WELSH STATUTORY INSTRUMENTS

2007 No. 1072 (W.110)

FIRE AND RESCUE SERVICES, WALES
PENSIONS, WALES

The Firefighters' Pension 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 and application

1.—(1) The title of this Order is the Firefighters' Pension Scheme (Wales) Order 2007.

(2) Subject to paragraph (3), this Order comes into force on 29 March 2007, and has effect from 6 April 2006.

(3) Part 13 of Schedule 1 comes into force on 1 April 2007.

(4) This Order applies in relation to Wales.

New pension scheme for firefighters in Wales

2. The New Firefighters' Pension Scheme (Wales), which is set out in Schedule 1 to this Order, and which makes provision for the payment of pensions and lump sums to and in respect of persons who are or have been employed by Welsh fire and rescue authorities as firefighters (including persons who die while so employed), has effect.

1992 scheme ceasing to have effect in Wales, with savings

3.—(1) Subject to paragraphs (2) and (3), the Firefighters' Pension Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992(**2**) ("the 1992 scheme") does not have effect in relation to a person who takes up employment with a Welsh fire and rescue authority on or after 6 April 2006.

(**1**) 2004 c. 21.
(**2**) S.I. 1992/129. The Scheme was made under section 26 of the Fire Services Act 1947 (c. 41). The 1947 Act was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004, but the Scheme was renamed as Firefighters' Pension (Wales) Scheme and continued in force by articles 3 and 4 of the Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 (S.I. 2004/2918)(W.257).

(2) Paragraph (1) does not apply to a person who—

(a) transfers to the employment of a Welsh fire and rescue authority from employment with a fire and rescue authority in England or Scotland or with the Northern Ireland Fire and Rescue Service Board; and

(b) immediately before 6 April 2006, was a member of the firefighters' pension scheme established by the authority from whose employment the person transfers.

(3) Where at any time in the period beginning on 6 April 2006 and ending on the date on which this Order comes into force, a person becomes a member of the 1992 scheme on taking up employment with a Welsh fire and rescue authority—

(a) on the date on which this Order comes into force—

(i) the 1992 scheme ceases to have effect in relation to that person, subject to the provisions set out in Schedule 2 to this Order (transitional arrangements); and

(ii) the provisions of the New Firefighters' Pension Scheme (Wales) have effect in relation to that person; and

(b) pensionable service that was reckonable service for the purposes of the 1992 scheme is treated as pensionable service reckonable under the New Firefighters' Pension Scheme (Wales).

(4) The 1992 scheme continues to have effect in relation to a person who, immediately before 6 April 2006, was a member of it or was entitled to, or in receipt of, an award under it.

Continuation of schemes for retained firefighters

4.—(1) This article applies where, immediately before the date on which this Order comes into force, a Welsh fire and rescue authority maintain a scheme for the payment of pensions to and in respect of retained firefighters ("the retained scheme").

(2) Subject to paragraph (3), the authority may continue to maintain the retained scheme on and after the date on which this Order comes into force, for the benefit of persons who were members of that scheme before 6 April 2006, as if it were a scheme established under the Fire and Rescue Services Act 2004.

(3) The authority must not —

(a) in respect of a retained firefighter who becomes a member of the New Firefighters' Pension Scheme (Wales), make any contribution to the retained scheme on or after the date on which the firefighter's membership of that Scheme commences, or

(b) use their Firefighters' Pension Fund(**3**) for the making of employer's contributions to the retained scheme.

(4) In this article "retained firefighter" ("*diffoddwr tân wrth gefn*") means a person employed by a fire and rescue authority—

(a) as a firefighter, but not as a regular firefighter, and

(b) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that the person receives.

(**3**) Firefighters' Pensions Funds were established under Part LA of the Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 (S.I. 1992/129). Part LA was inserted by S.I. 2007/1072 (W.110).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**)

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

(**4**) 1998 c. 38.

SCHEDULE 1 Article 2

THE NEW FIREFIGHTERS' PENSION SCHEME (WALES)

CONTENTS

PART 1

TITLE AND INTERPRETATION

1. Title
2. Interpretation
3. Disablement

PART 2

SCHEME MEMBERSHIP, CESSATION AND RETIREMENT

1. Scheme membership
2. Eligibility conditions
3. Normal retirement age and normal benefit age
4. Last day of membership
5. Election not to make pension contributions
6. Rejoining the Scheme

PART 3

PERSONAL AWARDS

1. Ordinary pension
2. Award on ill-health retirement
3. Deferred pension
4. Cancellation of deferred pension
5. Pension on member-initiated early retirement
6. Pension on authority-initiated early retirement
7. Entitlement to two pensions
8. Refund of aggregate pension contributions
9. Commutation: general
10. Commutation: small pensions
11. Allocation of pension
12. Pension debit members

PART 4

SURVIVORS' PENSIONS

CHAPTER 1

SURVIVING SPOUSES, CIVIL PARTNERS AND NOMINATED PARTNERS

1. Pensions for surviving spouses, civil partners and nominated partners
2. Amount of survivor’s pension: general

3. Amount of survivor's pension: special cases
4. Bereavement pension: survivors
5. Commutation of pensions for surviving spouses, civil partners and nominated partners

CHAPTER 2

CHILDREN'S PENSIONS

6. Child's pension
7. Child's pension: limitations and duration
8. Amount of child's pension
9. Bereavement pension: children
10. Pension for child where no survivor's pension paid
11. Child's pension in respect of pension debit member
12. Commutation of child's pension

PART 5

AWARDS ON DEATH

1. Death grant
2. Post-retirement death grant

PART 6

PENSION SHARING ON DIVORCE

1. Pension credit member's entitlement to pension
2. Commutation of whole of pension credit benefits
3. Commutation of part of pension credit benefits
4. Application of general rules
5. Post-retirement death grant: pension credit members

PART 7

RESERVISTS

1. Interpretation of Part 7
2. Continuity of employment
3. Awards on death or permanent disablement
4. Reservists who do not resume employment with their former authority

PART 8

DETERMINATION OF QUESTIONS AND APPEALS

1. Interpretation of Part 8
2. Determinations and decisions by fire and rescue authority
3. Review of medical opinion
4. Appeals against decisions based on medical advice
5. Appeals on other issues