STATUTORY RULES OF NORTHERN IRELAND

2015 No. 422

FIRE AND RESCUE SERVICES

PENSIONS

The Firefighters' Compensation Scheme (Amendment) (No. 2) and the New Firefighters' Pension Scheme (Amendment) (No. 4) Order (Northern Ireland) 2015

Made - - - -	*17th December 2015*
Coming into operation	*18th January 2016*

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 Firefighters' Compensation Scheme (Amendment) (No. 2) and the New Firefighters' Pension Scheme (Amendment) (No. 4) Order (Northern Ireland) 2015.

(2) Subject to paragraph (3) this Order comes into operation on 18th January 2016 and has effect from 31st March 2015.

(3) The amendments made by the following provisions have effect from on 1st April 2015—

(a) article 2 and Schedule 1; and

(b) paragraphs 1(1), 2(1) and (3), 3(1), (2) and (3), 4 and 5 of Schedule 2 and article 3 so far as it relates to those paragraphs.

Amendment of the Firefighters' Compensation Scheme Order (Northern Ireland) 2007

2. The Annex to the Firefighters' Compensation Scheme Order (Northern Ireland) 2007(**3**) is amended in accordance with Schedule 1.

(**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**) S.R. 2007 No. 143 amended by S.R. 2008 No. 238 and S.R. 2015 No. 7.

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

3. The Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007(**4**) is amended in accordance with Schedule 2.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 17th December 2015.

L.S.

Julie Thompson
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 17th December 2015.

L.S.

Emer Morelli
A senior officer of the
Department of Finance and Personnel

(**4**) S.R. 2007 No. 215, amended by S.R. 2008 No. 381, S.R. 2012 No. 162, S.R. 2013 No. 84 and No. 172, S.R. 2014 No. 57 and No. 168, S.R. 2015 No. 9 and No. 10. T&C amendment to be included if brought in before this amendment

SCHEDULE 1 Article 2

Amendment of the Firefighters' Compensation Scheme Order (Northern Ireland) 2007

Amendments to Part 1 (general provisions)

1.—(1) Part 1 is amended as follows.

(2) In rule 2(1) (interpretation)—

(a) after the definition of "the 2006 Order", insert—

""the 2015 Regulations" means the Firefighters' Pension Scheme Regulations (Northern Ireland) 2015(**5**);

"the 2015 Scheme" means the Firefighters' Pension Scheme 2015 set out in the 2015 Regulations;";

(b) after the definition of "the New Firefighters' Pension Scheme", insert—

""active member of the 2015 Scheme" has the meaning given in regulation 28 (active membership) of the 2015 Regulations;

"active member's account" means the account established under regulation 40 (establishment of active member's account) of the 2015 Regulations;";

(c) after the definitions of "disabled", "disablement" and "permanent disablement", insert—

""eligible child's pension" has the meaning given in regulation 92 (eligible child's pension) of the 2015 Regulations;

"final pay" has the meaning given in regulation 101 (meaning of "final pay") of the 2015 Regulations;";

(d) after the definition of "injury", insert—

""member of the 2015 Scheme" has the same meaning as "member" in regulation 3 (interpretation) of the 2015 Regulations;";

(e) for the definition of "normal pension age", substitute—

""normal pension age" in relation to employees of the Board appointed on terms under which they are or may be required to engage in firefighting—

(a) in relation to the Firefighters' Pension Scheme means 55;

(b) in relation to the New Firefighters' Pension Scheme means 60;

(c) in relation to the 2015 Scheme means 55;";

(f) in the definitions of "pensionable pay", for sub-paragraph (c), substitute—

"(c) in relation to a person who is a member of the 2015 Scheme, shall be construed in accordance with regulation 26 (pensionable pay) of the 2015 Regulations;

(d) in the case of a person who is not a member of any of these schemes, shall be construed in accordance with rule 11(**6**) of this Part;";

(g) in the definition of "pensionable service", at the end, insert—

"(c) in relation to the 2015 Scheme, means the continuous period of pensionable service, in relation to an active member's account for the scheme employment in respect of which the award under this scheme is payable and any of the

(**5**) S.R. 2015 No. 78.

