

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (SCOTLAND)

PART 1

CITATION AND INTERPRETATION

Disablement

3.—(1) References in this Scheme to a person's being permanently disabled are references to the person being disabled at the time when the question arises for decision and to the person's disablement being at that time likely to be permanent.

(2) Disablement—

- (a) in relation to a firefighter member, means such incapacity, occasioned by infirmity of mind or body, as makes the firefighter member unable to perform any duties of the role in which the firefighter member was last employed; or
- (b) in relation to a child, means such incapacity, occasioned by infirmity of mind or body, as makes the child unable to earn a living.

(3) In determining whether a person's disablement is permanent, the authority shall have regard—

- (a) in every case, to whether the disablement will continue until the person's normal retirement age; and
- (b) in relation to a person who has taken a deferred pension, to whether the disablement will continue until the person's normal benefit age.

(4) Where—

- (a) a person has left the Scheme with deferred entitlement to benefits before becoming disabled; and
- (b) the date on which the person becomes disabled cannot be ascertained,

the date shall be taken to be that on which the claim that the person is disabled is first made known to the authority.