STATUTORY INSTRUMENTS

2015 No. 589

PUBLIC SERVICE PENSIONS, ENGLAND

The Firefighters' Pension Scheme (England) (Transitional and Consequential Provisions) Regulations 2015

Made - - - -	*6th March 2015*
Laid before Parliament	*10th March 2015*
Coming into force - -	*1st April 2015*

The Secretary of State makes these Regulations, in exercise of the powers conferred by sections 1(1) and (2)(**1**), 2(1), 3(1). (2), (3)(a) and (c), (6) and (7), 18(5) and (6), paragraph 6(a) of Schedule 2, Schedule 3 and paragraphs 1(2)(ii), 2(2)(ii) and 5(1) of Schedule 7 to the Public Service Pensions Act 2013(**2**).

In accordance with section 21 of that Act, the Secretary of State has consulted the representatives of such persons as appear to the Secretary of State likely to be affected by these Regulations.

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

Citation and commencement

1.—(1) These Regulations may be cited as the Firefighters' Pension Scheme (England) (Transitional and Consequential Provisions) Regulations 2015.

(2) These Regulations come into force on 1st April 2015.

Amendment of the Firefighters' Pension Scheme (England) Regulations 2014

2. The Firefighters' Pension Scheme (England) Regulations 2014(**3**) which establish the Firefighters' Pension Scheme 2015 shall be amended in accordance with Schedule 1 to these Regulations.

(**1**) See also section 1(3) and Schedule 1.
(**2**) 2013 c. 25.
(**3**) S.I. 2014/2848.

Amendment of the Firefighters' Pension Scheme (England) Order 2006

3. Schedule 1 to the Firefighters' Pension Scheme (England) Order 2006(**4**) (in which the New Firefighters' Pension Scheme (England) is set out) shall be amended in accordance with Schedule 2 to these Regulations.

Amendment of the Firemen's Pension Scheme Order 1992

4. Schedule 2 to the Firemen's Pension Scheme Order 1992(**5**) (in which is set out the Firefighters' Pension Scheme), as it has effect in England, shall be amended in accordance with Schedule 3 to these Regulations.

We consent to the making of these Regulations

David Evennett
John Penrose
Two of the Lords Commissioners of Her Majesty's Treasury

6th March 2015

Signed by authority of the Secretary of State for Communities and Local Government

Penny Mordaunt
Parliamentary Under Secretary of State
Department for Communities and Local Government

6th March 2015

(**4**) S.I. 2006/3432.
(**5**) S.I. 1992/129.

SCHEDULES

SCHEDULE 1

Article 2

Amendments to the 2015 scheme

1. In Part 1 (preliminary) in regulation 3 (interpretation)—

(a) in the appropriate places insert—

""adjusted lower tier ill-health pension" has the meaning given in regulation 66(4) (annual rate of ill-health awards);"

"connected member of the NFPS" has the meaning given in rule 1C of Part 2 of the NFPS;

"connected special member of the NFPS" has the meaning given in rule 1D of Part 2 of the NFPS;

"continued pension" means—

(a) in relation to a member of the NFPS, the entitlement to a pension under rule 1B of Part 3 of the NFPS,

(b) in relation to a member of the 1992 Scheme, the entitlement to a pension under rule B2A of the 1992 Scheme;

"equivalent amount to the NFPS lower tier ill-health pension" has the meaning given in regulation 65(5) (entitlement to lower tier ill-health pension and to higher tier ill-health pension);

"initial period" has the meaning given in regulation 77 (meaning of "initial period");

"pensionable service in the 2015 scheme" means any continuous pensionable service in relation to the active member's account in this scheme to which pensionable service in the 1992 Scheme was added for the purposes of regulation 57 (qualifying service) of these regulations for the period whilst paragraph (7) of rule A3 of the 1992 Scheme continues to apply to that person.";";

(b) in the definition of "retirement pension" after paragraph (b) insert—

"(c) an ill-health award and the payment of any equivalent amount to the 1992 Scheme lower tier ill-health pension (if any) and the payment of any equivalent amount to the NFPS lower tier ill-health pension (if any).".

2. In Part 2 (governance) at the end of paragraph (2) of regulation 4 (scheme manager) insert "in relation to each of the member's pension accounts".

3. In Part 3 (scheme membership) in Chapter 1 (eligibility for active membership) in regulation 6 (scheme employment) for paragraph (3) substitute—

"(3) A person who is a member of the 1992 Scheme or of the NFPS satisfies the requirement in this paragraph."

