

SCHEDULES

SCHEDULE 1

Article 2

Amendments to the 2015 Scheme

1. In Part 1 (preliminary) in regulation 3 (interpretation)—
 - (a) in the appropriate places insert—
 - ““adjusted lower tier ill-health pension” has the meaning given in regulation 74(4) (annual rate of ill-health awards);”
 - “connected member of the NFPS” has the meaning given in article 4C of Part 2 of the NFPS;
 - “connected special member of the NFPS” has the meaning given in article 4D of Part 2 of the NFPS;
 - “continued pension” means—
 - (a) in relation to a member of the NFPS, the entitlement to a pension under article 11B of Part 3 of the NFPS,
 - (b) in relation to a member of the FPS, the entitlement to a pension under article 14A of the FPS;
 - “deferred member of the FPS” means a person who is entitled to a deferred pension under article 16 of the FPS;
 - “deferred member of the NFPS” has the meaning given in article 2(1) of Part 1 of the NFPS;
 - “equivalent amount to the FPS lower tier ill-health pension” has the meaning given in regulation 73(5) (entitlement to lower tier ill-health pension and higher tier ill-health pension);
 - “equivalent amount to the NFPS lower tier ill-health pension” has the meaning given in regulation 73(5) (entitlement to lower tier ill-health pension and higher tier ill-health pension);
 - “initial period” has the meaning given in regulation 85 (meaning of “initial period”);
 - “pensionable service in the 2015 scheme” means any continuous pensionable service in relation to the active member’s account in this scheme to which pensionable service in the FPS was added for the purposes of regulation 66 (qualifying service) for the period whilst paragraph (5A) of article 2 of the FPS continues to apply to that person.
 - “shared parental leave” means leave under the Shared Parental Leave Regulations (Northern Ireland) 2015(1)
 - (b) omit the definition of “additional paternity leave”;
 - (c) in the definition of “child related leave”—
 - (i) omit sub-paragraph (e);

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- (ii) at the end of sub-paragraph (f) insert “or”;
- (iii) after sub-paragraph (f) insert—
 - “(g) shared parental leave;”;
- (d) in the definition of “retirement pension” after paragraph (b) insert—
 - “(c) an ill-health award and the payment of any equivalent amount to the FPS lower tier ill-health pension (if any) and the payment of any equivalent amount to the NFPS lower tier ill-health pension (if any).”.
- (e) in the definition of “statutory pay”—
 - (i) in sub-paragraph (c) omit “ordinary”;
 - (ii) omit sub-paragraph (d);
 - (iii) after sub-paragraph (d) insert—
 - “(e) statutory shared parental pay within the meaning of section 167ZU (entitlement: birth) and section 167ZW (entitlement: adoption) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2).”.
- 2. In Part 3 (scheme membership)—
 - (a) in regulation 15 (scheme employment) of Chapter 1 (eligibility for active membership) for paragraph (3) substitute—
 - “(3) A person who is a member of the FPS or of the NFPS satisfies the requirement in this paragraph.”
 - (b) in regulation 27 (meaning of “assumed pensionable pay”) of Chapter 3 (pensionable pay)—
 - (i) in sub-paragraph (2)(c) after “additional maternity leave,” insert “shared parental leave or” and omit “or additional paternity leave”;
 - (ii) in sub-paragraph (2)(e) after “additional maternity leave” insert “or shared parental leave” and omit “or additional paternity leave”;
- 3. In Part 4 (pension accounts) in Chapter 8 (retirement account) in regulation 60 (account to specify amount of retirement pension (active members))—
 - (a) after paragraph (3), insert—
 - “(3A) Where the active member is entitled to an equivalent amount to the FPS lower tier ill-health pension or to an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify that amount.”.
 - (b) after paragraph (4), insert—
 - “(4A) For an equivalent amount to the FPS lower tier ill-health pension or an equivalent amount to the NFPS lower tier ill-health pension, the retirement account must specify any commutation amount.”.
- 4. In Part 5 (retirement benefits) in Chapter 2—
 - (a) in regulation 68 (annual rate of retirement pension (active members))—
 - (i) in paragraph (2) for “paragraphs (a), (b) and (c)” substitute “paragraphs (a), (b), (ba) and (c)”;
 - (ii) after paragraph (2)(b), insert—
 - “(ba) the sum of—

(2) Sections 167ZU and 167ZW were inserted by the Work and Families Act (Northern Ireland) 2015 (2015 c.1).

