WELSH STATUTORY INSTRUMENTS

# 2007 No. 1073 (W.111)

# FIRE AND RESCUE SERVICES, WALES
# PENSIONS, WALES

## The Firefighters' Compensation Scheme (Wales) Order 2007

| | |
|---|---|
| *Made - - - -* | *28 March 2007* |
| *Coming into force - -* | *29 March 2007* |

The National Assembly for Wales in exercise of the powers conferred upon it by sections 34, 60 and 62 of the Fire and Rescue Services Act 2004(**1**) and having consulted such persons as it considers appropriate in accordance with section 34(5) of that Act hereby makes the following Order:

### Title, commencement, application and interpretation

**1.**—(1) The title of this Order is the Firefighters' Compensation Scheme (Wales) Order 2007 and it comes into force on 29 March 2007; but—

(a) rule 3 of Part 2 of the Compensation Scheme (compensation for death or permanent incapacity while on duty), and so much of that Scheme as relates to that rule, has effect from 1 April 2000; and

(b) the remainder of the Compensation Scheme has effect from 1 April 2006.

(2) This Order applies in relation to Wales.

(3) In this Order—

"the Compensation Scheme" means the Firefighters' Compensation Scheme (Wales) 2007, set out in Schedule 1 to this Order; and

"the Pension Scheme" means the Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992(**2**).

### New compensation scheme for firefighters

**2.**—(1) Subject to articles 3 and 4, the Compensation Scheme (which makes provision for the payment of pensions, allowances and gratuities to and in respect of persons who die or are

(**1**) 2004 c. 21.

(**2**) S.I. 1992/129. The Scheme was made under section 26 of the Fire Services Act 1947 (c. 41). That Act was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c. 21). Subsections (1) to (5) of section 26 were continued in force, for the purposes of the scheme established under that section as the Firemen's Pension Scheme, by the Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 (S.I. 2004/2918). The name of the scheme was changed to the Firefighters' Pension (Wales) Scheme, by article 4(1) of that Order.

permanently disabled as the result of an injury sustained or disease contracted while employed by a fire and rescue authority) has effect; and the corresponding provisions of the Pension Scheme cease to have effect.

(2) Corresponding provisions of the Pension Scheme and the provisions of the Compensation Scheme to which they correspond are set out in Schedule 2 to this Order.

**General transitional provision**

**3.**—(1) Where—

(a) a provision of the Compensation Scheme ("the new provision") re-enacts a provision of the Pension Scheme ("the older provision") with any modification, and

(b) a person to whom a protected benefit was being paid or might become payable is placed in a worse position than he would have been in if the old provision had continued to have effect,

he may, by giving written notice to the fire and rescue authority liable or prospectively liable for payment of the benefit, elect that the new provision is to apply in relation to the benefit as if it had re-enacted the old provision without modification.

(2) Notice under paragraph (1) must be given not later than 28 June 2007.

(3) For the purposes of paragraph (1), a protected benefit is one paid, or capable of becoming payable, to or in respect of a person who, before 1 April 2006, ceased to be a member of the fire and rescue service, or died.

**Transitional provision: decisions and determinations made before 1 April 2006**

**4.**—(1) With the exception of rule 3 of Part 2, the Compensation Scheme does not have effect in relation to a person in respect of whom a determination or decision under the Pension Scheme relevant to whether permanent disablement has been occasioned by a qualifying injury (within the meaning of rule A9 of the Pension Scheme) has been made before 1 April 2006.

(2) In a case to which paragraph (1) applies, the provisions of the Pension Scheme, in the form in which they existed immediately before 1 April 2006, continue to have effect in relation to such a person.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**)

*D. Elis-Thomas*
28 March 2007 — The Presiding Officer of the National Assembly

(**3**) 1998 c. 38.

## SCHEDULE 1

Article 2

The Firefighters' Compensation Scheme (Wales) 2007

## SCHEDULE 2

Article 2(2)

CORRESPONDING PROVISIONS OF THE PENSION SCHEME AND THE COMPENSATION SCHEME

| *(1)*<br>*Corresponding provision of Pension Scheme* | *(2)*<br>*Provision of Compensation Scheme* |
|---|---|
| Rule A9 (qualifying injury) | In Part 1, rule 7 |
| Rule A10 (disablement) | In Part 1, rule 8 |
| Rule A11 (death or infirmity resulting fromInjury | In Part 1, rule 9 |
| Rule B4 (injury award) | In Part 2, rule 1 |
| Rule C2 (spouse’s special award) | In Part 3, rule 1 |
| Rule C3 (spouse’s augmented award) | In Part 3, rule 2 |
| Rule D2 (child’s special allowance) | In Part 4, rule 1 |
| RuleD3 (child’s special gratuity) | In Part 4, rule 2 |
| Rule E2 (adult dependent relative’s specialpension) | In Part 5, rule 1 |
| Rule E8 (increase of pensions and allowances during first 13 weeks) | In Part 5, rule 5 |
| Rule I4 (servicemen who resume service as regular firefighters) | In Part 7, rule 4 |
| Rule J3 (whole-time member of brigade who is not a regular firefighter) | In Part 8, rule 1 |
| Rule J4 (part-time member of brigade) | In Part 8, rule 2 |
| Rule J5 (members of brigade other than regular firefighters — supplementary) | In Part 8, rule 3 |
| Rule K2 (reassessment of injury pension) | In Part 9, rule 2 |
| Rules L4A and L4B (prevention of duplication) | In Part 10, rules 4 and 5 |
| In Schedule 1, Part I, the entry relating to “qualifying injury” | In Part 1, rule 2(1) |
| In Schedule 2, Part V (injury awards) | Schedule 1 |
| In Schedule 3, Part II (spouse’s special pension) | Schedule 2 |
| In Schedule 4, Part II (child’s specialallowance) | Schedule 3 |

| *(1)*<br>*Corresponding provision of Pension Scheme* | *(2)*<br>*Provision of Compensation Scheme* |
|---|---|
| In Schedule 5, Part I ((adult dependentrelative's special pension) | Schedule 4 |
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