STATUTORY RULES OF NORTHERN IRELAND

2008 No. 381

FIRE AND RESCUE SERVICES

PENSIONS

The New 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(**1**), in exercise of the powers conferred on it by Article 10 (1), (3), (4), and (5) of the Fire Services (Northern Ireland) Order 1984(**2**) and now vested in it(**3**) and with the approval of the Department of Finance and Personnel(**4**), in accordance with Article 10 (1) of that Order, makes the following Order:

Citation, interpretation, commencement and effect

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

(2) In this article "the Scheme" means the New Firefighters' Pension Scheme (Northern Ireland) set out in the New Firefighters' Pension Scheme (Northern Ireland) Order 2007(**5**).

(3) This Order shall come into operation on 16th October 2008 but, subject to paragraphs (4) and (5), shall have effect from 6th April 2006.

(4) The following provisions of the Schedule, and so much of article 2 as relates to those provisions, shall have effect from 1st October 2006—

(a) paragraph 3(b),

(b) paragraph 4(f), in so far as it relates to new article 17A of Part 3 of the Scheme (additional pension benefit: long service), and so much of new article 17C as relates to new article 17A, and

(c) paragraph 9(iii).

(**1**) S.I. 1999/283 (N.I. 1) Article 3 (6)
(**2**) 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)
(**3**) See S.R. 1999 No.481 Schedule 4 Part III
(**4**) Formerly the Department of Finance see S.I. 1982/338 (N.I. 6) article 3
(**5**) S.R. 2007 No. 215

(5) The following provisions of the Schedule, and so much of article 2 relates to those provisions, shall have effect from 1st July 2007—

(a) paragraph 4(f), in so far as it relates to new article 17B of Part 3 of the Scheme (additional pension benefit: continual professional development), and so much of new article 17C as relates to new article 17B, and

(b) paragraph 9(a) and (b)(i).

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

2.—(1) The New Firefighters' Pension Scheme (Northern Ireland) Order 2007(**6**) shall be amended in accordance with the Schedule.

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

L.S.

Mr 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.

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

(**6**) S.R. 2007 No. 215

SCHEDULE

Article 2

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

1. In Part 1 (citation and interpretation), in article 2 (1) (interpretation)—

   (a) in the definition of "child", for "scheme member", substitute "firefighter member, a deferred member or a pension member";

   (b) in the definition of "normal benefit age", for "is 60" substitute "has the meaning given by article 6(2)";

   (c) in the definition of "normal retirement age", for "is 65" substitute "has the meaning given by article 6(1)".

2. In Part 2 (scheme membership, cessation and retirement), in article 4 (scheme membership)—

   (a) In paragraph (1)—

      (i) at the end of sub-paragraph (b)(i), add the word "and"; and

      (ii) omit sub-paragraph (b)(iii) and the word "and" immediately preceding that sub-paragraph;

   (b) in paragraph (5), add at the end of each of sub-paragraphs (a), (b) and (c), ", deferred member or pensioner member";

   (c) for paragraph (6) substitute—

      "(6) For the purposes of paragraph (5), a firefighter member, deferred member or pensioner member (referred to in this paragraph as "the scheme member") may nominate a person (a "nominated partner") who—

         (a) has been living with the scheme member, otherwise than as his spouse or civil partner; and

         (b) at the date on which the question of the nominated partner's status in relation to the scheme member falls to be considered—

            (i) is not the spouse or civil partner of any other person,

            (ii) is registered with the scheme administrator as the scheme member's nominated partner,

            (iii) is financially dependent on the scheme member, or is, with the scheme member, in a state of mutual financial dependency, and

            (iv) is in a long-term relationship with the scheme member,

         but this is subject to paragraph (8).";

   (d) in paragraph (7), in the definition of "long-term relationship"—

      (i) for "the period of two years", substitute "a period of at least two years"; and

      (ii) after "firefighter member", insert ", deferred member or pensioner members";

   (e) in paragraph (8), after "firefighter member", insert ", deferred member or pensioner member";

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

   (a) in article 5 (eligibility conditions), in paragraph (1), for sub-paragraph (b) substitute—

      "(b) such transfer payment has been made to the Scheme in respect of his personal pension rights under a personal pension scheme as qualifies him for benefits under the Scheme; or"; and

   (b) in article 8 (election not to make pension contributions), after paragraph (1) insert—

"(1A) A contributions election may not be made solely in respect of contributions relevant to additional pension benefit under article 17B of Part 3 (additional pension benefit: continual professional development)."