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- (i) the equivalent amount to the NFPS lower tier ill-health pension (if any) or the equivalent amount to the FPS lower tier ill-health pension (if any) specified in the member’s retirement account,
 - (ii) subtracting the commutation amount (if any) specified in that account in relation to that amount; and”;
- (b) in regulation 70 (employer initiated retirement) after paragraph (2) insert—
 - “(3) Where an employer is considering making the determination in paragraph (2) in respect of an active member who is a connected member of the NFPS, or a connected special member of the NFPS, in relation to that active member’s pension account, the employer must also consider making a determination under article 16 (pension on Board-initiated early retirement) of Part 3 of the NFPS.”;
- (c) in regulation 73 (entitlement to lower tier ill-health pension and to higher tier ill-health pension), after paragraph (3) insert—
 - “(4) Where an active member (A) is entitled to a lower tier ill-health pension and paragraph 22 (transition member who has not reached normal pension age under the NFPS) or paragraph 24 (transition member who has not reached normal pension age under the FPS) of Schedule 2 applies in relation to A—
 - (a) if paragraph 22 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under article 12(2) of the NFPS, be payable to the member under the NFPS;
 - (b) if paragraph 24 applies in relation to A, A is also entitled to an amount equivalent to the annual amount of a lower tier ill-health pension that would, if the member were entitled to payment of a lower tier ill-health pension under article 15 (ill-health awards) of the FPS, be payable to the member under the FPS.
 - (5) In these Regulations—
 - (a) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (a) of paragraph (4) is referred to as the “equivalent amount to the NFPS lower tier ill-health pension”;
 - (b) the amount equivalent to the annual amount of a lower tier ill-health pension in sub-paragraph (b) of paragraph (4) is referred to as the “equivalent amount to the FPS lower tier ill-health pension”.”;
- (d) in regulation 74 (annual rate of ill-health awards)—
 - (i) after paragraph (3) insert—
 - “(3A) In the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the FPS lower tier ill-health pension, the adjusted lower tier ill-health pension includes the adjusted equivalent amount.”;
 - (ii) after the definition of “the adjusted lower tier ill-health pension” insert—
 - ““the adjusted equivalent amount” means—
 - (a) in the case of a member who is entitled to an equivalent amount to the NFPS lower tier ill-health pension, that amount calculated—
 - (i) excluding from the calculation the amount of any additional period of service purchased under Part 11 of the NFPS, and
 - (ii) without the deduction of any commuted portion;

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- (b) in the case of a member who is entitled to the equivalent amount to the FPS lower tier ill-health pension, that amount calculated without the deduction of any commuted portion.”;
- (e) in regulation 77 (consequence of review) after paragraph (6) insert—
 - “(6A) Where L is entitled to an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the FPS lower tier ill-health pension, paragraphs (3) and (5) apply as if the reference to “lower tier ill-health pension” included an equivalent amount to the NFPS lower tier ill-health pension or an equivalent amount to the FPS lower tier ill-health pension, as the case may be.”;
- (f) after regulation 79 (option to commute part of pension), insert—

“Option to commute part of an equivalent amount

79A.—(1) A member who becomes entitled to the immediate payment of an equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the FPS lower tier ill-health pension may opt under this regulation to exchange part of the pension for a lump sum.

(2) The option may only be exercised—

- (a) by written notice to the scheme manager which sets out the amount to be commuted; and
- (b) before the first payment of the equivalent amount to the NFPS lower tier ill-health pension or to an equivalent amount to the FPS lower tier ill-health pension is made.

