

SCHEDULES

SCHEDULE 2

Amendment to the Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007

5. In Part 11 (pensionable pay, pension contributions and purchase of additional service) in Chapter 1 (pensionable pay and pension contributions)—

(a) in article 61 (pensionable pay)—

(i) in paragraph (1) for “Subject to paragraphs (3), (5A) and (6) and article 63(3)” substitute “Subject to paragraphs (3), (5A) and (5B) and article 63(3)”;

(ii) after paragraph (5A) insert —

“(5B) Subject to paragraphs (5C) and (5D), where article 4B of Part 2 has applied to a member of this Scheme who has joined the 2015 Scheme with continuity of service and paragraph 1 or 2 of Schedule 7 (final salary link) to the 2014 Act applies to that person, paragraph (1) of this article does not apply and final pensionable pay is determined in accordance with Schedule 7 to that Act so that the member’s pensionable pay under the 2015 Regulations as modified by paragraph 33 of Schedule 2 to those Regulations derived from service in the 2015 Scheme is to be regarded as pensionable pay derived from service in this Scheme.

(5C) Where paragraph (5B) and paragraph 33(4) of Schedule 2 to the 2015 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2015 Regulations as modified by paragraph 33 of Schedule 2 to those Regulations for the last year of pensionable service in the 2015 scheme before the reduction in pensionable pay.

(5D) Where paragraph 33(3) of Schedule 2 to the 2015 Regulations applies to a member of this Scheme, pensionable pay is determined in accordance with paragraph (1) and paragraph (5B) does not apply.”.

(b) in article 62(1) (final pensionable pay)—

(i) in paragraph (2) for “Subject to paragraph (3)” substitute “Subject to paragraphs (2A) and (3)”;

(ii) after paragraph (2) insert—

“(2A) In the case of a connected member or a deferred member to whom paragraph (5B) of article 61 applies, “the relevant date” means—

(a) where the final salary link applies, the last day of pensionable service in the 2015 Scheme, or

(b) where paragraph 33(4) to Schedule 2 to the 2015 Regulations applies, the last day of pensionable service in the 2015 Scheme before the reduction of pensionable pay in the 2015 Scheme.”;

(c) in article 64(2) (optional pension contributions during maternity and adoption leave)—

(1) Article 62 was amended by [S.R. 2015 No. 9](#).

(2) Article 64 was amended by [S.R. 2015 No. 9](#).

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- (i) in paragraph (3) for “Subject to paragraph (6)” substitute “Subject to paragraphs (6) and (7)”;
- (ii) after paragraph (3) insert—

“(3A) Where the firefighter member returns to work, or ceases to be employed, after the transition date, the election under paragraph (3) may only be made in respect of the period before the transition date.”;
- (iii) after paragraph (6) insert—

“(7) Where a person to whom this article applies is a connected member who dies before the end of the period of 30 days referred to in paragraph (3) without having given the required notice—

 - (a) that person shall be deemed to have given the required notice, and
 - (b) the Board—
 - (i) shall give to the person’s personal representatives a statement of the amount of contributions due; and
 - (ii) may collect the contributions with the agreement of the personal representatives by deducting the amount required from any lump sum death benefit payable under regulation 104 (lump sum payable on death of active member) of the 2015 Regulations.”;
- (d) in article 66A(3) (election to purchase service during the limited period)—
 - (i) after paragraph (7) insert—

“(7A) A person who intends to join this Scheme as a connected special member shall make the election in paragraph (7) and where a person elects to join this Scheme as a connected special member—

 - (a) the reference to “special firefighter member” in this article and article 66B(4) shall be treated as referring to a “connected special member”,
 - (b) the paragraphs referring to a “special firefighter member” in this article and article 66B shall be treated as referring to a “connected special member”.”;
 - (ii) after paragraph (9) insert—

“(9A) Where a special firefighter member has not paid all the mandatory special period pension contributions before the date on which article 4B of Part 2 applies to that member, the member may continue to pay those contribution after that date.”;
- (e) in article 67(5) (duration of periodical contributions and premature cessation)—
 - (i) at the end of sub-paragraph (c) of paragraph (2) omit “and” and after sub-paragraph (d) insert—

“or

 - (e) in the case of a connected member, or a connected special member, on the date that member ceases to be in pensionable service under the 2015 scheme.”;
- (f) in article 68(6) (discontinuance and resumption of periodical contributions) after paragraph (6) insert—

(3) Article 66A was inserted by [S.R. 2015 No. 9](#).

(4) Article 66B was inserted by [S.R. 2015 No. 9](#).

(5) Article 67 was amended by [S.R. 2015 No. 9](#).

(6) Article 68 was amended by [S.R. 2015 No. 9](#).

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“(7) This article applies to a connected member, or a connected special member, as it applies to a firefighter member.”;

- (g) in article 69 (periodical contributions in respect of periods of unpaid service or absence) after paragraph (4) insert—

“(5) This article applies to a connected member or a connected special member as it applies to a firefighter member who elects to purchase additional service in respect of a period of unpaid service or unpaid leave before the transition date.

(6) Where the connected member complies with the requirements in paragraph (2) that person may require the Board to treat the period referred to in paragraph (5) as pensionable service or in the case of a connected special member as special pensionable service.”.