STATUTORY RULES OF NORTHERN IRELAND

2014 No. 169

FIRE AND RESCUE SERVICES

PENSIONS

The Firefighters' Pension Scheme (Amendment) (No. 2) Order (Northern Ireland) 2014

Made - - - -	*9th June 2014*
Coming into operation	*1st July 2014*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred on it 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(**3**)**,** in accordance with article 10(1) of that Order, makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Firefighters' Pension Scheme (Amendment) (No 2) Order (Northern Ireland) 2014.

(2) Subject to paragraphs (3) to (5) this Order shall come into operation on 1st July 2014.

(3) Paragraph 11(2) of the Schedule so far as it relates to article 83 (withdrawal of pension whilst employed by the Board) shall have effect from 25th September 2009.

(4) Sub-paragraphs (b) to (e) of paragraph 2(6) of the Schedule so far as they relate to article 16B (additional pension benefit: long service increment) shall have effect from 11th April 2011.

(5) Paragraph 2(7) of the Schedule so far as it relates to article 16C (additional pension benefit: continual professional development) shall have effect from 11th April 2011.

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

2. The Annex to the Firefighters' Pension Scheme Order (Northern Ireland) 2007(**4**) (which sets out the Firefighters' Pension Scheme), 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**) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Article 3
(**4**) S.R. 2007 No. 144, amended by SR 2008 No. 382, SR 2012 No. 161, SR 2013 No 85 and SR 2014 No. 56

Election; persons detrimentally affected

3.—(1) This article applies to an amendment made by this Order which applies in relation to the pensions which are being paid or may become payable under the Scheme to or in respect of persons who, having served in an employment, in service which qualifies persons to participate in the benefits for which the Scheme provides, have ceased to serve therein before the date of coming into operation of this Order (whether or not they have subsequently recommenced any such service) or have died before that date.

(2) Any person placed in a worse position than he or she would have been in if an amendment made by this Order had not been made in relation to any pension which is being paid or may become payable to that person may elect that the amendment shall not apply in relation to that pension.

(3) Any such election shall be made by giving written notice to the Board within a period of 12 months starting with the date of coming into operation of this Order.

Transitional Provisions

4.—(1) The amendments made by paragraph 13(1)(c) of the Schedule so far as they relate to the insertion of paragraph (6) into article 91 (special payments and transfers into Firefighters' Pension Fund) shall not have effect in relation to a person who is entitled to the payment of a pension under the Firefighters' Pension Scheme Order (Northern Ireland) 2007 and is employed by the Board in employment which he took up earlier than the date on which this Order comes into operation.

(2) In a case to which paragraph (1) applies, article 91 of the Firefighters' Pension Scheme Order (Northern Ireland) 2007, in the form in which it existed immediately before the coming into operation of this Order, shall continue to have effect in relation to such a person.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 9th June 2014

L.S.

Bill Pauley
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 9th June 2014

L.S.

John McKibbin
A senior officer of the
Department of Finance and Personnel

SCHEDULE

Article 2

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

1. In Part A (general provisions and retirement)—

(1) in article 2 (exclusive application to regular firefighters)—

(a) omit paragraph (3);

(b) for paragraph (5) substitute —

"(5) This Scheme applies to a person who took up employment with the Board on or before 5th April 2006 and remains in continuous pensionable service.";

(c) omit paragraph (7).

(2) Omit articles 3 to 6, article 8, articles 10 and 11.

2. In Part B (personal awards)—

(1) In article 13 (ordinary pension), after paragraph (3) add—

"(4) Paragraph (2)(a) shall not apply to a chief fire officer appointed after the date of coming into operation of this Order.".

(2) In article 14 (short service award) in paragraph (1)(a), for "retires on or after normal pension age" substitute "retires at or after normal pension age".

(3) In article 15 (ill health awards)—

(a) in paragraph (1), for "who is required to retire under article 11 (compulsory retirement on grounds of disablement)" substitute "who retires by reason of permanent disablement(**5**)";

(b) for paragraph (2), substitute—

"(2) A regular firefighter who is entitled—

(a) to reckon at least two years but less than five years pensionable service becomes entitled on retiring to a lower tier ill-health pension calculated in accordance with paragraph 2 of Part III of Schedule 2; or

(b) to reckon at least five years' pensionable service becomes entitled on retiring —

(i) where paragraph (3) applies, to a lower tier ill-health pension calculated in accordance with paragraph 2 of Part III of Schedule 2, or

(ii) where paragraph (4) applies, to the pensions referred to in paragraph (5)(b) ("the higher tier ill-health pension").";

(c) in paragraph (5)(a), omit "or 3 (as the case may be)";

(d) in paragraph (7), for "the issue of his capacity for employment arises" substitute "the question of his disablement arises for decision".

(4) In article 16 (deferred pension)—

(a) in paragraph (1)(d)(i), omit "and";

(b) in paragraph (1)(d)(ii), after "article 58" insert "; and";

(c) after paragraph (1)(d)(ii), insert—

"(iii) any period of absence from duty without pay, reckonable as pensionable service under article 46(3), and";

(d) omit paragraph (5).

(**5**) Within the meaning of Article 7 (disablement).

(5) In article 16A(**6**) (entitlement to two pensions)—

(a) in paragraph (2), for "The amounts" substitute "Subject to paragraph (4A), the amounts"; and

(b) after paragraph (4) insert—

"(4A) Where a firefighter is entitled to—

(a) a lower tier ill-health pension under article 15(2)(a) or (b)(i),

(b) a higher tier ill-health pension under article 15(2)(b)(ii), or

(c) a deferred pension under article 16,

the amount of the first and second pension shall be calculated in accordance with Part III or Part V (as the case may be) of Schedule 2 with the formula in paragraph (4B).

(4B) For the purpose of the calculation in paragraph (4A)—

(a) the amount of the first pension is that found by applying the formula—

$$\left(\frac{A}{E}\right)\times\left(\frac{B}{C}\right)\times G$$

(b) the amount of the second pension is that found by applying the formula—

$$\left(\frac{F}{C}\right)\times G$$

(c) in sub-paragraphs (a) and (b) A, B, and C have the same meaning as in paragraph (3), E and F have the same meaning as in paragraph (4) and G is the amount of the single pension that the firefighter would otherwise have been awarded.".

(6) In article 16B (additional pension benefit: long service increment)—

(a) in paragraph (2), after the formula substitute—

"Where—

A is the number in years (counting part of a year as the appropriate fraction) by which the firefighter's continuous pensionable service in the employment of the Board up to and including 30th June 2007, exceeds 15 but does not exceed 20; and

B is the number in years (counting part of a year as the appropriate fraction) by which his continuous pensionable service in the employment of the Board up to and including 30th June 2007, exceeds 20 but does not exceed 30.";

(b) in paragraph (3), for "Where" substitute "Until 11th April 2011, where";

(c) after paragraph (3), insert—

"(3A) On and after the 11th April 2011, the amount of additional pension benefit (as calculated in accordance with paragraph (2) and paragraph (3) and, if applicable, paragraph (3B) and this paragraph) shall be increased on the first Monday of the following relevant tax year by the same amount as any increase which would have applied if the additional pension benefit were a pension to which the Pensions (Increase)

(**6**) Articles 16A to 16D were inserted by SR 2008 No. 382.