STATUTORY RULES OF NORTHERN IRELAND

2014 No. 168

FIRE AND RESCUE SERVICES

PENSIONS

The New 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 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) (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 1 of the Schedule (which relates to article 4 (scheme membership) of Part 2) shall have effect from 1st October 2013.

(4) Sub-paragraphs (ii), (iii) and (iv) of paragraph 2(b) of the Schedule (which relates to article 17A (additional pension benefit: long service) of Part 3 (personal awards)) shall have effect from 11th April 2011.

(5) Paragraph 3 of the Schedule (which substitutes for article 17B (additional pension benefit: continual professional development) in Part 3, article 17B (additional pension benefit)) shall have effect in relation to paragraph (3) and the definitions of "beginning date" and "following relevant tax year" in paragraph (6) of article 17B from 11th April 2011.

(**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

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

2. The New Firefighters' Pension Scheme Order (Northern Ireland) 2007(**3**) shall be amended in accordance with the Schedule.

Transitional provisions: transfer into Firefighters' Pension Fund

3.—(1) The amendment made by article 2 and paragraph 6 of the Schedule to article 86 (payments and transfers into Firefighters' Pension Fund) of Part 13 (Firefighters' Pension Fund) shall not have effect in relation to a person who had entered into a contract of employment with the Board before the date on which this Order came into operation.

(2) In a case to which paragraph (1) applies, article 86 of Part 13 of the New Firefighters' Pension Scheme (Northern Ireland), 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

(**3**) S.R. 2007 No.215, amended by S.R. 2008 No.381, S.R. 2013 No.172, SR 2012 No 162, SR 2013 No 84 and SR 2014 No 57

SCHEDULE

AMENDMENT OF THE ANNEX TO THE NEW FIREFIGHTERS' PENSION SCHEME ORDER (NORTHERN IRELAND) 2007

1. In Part 2 (scheme membership, cessation and retirement)—

(a) in article 4 (scheme membership), for paragraph (2A) substitute—

"(2A) Where a person who—

(a) having taken up employment as a firefighter before 6th April 2006;

(b) having continued in such employment until his automatic enrolment date;

(c) having made an election not to pay pension contributions under the Firefighters' Pension Scheme Order (Northern Ireland) 2007 or not being eligible to be a member of the Firefighters's Pension Scheme Order (Northern Ireland) 2007; and

(d) having not otherwise elected to become a member of this Scheme,

is automatically enrolled in this Scheme, that enrolment shall constitute an election to become a firefighter member of this Scheme.".

(b) in article 8 (election not to make pension contributions) the paragraph numbered (1A) immediately before paragraph (2) shall be re-numbered (1B)(**4**).

2. In Part 3 (personal awards)—

(a) in article 12 (award on ill-health retirement), in paragraph (4) for "The amount of the higher tier ill-health pension" substitute "The amount of the higher tier ill-health award";

(b) in article 17A (additional pension benefit: long service)—

(i) in paragraph (2), for the words after the formula substitute—

"Where—

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

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

(iii) after paragraph (3), insert—

"(3A) On and after 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 that additional pension to which the Pensions (Increase) Act (Northern Ireland) 1971(**5**) applied and the beginning date for that pension were the 1st July of the tax year immediately before the relevant tax year.

(3B) For the avoidance of doubt, the increase of additional pension benefit in the tax year 2010/2011 shall be increased by the same percentage as the percentage

(**4**) Relevant amendment S.R. 2013 No. 172 article 2(b)
(**5**) 1971 c.35 (NI)

increase in the Consumer Prices Index in September 2010 with effect from Monday 11th April 2011.";

(iv) in paragraph (5) for "paragraph (3)" substitute "paragraphs (3) and (3A)", and before the expression "relevant tax year" insert—

""the beginning date" means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act (Northern Ireland) 1971;

"following relevant tax year" means the tax year after the relevant tax year, in relation to which the member is not a pensioner member or a deferred member;";

3. For article 17B (additional pension benefit: continual professional development), substitute—

"**Additional pension benefit**

17B.—(1) Where the Board determines that the benefits listed in paragraph (5) are pensionable, and in any added pension benefit year pays any such pensionable benefits to a firefighter member, the Board shall credit the firefighter member with an amount of additional pension benefit in respect of that year.

(2) Subject to paragraphs (3) and (4), the amount of additional pension benefit in respect of that year shall be determined on 1st July immediately following the year in question in accordance with guidance and tables provided by the Scheme Actuary.

(3) The amount of additional pension benefit determined in accordance with paragraph (2) 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 that additional pension benefit were a pension to which the Pensions (Increase) Act (Northern Ireland) 1971 applied and the beginning date for that pension were the 1st July of the tax year immediately before the relevant tax year.

(4) For the avoidance of doubt, the increase of additional pension benefit in the tax year 2010/2011 shall be increased by the same percentage as the percentage increase in the Consumer Prices Index in September 2010 with effect from Monday 11th April 2011.

(5) The benefits referred to in paragraph (1) are—

(a) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter member's duties under the contract of employment but are within the wider functions of the job;

(b) the amount (if any) paid in respect of a firefighter member's continual professional development;

(c) the difference between the firefighter member's basic pay in their day to day role and any pay received whilst on temporary promotion or where he is temporarily required to undertake the duties of a higher role;

(d) any performance related payment which is not consolidated into his standard pay.

(6) In this article—

"additional pension benefit year" means the period of 12 months beginning with 1st July in which a firefighter is in receipt of any of the benefits listed in paragraph (5);

"the beginning date" means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act (Northern Ireland) 1971;