4. In Part 3 (personal awards)—

(a) In article 12 (award on ill-health retirement)—

(i) in paragraph (3), after "calculated", "insert subject to paragraph (4),"; and

(ii) after paragraph (3), add—

"(4) The amount of the higher tier ill-health pension of a firefighter member who, by virtue of article 17, is entitled to two pensions, is whichever is the greater of—

(a) the sum of his lower tier ill–health pension (calculated in accordance with paragraph 1 of Schedule 1) and the higher tier ill-health pension to which he would be entitled if paragraph (3) were not subject to this paragraph (calculated in accordance with paragraph 2 or 3 of Schedule 1); and

(b) the amount of the single pension to which he would be entitled under paragraph (7) of article 17.

and for the purposes of this paragraph it shall be assumed that the person had given the written notice referred to in paragraph (6) of article 17.".

(b) in article 14 (cancellation of deferred pension), in paragraph (2), for "the service" substitute "the Board's employment";

(c) in article 15 (pension on member-initiated early retirement), in paragraph (5)(a), for "pensionable", in the second place in which that word appears, substitute "reference";

(d) in article 16 (pension on Board-initiated early retirement), in paragraph (1), for "the service" substitute "the Board's employment";

(e) in article 17 (entitlement to two pensions)—

(i) in paragraph (1), for "paragraph (7)" substitute "paragraph (6)"; and

(ii) in paragraph (4), for "that day", substitute "the last day of his membership of the Scheme";

(f) after article 17 insert—

"**Additional pension benefit: long service**

17A.—(1) A firefighter member who—

(a) in respect of a period that includes 30th June 2007 is entitled to a long service increment or 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 13,

shall be credited with an amount of additional pension benefit.

(2) Subject to paragraph (3) and article 17C(5), the amount of additional pension benefit is that found by applying the formula—

$$\frac{A+(B\times 2)}{60}\times £990$$

where—

A is the number in years (counting part of a year as the appropriate fraction) by which the member'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 exceeds 20 but does not exceed 30.

(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 (as calculated in accordance with paragraph (2) and, if applicable, this paragraph) shall be increased by the same percentage as the percentage increase in the Retail Prices Index.

(4) Any increase in accordance with paragraph (3) shall be applied with effect from the first Monday of the relevant tax year.

(5) In paragraph (3)—

"relevant tax year" means a tax year in relation to which—

(a) the amount of a firefighter member's pension benefits is calculated for the purposes of this Scheme; and

(b) he is not a pensioner member or a deferred member; and "tax year" means the period of 12 months beginning with 6th April.

"tax year" means the period of 12 months beginning with 6th April.

Additional pension benefit: continual profession development

17B.—(1) A firefighter member who, in any CPD year beginning with the year commencing on 1st July 2007, receives CPD payments, shall be credited with an amount of additional pension benefit in respect of that year.

(2) Subject to paragraph (3) and article 17C(5), the amount of additional pension benefit in respect of a CPD 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) Where the Retail Price Index for the month of September preceding the relevant tax year is higher than it was for the month of September in the CPD year in question, the amount of additional pension benefit for that CPD year (as calculated in accordance with paragraph (2)) shall be increased by the same percentage as the percentage increase in the Retail Prices Index.

(4) Any increase in accordance with paragraph (3) shall be applied with effect from the first Monday of the relevant tax year.

(5) In this article—

"CPD payments", as regards a firefighter, means payments made to him by the Board in respect of his continual professional development;

"CPD year" means a period of 12 months beginning with 1st July in which a firefighter member is in receipt of CPD Payments;

"relevant tax year" means a tax year in relation to which—

(a) the amount of a firefighter member's pension benefits is calculated for the purposes of this Scheme, and