period: supplemental provision**

66B.—(1) Subject to paragraph (12), an election under article 66A shall be made by giving written notice to the Board during the period of three months beginning with the date on which the Board gave notice under article 65A(13).

(2) In preparing the tables required by paragraphs (5) and (9) of article 66A the Scheme Actuary must have regard to the rate of contribution referable to the period in respect of which the contribution relates and must use such other factors as he considers appropriate.

(3) The period of a person’s service referred to in paragraphs (1), (3) or (7) of article 66A shall be that part of the service set out in the Board’s notice to him under article 65A(13) in respect of which he elects to pay mandatory special period pension contributions from a date selected by him before 6th April 2006, or which applies under article 66A(11), and ending on the earlier of the date on which he joined this Scheme as a special member or a standard member and the date, if applicable, on which he was dismissed or retired from employment as a regular or retained firefighter.

(4) Where a person is required under paragraph (2), or has chosen under paragraph (4) or (8) of article 66A, to pay a lump sum contribution and this sum has not been paid within six months of his election under paragraph (1), (4) or (8), or such longer period as the Board may notify in writing to the person, the election under paragraph (1), (4) or (8) as the case may be shall be treated as not having been made.

(5) Where a person has chosen under paragraph (4) or (8) of article 66A to pay periodic contributions—

- (a) where the first contribution has not been paid within three months of his election under paragraph (4) or (8), or such longer period as the Board may notify in writing to the person, the election shall be treated as not having been made;
- (b) where three or more consecutive periodic contributions have not been paid and the amount remains outstanding, the Board shall require, by written notice, the special member to pay the outstanding periodic contributions within a period of 28 days beginning with the date the notice is served on the special member, and to resume the periodical contributions;
- (c) if payment of the outstanding amount is not made within that period, or if a subsequent periodic contribution is not made within 28 days of it being due, the special member shall be treated as having ceased to pay mandatory special period contributions from the date that the last contribution was received and may not resume payment of such contributions.

(6) Subject to paragraphs (8) and (11), where paragraph (5) or (9) of article 66A applies, and the special deferred member or special firefighter member, as the case may be, does not pay the lump sum within the period specified in that paragraph, the period of service purchased shall be treated as if it were the period ascertained in accordance with the formula—

$$A \times (B / C)$$

where—

- A is the number of 45ths of special pensionable service which he elected to purchase,
- B is the period in respect of which mandatory special period pension contributions have been made in accordance with his election, and

C is the period in respect of which mandatory special period pension contributions would have been made in accordance with his election.

- (7) In the case of a firefighter to whom paragraph (11) of article 66A applies—
- (a) his pension contribution as a standard member during the limited period shall be calculated as though these were mandatory special period pension contributions under paragraph (8) of article 66A;
  - (b) where paragraph (9) of article 66A applies, and the special firefighter member does not pay the lump sum within the period specified in that sub-paragraph, the period of service purchased as a standard member shall be treated as if it were the period ascertained in accordance with the formula—

$$A \times (B / C)$$

where—

A is the number of 60ths of pensionable service as a standard member which he elected to purchase,

B is the period in respect of which pension contributions as a standard member have been paid during the limited period, and

C is the period in respect of which mandatory special period pension contributions would have been made in accordance with his election.

(8) Where periodic contributions cease as mentioned in paragraph (5) or (9) of article 66A when a pension becomes payable, the pension shall not be paid until the earlier of the date on which the lump sum mentioned in that paragraph has been paid or the special member has given notice that he will not pay the lump sum or the period mentioned in that paragraph has expired.

(9) Where service is purchased by the payment of periodic contributions under paragraph (4) or (8) of article 66A, the service shall accrue at the end of each year in accordance with the contributions paid.

(10) An election under article 66A—

- (a) takes effect on the day on which the notice of the election is received by the Board; and
- (b) is irrevocable once the lump sum has been paid or, as the case may be, the first periodical contribution has been paid.

(11) Where the special member dies before the mandatory special period pension contributions due in accordance with article 66A have been paid, those contributions shall be treated as paid and service during the mandatory special period shall be special pensionable service.

(12) Where it is not reasonably practicable to comply with the requirement in paragraph (1) within the period specified, the election shall be given by written notice as soon as reasonably practicable after the end of that period but in any event may not take effect after 31st March 2015.”.

