STATUTORY RULES OF NORTHERN IRELAND

2008 No. 382

FIRE AND RESCUE SERVICES

PENSIONS

The Firefighters' Pension Scheme (Amendment) Order (Northern Ireland) 2008

Made - - - - 17th September 2008

Coming into operation 16th October 2008

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 and with the approval of the Department of Finance and Personnel(**2**), in accordance with Article 10(1) of that Order, makes the following Order:

Citation and commencement and effect

1.—(1) This Order may be cited as the Firefighters' Pension Scheme (Amendment) Order (Northern Ireland) 2008.

(2) This Order shall come into operation on 16th October 2008, and subject to paragraphs (3) and (4) shall have effect from 1st July 2007.

(3) The amendment made by article 2 and paragraph 1 of the Schedule so far as it relates to the new article 16A, (entitlement to two pensions) shall have effect from 1st April 2007.

(4) The amendment made by article 2 and paragraph 3 of the Schedule (Ill Health Pension) shall have effect from 1st April 2006.

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

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

(**1**) S.I. 1984/1821 (N.I. 11) see article 2(2) for the definition of "the Department"; 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**) Formerly the Department of Finance . See S.I. 1982/338 (N.I. 6) Article 3
(**3**) S.R. 2007 No. 144; see Annex

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 17th September 2008

L.S.

L.S.

Noel McCann
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 September 2008

L.S.

L.S.

Dr Mary McIvor
A senior officer of the
Department of Finance and Personnel

SCHEDULE Article 2

AMENDMENT OF THE FIREFIGHTERS' PENSION SCHEME (NORTHERN IRELAND) 2007

1. In Part B (personal awards), after article 16 (deferred pension), insert—

"**Entitlement to two pensions**

16A.—(1) A regular firefighter who—

(a) on taking up a different role; or

(b) becoming entitled to a different rate of pay in his existing role,

suffers a reduction in the amount of his pensionable pay such that the amount to be taken into account in the calculation of the pension to which he will be entitled at normal pension age is less than it would otherwise have been, is entitled to two pensions.

(2) The amounts of the pensions shall be those found by applying the formulae set out in paragraphs (3) and (4) but, where the aggregate of those amounts exceeds that of the single award to which the firefighter would be entitled—

(a) under paragraph (6) if he were to give notice under that paragraph, or

(b) under paragraph (7) if he were to make an election under article 59,

his entitlement shall be to an amount equal to the amount of that single award.

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

$$A \times \frac{B}{C} \times \frac{D}{60}$$

where—

A is the firefighter's average pensionable pay for the year ending with his last day of service at the higher rate of pay;

B is the firefighter's pensionable service up to that day;

C is the firefighter's total pensionable service; and

D is the total number of 60ths that would have been used in the calculation of his single award had he given the instruction referred to in paragraph (6).

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

$$E \times \frac{F}{C} \times \frac{D}{60}$$

where—

C and D have the same meanings as in paragraph (3);

E is the firefighter's average pensionable pay for the year ending with his last day of service; and

F is—

(a) where the aggregate of—

(i) the pensionable service used to ascertain the value of B in his case for the purpose of the formula in paragraph (3); and

(ii) his pensionable service for the period commencing with his first day of service at the lower rate of pay and ending with his last day of service,

exceeds 30, the difference between B and 30;

(b) in any other case, his pensionable service for the period commencing with his first day of service at the lower rate of pay and ending with his last day of service.

(5) Subject to paragraph (6), the pensions become payable on the date on which a pension would have become payable to the firefighter in whichever of the circumstances referred to in articles 13, 14, 15 and 16 applies in his case.

(6) A firefighter who is entitled to two pensions under this rule may, before leaving the employment of the Board by which he is employed, by written notice instruct the Board to make a single award which shall be calculated in accordance with whichever of articles 13, 14, 15 and 16 is applicable in his case.

(7) Where a firefighter who would be entitled to two pensions under paragraph (1) makes an election under article 59, he shall be entitled instead to a single pension, calculated as if it were a deferred pension to which he was entitled under article 16.

(8) In paragraph (1), "role", in relation to a firefighter, means the role in which he is for the time being employed, being a role set out in "Fire and Rescue Services Rolemaps" issued by the National Joint Council for Local Authority Fire and Rescue Services in August 2005(**4**).

Additional pension benefit: long service increment

16B.—(1) A regular firefighter who—

(a) in respect of a period that includes 30th June 2007 is entitled to a long service increment or to an interim or transitional payment connected with long service, and

(b) on or after 1st October 2007—

(i) retires from employment as a regular firefighter, or

(ii) becomes entitled to a deferred pension under article 16

shall be credited with an amount of additional pension benefit.

(2) Subject to paragraph (3), the amount of additional pension benefit is that calculated in accordance with the formula—

$$\frac{A+(B\times 2)X\,£990}{60}$$

where—

A is the number of years (counting part of a year as the appropriate fraction) by which the firefighter's 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 pensionable service up to and including 30th June 2007 exceeds 20.

(3) Where the Retail Prices Index for the month of September preceding the relevant tax year is higher than it was for September 2007, the amount of additional pension benefit

(**4**) The document is accessible at http://www/lge.gov.uk/conditions/firefighters/content/documents/fire service rolemaps.pdf