1987 No. 424

FIRE SERVICES

Firemen's Pension Scheme (Amendment) Order (Northern Ireland) 1987

Made . . . . . *20th November 1987*

Coming into operation . . *1st January 1988*

The Department of the Environment in exercise of the powers conferred on it by Article 10(1) and (4) of the Fire Services (Northern Ireland) Order 1984(**a**) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel makes the following Order:—

Citation

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order (Northern Ireland) 1987.

Commencement and effect

2. This Order shall come into operation on 1st January 1988 and shall have effect—

(*a*) for the purposes of Article 5, as from 13th July 1978;

(*b*) for all other purposes, as from 8th March 1984.

Interpretation

3.—(1) In this Order ''the Scheme of 1973'' means the Firemen's Pension Scheme (Northern Ireland) 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973(**b**).

(2) This Order shall not apply in the case of a member of the fire brigade who last ceased to serve before 8th March 1984.

Amendments to the Scheme of 1973

4. In Article 7(1) of the Scheme of 1973 there shall be inserted at the appropriate places the words—

'' ''husband'' includes wife''

''widow'' includes widower''

''wife'' includes husband'' ''.

5. For Article 19(5) of the Scheme of 1973 there shall be substituted the following provision:—

(a) S.I. 1984/1821 (N.I. 11)

(b) S.R. & O. (N.I.) 1973 No. 393; the relevant amending Orders are S.R. 1978 No. 24, S.R. 1979 Nos. 88 and 387, S.R. 1980 Nos. 62 and 208

"(5) Where the husband was entitled to an injury gratuity under Article 11—

(*a*) if it equalled, or exceeded, the gratuity under paragraph (2), the gratuity under paragraph (2) shall not be payable;

(*b*) in any other case the gratuity under paragraph (2) shall be reduced by the amount of the husband's gratuity.".

6. In Article 39 of the Scheme of 1973, in the proviso, after the words "deferred pension" there shall be inserted the words:—

"or where a person is entitled both to a pension in respect of service as a member of the fire brigade and to a pension as the widow of a member of the fire brigade".

7. After Article 78A(**a**) of the Scheme of 1973 there shall be inserted the following provision:—

"78B. In its application to the widower of a member of the fire brigade, this Scheme shall have effect subject to Schedule 11.".

8. In Article 80(3) of the Scheme of 1973 (age of compulsory retirement) after the words "regular fireman" there shall be inserted the words:—

"appointed on terms under which he is or may be required to engage in fire-fighting,".

9. In Part I of Schedule 7(**b**) to the Scheme of 1973—

(*a*) in paragraph 1(1)(*c*), the words "in the case of a man," shall be omitted;

(*b*) in paragraph 3(1), the words "in the case of a man" shall be omitted, and at the end there shall be added the words:—

"in the case of a man or by the factor 1.1 in the case of a woman";

(*c*) in paragraph 5, the words "(*a*) in the case of a man" and sub-paragraph (*b*) shall be omitted.

10. In paragraph 3(1) of Part II of Schedule 7 to the Scheme of 1973, after the words "in the case of a woman, by", there shall be inserted the words "a factor 0.55 greater than".

11. After Schedule 10(**c**) of the Scheme of 1973 there shall be inserted the following Schedule:—

"SCHEDULE 11 Article 78B

MODIFICATIONS TO SCHEME IN ITS APPLICATION TO THE WIDOWER OF A MEMBER OF THE FIRE BRIGADE

1. For Article 22 there shall be substituted the following Article:—

(**a**) As inserted by paragraph 25 of Part III to Schedule 2 to S.R. 1979 No. 88
(**b**) As substituted by paragraph 13 of Part II to Schedule 1 to S.R. 1979 No. 88
(**c**) As inserted by Article 4 of S.R. 1978 No. 24