(9) In article 67 (duration of periodical contributions and premature cessation)—

- (a) in paragraph (3) after “Where a sub-paragraph of paragraph (2) applies” insert “and the additional service is not special pensionable service”;
- (b) after paragraph (3) insert—

“(3A) Where a sub-paragraph of paragraph (2) applies and the additional service is special pensionable service, paragraph (3) applies with the substitution of the definition of “A” with—

““A” is the number of 45ths of additional special pensionable service which the special member elected to purchase.””

- (c) in paragraph (4)—
  - (i) after sub-paragraph (a) insert—
    - “(aa) where he qualifies for a special member’s ordinary pension, as part of the special pensionable service on which the special member’s ordinary pension is calculated;”
  - (ii) in sub-paragraph (b) after “pensionable service” insert “or special pensionable service;”;
- (d) in paragraph (5) after “pensionable service” insert “or special pensionable service”.
- (10) In article 68 (discontinuance and resumption of periodical contributions)—
  - (a) in paragraph (4) for “The period of additional service” substitute “Subject to paragraph (4A), the period of additional service”;
  - (b) after paragraph (4), insert —
    - “(4A) Where the firefighter member is a special member, in paragraph (4) “A” is the number of 45ths of additional special pensionable service which the special member elected to purchase.”.
- (11) In article 69(1) (periodical contributions in respect of periods of unpaid service or absence) after “pensionable service” insert “or special pensionable service”.
- (12) In article 70 (effect of purchasing additional service by lump sum payment) in paragraphs (1) and (2) after “pensionable service” insert “or special pensionable service”.

#### **Amendment of Part 12 (transfers into and out of the Scheme)**

- 10.—(1) Part 12 is amended as follows.
  - (2) In article 72(3) (entitlement to transfer value payment) after “pensionable service” insert “or special pensionable service”.
  - (3) In article 74(5)(b) (applications for transfer value payments) after “pensionable service” insert “or special pensionable service”.
  - (4) In article 76 (calculating amounts of transfer value payments)—
    - (a) in paragraph (1) after “the guarantee date”, add “and different guidance and tables shall be provided for standard and special members”;
    - (b) in paragraph (4), after sub-paragraph (b) insert—
      - “and
      - (c) any mandatory special period pension contributions.”.
  - (5) In article 78(3) (applications for acceptance of transfer value payment from another scheme) after “pensionable service” add “or as special pensionable service”.
  - (6) In article 79 (procedure for applications under article 78)—
    - (a) in paragraph (1)(c) for “paragraph (2)” substitute “paragraphs (2) to (4)”;
    - (b) in paragraph (2), for “In the case” substitute “Subject to paragraph (4), in the case”;
    - (c) after paragraph (2) add—
      - “(3) Where the application under article 78 is made by a special firefighter member, who was not already a member of this Scheme when he elected to become a special firefighter member, sub-paragraph (c) of paragraph (1) and paragraph (2) shall not apply.

- (4) In the case of a person referred to in paragraph (3) and in the case of a transfer value payment to be made under public sector transfer arrangements, the application under article 78 must be made by that person during the period of twelve months beginning with the day on which the Board gave the applicant the notice required by article 65A(13) of Part 11.”.
- (7) In article 80(2) (acceptance of transfer value payments) after “pensionable service” insert “or special pensionable service”.
- (8) In article 81 (calculation of transferred-in pensionable service)—
- (a) after “pensionable service” insert “or special pensionable service”;
  - (b) after paragraph (4), add—
 

“(4A) The Scheme Actuary shall provide different guidance and tables for the purpose of this article in the case of special members.”.
- (9) After Chapter 3 insert—

“CHAPTER 3A

TRANSFERS TO SPECIAL MEMBERSHIP

**Transfer of accrued rights under the Firefighters’ Pension Scheme to special membership of this Scheme**

81A.—(1) A person who is a deferred member of the Firefighters’ Pension Scheme and took up employment as a retained firefighter immediately after the termination of his employment as a regular firefighter and who is entitled to join this Scheme as a special firefighter member, may apply in writing to the Board for a statement of the amount of service to be treated as accrued if he were to elect to transfer his accrued rights under the Firefighters’ Pension Scheme to his special membership of this Scheme.

(2) Where the application under paragraph (1) is made at the same time as an application under article 65A(5) (purchase of service during the limited period) of Part 11 the Board shall provide a statement of the amount of service to be treated as special pensionable service if the applicant were to elect to transfer his accrued rights under the Firefighters’ Pension Scheme to his special membership of this Scheme at the same time as the Board give the notice under article 65A(13) of Part 11.

(3) Where an application under paragraph (1) is not made at the time specified in paragraph (2), it shall be made during the period of 12 months beginning with the day on which the Board gave the applicant the notice required by article 65A(13).