(3) Where the person is entitled to the immediate payment of an equivalent amount to the NFPS lower tier ill-health pension and exercises the option to commute under this article, the lump sum is calculated—

- (a) in the case of a person who is a connected member of the NFPS in accordance with paragraphs (2) and (4) of article 19 (commutation: general) of Part 3 of the NFPS, and
- (b) in the case of a person who is a connected special member of the NFPS in accordance with paragraphs (2A), (4) and (4A) of article 19(3) of Part 3 of that Scheme.”.

5. In Part 6 (death benefits)—

- (a) in Chapter 1 (interpretation) in regulation 85 (meaning of “initial period”) for “For the purposes of this Part” substitute “For the purposes of these Regulations”;
- (b) in Chapter 2 (pensions for surviving partners)—
 - (i) in paragraph (3) of regulation 86 (surviving partner’s pension payable on death of active member) for “Subject to regulation 90 (reduction in pensions in cases of wide age disparity)” substitute “Subject to paragraph (4) and regulation 90 (reduction of pensions in cases of wide age disparity)”;
 - (ii) after paragraph (3) of regulation 86 insert—
 - “(4) Where the member referred to in paragraph (1) was a transition member who had additional pension benefit under article 17A or 17B of Part 3(4) of the NFPS or additional pension benefit under article 16B or 16C(5) of the FPS, half the amount of

(3) Paragraphs (2A) and (4A) were inserted by [S.R. 2015 No. 9](#).

(4) Articles 17A and 17B were inserted by [S.R. 2008 No. 381](#) and amended by [S.R. 2014 No. 168](#).

(5) Articles 16B and 16C were inserted by [S.R. 2008 No. 382](#) and amended by [S.R. 2014 No. 169](#).

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additional pension benefit is added to the amount of the annual rate of the surviving partner's pension referred to in paragraph (3).”;

- (iii) at the beginning of paragraph (2) of regulation 94 (eligible child's pension on death of active member) insert “Subject to paragraph (3)” and after that paragraph insert—

“(3) Where the member referred to in paragraph (1) was a transition member who had additional pension benefit under article 17A or 17B of Part 3 of the NFPS or additional pension benefit under article 16B or 16C of the FPS, the amount of the additional pension benefit is added to the amount of the higher tier ill-health pension referred to in paragraph (2).”;

- (c) in Chapter 4 (lump sum death benefits), after paragraph (4) in regulation 101 (meaning of “final pay”) insert—

“(5) Where the member referred to in paragraph (1) is a transition member and was in pensionable service under the FPS or the NFPS, as the case may be, during the period referred to in paragraph (1)(a) or (1)(b) and service from that scheme is included in the qualifying service for the pension account in respect of which the lump sum death benefit is paid—

(a) pensionable pay in paragraph (1)(a) or (1)(b) includes average pensionable pay construed in accordance with article 56 of the FPS where the person was a member of the FPS or pensionable pay under article 61 or article 62 of Part 11 of the NFPS where the person was a firefighter or special firefighter member of the NFPS, and

(b) pensionable service includes pensionable service construed in accordance with article 45 of the FPS, where the person was a member of the FPS or pensionable service construed in accordance with articles 56 to 59 of Part 10 of the NFPS.”;

- (d) after paragraph (3) of regulation 104 (lump sum payable on death of active member) insert—

“(4) Where the active member's account in respect of which the lump sum death benefit will be paid included pensionable service reckonable under article 45 of the FPS as qualifying service and a dependent relative's gratuity has been paid under article 38 of the FPS or the payment of the balance of contributions to estate has been paid under article 39 of the FPS those amounts must be deducted from the amount of lump sum death benefit payable under this regulation.”.

6. In Part 8 (contributions) in Chapter 1 (members contributions) in regulation 121(3) omit “additional paternity leave,” and after “additional adoption leave” insert “, shared parental leave”.

