

SCHEDULE 2

Article 2

AMENDMENT OF THE FIREFIGHTERS' PENSION (WALES)
SCHEME CONSEQUENT ON THE CIVIL PARTNERSHIP ACT 2004

1. In rule A3 (exclusive application to regular firefighters)(1), in paragraph (1), after “their spouses”, insert “or civil partners”.

2. In rule B9 (allocation)(2)—

(a) in paragraph (2)(a), after “spouse”, insert “or civil partner”;

(b) in paragraph (4)—

(i) in sub-paragraph (b)—

(aa) after “marry”, insert “or form a civil partnership”; and

(bb) after “re-marry”, insert “or form a subsequent civil partnership”;

(ii) after “spouse”, insert “or civil partner”; and

(iii) after “marriage”, insert “or civil partnership”; and

(c) in paragraph (7)(b)—

(i) after “marry”, insert “or form a civil partnership”;

(ii) after “re-marry”, insert “or form a subsequent civil partnership”;

(iii) after “spouse”, insert “or civil partner”; and

(iv) after “marriage”(in both places), insert “or civil partnership”.

3. In rule C1 (spouse’s ordinary pension)(3)—

(a) in paragraph (1), after “spouse”, insert “or civil partner”;

(b) after paragraph (2), insert—

“(2A) Subject to paragraph (3), the surviving civil partner is entitled to an ordinary pension of such amount as bears to the ordinary pension to which he would have been entitled had he been the deceased’s surviving spouse (calculated in accordance with Part I of Schedule 3), the same proportion that the deceased’s service after 5 April 1988 bears to the whole of his pensionable service.”; and

(c) in paragraphs (3) and (5), after “spouse”, insert “or civil partner”.

4. In rule C2 (spouse’s special award)—

(a) in paragraphs (1) and (2), after “spouse”, insert “or civil partner”; and

(b) for paragraph (3), substitute—

“(3) Where the deceased died while serving as a regular firefighter the amount of the gratuity is the total of 25% of his average pensionable pay and the greater of—

(a) in the case of a surviving spouse—

(i) his average pensionable pay, and

(ii) two and a quarter times the amount of the pension that would have been payable under rule B3 if on the date of his death he had retired on the ground of permanent disablement;

(b) in the case of a surviving civil partner—

(1) Rule A3 was amended by [S.I. 2001/3691](#) and by paragraph 1 of Schedule 1 to this Order.

(2) Rule B9(2) was amended by paragraph 19 of Schedule 1 to this Order.

(3) Rule C1(3) and (5) was amended by paragraph 22 of Schedule 1 to this Order.

Status: This is the original version (as it was originally made).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

- (i) his average pensionable pay; and
 - (ii) two and a quarter times such amount as bears to the amount of the pension referred to in sub-paragraph (a)(ii) to which he would have been entitled had he been the deceased's surviving spouse, the same proportion that the deceased's service after 5th April 1988 bears to the whole of his pensionable service.”.
- 5. In rule C3 (spouse's augmented award), in paragraph (1), after “spouse”, insert “or civil partner”.
- 6. In rule C4 (spouse's accrued pension)—
 - (a) in paragraph (1), after “spouse”, insert “or civil partner”; and
 - (b) for paragraph (3), substitute—
 - “(3) Where this rule applies—
 - (a) the surviving spouse is entitled to an accrued pension calculated in accordance with Part III of Schedule 3; and
 - (b) the surviving civil partner is entitled to an accrued pension of such amount as bears to the amount of accrued pension to which he would have been entitled had he been the deceased's surviving spouse, the same proportion that the deceased's service after 5 April 1988 bears to the whole of his pensionable service.”.
- 7. For rule C5 (limitation on award to spouse by reference to date of marriage)(4), substitute—

“Limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership

- 5.—(1) A surviving spouse or civil partner is not entitled to an ordinary pension under rule C1, a special award under rule C2, an augmented award under rule C3 or an accrued pension under rule C4 unless he was married to, or had a civil partnership with, the deceased during a period before the deceased last ceased to be a regular firefighter.
 - (2) A surviving spouse who, but for paragraph (1), would be entitled to a pension or other award mentioned in that paragraph, is instead entitled to a pension calculated, subject in the case of a civil partner to paragraph (3), in accordance with Part IV of Schedule 3.
 - (3) A surviving civil partner who, but for paragraph (1), would be entitled to a pension or other award mention in that paragraph, is instead entitled to a pension of such amount as bears to the pension to which, under paragraph (2), he would have been entitled had he been the deceased's surviving spouse, the same proportion that the deceased's service after 5 April 1988 bears to the whole of his pensionable service.”.
- 8. In rule C6 (widow's requisite benefit and temporary pension)(5)—
 - (a) in paragraphs (1)(a) and (2) after “spouse”, insert “or civil partner”;
 - (b) for paragraph (4), substitute—
 - “(4) The requisite benefit pension shall be calculated—
 - (a) in the case of a surviving spouse, in accordance with Part V of Schedule 3; and
 - (b) in the case a surviving civil partner, in accordance with that Part subject to the substitution, in paragraphs 1 and 3, of “5 April 1988”for “5 April 1978”.”; and
 - (c) in paragraph (5), after “spouse”, insert “or civil partner”.