(4) Where paragraph (3) applies to the application, the Board shall provide a statement of the amount of service to be treated as special pensionable service if the applicant were to elect to transfer his accrued rights under the Firefighters’ Pension Scheme to his special membership of this Scheme within three months of the date of his application.

(5) A person who receives a statement under paragraph (2) or (4) may elect to transfer his accrued rights under the Firefighters’ Pension Scheme to his special membership of this Scheme.

(6) Where the application is made within the time specified in paragraph (2) and the election to transfer his accrued rights in the Firefighters’ Pension Scheme is made at the same time as the election to pay mandatory special period pension contributions under article 66A of Part 11, the period of the applicant’s pensionable service accrued under the Firefighters’ Pension Scheme shall be treated as special pensionable service accrued in this Scheme.

(7) Where the application is made within the period specified in paragraph (3), a transfer value shall be accepted under the public sector transfer arrangements and the period of



special pensionable service which the member shall be entitled to count shall be calculated in accordance with those arrangements.

(8) An election under paragraph (5) shall be made by giving written notice to the Board and shall take effect on the day on which the notice is received by the Board.”.

(10) After Chapter 4 add—

## “CHAPTER 5

### CONVERTING MEMBERSHIP BETWEEN STANDARD AND SPECIAL MEMBERSHIP

#### **Converting membership from special membership to standard membership**

84A.—(1) A person who is entitled to join this Scheme as a special firefighter member and is a standard member of this Scheme in respect of service which he would otherwise be able to reckon as special pensionable service may apply in writing to the Board for a statement of the amount of service to be treated as accrued if he converted his special membership to standard membership of this Scheme.

(2) Any application under paragraph (1) shall be made at the same time as an application under article 65A(5) (purchase of service during the limited period) of Part 11.

(3) At the same time as the Board gives the notice under article 65A(13) of Part 11, the Board shall provide a statement of the additional service to be treated as pensionable service if he converted his special membership to standard membership.

(4) For the purpose of calculating the pensionable service that a person would be treated as having accrued in this Scheme as a standard member on the conversion of his accrued rights as a special firefighter member, the Board shall apply the conversion factors set out in the tables in Schedule 2A applying the factors to the age the person was on 6th April 2006.

(5) Where the applicant elects in writing to convert his special membership to standard membership, the election shall be made at the same time as the election to purchase service during the limited period under paragraph (1), (3) or (7) article 66A and may not be made at any other time.

(6) The Board must not accept a person’s election to convert his membership from special membership to standard membership if the aggregate of—

- (a) his pensionable service treated as accrued; and
- (b) his prospective pensionable service, on the assumption that he continues to be a standard member of this scheme until he reaches normal retirement age,

would exceed 40 years by the time of his 60th birthday.

(7) When the payments required by article 66A(12) of Part 11 have been made—

- (a) the additional pensionable service notified by the Board under paragraph (3) shall be added to his pensionable service as a standard member;
- (b) from the date the Board adds that service, he shall cease to be a special firefighter member.

(8) An election under paragraph (5) shall be made by giving written notice to the Board and shall take effect on the day on which the notice is received by the Board.

#### **Converting membership from standard membership to special membership**

84B.—(1) This article applies—

- (a) to a person who is entitled to join this Scheme as a special firefighter member and who is a standard member of this Scheme;

(b) in respect of pensionable service which he would be entitled to treat as special pensionable service.

(2) A person to whom this article applies may apply to the Board for a statement of the amount of service he would be entitled to treat as special pensionable service if he converted his standard membership to special membership and the amount of the payments required by sub-paragraphs (b) and (c) of paragraph (5).

(3) An application under paragraph (2) shall be made in writing at the same time as an application under article 65A(5) (purchase of service during the limited period) of Part 11.

(4) At the same time as the Board gives the notice under article 65A(13) of Part 11, the Board shall provide—

(a) a statement of the amount of service to be treated as special pensionable service if the applicant were to elect to convert his accrued rights as a standard member to his special membership;

(b) a statement of the amount of the payments required by paragraph (5).

(5) Where the member elects to transfer his accrued rights as a standard member of this Scheme to his special membership—

(a) he may only make his election at the same time as he makes his election to pay mandatory special period pension contributions under article 66A of Part 11;

(b) he shall pay an amount representing the difference between the pension contribution under article 63(1) of Part 11 which he has paid as a standard member and the pension contribution required to be paid as a special member under paragraph (1A) of that article;

(c) he shall pay interest on the amount payable under sub-paragraph (b) in accordance with paragraph (13);

(d) he shall pay those amounts in the same manner in which he chooses to pay mandatory special period pension contributions under article 66A of Part 11.

