

## SCHEDULE

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

7. In part G (pensionable pay and contributions)—

(1) In article 56 (pensionable pay and average pensionable pay)—

(a) for paragraph (1)—

(i) for “subject to paragraph (2)” substitute “Subject to paragraphs (2) and (12);

(ii) in sub-paragraph (a) for “part-time employee)” substitute “part-time employee) other than those amounts payable to him in respect of the benefits within article 16C(5)”; and

(iii) for sub-paragraph (b) substitute—

“(b) the amount (if any) of any benefits which are pensionable under article 16C(1).”

(b) in paragraph (8C), omit “:continual professional development”;

(c) for paragraph (9)—

(i) in sub-paragraph (a), after “payable)” insert “and the Compensation Scheme”; and

(ii) in sub-paragraph (b)—

(aa) for “his” substitute “the person’s”; and

(bb) omit “pension” and “(1)”; and

(d) after paragraph (11), add—

“(12) Where before the date of coming into operation of this Order and after that date, any allowance or supplement is being paid to a firefighter which the Board treats as pensionable, but is not—

(a) pensionable pay within the meaning of paragraph (1)(a);

(b) additional pension benefit under article 16B (long service increment); or

(c) a payment in respect of a firefighter’s continual professional development under article 16C,

that allowance or supplement shall continue to be treated as pensionable for so long as the firefighter receives it without any break in payment.”.

(2) In article 57 (pension contributions) after paragraph (5), insert—

“(5A) The Department shall consult with the Scheme Actuary before making a notification under paragraph (5).”.

(3) In article 58 (optional pension contributions during maternity and adoption leave), after paragraph (2), insert—

“(2A) But in calculating the pay on which the contributions are made, any amount the firefighter receives on account of a day’s work carried out under regulation 12A of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999(1) or regulation 21A of the Paternity and Adoption Leave Regulations (Northern Ireland) 2002(2) that exceeds any maternity, paternity or parental leave pay due for that day, shall be disregarded.”.

(4) After article 58 insert—

---

(1) S.R. 1999 No. 471; regulation 12A was inserted by S.R. 2006 No. 372, regulation 10

(2) S.R. 2002 No. 377; regulation 21A was inserted by S.R. 2006 No. 373, regulation 6

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**“Aggregate pension contributions for the purposes of awards**

58A.—(1) A regular firefighter’s aggregate pension contributions comprise—

- (a) all payments made by him to the Board that fall within paragraph (2),
- (b) all payments made by him in accordance with a notice under article 46 (current service),
- (c) all payments made by him in accordance with an election under article 58,
- (d) all payments made by him in accordance with an election under article 62, and
- (e) if paragraph (3) applies, the amount of the notional award described in paragraph (4).

(2) The payments that fall within this paragraph are payments under this Scheme or a previous Scheme that relates to a period of service which the regular firefighter is, or was immediately before electing under article 59 not to pay pension contributions, entitled to reckon as pensionable service and have not been refunded to him, including payments made—

- (a) by way of rateable deductions from pay,
- (b) by way of such additional and further payments as were mentioned in articles 51 to 53 of the 1973 Scheme, or
- (c) in accordance with such an undertaking as is mentioned in Part I of Schedule 6.

(3) This paragraph applies where the regular firefighter is, or was immediately before electing under article 59 not to pay pension contributions, entitled to reckon pensionable service by reason of a period of service or employment otherwise than as a regular firefighter (“the previous employment period”).

(4) The notional award mentioned in paragraph (1)(e) is the award by way of return of contributions or analogous payment that would have been paid to him if, at the end of the previous employment period, he had voluntarily retired in circumstances entitling him to such an award under the applicable superannuation arrangements.”.

(5) In article 59 (election not to pay pension contributions)—

- (a) in paragraph (1), for “Subject to paragraphs (1A) and (11)” substitute “Subject to paragraph (1A)”;
- (b) in paragraph (1A), omit “continual professional development”;
- (c) in paragraph (2), for “Subject to paragraphs (3) and (4), an election” substitute “An election”; and
- (d) omit paragraphs (3) to (11).

(6) Omit article 60 (continued payment of additional and further contributions).

(7) In article 62 (election to purchase increased benefits)—

(a) for paragraph (4) substitute—

“(4) An election to pay periodical contributions must be made at least 2 years before the person’s normal pension age, but no such election may be made if the Board so resolves, unless the person has at their own expense undergone a medical examination and satisfied the Board as to their good health.”.

(b) for paragraph (5) substitute—

“(5) An election under this article—

- (a) takes effect, subject to paragraph (3)(b) on the day on which written notice is received by the Board; and
- (b) is irrevocable.”.

*Document Generated: 2023-04-17*

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*