(4) Rule C5 was substituted by paragraph 24 of Schedule 1 to this Order.

(5) Rule C6 was substituted by paragraph 25 of Schedule 1 to this Order.

9. In rule C7 (spouse's award where no other award payable), in paragraphs (1) and (2), after "spouse", insert "or civil partner".
10. In rule C8 (limitation where spouses living apart)(6)—
- (a) in paragraph (1), after "spouse", insert "or civil partner";
 - (b) for paragraph (2), substitute—
 - "(2) Except where paragraph (3) applies, a surviving spouse or civil partner who, but for paragraph (1), would be entitled to an award under rule C1, C2, C3 or C4, is entitled instead to a requisite benefit pension calculated—
 - (a) in the case of a surviving spouse, in accordance with Part V of Schedule 3; and
 - (b) in the case of a surviving civil partner, in accordance with that Part subject to the substitution, in paragraphs 1 and 3, of "5 April 1988" for "5 April 1978".";
 - (c) in paragraph (3), after "spouse"(in both places), insert "or civil partner";
 - (d) in paragraph (4)—
 - (i) in sub-paragraph (a), after "spouse", insert "or civil partner"; and
 - (ii) for sub-paragraph (b), substitute "(b) to the spouse or civil partner for the support of a child of the spouse or civil partner"; and
 - (e) in paragraph (7), after "spouse", insert "or civil partner".
11. In rule C9 (effect of remarriage)(7), in paragraphs (1) and (2)—
- (a) for "remarries", substitute "marries, remarries, forms a civil partnership or a subsequent civil partnership"; and
 - (b) after "marriage", insert "or civil partnership".
12. In rule C10 (pension debit members), after "spouse", insert "or civil partner".
13. In rule D3 (child's special gratuity), in paragraph (1), after "spouse", insert "or civil partner".
14. In rule D5 (child's allowance or special gratuity— limitations)—
- (a) in paragraph (1)(a), after "took place", insert ", or of a civil partnership that was formed,"; and
 - (b) in paragraph (1)(b), after "took place", insert ", or of a civil partner whose civil partnership with the deceased was formed,".
15. In rule E1 (lump sum death grant), in paragraphs (4) and (5), after "spouse", insert "or civil partner".
16. In rule E3 (dependent relative's gratuity), in paragraph (2), after "spouse", insert "or civil partner".
17. In rule E4 (payment of balance of contributions to estate), in paragraph (2)(f)(i), after "spouse's", insert "or civil partner's".
18. In rule E5 (gratuity in lieu of surviving spouse's pension)(8), in paragraph (2)(a) and (c), after "spouse", insert "or civil partner".
19. In rule E8 (increase of pensions and allowances during first 13 weeks)—
- (a) in paragraph (1), after "spouse's", insert "or civil partner's"; and
 - (b) in paragraphs (5)(a) and (b) and (7), after "spouse", insert "or civil partner".

(6) Rule C8(7) was amended by paragraph 26 of Schedule 1 to this Order.

(7) Rule C9 was amended by paragraph 27 of Schedule 1 to this Order.

(8) Rule E5 was substituted by paragraph 32 of Schedule 1 to this Order.