(6) When the payments required by paragraph (5) have been paid, and subject to paragraph (7), the member's pensionable service as a standard member shall be converted to special pensionable service.

(7) Where a member's pensionable service includes a period ("the transferred in period") which the member is entitled to count as pensionable service in accordance with articles 80 and 81 of this Part, the transferred in period shall be converted to special pensionable service in accordance with guidance and tables provided by the Scheme Actuary for the purposes of this paragraph.

(8) Subject to paragraph (9), where article 66A(3) (election to purchase service during the limited period) of Part 11 applies, and the member does not within the period specified in that paragraph pay a lump sum equivalent to the balance of the payment referred to in paragraph (5)(b), ascertained in accordance with tables provided by the Scheme Actuary, the period of service as a standard member converted to special pensionable service shall be treated as if it were the period ascertained in accordance with the formula—

$$A \times (B/C)$$

where—

A is the period of service as a standard member which he elected to convert,

B is the period of that service in respect of which the payment referred to in paragraph (5) (b) has been paid, and

C is the period of that service in respect of which the payment referred to in paragraph (5)(b) would have been paid in accordance with his election.

(9) Where the special member dies before the payment referred to in paragraph (5)(b) has been made in full, it shall be treated as having been made in full and the period of service as a standard member which he had elected to convert shall be special pensionable service.

(10) This paragraph applies where a special member's pensionable service as a standard member has been converted to special pensionable service in accordance with this article and—

- (a) where the member is required to make the payment referred to in paragraph (5)(b) by lump sum, the lump sum has not been paid within six months of his election under paragraph (5) or such longer period as the Board may notify in writing to the person; or
- (b) where the member is required to make the payment by periodic contribution, three or more consecutive periodic contributions have not been paid and the amount remains outstanding.

(11) Where paragraph (10) applies in the circumstances referred to in paragraph (10)(a)—

- (a) the election to convert shall be treated as having been revoked; and
- (b) any contributions that the member has paid shall be credited against the mandatory special period pension contributions payable by the member.

(12) Where paragraph (10) applies in the circumstances referred to in paragraph (10)(b)—

- (a) the Board shall, by written notice, require the member to pay the outstanding amount within a period of 28 days beginning with the date the notice is served on the member, and to resume the periodical contributions;
- (b) if payment of the outstanding amount is not made within that period, or if a subsequent periodic contribution is not made within 28 days of it being due, the election to convert shall be treated as revoked; and
- (c) any contributions that the member has paid shall be credited against the mandatory special period pension contributions payable by the member.

(13) Interest on the amount referred to in paragraph (5)(b) ("the relevant amount") is calculated as follows—

- (a) for the purposes of this paragraph, it shall be assumed that the pension contributions due under article 63(1A) of Part 11 (pension contributions) were payable at the same time as the contributions which the member paid under article 63(1) of that Part;
- (b) interest starts to accrue on the relevant amount from the beginning of the period of pensionable service which is to be treated as special pensionable service in accordance with this article and ceases to accrue on the calculation date;
- (c) where the relevant amount is to be paid by lump sum, interest shall be calculated by applying the past interest rate to that amount compounded monthly between the month each contribution under article 63(1A) of Part 11 would have been made in accordance with sub-paragraph (a) until the calculation date;
- (d) where the relevant amount is to be paid by periodic contribution—
  - (i) interest shall be calculated as for a lump sum payment under sub-paragraph (c);
  - (ii) the amount of interest payable shall then be adjusted in accordance with tables provided by the Scheme Actuary so as to allow for interest at the future interest rate in relation to the period from the calculation date to the date that the contribution is paid, so as to discharge liability over a period of ten years;
- (e) for the purpose of this article—

“calculation date” means—

- (i) in the case of a lump sum contribution, the date when the lump sum is paid; and
- (ii) in the case of payment of the relevant amount by periodic contribution, the date when the member joined this Scheme as a special member;

“future interest rate” is a rate equivalent to 1.5% plus the FTSE Actuaries UK Gilt 10 years yield index less the average of the FTSE Actuaries UK Index-linked Gilt 5 to 15 years index with assumed inflation rates of 0% and 5%;

“past interest rate” is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period in question.

(14) An election under paragraph (5) shall be made by giving written notice to the Board and shall take effect on the day on which the notice is received by the Board.