(**6**) Rule 11 of Part 1 was inserted by S.R. 2015 No. 7.

following types of service that have been added to, or transferred to, that account—

(i) if applicable, any periods of pensionable service in relation to the Firefighters' Pension Scheme or the New Firefighters' Pension Scheme that relates to the person's employment which is the same as, or most similar to, the employment in respect of which the award is payable;

(ii) if applicable, any periods of pensionable service relating to any transfer value payments accepted under Part 10 (transfers) of the 2015 Regulations in respect of the person's accrued rights under another occupational pension scheme;

(iii) if applicable, any periods of service relating to any pension account entries transferred in accordance with regulation 157 (transfer of pension account entries) of the 2015 Regulations; and

(iv) if applicable, any periods of service relating to an added pension account established under regulation 47 (establishment of added pension account) of the 2015 Regulations relating to the member's scheme employment in respect of which the award is payable, such periods of service are to be calculated in accordance with such guidance as is provided for the purpose by the Government Actuary.";

(h) for the definition of "relevant service", substitute—

""relevant service", except in rule 1 of Part 7 (servicemen) and rule 1 of Part 7A(**7**) (reservists), means service which either was, or would have been, reckonable as pensionable service but for—

(a) an election under article 59 of the Firefighters' Pension Scheme;

(b) an election under article 8 of Part 2 of the New Firefighters' Pension Scheme;

(c) the exercise of an option not to become an active member of the 2015 Scheme in accordance with Chapter 2 (pensionable service) of Part 3 of the 2015 Regulations;

(d) a failure to elect under—

(i) article 58 of the Firefighters' Pension Scheme;

(ii) article 64 of Part 11 of the New Firefighters Pension Scheme;

(iii) regulation 121(3) (contributions during child-related leave) of the 2015 Regulations; or

(e) a failure to exercise an option to become an active member of the 2015 Scheme in accordance with regulation 21 (opting into this scheme) of the 2015 Regulations;";

(i) after the definition of "retire", insert—

""scheme employment" has the meaning given in regulation 15 (scheme employment) of the 2015 Regulations;".

(3) In rule 11(1) (determining pensionable pay in certain cases)—

(a) after the words "the New Firefighters' Pension Scheme", where they occur for the first time, insert "or the 2015 Scheme";

(b) for sub-paragraph (c), substitute—

(**7**) Part 7A was inserted by S.R. 2008 No. 238.

"(c) regulation 26 of the 2015 Regulations in the case of a person who—

(i) exercised an option not to become an active member of the 2015 Scheme in accordance with Chapter 2 of Part 3 of the 2015 Regulations; or

(ii) did not exercise an option to become an active member of the 2015 Scheme in accordance with regulation 21 of the 2015 Regulations; and

(d) article 61 of Part 11 of the New Firefighters' Pension Scheme where an election had been made at different times under the Firefighters' Pension Scheme and the New Firefighters' Pension Scheme;

(e) except where sub-paragraph (d) applies, regulation 26 of the 2015 Regulations, in the case of a person who had at different times, in relation to all of the schemes (namely, the Firefighters' Pension Scheme, the New Firefighters' Pension Scheme and the 2015 Scheme), or a combination of any two of them—

(i) made an election referred to in sub-paragraph (a) or sub-paragraph (b); or

(ii) exercised or not exercised an option referred to in sub-paragraph (c),

as the case may be.";

(c) after paragraph (3), insert—

"(3A) Where, in accordance with paragraph (1), the definition of pensionable pay is to be construed in the case of a person in accordance with the 2015 Scheme, the award must be calculated on the basis of the pay which would have been the final pay if he had not, in respect of sub-paragraph (c)(i), exercised an option; or in respect of sub-paragraph (c)(ii) failed to exercise an option.".

Amendment of Part 2 (injury awards and duty-related compensation)

2.—(1) Part 2 is amended as follows.

(2) In rule 3 (compensation for death or permanent incapacity while on duty), in paragraph (8), after "the New Firefighters' Pension Scheme", insert "or the 2015 Scheme".

(3) In rule 4 (commutation of small compensatory pensions), in paragraph (1)(b), after "the New Firefighters' Pension Scheme (pension credit member's entitlement to pension)", insert "or regulation 113 of the 2015 Regulations (entitlement to pension credit members' pension)".

Amendment of Part 3 (awards on death: spouses and civil partners)

3.—(1) Part 3 is amended as follows.

(2) In rule 1 (special award for spouse or civil partner)—

(a) in paragraph (3)—

(i) for "or, as the case may be, his final pensionable pay", in each place where the words occur, substitute "or his final pensionable pay or his final pay, as the case may be";

(ii) in paragraph (3)(a)(ii), after "the New Firefighters' Pension Scheme (ill-health award)", insert "or regulation 73 of the 2015 Regulations";

(b) in paragraph (4), for "as the case may be, his final pensionable pay", substitute "his final pensionable pay or his final pay, as the case may be".

(3) In rule 4 (limitation where spouse or civil partner is living apart), for paragraph (1A)(**8**), substitute—

"(1A) Paragraph (1) does not apply to a person—

(**8**) Paragraph (1A) of rule 4 of Part 3 was inserted by S.R. 2008 No. 238.