7. Schedule 2 (transitional provisions) is amended as follows—

- (a) in Part 1, in paragraph 3(2) for “Subject to paragraph (3)” substitute “Subject to paragraphs (3) and (4)” and after sub-paragraph (3) insert—

“(4) In the case of a tapered protection member of the NFPS who is a special member of the NFPS, the tapered protection closing date is the date found by applying the relevant date in column 3 of the FPS table in Part 4 of this Schedule to the birthday referred to in column 1 and column 2.”;

- (b) in Part 2, in paragraph 9, after sub-paragraph (2) insert—

“(2A) Where P was a full protection member of the FPS and after retiring from pensionable service in this scheme became entitled to a continuous service pension under article 13A, or an ordinary pension under article 13 or a short service award under article 14 of that scheme or a continued pension under article 14A, P ceases to be eligible to be a full protection member of the NFPS.”;

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- (c) in Part 3, in paragraph 15, after sub-paragraph (1) insert—
 - “(1A) Where P was a full protection member of the FPS and after retiring from pensionable service in this scheme, became entitled to a continuous service pension under article 13A, or an ordinary pension under article 13 or a short service award under article 14 or a continued pension under article 14A of that scheme, P ceases to be eligible to be a tapered protection member of the NFPS.”;
- (d) after Part 3, insert—

“PART 3A

Payment of ill-health benefits to transition members

Transition member who has not reached normal pension age under the NFPS

22.—(1) This paragraph applies in relation to a transition member with continuity of service who—

- (a) is a connected member of the NFPS or a connected special member of the NFPS;
- (b) becomes entitled to an ill-health award under this scheme in relation to relevant scheme employment; and
- (c) who has not reached normal pension age under the NFPS.

(2) If this paragraph applies—

- (a) neither a lower tier ill-health pension nor a higher tier ill-health pension are payable under article 12 (award on ill-health retirement) of the NFPS; and
- (b) an ill-health award is payable under this scheme in accordance with this paragraph.

(3) If the member meets the conditions only for a lower tier ill-health pension under this scheme the annual rate of a lower tier ill-health pension payable under this scheme is the sum of—

- (a) the annual rate of a lower tier ill-health pension payable under this scheme; and
- (b) an amount payable under regulation 73(4) (entitlement to lower tier ill-health pension and to higher tier ill-health pension).

(4) Where the member meets the conditions for a higher tier ill-health pension under this scheme, the adjusted lower tier ill-health pension in regulation 74(4) (annual rate of ill-health awards) includes the amount in sub-paragraph (3)(b) for the purposes of the calculation of the annual rate of the higher tier ill-health pension.

(5) If, after an ill-health award becomes payable under this scheme, a transfer value payment is made under Chapter 2 (transfers out of the Scheme) of Part 12 (transfers into and out of the Scheme) of the NFPS in respect of the member’s rights under that Scheme and the transfer relates to a period of service included as qualifying service in relation to the member’s retirement account, the scheme manager must deduct from the ill-health award the amount in respect of service in the NFPS which is equal to the value represented by that transfer value payment.

(6) In this paragraph—

“relevant scheme employment” means the continuous period of pensionable service in scheme employment in relation to the active member’s account to which the qualifying service for that connected member of the NFPS, or connected special

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member of the NFPS, was added for the purposes of regulation 66 (qualifying service).

Transition member who reaches normal pension age under the NFPS

23.—(1) This paragraph applies in relation to a transition member with continuity of service who is receiving payment of an ill-health award in accordance with paragraph 22.

- (2) When the member reaches normal pension age under the NFPS—
- (a) the equivalent amount to the NFPS lower tier ill-health pension specified under regulation 68(2)(ba) (annual rate of retirement pension (active members)) ceases to be payable under this scheme; and
 - (b) the member becomes entitled under the NFPS to the immediate payment of a continued pension of a sum equal to the annual rate of the equivalent amount to the NFPS lower tier ill-health pension payable immediately the day before the member reaches normal pension age.