#### **Converting membership from standard membership to special membership – special pensioner members**

84C.—(1) This article applies—

- (a) to a person who is entitled to be a special pensioner member and who is in receipt of an ordinary pension, a higher tier ill-health pension or a lower tier ill-health pension;
- (b) in respect of pensionable service which he would be entitled to treat as special pensionable service.

(2) A person to whom this article applies may apply to the Board for a statement of the amount of pensionable service which he would be entitled to treat as special pensionable service and the amount of the payments required by required by sub-paragraphs (b) and (c) of paragraph (5).

(3) An application under paragraph (2) shall be made in writing at the same time as an application under article 65A(5) (purchase of service during the limited period) of Part 11.

(4) At the same time as the Board give the notice under article 65A(13) of Part 11, the Board shall provide—

- (a) a statement of the amount of pensionable service which may be treated as special pensionable service; and
- (b) a statement of the amount of the payments required by paragraph (5).

(5) Where the member elects to have his pensionable service treated as special pensionable service—

- (a) he may only make his election at the same time as he makes his election to pay mandatory special period pension contributions under article 66A of Part 11;
- (b) he shall pay an amount representing the difference between the pension contribution under article 63(1) of Part 11 which he has paid as a standard member and the pension contribution required to be paid as a special member under paragraph (1A) of that article;
- (c) he shall pay interest on the amount payable under sub-paragraph (b) in accordance with paragraph (12);
- (d) he shall pay that amount by lump sum payment.

(6) When the payment required by paragraph (5) has been paid, and subject to paragraph (7)

- (a) the member's pensionable service as a standard member shall be treated as special pensionable service;
- (b) the member shall continue to receive his ordinary or ill-health pension in respect of his pensionable service as a standard member;
- (c) the member shall, in addition, receive his special member's ordinary pension or ill-health pension in respect of his special pensionable service as a special member but the special member's ordinary pension or ill-health pension in respect of his special pensionable service shall be reduced in accordance with tables produced by the Scheme Actuary so that the total amount of pension that the member receives in accordance with sub-paragraphs (b) and this sub-paragraph does not exceed the amount he would have received as a special member if—
  - (i) the had not been an ordinary member of the Scheme; and
  - (ii) all of his service from the start of the mandatory special period to the date that the member's special member's ordinary pension or ill-health pension, as the case may be, becomes payable and which is eligible to be treated as special pensionable service, was treated as special pensionable service.

(7) Where a member's pensionable service includes a period ("the transferred in period") which the member is entitled to count as pensionable service in accordance with articles 80 and 81 of this Part, the transferred in period shall be converted to special pensionable service in accordance with guidance and tables provided by the Scheme Actuary for the purposes of this paragraph.

(8) Subject to paragraph (9), where article 66(5) or (9) (election to purchase service during the limited period) of Part 11 applies, and the member does not within the period specified in that paragraph pay a lump sum equivalent to the balance of the payment referred to in paragraph (5)(b), ascertained in accordance with tables provided by the Scheme Actuary, the period of service as a standard member converted to special pensionable service shall be treated as if it were the period ascertained in accordance with the formula—

$$A \times (B / C)$$

where—

A is the period of service as a standard member which he elected to convert,

B is the period of that service in respect of which the payment referred to in paragraph (5) (b) has been paid, and

C is the period of that service in respect of which the payment referred to in paragraph (5) (b) would have been paid in accordance with his election.

(9) Where the special member dies before the payment referred to in paragraph (5)(b) has been made in full, it shall be treated as having been made in full and the period of service as a standard member which he had elected to convert shall be special pensionable service.

(10) This paragraph applies where—

- (a) a member's pensionable service as a standard member has been converted to special pensionable service in accordance with this article; and
- (b) the lump sum due in respect of the amount payable in accordance with paragraph (5) (b) has not been paid within six months of his election under paragraph (5) or such longer period as the Board may notify in writing to the person.

(11) Where paragraph (10) applies—

- (a) the election to convert shall be treated as having been revoked; and

- (b) any amount that the member has paid in respect of the amount due under paragraph (5)(b) shall be credited against the mandatory special period pension contributions payable by the member.

