1981 No. 143

FIRE SERVICES

Firemen's Pension Schemes (Amendment) Order (Northern Ireland) 1981

Made	*6th May 1981*
Coming into operation . . .	*23rd June 1981*

The Department of the Environment in exercise of the powers conferred by section 17 of the Fire Services Act (Northern Ireland) 1969(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf with the approval of the Department of the Civil Service(**c**) hereby makes the following Order:

PART I

CITATION, OPERATION AND INTERPRETATION

Citation, commencement and effect

1. This Order may be cited as the Firemen's Pension Schemes (Amendment) Order (Northern Ireland) 1981 and shall come into operation on 23rd June 1981 and shall have effect from 24th November 1980.

Interpretation

2. In this Order—

"Scheme of 1973" means the Firemen's Pension Scheme (Northern Ireland) 1973 as set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973(**d**);

"Scheme of 1971" means the Firemen's Pension Scheme (Northern Ireland) 1971 as set out in the Appendix to the Firemen's Pension Scheme Order (Northern Ireland) 1971(**e**);

"Scheme of 1955" means the Scheme set out in the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(**f**); and

"Belfast Fire Brigade Scheme" means the Belfast Fire Brigade Superannuation Scheme made on 1st May 1953 by the Council of the County Borough of Belfast under Section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950(**g**) and that or any Scheme maintained by the said Council under Section 26(3) of the Fire Services Act (Northern Ireland) 1969.

(**a**) 1969 c. 13 (N.I.) as amended by S.I. 1973/601 (N.I. 9) Article 7
(**b**) S.R. & O. (N.I.) 1973 No. 504 Article 5(*b*)
(**c**) Formerly a function of the Department of Finance S.R. 1976 No. 281
(**d**) S.R. & O. (N.I.) 1973 No. 393 as amended by S.R. 1975 No. 358, 1976 No. 216, 1978 Nos. 24 and 100, 1979 Nos. 88, 310 and 387, 1980 Nos. 62, 91 and 208
(**e**) S.R. & O. (N.I.) 1971 No. 33 as amended by S.R. & O. (N.I.) 1972 Nos. 157 and 379, 1973 No. 1, S.R. 1975 No. 358, 1976 No. 216, 1978 Nos. 24 and 100, 1979 No. 310, 1980 No. 62
(**f**) S.R. & O. (N.I.) 1955 No. 181 (p. 198) as amended by S.R. & O. (N.I.) 1971 No. 33, 1972 Nos. 157 and 379, 1973 No. 1, S.R. 1975 No. 358, 1976 No. 216, 1978 Nos. 24 and 100, 1979 No. 310 and 1980 No. 62
(**g**) 1950 c. 4 (N.I.)

PART II

AMENDMENT OF SCHEMES

Awards not based on pension or notional pension

3. There shall be inserted in—

the Scheme of 1973 (as Article 36A in Part III);

the Scheme of 1971 (as Article 31A in Part III);

the Scheme of 1955 (as Article 30A in Part III);

the Belfast Fire Brigade Scheme (as Regulation 26A in Part III)

the following provision:—

"*Awards not based on pension or notional pension*

Schedule 3A shall have effect for the purpose of calculating the amount of certain awards to widows or children under this Scheme which are not calculated by reference to the pension or notional pension of the husband or parent".

Awards on death of servicemen

4.—(1) This Article shall have effect for the purpose of the amendment of the following Articles, namely:—

Article 68(4)(*a*) of the Scheme of 1973;

Article 54(4)(*a*) of the Scheme of 1971;

Article 28(2)(*a*) of the Scheme of 1955.

(2) In each of the said Articles for the words "at the rate of £440·81 a year" there shall be substituted the words "calculated in accordance with paragraph 1 of Schedule 3A".

Provisions relating to contracting out

5. In Article 78A of the Scheme of 1973 paragraph (7A) shall be omitted.

Widows ordinary pensions

6.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Paragraph 2 of Part I of Schedule 2 to the Scheme of 1973;

Paragraph 2 of Part I of Schedule 2 to the Scheme of 1971;

Scheme 1 of Part 1A of Appendix II to the Schedule of the Scheme of 1955;

Scheme 1 of Part 1 of the second Schedule to the Belfast Fire Brigade Scheme.

(2) For each of the said provisions there shall be substituted the following paragraph:—

"Where in respect of any period a widow so elects, the annual rate of her ordinary pension in respect of that period shall be calculated in accordance with paragraph 2 of Schedule 3A by reference to the rank held by her husband at the time when he ceased to be a regular fireman".

7.—(1) This Article shall have effect for the purposes of the amendment of the following provisions, namely:—

Scheme 1 of Part II of Schedule 2 to the Scheme of 1971;

Scheme 2 of Part 1A of Appendix II to the Schedule of the Scheme of 1955;

Scheme 2 of Part 1 of the Second Schedule to the Belfast Fire Brigade Scheme.

(2) For each of the said provisions there shall be substituted the following:—

"The pension shall be of an amount calculated in accordance with paragraph 2 of Schedule 3A by reference to the last rank held by her husband".

Widows accrued pensions

8. For paragraph 3 of Part IV of Schedule 2 to the Scheme of 1973 there shall be substituted the following paragraph:—

"3. Where in respect of any period a widow so elects, then the annual rate of her accrued pension in respect of that period shall be calculated in accordance with paragraph 3 of Schedule 3A by reference to the rank held by her husband at the time when he ceased to be a regular fireman:

Provided that this paragraph shall not apply to the widow of a regular fireman where the pensionable service which reckoned for the purpose of calculating his deferred pension was less than five years, unless he was entitled to reckon pensionable service by virtue of the whole of his qualifying service".

Children's allowances

9.—(1) For paragraph 1(4) of Part I of Schedule 3 to the Scheme of 1973 there shall be substituted the following sub-paragraph:—

"(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be calculated in accordance with paragraph 4 of Schedule 3A by reference to the rank held by the father at the time when he ceased to be a regular fireman".

(2) For paragraph 2(4) of the said Part I there shall be substituted the following sub-paragraph:—

"(4) Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be calculated in accordance with paragraph 5 of Schedule 3A by reference to the rank held by the father at the time when he ceased to be a regular fireman".

10. For each of the following provisions, namely:—

Part I of Schedule 3 to the Scheme of 1971;

Paragraphs 1 to 3 of Part 1A of Appendix III to the Schedule of the Scheme of 1955;

Part I of the Third Schedule to the Belfast Fire Brigade Scheme;

there shall be substituted the following provisions.

"CHILD'S ORDINARY ALLOWANCES

1. Where the mother of the child is alive the child's ordinary allowance shall be calculated in accordance with paragraph 4 of Schedule 3A by reference to the last rank held by the father.

2. Where the father was the only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be calculated in accordance with paragraph 5 of Schedule 3A by reference to the last rank held by the father".

Provisions relating to widow's and children's awards

11. The following Schedule shall be inserted in the scheme of 1973 after Schedule 3.

"SCHEDULE 3A

SPECIAL PROVISIONS ABOUT AWARDS NOT BASED ON PENSION OR NOTIONAL PENSION AWARDS ON DEATHS OF SERVICEMEN

1.—(1) In any year the amount of a widow's pension under Article 68(4)(*a*) shall be the appropriate sum specified in sub-paragraph (2) increased in accordance with paragraph 6.