Transition member who has not reached normal pension age under the FPS

24.—(1) This paragraph applies in relation to a transition member who—

- (a) was in pensionable service in the FPS until the day before the transition date; and
 - (b) has continued in pensionable service in relevant scheme employment, or has been treated as an active member of this scheme in relation to that employment, until that member became entitled to an ill-health award under this scheme; and
 - (c) has not reached normal pension age under the FPS or the age at which the conditions of article 13 (ordinary pension) as modified by article 13A (continuous service pension) of that Scheme are satisfied.
- (2) If this paragraph applies—
- (a) neither a lower tier ill-health pension nor a higher tier ill-health pension are payable under article 15 (ill health award) of the FPS; and
 - (b) an ill-health award is payable from this scheme.
- (3) If the member meets the conditions only for a lower tier ill-health pension under this scheme, the annual rate of a lower tier ill-health pension payable under this scheme is the sum of—
- (a) the annual rate of a lower tier ill-health pension payable under this scheme; and
 - (b) an amount payable under regulation 73(4) (entitlement to lower tier ill-health pension and to higher tier ill-health pension).
- (4) If the member meets the conditions for a higher tier ill-health pension under this scheme, the adjusted lower tier ill-health pension in regulation 74(4) (annual rate of ill-health awards) includes the amount in sub-paragraph (3)(b) for the purposes of the calculation of the annual rate of the higher tier ill-health pension.
- (5) If, after an ill-health award becomes payable under this scheme, a transfer value payment is made under article 55 (payment of transfer value) of the FPS in respect of the member's rights under that Scheme and the transfer relates to a period of service included as qualifying service in relation to the member's retirement account, the scheme manager must deduct from the amount of the ill-health award an amount in respect of service in the FPS which is equal to the value represented by that transfer value payment.
- (6) In this paragraph—

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“relevant scheme employment” means the continuous period of pensionable service in scheme employment in relation to the active member’s account to which the pensionable service in the FPS was added for the purposes of regulation 66 (qualifying service).

Transition member who reaches normal pension age under the FPS

25.—(1) This paragraph applies in relation to a transition member who is receiving the payment of an ill-health award in accordance with paragraph 24.

(2) When the member reaches normal pension age under the FPS or the age for retirement ascertained under article 13A(3)(a) of that Scheme—

- (a) the member ceases to be entitled to the immediate payment of the equivalent amount to the FPS lower tier ill-health pension under regulation 73(4)(b) (entitlement to lower tier ill-health pension and higher tier ill-health pension) under this scheme; and
- (b) the member becomes entitled under the FPS to the immediate payment of a continued pension of a sum equal to the annual rate of the equivalent amount of the FPS lower tier ill-health pension payable immediately before the date on which the member reaches normal pension age or the age for retirement ascertained under article 13A(3)(a) of the FPS.

PART 3B

Payment of death benefits in respect of transition members

Annual rate of pensions for surviving partners payable under this scheme when certain transition members die in service with accrued benefits in the FPS

26.—(1) This paragraph applies in relation to a transition member who—

- (a) was in pensionable service in the FPS until the day before the transition date;
- (b) has continued in pensionable service in scheme employment, or to be treated as an active member of this scheme, until that member dies; and
- (c) dies as an active member of this scheme.

(2) Awards for surviving spouses and civil partners are not payable under Part C (awards on death – spouses or civil partners) of the FPS in respect of a member to whom this paragraph applies.

(3) A surviving spouse or civil partner of a member to whom this paragraph applies is not entitled to receive a bereavement pension under article 43(6) of the FPS.

Annual rate of pensions payable to an eligible child under this scheme when a transition member dies in service with accrued benefits in the NFPS

27.—(1) This paragraph applies in relation to a transition member with continuity of service who is a connected member of the NFPS or a connected special member of the NFPS—

- (a) who dies as an active member of this scheme; and

(6) Article 43 was substituted by [S.R. 2014 No. 169](#).

- (b) whose period of qualifying service is at least 3 months.
- (2) Pensions for an eligible child are not payable under the NFPS in respect of that member.