(12) Interest on the amount referred to in paragraph (5)(b) (“the relevant amount”) is calculated as follows—

- (a) for the purposes of this paragraph, it shall be assumed that the pension contributions due under article 63(1A) of Part 11 (pension contributions) were payable at the same time as the contributions which the member paid under article 63(1) of that Part;
- (b) interest starts to accrue on the relevant amount from the beginning of the period of pensionable service which is to be treated as special pensionable service in accordance with this article and ceases to accrue on the calculation date;
- (c) where the relevant amount is to be paid by lump sum, interest shall be calculated by applying the past interest rate to that amount compounded monthly between the month each contribution under article 63(1A) of Part 11 would have been made in accordance with sub-paragraph (a) until the calculation date;
- (d) where the relevant amount is to be paid by periodic contribution—
  - (i) interest shall be calculated as for a lump sum payment under sub-paragraph (c);
  - (ii) the amount of interest payable shall then be adjusted in accordance with tables provided by the Scheme Actuary so as to allow for interest at the future interest rate in relation to the period from the calculation date to the date that the contribution is paid, so as to discharge liability over a period of ten years;

(e) for the purpose of this article—

“calculation date” means—

- (i) in the case of a lump sum contribution, the date when the lump sum is paid; and
- (ii) in the case of payment of the relevant amount by periodic contribution, the date when the member joined this Scheme as a special member;

“future interest rate” is a rate equivalent to 1.5% plus the FTSE Actuaries UK Gilt 10 years yield index less the average of the FTSE Actuaries UK Index-linked Gilt 5 to 15 years index with assumed inflation rates of 0% and 5%;

“past interest rate” is a rate equivalent to the interest available on the most recent issue of five-year fixed interest savings certificates from National Savings and Investments available on the 15th day of each month which would have been applicable to the period in question.

(13) An election under paragraph (5) shall be made by giving written notice to the Board and shall take effect on the day on which the notice is received by the Board.”.

#### **Amendment of Part 14 (payment of awards)**

11.—(1) Part 14 is amended as follows.

(2) In article 97 (pensions under more than one contract)—

- (a) renumber the existing paragraph as “(1)”; and
- (b) at the end add—

“(2) Where a person is, or is eligible to be, a special member of this Scheme in respect of more than one contract of employment the person may elect to treat those employments as one employment.

(3) An election under paragraph (2) shall be made by giving notice in writing to the Board and shall be given at the same time as the application under article 65A(5) of Part 11.”

**Schedule ZA – commuted portion: special members**

12.—(1) Before Schedule A1 insert—

“Schedule ZA

Part 3, article 19(2A) and Part 6, article 39(7B)

Commuted portion: special members

Years	Age in years and completed months on relevant day											
	0	1	2	3	4	5	6	7	8	9	10	11
Below 50	21.9											
50	21.9	21.9	21.8	21.8	21.8	21.8	21.7	21.7	21.7	21.7	21.7	21.6
51	21.6	21.6	21.6	21.5	21.5	21.5	21.5	21.4	21.4	21.4	21.3	21.3
52	21.3	21.3	21.2	21.2	21.2	21.2	21.1	21.1	21.1	21.1	21.0	21.0
53	21.0	20.9	20.9	20.9	20.9	20.8	20.8	20.8	20.7	20.7	20.7	20.6
54	20.6	20.6	20.6	20.5	20.5	20.5	20.4	20.4	20.4	20.4	20.3	20.3
55	20.3	20.2	20.2	20.2	20.1	20.1	20.1	20.0	20.0	20.0	19.9	19.9
56	19.9	19.8	19.8	19.8	19.7	19.7	19.7	19.6	19.6	19.6	19.5	19.5
57	19.5	19.4	19.4	19.4	19.3	19.3	19.3	19.2	19.2	19.2	19.1	19.1
58	19.1	19.0	19.0	18.9	18.9	18.9	18.8	18.8	18.8	18.7	18.7	18.7
59	18.6	18.6	18.6	18.5	18.5	18.5	18.4	18.4	18.3	18.3	18.3	18.2
60	18.2	18.2	18.1	18.1	18.1	18.0	18.0	17.9	17.9	17.9	17.8	17.8
61	17.8	17.7	17.7	17.7	17.6	17.6	17.5	17.5	17.5	17.4	17.4	17.4
62	17.3	17.3	17.3	17.2	17.2	17.1	17.1	17.1	17.0	17.0	17.0	16.9
63	16.9	16.8	16.8	16.8	16.7	16.7	16.6	16.6	16.6	16.5	16.5	16.5
64	16.4	16.4	16.3	16.3	16.3	16.2	16.2	16.2	16.1	16.1	16.0	16.0
65	16.0”											

**Amendment of Schedule A1 (pension contributions)**

13.—(1) Schedule A1 is amended as follows.

