1979 No. 387

FIRE SERVICES

Firemen's Pension Scheme (Amendment No. 3) Order (Northern Ireland) 1979

Made . . . . . *8th November* 1979

Coming into operation . . . *21st December* 1979

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:

PART I

CITATION, OPERATION AND INTERPRETATION

Citation, commencement and effect

1. This Order may be cited as the Firemen's Pension Scheme (Amendment No. 3) Order (Northern Ireland) 1979 and shall come into operation on 21st December 1979 and shall have effect—

(*a*) for the purposes of Article 3 as from 1st April 1972;

(*b*) for the purposes of Article 4 as from 1st January 1974;

(*c*) for the purposes of Article 5 as from 6th April 1978;

(*d*) for the purposes of Article 6 as from 13th July 1978; and

(*e*) for the purposes of Article 7 as from 1st April 1979.

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).

PART II

GENERAL AMENDMENTS

Provision having effect from 1st April 1972

3. In the Scheme of 1973 for paragraph (2) of Article 3 there shall be substituted the following paragraph—

"(2) Infirmity of mind or body shall be deemed for the purposes of this Scheme to be occasioned by a particular injury if it appears that the injury has so substantially aggravated the infirmity of mind or body that, if the person had not received the injury—

(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 and 100 and 1979 Nos. 88 and 310.

(*a*) he would not have died at the time he in fact died, or

(*b*) he would not have become permanently disabled at the time he in fact became so disabled.".

Provisions having effect from 1st January 1974

4. In the Scheme of 1973—

(*a*) In Article 44(8) for the words "neither to have paid or elected" there shall be substituted the words "to have neither paid nor elected";

(*b*) For Article 65 there shall be substituted the following Article—

"**65.**—Where a regular fireman retires or has retired from the brigade and after again becoming such a fireman in a brigade maintained under the Fire Services Act 1947(**e**) the provisions of Article 65A shall apply."; and

(*c*) In Part I of Schedule 7—

(i) in paragraph 1(1)(*d*) all words after "brigade" shall be omitted;

(ii) after paragraph 1(1)(*f*) there shall be inserted the following—
"and any reference in this Part to the fireman's notional deferred pension or widow's notional accrued pension shall be construed accordingly.";

(iii) paragraph 9 shall be omitted;

(iv) in paragraph 10(2)(*c*)(i) for the word "Order" where it first occurs there shall be substituted the word "Scheme" and where it occurs the second time it shall be omitted.

Provisions having effect from 6th April 1978

5. In the Scheme of 1973—

(*a*) In Article 6(9) for the word "Security" there shall be substituted the word "Services"; and

(*b*) In paragraph 1 of Part IX of Schedule 2 the word "or" shall be omitted between sub-paragraphs 1(*a*) and 1(*b*).

Provisions having effect from 13th July 1978

6. In the Scheme of 1973—

(*a*) the following Article shall be inserted after Article 18—

"Widow's lump sum option

18A.—(1) Where a widow is entitled to an ordinary pension under Article 18(2) in respect of the death of her husband on or after 13th July 1978 while serving as a regular fireman, she may, in accordance with the following provisions of this Article, by notice elect to have instead of that pension a reduced pension calculated in accordance with paragraph (3) together with a gratuity equal to whichever is the greater of the following amounts—

(*a*) six times the annual rate of that reduced pension;

(*b*) her husband's average annual pensionable pay.

(2) Notice for the purposes of paragraph (1) shall be given to the Authority not later than three months after the date of her husband's death or, if he died before 21st December 1979, within three months of that date:

(**e**) 1947 c. 41.