4. In Part 4 (pension accounts) in Chapter 8 (retirement account) in regulation 51 (account to specify amount of retirement pension (active members))—

(a) after paragraph (3), insert—

"(3A) Where the active member is entitled to an equivalent amount to the 1992 Scheme lower tier ill-health pension or to an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify that amount.".

(b) after paragraph (4), insert—

"(4A) For an equivalent amount to the 1992 Scheme lower tier ill-health pension or an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify any commutation amount.".

5. In Part 5 (retirement benefits) in Chapter 2—

(a) in regulation 59 (annual rate of retirement pension (active members)), after paragraph (2)(b), insert—

"(ba) the sum of—

(i) the equivalent amount to the NFPS lower tier ill-health pension (if any) or the equivalent amount to the 1992 Scheme lower tier ill-health pension (if any) specified in the member's retirement account,

(ii) subtracting the commutation amount (if any) specified in that account in relation to that amount; and";

(b) in regulation 62 (employer initiated retirement) after paragraph (2) insert—

"(3) Where an employer is considering making the determination in paragraph (2) in respect of an active member who is a connected member of the NFPS, or a connected special member of the NFPS, in relation to that active member's pension account, the employer must also consider making a determination under rule 6 (pension on authority initiated early retirement) of Part 3 of the NFPS.";

(c) in regulation 65 (entitlement to lower tier ill-health pension and to higher tier ill-health pension), after paragraph (3) insert—

"(4) Where an active member (A) is entitled to a lower tier ill-health pension and paragraph 22 (transition member who has not reached normal pension age under the NFPS) or paragraph 24 (transition member who has not reached normal pension age under the 1992 Scheme) of Schedule 2 to these Regulations applies in relation to A—

(a) if paragraph 22 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under rule 2(2) of the NFPS, be payable to the member under the NFPS;

(5) In these Regulations—

(a) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (a) of paragraph (4) is referred to as the "equivalent amount to the NFPS lower tier ill-health pension";

(b) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (b) of paragraph (4) is referred to as the "equivalent amount to the 1992 Scheme lower tier ill-health pension".";

(d) in regulation 66 (annual rate of ill-health awards)—

(i) after paragraph (3) insert—

"(3A) In the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension, the adjusted lower tier ill-health pension includes the adjusted equivalent amount.";

(ii) after the definition of "the adjusted lower tier ill-health pension" insert—

""the adjusted equivalent amount" means—

(a) in the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension, that amount calculated—

(i) excluding from the calculation the amount of any additional period of service purchased under Part 11 of the NFPS, and

(ii) without the deduction of any commuted portion;

(b) in the case of a member who is entitled to the equivalent amount to the 1992 Scheme lower tier ill-health pension, that amount calculated without the deduction of any commuted portion.";

(e) in regulation 69 (consequences of review) after paragraph (6) insert—

"(6A) Where L is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension, paragraphs (3) and (5) apply as if the reference to "lower tier ill-health pension" included an equivalent amount to the NFPS lower tier ill-health pension or an equivalent amount to the 1992 Scheme lower tier ill-health pension, as the case may be.";

(f) after regulation 71 (option to commute part of pension), insert—

"**Option to commute part of an equivalent amount**

71A.—(1) A member who becomes entitled to the immediate payment of an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension may opt under this regulation to exchange part of the pension for a lump sum.

(2) The option may only be exercised—

(a) by written notice to the scheme manager which sets out the amount to be commuted; and

(b) before the first payment of the equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the 1992 Scheme lower tier ill-health pension is made.

(3) Where the person is entitled to the immediate payment of an equivalent amount to the NFPS lower tier ill-health pension and exercises the option to commute under this rule, the lump sum is calculated—

(a) in the case of a person who is a connected member of the NFPS in accordance with paragraphs (2) and (4) of rule 9 (commutation : general) of Part 3 of the NFPS, and

(b) in the case of a person who is a connected special member of the NFPS in accordance with paragraphs (2A), (4) and (4A) of rule 9 of Part 3 of that Scheme.".

6. In Part 6 (death benefits)—

(a) in Chapter 1 (interpretation) in regulation 77 (meaning of "initial period") for "For the purposes of this Part" substitute "For the purposes of these Regulations";

(b) in Chapter 2 (pensions for surviving partners)—

(i) in paragraph (3) of regulation 78 (surviving partner's pension payable on death of active member) for "Subject to regulation 82 (reduction in pensions in cases of wide age disparity)" substitute "Subject to paragraph (4) and regulation 82 (reduction of pensions in cases of wide age disparity)";