(2) For paragraph 5 substitute—

“(5) Pensionable pay in the first column of the Table below does not include payments made to a firefighter member by the Board in respect of any benefits which are pensionable

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under article 17B(1) of Part 3, but those payments shall be included in his pensionable pay for the purposes of the application of the rate specified in the second column.”

(3) For the Table in paragraph 5 substitute the following Table—

<i>“Pensionable pay</i>	<i>Contribution rate from 1st April 2014</i> <i>(percentage of pensionable pay)</i>
Up to and including £15,000	8.5%
More than £15,000 and up to and including £21,000	9.4%
More than £21,000 and up to and including £30,000	10.4%
More than £30,000 and up to and including £40,000	10.9%
More than £40,000 and up to and including £50,000	11.2%
More than £50,000 and up to and including £60,000	11.3%
More than £60,000 and up to and including £100,000	11.7%
More than £100,000 and up to and including £120,000	12.1%
More than £120,000	12.5%”

#### **Schedule AB1 – pension contributions for special members**

14. After Schedule A1, insert—

“Schedule AB1

Part 11, article 63(1A)

##### **Pension contributions for special members**

1. The rate of the pension contribution mentioned in article 63(1A) of Part 11 is that specified in the Table below by reference to the amount of the pensionable pay of the special firefighter member in the first column of the Table and by reference to the appropriate period.

2. The amount of pensionable pay of a retained firefighter for the purpose of the first column of the Table shall be that firefighter’s reference pay.

3. The amount of pensionable pay of a part-time regular firefighter for the purpose of the first column of the Table shall be the amount of pensionable pay of a whole-time regular firefighter of equivalent role and length of service.

4. Where there has been a permanent material change to the terms and conditions of a firefighter member’s employment which affects his pensionable pay, from the date of that change pensionable pay shall be calculated by reference to the revised amount.

5. In relation to any period before 1st July 2014, pensionable pay in the first column of the Table below does not include any payments made to a special firefighter member by the Board in respect of his continual professional development, but those payments shall be included in his pensionable pay for the purposes of the application of the rate specified in the second or third column, as the case may be.

6. In relation to any period which commences on or after 1st July 2014, pensionable pay in the first column of the Table below does not include any payments made to a special firefighter member by the Board in respect of any benefits which are pensionable under article 17B(1) of Part 3, but those payments shall be included in his pensionable pay for the purposes of the application of the rate specified in the second or third column, as the case may be.



<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2012 to 31st March 2013 (percentage of pensionable pay)</i>	<i>Contribution rate from 1st April 2013 to 31st March 2014 (percentage of pensionable pay)</i>	<i>Contribution rate from 1st April 2014 (percentage of pensionable pay)</i>
Up to and including £15,000	11.0%	11.0%	11.0%
More than £15,000 and up to and including £21,000	11.6%	11.9%	12.2%
More than £21,000 and up to and including £30,000	11.6%	12.9%	14.2%
More than £30,000 and up to and including £40,000	11.7%	13.2%	14.7%
More than £40,000 and up to and including £50,000	11.8%	13.5%	15.2%
More than £50,000 and up to and including £60,000	11.9%	13.7%	15.5%
More than £60,000 and up to and including £100,000	12.2%	14.1%	16.0%
More than £100,000 and up to and including £120,000	12.5%	14.5%	16.5%
More than £120,000	13.0%	15.0%	17.0%”

### **Amendment of Schedule 1 (ill health pensions)**

15. In Schedule 1 after paragraph 3 add—

“4. Where a special deferred member or a special pensioner member is entitled to a retrospective award on ill-health retirement, paragraph 2 shall apply with the substitution of “45” for “60”, “30” for “40” and “special pensionable service” for “pensionable service”.

5.—(1) Where the person entitled to a lower tier ill-health pension or a higher tier ill-health pension is a special member, who is not also a standard member, paragraphs 1 and 2 shall apply with the substitution of “45” for “60”, “30” for “40” and “special pensionable service” for “pensionable service”.

(2) Where a person to whom sub-paragraph (1) of this paragraph applies is a retained firefighter, sub-paragraph (3) of paragraph 1 shall apply with the insertion after “actual annual pensionable pay” of “during his special pensionable service”.

6. In the case of a person who joined this Scheme as a special pensioner member or a special deferred member his final pensionable pay is the amount determined by the Board and set out in the notice given under article 65A(13) of Part 11.”

