

SCHEDULE 1

THE NEW FIREFIGHTERS' PENSION SCHEME (WALES)

PART 15

MISCELLANEOUS PROVISIONS

Death of retained or volunteer firefighter before Firefighters' Pension Scheme (Wales) Order 2007 in force

5.—(1) This rule applies where a retained or volunteer firefighter dies on or after 6 April 2006 and before the Firefighters' Pension Scheme (Wales) Order 2007 comes into force.

(2) Chapters 1 and 2 of Part 4 of this Scheme (survivors' pensions), rule 1 of Part 5 of this Scheme (death grant) and rule 3 of Part 11 (pension contributions) have effect in respect of the deceased as if—

- (a) the deceased had become a member of this Scheme—
 - (i) where the deceased was employed by an authority immediately before 6 April 2006, on that date,
 - (ii) in any other case, on the date on which the deceased took up employment with the authority;
- (b) the deceased had not made a contributions election; and
- (c) the deceased's qualifying service and the deceased's pensionable service began on whichever is the later of—
 - (i) the date on which the deceased took up employment, and
 - (ii) 6 April 2006,and ended on the date of the deceased's death

(3) Where—

- (a) in anticipation of the coming into force of this Scheme , the deceased nominated a nominated partner, and
- (b) the nomination was received and accepted by the authority before the deceased died,

the deceased's nominated partner is entitled to the same benefits under this Scheme as if the nomination had effect for the purposes of this Scheme.

(4) The authority must deduct from the death grant payable by virtue of paragraph (2) the amount of the pension contributions that would have been payable under rule 3 of Part 11; and rule 1 of that Part has effect for determining the deceased's pensionable pay for that purpose.

(5) The authority must notify the personal representatives of the amount deducted.