1980 No. 208

FIRE SERVICES

The Firemen's Pension Scheme (Amendment No. 2) Order (Northern Ireland) 1980

Made	*24th June 1980*
Coming into operation . . .	*1st August 1980*

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 and with the approval of the Department of the Civil Service(**c**) hereby makes the following Order:

Citation

1. This Order may be cited as the Firemen's Pension Scheme (Amendment No. 2) Order (Northern Ireland) 1980.

Commencement and effect

2. This Order shall come into operation on 1st August 1980 and shall have effect—

(*a*) for the purposes of paragraph (*a*) of Article 4, as from 1st April 1972;

(*b*) for the purposes of paragraph (*b*) of Article 4, as from 7th April 1977;

(*c*) for the purposes of paragraph (*c*) of Article 4, as from 6th April 1978;

(*d*) for the purposes of paragraph (*d*) of Article 4, as from 1st April 1980;

(*e*) for the purposes of paragraph (*e*) of Article 4, as from 6th April 1980.

Interpretation

3. 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(**d**).

Dates from which amendments take effect

4. The Scheme of 1973 shall have effect—

(*a*) from 1st April 1972 subject to the amendments specified in Part I of the Schedule;

(*b*) from 7th April 1977 subject to the amendment specified in Part II of the Schedule;

(*c*) from 6th April 1978 subject to the amendments specified in Part III of the Schedule;

(*d*) from 1st April 1980 subject to the amendments specified in Part IV of the Schedule;

(*e*) from 6th April 1980 subject to the amendments specified in Part V of the Schedule.

(**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*) (II, p. 2992)
(**c**) Formerly a function of the Department of Finance S.R. 1976 No. 281 (II, p. 1339)
(**d**) S.R. & O. (N.I.) 1973 No. 393 (II, p. 2187) as amended by S.R. 1975 No. 358 (II, p. 1767), 1976 No. 216 (I, p. 997), 1978 Nos. 24 (I, p. 37) and 100 (I, p. 278), 1979 Nos. 88 (I, p. 377), 310 (II, p. 1420) and 387 (II, p. 1696), 1980 No. 62

Transitional Provision

5. In the case of a regular fireman who ceased to be a member of the brigade before 1st April 1980 and to whom Article 12D of the Scheme of 1973 applies by virtue only of the amendment made by Part III of the Schedule, notice in writing for the purposes of paragraph (2) or (3) of that Article may be given at any time before 1st December 1980.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 24th June 1980.

(L.S.) *E. A. Simpson*
Assistant Secretary

The Department of the Civil Service hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of the Civil Service for Northern Ireland on 24th June 1980.

(L.S.) *J. S. H. Gaw*
Assistant Secretary

SCHEDULE Article 4

PART I

Amendments to the Scheme of 1973 taking effect 1st April 1972

In Part IV of Schedule 2—

(*a*) After paragraph 1(1)(*b*) there shall be inserted the following head—

"(*bb*) if he had made an election under Article 52(3), or if paragraph 3 of Part VIII of Schedule 1 applied to his case, and the period of pensionable service taken into account in making any calculation under that Article, or that Part of that Schedule, was less than a year, that period of service;";

(*b*) After paragraph 1(2)(*b*) there shall be inserted the following head—

"(*bb*) if he had made such an election as is mentioned in Article 51 or an election under Article 52(2), or if paragraph 2 of Part VIII of Schedule 1 applied to his case, and the period of pensionable service taken into account in making any calculation under that Article, or that Part of that Schedule, was less than a year, that period of service;"; and

(*c*) After paragraph 2(1) there shall be inserted the following sub-paragraph—

"(1A) For the purposes of sub-paragraph (1), in calculating the husband's deferred pension the following provisions shall be disregarded, that is to say—

(*a*) the restrictions on payment contained in Article 12B(2), and

(*b*) the provisions for the reduction of a pension contained in Articles 17(6) and 37(6) and in Parts VII and VIII of Schedule 1.".

PART II

Amendment to the Scheme of 1973 taking effect 7th April 1977

In proviso (iii) to Article 43 there shall be omitted the words "including any period of suspension from duty terminating with the fireman having been found guilty of an offence against discipline or a criminal offence".

PART III

Amendments to the Scheme of 1973 taking effect 6th April 1978

In Article 12D—

(*a*) in paragraph (1) for the words "whose average annual pensionable pay has not exceeded £5,000 in any tax year" there shall be substituted the words "whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service"; and

(*b*) in paragraph (6) for the words "paragraph (5)" there shall be substituted the words "paragraphs (1) and (5)".

PART IV

Amendments to the Scheme of 1973 taking effect 1st April 1980

1. For Article 50 there shall be substituted the following Article—

"50. A regular fireman shall pay pension contributions to the Authority at the rate of 1p a week less than 6.75% of his pensionable pay.".

2. For sub-paragraph (*c*) of Article 77(2) there shall be substituted the following sub-paragraph—

"(*c*) in respect of any service before 1st April 1980 paid pension contributions at the rate of 6p a week less than 6.75% of his pensionable pay.".

3. For sub-paragraphs (1) to (4) of paragraph 1 of Part VII of Schedule 1 there shall be substituted the following sub-paragraphs—