

---

WELSH STATUTORY INSTRUMENTS

---

**2007 No. 1072 (W.110)**

**FIRE AND RESCUE SERVICES, WALES  
PENSIONS, WALES**

**The Firefighters' Pension Scheme (Wales) Order 2007**

*Made* - - - - 28 March 2007

*Coming into force* 29 March 2007

**THE FIREFIGHTERS' PENSION SCHEME (WALES) ORDER 2007**

1. Title, commencement and application
  2. New pension scheme for firefighters in Wales
  3. 1992 scheme ceasing to have effect in Wales, with savings
  4. Continuation of schemes for retained firefighters
- Signature

---

SCHEDULE THE NEW FIREFIGHTERS' PENSION SCHEME (WALES)

- 1  
PART 1 — TITLE AND INTERPRETATION
  1. Title
  2. Interpretation
  3. Disablement
- PART 2 — SCHEME MEMBERSHIP, CESSATION AND RETIREMENT
  1. Scheme membership
  2. Eligibility conditions
  3. Normal retirement age and normal benefit age
  4. Last day of membership
  5. Election not to make pension contributions
  6. Rejoining the Scheme
- PART 3 — PERSONAL AWARDS
  1. Ordinary pension
  2. Award on ill-health retirement
  3. Deferred pension
  4. Cancellation of deferred pension
  5. Pension on member-initiated early retirement
  6. Pension on authority-initiated early retirement

*Status: This is the original version (as it was originally made).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

7. Entitlement to two pensions
8. Refund of aggregate pension contributions
9. Commutation: general
10. Commutation: small pensions
11. Allocation of pension
12. Pension debit members

#### PART 4 — SURVIVORS' PENSIONS

##### CHAPTER 1

#### SURVIVING SPOUSES, CIVIL PARTNERS AND NOMINATED PARTNERS

1. Pensions for surviving spouses, civil partners and nominated partners
2. Amount of survivor's pension: general
3. Amount of survivor's pension: special cases
4. Bereavement pension: survivors
5. Commutation of pensions for surviving spouses, civil partners and nominated partner

##### CHAPTER 2

#### CHILDREN'S PENSIONS

6. Child pension
7. Child pension: limitations and duration
8. Amount of child pension
9. Bereavement pension: children
10. Pension for child where no survivor's pension paid
11. Child pension in respect of pension debit member
12. Commutation of child pension

#### PART 5 — AWARDS ON DEATH

1. Death grant
2. Post-retirement death grant

#### PART 6 — PENSION SHARING ON DIVORCE

1. Pension credit member's entitlement to pension
2. Commutation of whole of pension credit benefits
3. Commutation of part of pension credit benefits
4. Application of general rules
5. Post-retirement death grant: pension credit members

#### PART 7 — RESERVISTS

1. Interpretation of Part 7
2. Continuity of employment
3. Awards on death or permanent disablement
4. Reservists who do not resume employment with their former authority

#### PART 8 — DETERMINATION OF QUESTIONS AND APPEALS

1. Interpretation of Part 8
2. Determinations and decisions by fire and rescue authority
3. Review of medical opinion
4. Appeals against decisions based on medical advice
5. Appeals on other issues

#### PART 9 — REVIEW, WITHDRAWAL AND FORFEITURE OF AWARDS

1. Review of ill-health pension
  2. Consequences of review
  3. Withdrawal of pension during service as firefighter
  4. Withdrawal of early payment of deferred pension
  5. Withdrawal of pension on conviction of certain offences
  6. Forfeiture of award
- PART 10 — QUALIFYING SERVICE AND PENSIONABLE SERVICE
1. Qualifying service
  2. Reckoning of pensionable service
  3. Non-reckonable service
  4. Reckoning of unpaid period of absence
  5. Reckoning of maternity, paternity and adoption leave, etc
  6. Calculation of pensionable service
- PART 11 — PENSIONABLE PAY, PENSION CONTRIBUTIONS AND PURCHASE OF ADDITIONAL SERVICE

#### CHAPTER 1

##### PENSIONABLE PAY AND PENSION CONTRIBUTIONS

1. Pensionable pay
2. Final pensionable pay
3. Pension contributions
4. Optional pension contributions during maternity and adoption leave