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

- 20.** In rule I3 (awards on death of servicemen)(**9**), in paragraph (3)(a), after “spouse”, insert “or civil partner”.
- 21.** In rule J1 (guaranteed minimum pension)—
- (a) omit “and” immediately before paragraph (2)(c);
 - (b) at the end of paragraph (2)(c), insert “, and”; and
 - (c) after paragraph (2)(c), insert—
 - “(d) in the case of a person who dies at any time after 4 December 2005 and leaves a civil partner, the civil partner is entitled to a pension at a weekly rate equal to half of the deceased’s guaranteed minimum;”; and
 - (d) in paragraph (4)—
 - (i) for “paragraph (2)(b) or (c)”, substitute “paragraph (2)(b), (c) or (d)”; and
 - (ii) for “remarries”, substitute “marries, remarries, forms a civil partnership or a subsequent civil partnership”.
- 22.** In rule J3 (whole-time or part-time member of a brigade who is not a firefighter)(**10**), in paragraph (3)(a), after “spouse”, insert “or civil partner”.
- 23.** In rule J4 (retained or volunteer member of a brigade)(**11**), for paragraph (4), substitute—
- “(4) Where paragraph (3) applies and the deceased leaves a surviving spouse or civil partner, the deceased shall be treated for the purposes of rules C2 (spouse’s or civil partner’s special award) and C3 (spouse’s or civil partner’s augmented award) as having been a regular firefighter falling within the description in paragraph (7); and rules C5 (limitation with reference to date of marriage or formation of civil partnership), C8 (limitation where spouses or civil partners living apart), C9 (effect of remarriage or formation of subsequent civil partnership), E5 (gratuity in lieu) and E8 (increase of pensions and allowances during first 13 weeks) apply accordingly in relation to awards to which the spouse or civil partner is thus entitled.”
- 24.** In rule K4 (withdrawal of pension during service as a regular firefighter)(**12**), after “spouses”, insert “and civil partners”.
- 25.** In rule L3 (payment of awards), for paragraph (3), substitute—
- “(3) Where, after receiving a payment in advance in respect of a pension under Part C, a surviving spouse or civil partner marries, remarries, forms a civil partnership or a subsequent civil partnership, no claim for repayment shall be made on the ground that the payment or any part of it is referable to a period after the marriage took place or, as the case may be, the civil partnership was formed.”
- 26.** In rule L4 (prevention of duplication)(**13**), in paragraph (4)(b), after “spouse”, insert “or civil partner”.
- 27.** In rule L4B (prevention of duplication: other awards for spouses or children of persons who are both regular and retained firefighters)(**14**), in paragraphs (2)(a) to (d) and (3)(a) and (b), after “spouse’s”, insert “or civil partner’s”.
- 28.** In Schedule 1, in Part I (glossary of expressions), in the entry for the expression “child”, in the second column, after “spouse”, insert “or civil partner”.

(9) Rule I3(3) was amended by paragraph 59 of Schedule 1 to this Order.

(10) Rule J3(3) was amended by paragraph 67 of Schedule 1 to this Order.

(11) Rule J4 was amended by paragraph 68 of Schedule 1 to this Order.

(12) Rule K4 was amended by paragraph 73 of Schedule 1 to this Order.

(13) Rule L4(4) was amended by paragraph 78 of Schedule 1 to this Order.

(14) Rule L4B was inserted by paragraph 79 of Schedule 1 to this Order.

29. In Schedule 3 (awards on death— spouses), in Part I (spouse’s ordinary pension), in paragraph 2, after “spouse”, insert “or civil partner”.

30. In Schedule 4 (awards on death— children)—

- (a) in Part I (child’s ordinary allowance), in paragraph 2(1)(b) and (2), after “spouse's”, insert “or civil partner's”; and
- (b) in Part III (child’s accrued allowance), in paragraph 5(a), after “spouse's”, insert “or civil partner's”.

31. In Schedule 5 (awards on death— additional provisions), in Part I (adult dependent relative’s special pension)(**15**)—

- (a) in paragraph 1(a), after “spouse”, insert “or civil partner”; and
- (b) in paragraph 2(1)(a) and (2), after “spouse's”, insert “or civil partner's”.

32. In Schedule 6 (pensionable service and transfer values)—

- (a) in Part II (service reckonable on receipt of transfer value), in paragraph 2(2), in the definition of “E”, after “spouse's”, insert “or civil partner's”; and
- (b) in Part III (transfer payments between fire authorities)—
 - (i) in paragraph 1, after “spouse's”, insert “or civil partner's”; and
 - (ii) in paragraph 3—
 - (aa) after “spouse's”, insert “or civil partner's”; and
 - (bb) in the definition of “E”, after “spouse” insert “or civil partner”.

33. In Schedule 8 (purchase of increased benefits), in Part III (increases by reference to appropriate amount)(**16**)—

- (a) in paragraph 2(2)(b), after “spouse's”, insert “or civil partner's”;
- (b) in paragraph 2(2)(c), after “spouse”, insert “or civil partner”;
- (c) in paragraph 3(2)(a), after “spouse's”, insert “or civil partner's”; and
- (d) in paragraph 4, after “spouse's”, insert “or civil partner's”.

34. In Schedule 10 (servicemen— increased awards), in paragraph 2, after “spouse”(in both places), insert “or civil partner”.

35. In Schedule 11 (special cases)(**17**)—

- (a) in Part I (spouse’s awards), in paragraphs 1(1), 2(1) and 3(1) and (2), after “spouse's”, insert “or civil partner”; and
- (b) in Part IV (modification for persons serving on 10 July 1956)—
 - (i) in paragraphs 6(a) and 9(a), after “spouse” insert “or civil partner”; and
 - (ii) in paragraph 19, in paragraph 3 (Scheme II) of the substituted Part I of Schedule 3, for “any surviving spouse’s benefit or retirement pension payable”, substitute “any benefit or retirement pension payable to the surviving spouse or civil partner”.

(15) In Part I, paragraph 2(2) was amended by paragraph 85 of Schedule 1 to this Order.

(16) In Part I, paragraph 2(2)(c) was amended by paragraph 87 of Schedule 1 to this Order.

(17) In Part IV, paragraphs 9(a) and 19 were amended by paragraph 89 of Schedule 1 to this Order.