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**Schedule 2A – converting membership from special membership to standard membership**

16. After Schedule 2 insert the following—

“Schedule 2A

Part 12, article 84A(4)

Converting membership from special membership to standard membership

**Table A**

**Conversion factors for NFPS service**

<i>Age at entry</i>	<i>Age 55 or under</i>	<i>Age 56</i>	<i>Age 57</i>	<i>Age 58</i>	<i>Age 59</i>	<i>Age 60</i>
25 and below	140%	139%	138%	136%	135%	133%
26	138%	139%	138%	136%	135%	133%
27	136%	137%	138%	136%	135%	133%
28	133%	135%	136%	136%	135%	133%
29	130%	132%	133%	134%	135%	133%
30	127%	129%	130%	132%	133%	133%
31	124%	126%	128%	129%	130%	131%
32	120%	123%	125%	126%	127%	129%
33	116%	119%	121%	123%	125%	126%
34	112%	115%	118%	120%	122%	123%
35	107%	111%	114%	116%	118%	120%
36	107%	106%	109%	112%	115%	117%
37	107%	106%	105%	108%	111%	113%
38	107%	106%	105%	103%	106%	109%
39	107%	106%	105%	103%	102%	105%
40 and above	107%	106%	105%	103%	102%	100%

**Table B**

**Conversion factors for NFPS added 60ths**

	<i>Age 55 or under</i>	<i>Age 56</i>	<i>Age 57</i>	<i>Age 58</i>	<i>Age 59</i>	<i>Age 60</i>
	107%	106%	105%	103%	102%	100%”

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007. Some of the amendments make minor corrections to the New Firefighters' Pension Scheme set out in that Annex. Most of the provisions amend the Scheme to provide those persons who were employed in Northern Ireland as retained firefighters during the period from 1st July 2000 to 5th April 2006 inclusive with access to a pension scheme for that period.

The Order has retrospective effect by virtue of article 10(4) of the Fire Services (Northern Ireland) Order 1984 as continued by article 60 of the Fire and Rescue Service (Northern Ireland) Order 2006.

Part 2 of the Scheme (membership, cessation and retirement) is amended to enable eligible retained firefighters to join the Scheme from the date their service began or from 1st July 2000 if later. The normal retirement age and normal benefit age of special members differ from those for ordinary members (*paragraph 2*).

A new article 11A is inserted into Part 3 of the Scheme (personal awards) setting out the conditions for a special member to receive a special member's ordinary pension; new article 12A sets out the conditions for receipt of a retrospective award on ill-health retirement. Other articles in Part 3 are amended so as to apply to special members (*paragraph 3*).

Part 4 of the Scheme (survivors' pensions) is amended so as to apply to special members (*paragraph 4*).

Part 5 of the Scheme (awards on death) is adapted for special members and a new article 35A is inserted providing for death grant for the limited period (*paragraph 5*).

Parts 6 of the Scheme (pension sharing on divorce), 9 (review, withdrawal and forfeiture of awards) and 10 (qualifying service and pensionable service) are amended in respect of special members. A new article 56A is inserted into Part 10 which sets out the periods of service which may be accrued as special pensionable service by special members on payment of the mandatory special period pension contributions or the special pension contributions; (*paragraphs 6, 7 and 8*).

Part 11 of the Scheme (pensionable pay, pension contributions and purchase of additional service) is amended in respect of special members. A new article 65A is inserted which provides for the purchase of service during the limited period and a new article 66A and article 66B are inserted which set out the periods of payment for different types of special member (*paragraph 9*).

Part 12 of the Scheme (transfers into and out of the Scheme) is amended in respect of special members. In particular a new chapter 3A and article 81A are inserted which permit a deferred member of the Firefighters' Pension Scheme who joins this Scheme as a special firefighter member to request a transfer value payment to be made in certain circumstances to his special membership of this Scheme. A new chapter 5 and article 84A are inserted allowing conversion of membership from special membership to standard membership and from standard membership to special membership. A new article 84B is inserted which enables a standard member of this Scheme in respect of service which he would otherwise be able to reckon as special pensionable service, who joins this Scheme as a special firefighter member, to convert his standard membership of this Scheme to his special membership on payment of the additional pension contribution (*paragraph 10*).

A new Schedule ZA is inserted which provides for the calculation of the commuted portion of pensions by special members. A new Schedule AB1 is inserted which provides for the calculation of pension contributions for special members. Schedule 1 is also amended in relation to special members.

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

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The Order also amends Schedule A1 of the Scheme to change the contribution rates payable by ordinary members from 1st April 2014.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen and the impact on the public sector is minimal.