

SCHEDULE 1

AMENDMENT OF THE FIREFIGHTERS' PENSION (WALES) SCHEME

- 83.** In Schedule 3 (awards on death— spouses)—
- (a) in Part II (spouse's special pension), in paragraph 2(2), for “member of a brigade”, substitute “employee of a fire and rescue authority”;
 - (b) for Part IV (pension for widow of post-retirement marriage), substitute—

“PART IV

PENSION FOR SURVIVING SPOUSE OF POST-RETIREMENT MARRIAGE

1.—(1) Where the surviving spouse would otherwise have been entitled to an ordinary pension under rule C1, a special award under rule C2 or an augmented award under rule C3, the amount of his pension under rule C5 shall, subject to sub-paragraph (2), be calculated in accordance with paragraph 1 of Part I of this Schedule in the same way as that of an ordinary pension.

- (2) For the purposes of this paragraph, paragraph 1 of Part I has effect—
 - (a) as if the reference in sub-paragraph (1)(a) to the base pension were a reference to the appropriate proportion of the base pension, and
 - (b) where the surviving spouse would otherwise have been entitled to a special award under rule C2 or an augmented award under rule C3, as if the base pension were the ill-health pension to which the deceased would have been entitled if he had, when he ceased to serve, retired because he was disabled in circumstances entitling him to such a pension.

2.—(1) Where the surviving spouse would otherwise have been entitled to an accrued pension under rule C4, the amount of his pension under rule C5 shall, subject to sub-paragraph (2), be calculated in accordance with Part III of this Schedule in the same way as that of an accrued pension.

- (2) For the purposes of this paragraph, paragraph 2 of Part III has effect as if references to the deceased's deferred pension were references to the greater of—
 - (a) the appropriate proportion of the deferred pension, and
 - (b) subject to sub-paragraph (3), 1/160th of the deceased's average pensionable pay multiplied by the period in years of so much of his pensionable service as is reckonable by virtue of service or employment after 5 April 1978 (“relevant pensionable service”).

(3) Where some or all of the deceased's service, which is reckonable as pensionable service, was part-time service, the amount at sub-paragraph (2)(b) shall be calculated using the formula in paragraph 2 of Part VIA of Schedule 2.

- (4) In making the calculation mentioned in sub-paragraph (3)—
 - (a) for the value of A there shall be substituted “A is the amount calculated under paragraph 2(2)(b) of Part IV of Schedule 3 if the average pensionable pay was the pay the deceased would have received had he been a whole-time employee of a fire and rescue authority”; and

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(b) in relation to B, C and D only pensionable service after 5 April 1978 shall be counted.

3. The appropriate proportion mentioned in paragraphs 1 and 2 is the proportion which the deceased's relevant pensionable service bears to his total pensionable service.”; and

(c) in Part V (spouse's requisite benefit pension), in paragraph 3, for “member of a brigade”, substitute “employee of a fire and rescue authority”.