Annual rate of pensions payable to an eligible child under this scheme when a transition member dies in service with accrued benefits in the FPS

- 28.—(1) This paragraph applies in relation to a transition member who—
- (a) was in pensionable service in the FPS until the day before the transition date;
 - (b) has continued in pensionable service in scheme employment, or has been treated as an active member of this scheme, until that member dies; and
 - (c) dies as an active member of this scheme.
- (2) Awards for an eligible child are not payable under Part D (awards on death – children) and a bereavement pension is not payable under article 43A(7) of the FPS in respect of that member.

Amount of lump sum death benefit payable under this scheme when a transition member dies in service with accrued benefits in the NFPS

- 29.—(1) This paragraph applies in relation to a transition member (T) who is a member of the NFPS and who dies as an active member of this scheme.
- (2) Subject to paragraph (3), where T dies as a pensioner member of the NFPS, the amount of the lump sum death benefit payable under this scheme is the greater of the amount of the lump sum death benefit payable under regulation 104(2) and the amount of post-retirement death grant payable under article 36 (post-retirement death grant) of Part 5 of the NFPS.
- (3) Where T at the time of T's death was a pensioner member of this scheme and an active member of this scheme, and regulation 106 (lump sum payable on death in certain cases) applies, in a case where the greater amount of the lump sum death benefit payable is that under regulation 105 (lump sum payable on death of pensioner member), "regulation 104" in sub-paragraph (2) is to be read as "regulation 105".

Amount of lump sum death benefit payable under this scheme when a transition member dies in service with accrued benefits in the FPS

- 30.—(1) This paragraph applies in relation to a transition member (T) who is a member of the FPS and who dies as an active member of this scheme.
- (2) Sub-paragraph (3) applies where paragraph (5A) of article 2 of the FPS applied to T immediately before T died and a lump sum death grant of an amount specified in regulation 104(2) (lump sum payable on death of active member) of this scheme is payable to those persons that the scheme manager determines under regulation 103 (person to whom lump sum death benefit payable) and—
- (a) a lump sum death grant has been paid under article 37 of the FPS,
 - (b) a payment of the balance of contributions has been made under article 39 of the FPS, or
 - (c) a dependent relative's gratuity has been paid under article 38 of the FPS.

(7) Article 43A was inserted by [S.R. 2014 No. 169](#).

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(3) Where this sub-paragraph applies, any payments which are referred to in sub-paragraph (a) or (b) or (c) of paragraph (2) and which have been made must be deducted from the lump sum death grant payable under regulation 104.

(4) Sub-paragraph (5) applies where T dies as a deferred member of the FPS or in receipt of a pension from that Scheme and a lump sum death grant of an amount specified in regulation 104(2) of this scheme is payable to those persons that the scheme manager determines under regulation 103 and—

- (a) a dependent relative's gratuity has been paid under article 38 of the FPS, or
- (b) an amount of post retirement death grant has been paid under article 39.

(5) Where this sub-paragraph applies, the payments which are referred to in sub-paragraph (a) or (b) of paragraph (4) and which have been made must be deducted from the amount of lump sum death grant payable under regulation 104.

PART 3C

Transitional provisions relating to the NFPS and the FPS

Pensionable service under the NFPS

31.—(1) This paragraph applies in relation to a transition member (T) who is a connected member of the NFPS, or a connected special member of the NFPS, and has continuity of service.

(2) The following provisions of Chapter 2 (purchase of additional service) of Part 11 (pensionable pay, pension contributions and purchase of additional service) of the NFPS continue to apply after the transition date as if T continued in pensionable service under that scheme—

- (a) the provisions relating to the payment of periodical contributions for the purchase of additional service if T had made an election to purchase additional service under article 66 (election to purchase additional service) or if T returns to pensionable service as a firefighter after a period of unpaid service or absence and T elects to purchase additional service in respect of the period before the transition date under that article;
- (b) the provisions relating to the payment of the mandatory special period pension contributions payable in respect of an election to purchase service during the limited period under article 66A(8) (election to purchase service during the limited period).

