STATUTORY RULES OF NORTHERN IRELAND

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.

(**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.

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

L.S.

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

L.S.

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—

(**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(**6**), 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.

(**6**) See article 66B(10) of Part 11 for date when an election takes effect.