

1987 No. 424

FIRE SERVICES

**Firemen's Pension Scheme (Amendment) Order
(Northern Ireland) 1987**

Made 20th November 1987

Coming into operation 1st January 1988

The Department of the Environment in exercise of the powers conferred on it by Article 10(1) and (4) of the Fire Services (Northern Ireland) Order 1984(a) and of every other power enabling it in that behalf, with the approval of the Department of Finance and Personnel makes the following Order:—

Citation

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order (Northern Ireland) 1987.

Commencement and effect

2. This Order shall come into operation on 1st January 1988 and shall have effect—

- (a) for the purposes of Article 5, as from 13th July 1978;
- (b) for all other purposes, as from 8th March 1984.

Interpretation

3.—(1) In this Order “the Scheme of 1973” means the Firemen's Pension Scheme (Northern Ireland) 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973(b).

(2) This Order shall not apply in the case of a member of the fire brigade who last ceased to serve before 8th March 1984.

Amendments to the Scheme of 1973

4. In Article 7(1) of the Scheme of 1973 there shall be inserted at the appropriate places the words—

“ “husband” includes wife”

“widow” includes widower”

“wife” includes husband” ”.

5. For Article 19(5) of the Scheme of 1973 there shall be substituted the following provision:—

(a) S.I. 1984/1821 (N.I. 11)

(b) S.R. & O. (N.I.) 1973 No. 393; the relevant amending Orders are S.R. 1978 No. 24, S.R. 1979 Nos. 88 and 387, S.R. 1980 Nos. 62 and 208

“(5) Where the husband was entitled to an injury gratuity under Article 11—

- (a) if it equalled, or exceeded, the gratuity under paragraph (2), the gratuity under paragraph (2) shall not be payable;
- (b) in any other case the gratuity under paragraph (2) shall be reduced by the amount of the husband’s gratuity.”.

6. In Article 39 of the Scheme of 1973, in the proviso, after the words “deferred pension” there shall be inserted the words:—

“or where a person is entitled both to a pension in respect of service as a member of the fire brigade and to a pension as the widow of a member of the fire brigade”.

7. After Article 78A(a) of the Scheme of 1973 there shall be inserted the following provision:—

“78B. In its application to the widower of a member of the fire brigade, this Scheme shall have effect subject to Schedule 11.”.

8. In Article 80(3) of the Scheme of 1973 (age of compulsory retirement) after the words “regular fireman” there shall be inserted the words:—

“appointed on terms under which he is or may be required to engage in fire-fighting,”.

9. In Part I of Schedule 7(b) to the Scheme of 1973—

- (a) in paragraph 1(1)(c), the words “in the case of a man,” shall be omitted;
- (b) in paragraph 3(1), the words “in the case of a man” shall be omitted, and at the end there shall be added the words:—
“in the case of a man or by the factor 1.1 in the case of a woman”;
- (c) in paragraph 5, the words “(a) in the case of a man” and sub-paragraph (b) shall be omitted.

10. In paragraph 3(1) of Part II of Schedule 7 to the Scheme of 1973, after the words “in the case of a woman, by”, there shall be inserted the words “a factor 0.55 greater than”.

11. After Schedule 10(c) of the Scheme of 1973 there shall be inserted the following Schedule:—

“SCHEDULE 11

Article 78B

MODIFICATIONS TO SCHEME IN ITS APPLICATION TO THE WIDOWER OF A MEMBER OF THE FIRE BRIGADE

1. For Article 22 there shall be substituted the following Article:—

-
- (a) As inserted by paragraph 25 of Part III to Schedule 2 to S.R. 1979 No. 88
 - (b) As substituted by paragraph 13 of Part II to Schedule 1 to S.R. 1979 No. 88
 - (c) As inserted by Article 4 of S.R. 1978 No. 24

“Widower’s gratuity by way of commuted pension

22.—(1) Where a widower is entitled to a pension under this Scheme and the Authority are satisfied that there are sufficient reasons for granting him a gratuity in lieu thereof, they may, subject to the provisions of Article 36, in their discretion and with his consent, commute the pension for a gratuity of an amount calculated in accordance with Part VI of Schedule 2.

(2) Where the Authority are precluded by reason of the provisions of Article 36 from exercising their discretion under the preceding paragraph in the manner in which they would, but for those provisions, exercise it, they may, subject to those provisions exercise that discretion in relation to part only of the pension.”.

2. In Article 23(1) the words from “before” to the end shall be omitted.

3. Articles 23A and 24 shall be omitted.

4. Article 78A(3) and (4)(b) shall be omitted.

5. For Part VI of Schedule 2 there shall be substituted the following Part:—

“PART VI

Article 22

WIDOWER’S GRATUITY BY WAY OF COMMUTED PENSION

A widower’s gratuity by way of commuted pension shall be such sum as may be agreed between the Authority and the widower, not exceeding the capitalised value of the pension or, as the case may be, of that part of the pension which is commuted, calculated in accordance with tables prepared from time to time by the Government Actuary.”.

Sealed with the Official Seal of the Department of the Environment on 20th November 1987.

(L.S.)

Trevor Pearson

Assistant Secretary

The Department of Finance and Personnel approves the foregoing Order.

Sealed with the Official Seal of the Department of Finance and Personnel on 20th November 1987.

(L.S.)

D. W. Alexander

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Firemen's Pension Scheme (Northern Ireland) 1973 (hereafter referred to as "the Scheme of 1973") principally to provide benefits for the widowers of female firefighters corresponding to those provided by the Scheme of 1973 for widows. The provisions have effect from 8th March 1984, except for Article 5 which has effect from 13th July 1978 (retrospection is authorised by Article 10(4) of the Fire Services (Northern Ireland) Order 1984).

Article 4 ensures that expressions connoting a certain gender, which were drafted specifically for the purpose of providing widow's benefits, are to include the opposite gender for the purpose of providing corresponding widowers' benefits.

Article 5 ensures that the increase in the widow's special gratuity introduced with effect from 13th July 1978 by the Firemen's Pension Scheme (Amendment No. 3) Order (Northern Ireland) 1979 (S.R. 1979 No. 387), is not lost if the husband was entitled to an injury gratuity which equalled the former maximum widow's special gratuity (under Article 19 of the Scheme of 1973) of 25% of her husband's average pensionable pay.

Article 6 ensures that no-one is prevented from receiving a pension in their own right under the Scheme in addition to a pension as the spouse of a member of a fire brigade.

Articles 7 and 11 make the necessary modifications to the Scheme of 1973 for the purpose of ensuring that, where appropriate, widowers' benefits are calculated in the same way as widows' benefits under the Scheme.

Article 8 inserts a reference to the terms of appointment of a regular fireman for the purposes of compulsory retirement.

Articles 9 and 10 amend the provisions in the Scheme of 1973 for the calculation of transfer values and the reckoning of pensionable service on receipt of a transfer value for firefighters. Article 9 ensures that proper provision is made to include the actual values of potential widower's pension in the calculation of an outward transfer value. Article 10 ensures that, if a female firefighter transfers previous service elsewhere into the Scheme of 1973, the incoming transfer value is translated into pensionable service which reckons fully for widower's pension as well as personal pension.