(3) In determining whether T qualifies under the NFPS for retirement benefits (other than an award on ill-health retirement or a deferred pension), T's pensionable service under the NFPS terminates when T's pensionable service under this scheme terminates.

Final salary of certain transition members for any purposes of the NFPS

32.—(1) This paragraph applies to a transition member (T) with continuity of service who is in pensionable service under this scheme and is a member of the NFPS.

(2) Subject to sub-paragraphs (3) to (5), in determining T's final pensionable pay for any purposes of the NFPS under Schedule 7 to the 2014 Act (final salary link)—

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

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- (a) the provisions of paragraph 1 or paragraph 2 of that Schedule apply as if “final salary” were a reference to “final pensionable pay”, and
- (b) pensionable pay derived from service under this scheme is to be regarded as derived from service under the NFPS.

(3) Where T’s pensionable pay derived from service under this scheme at a time when T’s final pensionable pay is determined for any purposes of the NFPS under Schedule 7 (final salary link) to the 2014 Act is lower than T’s pensionable pay derived from service under the NFPS on the day before the transition date—

- (a) sub-paragraph (2) does not apply, and
- (b) T’s final pensionable pay is determined in accordance with article 61 (pensionable pay) and article 62 (final pensionable pay) of Part 11 of the NFPS.

(4) Where T’s pensionable pay derived from service under this scheme at the time when T’s final pensionable pay is determined for any purposes of the NFPS under Schedule 7 to the 2014 Act (final salary link) is lower than the pensionable pay for any year after the transition date, the pensionable pay for the year of service before the reduction in pensionable pay is to be regarded for the purposes of Schedule 7 as the pensionable pay derived from service under the NFPS.

(5) The definition of pensionable pay derived from service under this scheme in regulation 26 (pensionable pay) is modified for the purposes of sub-paragraphs (2) and (4) by the omission of paragraph (1)(d) of that regulation and in a case where T is being paid an allowance or supplement within the meaning of paragraph (5A)(9) of article 61 to Part 11 of the NFPS which the employer would have treated as pensionable under that Scheme were the member still a firefighter member of that Scheme, that amount is treated as included in pensionable pay for the purposes of determining T’s final pensionable pay under the NFPS.

Final salary of certain transition members for any purposes of the FPS

33.—(1) This paragraph applies in relation to a transition member (T) with continuity of service who is in pensionable service under this scheme and is a member of the FPS.

(2) Subject to sub-paragraphs (3) to (5), in determining T’s average pensionable pay for any purposes of the FPS under Schedule 7 to the 2014 Act (final salary link)—

- (a) the provisions of paragraph 1 of that Schedule apply as if “final salary” were a reference to “average pensionable pay”, and
- (b) pensionable pay derived from service under this scheme is to be regarded as derived from service under the FPS.

(3) Where T’s pensionable pay derived from service under this scheme at the time when T’s average pensionable pay is determined for any purposes of the FPS under Schedule 7 to the 2014 Act (final salary link) is lower than T’s pensionable pay derived from service under the FPS on the day before the transition date—

- (a) paragraph (2) does not apply, and
- (b) T’s average pensionable pay is determined in accordance with article 56 (pensionable pay and average pensionable pay) of the FPS.

(4) Where T’s pensionable pay derived from service under this scheme at the time when T’s average pensionable pay is determined for any purposes of the FPS under Schedule 7 to the 2014 Act (final salary link) is lower than the pensionable pay for any year after

(9) Paragraph (5A) of Article 61 was inserted by [S.R. 2014 No. 168](#).

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the transition date, the pensionable pay for the year of service before the reduction in pensionable pay is to be regarded for the purposes of Schedule 7 as the pensionable pay derived from service under the FPS.

(5) The definition of pensionable pay derived from service under this scheme in regulation 26 is modified for the purposes of sub-paragraphs (2) and (4) by the omission of paragraph (1)(d) of that regulation and in a case where the member of the FPS is being paid an allowance or supplement within the meaning of paragraph (12) of article 56⁽¹⁰⁾ (pensionable pay and average pensionable pay) which the employer would have treated as pensionable pay under that Scheme were the member still entitled to reckon pensionable service in that Scheme, that amount is included in pensionable pay for the purposes of determining T's average pensionable pay under the FPS.