#### CHAPTER 2

##### PURCHASE OF ADDITIONAL SERVICE

5. Purchase of additional service
  6. Election to purchase additional service
  7. Duration of periodical contributions and premature cessation
  8. Discontinuance and resumption of periodical contributions
  9. Periodical contributions in respect of periods of unpaid service or unpaid absence
  10. Effect of purchasing additional service by lump sum payment
- PART 12 — TRANSFERS INTO AND OUT OF THE SCHEME

#### CHAPTER 1

##### INTERPRETATION OF PART 12 AND ENTITLEMENT TO TRANSFER VALUE PAYMENT

1. Interpretation of Part 12
2. Entitlement to transfer value payment

#### CHAPTER 2

##### TRANSFERS OUT OF THE SCHEME

3. Applications for statements of entitlement
4. Applications for transfer value payments
5. Ways in which transfer value payments may be applied
6. Calculating amounts of transfer value payments

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

7. Effect of transfers-out

### CHAPTER 3

#### TRANSFERS INTO THE SCHEME

8. Applications for acceptance of transfer value payment from another scheme
9. Procedure for applications under rule 8
10. Acceptance of transfer value payments
11. Calculation of transferred-in pensionable service

### CHAPTER 4

#### TRANSFERS BETWEEN WELSH AUTHORITIES

12. Transfer of pension history between Welsh authorities

### CHAPTER 5

#### MIS-SOLD PENSIONS AND RESTITUTION PAYMENTS

13. Interpretation of Chapter 5
  14. Mis-sold pensions
  15. Calculation of amount of restitution payment
- PART 13 — FIREFIGHTERS' PENSION FUND
1. Firefighters' Pension Fund: payments, receipts and transfers
  2. Payments and transfers into Firefighters' Pension Fund
  3. Transfers from Firefighters' Pension Fund
  4. Excess amounts: information
  5. Excess amounts: estimated deficits
  6. Excess amounts — estimated surpluses
  7. Excess amounts — actual deficits
  8. Excess amounts — actual surpluses
  9. Duty to provide information
  10. Duty to have regard to guidance
- PART 14 — PAYMENT OF AWARDS
1. Authorities responsible for payment of awards
  2. Deduction of tax and lifetime allowance charges
  3. Payment of awards
  4. Pensions under more than one contract of employment
  5. Payments for minors and persons incapable of managing their affairs
  6. Payment of awards; further supplementary provision
- PART 15 — MISCELLANEOUS PROVISIONS
1. Guaranteed minimum pensions, etc.
  2. Survivors' guaranteed minimum pensions
  3. Information for authorities
  4. Annual benefit statements
  5. Death of retained or volunteer firefighter before Firefighters' Pension Scheme (Wales) Order 2007 in force
  6. Death on or before 31 March 2007 of retained or volunteer firefighters employed before 6 April 2006
- ANNEX 1 ILL-HEALTH PENSIONS

1. (1) Except in a case to which sub-paragraph (2) applies,...
  2. The annual amount of the higher tier ill-health pension of...
  3. The annual amount of the higher tier ill-health pension of...
- ANNEX 2  
APPEALS TO BOARD OF MEDICAL REFEREES
1. (1) Subject to sub-paragraph (2), written notice of appeal against...
  2. (1) On receiving a notice of appeal, the authority must...
  3. (1) The board must consist of not less than three...
  4. (1) As soon as reasonably practicable after referring an appeal...
  5. Where an appeal is to be pursued, the board must...
  6. (1) Subject to sub-paragraph (4), the board—
  7. (1) Where either party intends to submit written evidence or...
  8. (1) The board must supply the Assembly with —
  9. (1) There must be paid to the board and the...
  10. (1) Subject to paragraph 7(3) and sub-paragraphs (2) to (5)...
  11. Any notice, information or document which an appellant is entitled...
- SCHEDULE  
TRANSITIONAL ARRANGEMENTS
- 2
  1. Regular firefighters who became members of the 1992 scheme on or after 6 April 2006
  2. Options for active members of the 1992 Scheme
  3. Calculation of transferred-in pensionable service
- Explanatory Note