Continuous pensionable service under the FPS

34.—(1) This paragraph applies to a transition member (T) who was in pensionable service under the FPS on the date before that member's transition date and joined this scheme on the transition date, and has remained in pensionable service under this scheme until the date on which T qualifies under the FPS for an award under that Scheme.

(2) The requirement in paragraph (1) that T has remained in pensionable service under this scheme is satisfied where T has been or is treated as an active member of this scheme.

(3) In determining whether T qualifies under the FPS for retirement benefits (other than an award on ill-health retirement or to a deferred pension), T's pensionable service under the FPS terminates when T's pensionable service under this scheme terminates.

(4) For the purposes of calculating the pension under article 13A of the FPS and for the commutation under article 18 (commutation – general provision) of that Scheme, pensionable service under this scheme is reckonable under article 46 (current service) of that Scheme as 2015 pensionable service.

(5) Where T had elected to pay periodical contributions for increased benefits under article 62 (election to purchase increased benefits) of the FPS, these continue to be payable as if T continued in pensionable service under the FPS until T leaves pensionable service under the 2015 Scheme.

(6) If after the transition date T returns to work following a period of maternity or adoption leave and is entitled to elect to pay pension contributions under article 58 (optional pension contributions during maternity and adoption leave) of the FPS in respect of that period, the election may only be made in respect of the period before the transition date.

(7) Where this paragraph applies and T is entitled to an ordinary pension under article 13 (ordinary pension) of the FPS or a short service award under article 14 (short service award) of that Scheme, T's ordinary pension, or short service award, as the case may be, is calculated in accordance with Part IIA of Schedule 2 of the FPS and Part I and Part II of Schedule 2 to that Scheme do not apply.

Deferred member of the FPS

35. A transition member with accrued benefits in the FPS to whom paragraph 34 does not apply is a deferred member of the FPS.

⁽¹⁰⁾ Paragraph (12) of article 56 was inserted by S.R. 2014 No. 169.

Deferred member of the NFPS

36.—(1) A transition member with continuity of service (T), who is a connected member of the NFPS or a connected special member of the NFPS, does not become a deferred member of that Scheme unless T becomes a deferred member of this scheme in relation to the active member's account to which the qualifying service for that connected member of the NFPS or connected special member of the NFPS was added.

(2) If T opts out of this scheme in relation to a scheme employment, or leaves scheme employment before being entitled to a pension in relation to that pensionable service, and T has at least 3 months' qualifying service—

- (a) T becomes a deferred member of the NFPS in relation to pensionable service under that scheme; and
- (b) any periodical payments for additional service under the NFPS cease to be payable.

(3) If T re-enters pensionable service under this scheme after a gap in service not exceeding 5 years, T ceases to be a deferred member of the NFPS.

Scheme manager determines member of the NFPS is not entitled to an ill-health award

37.—(1) This paragraph applies if the Board has decided to obtain the written opinion of an IQMP concerning whether a member of the NFPS is permanently disabled, or able to undertake regular employment before making a determination as to whether a member is entitled to an ill-health award, and the determination has not been made before the member's transition date.

(2) If this paragraph applies, the member joins this scheme on whichever is the latest of—

- (a) the member's transition date;
- (b) if the member decides not to appeal, the expiry of 14 days beginning with the date on which the member received a copy of the IQMP's opinion which the Board is required to supply under article 47 (appeal against opinion on a medical issue) of Part 8 of the NFPS.
- (c) if the member withdraws the appeal, the date of the withdrawal of the appeal.

Scheme manager determines members of the FPS is not entitled to an ill-health award

38.—(1) This paragraph applies if the Board has decided to obtain the written opinion of an IQMP under article 65 (determination by the Board) of the FPS concerning whether a member of that Scheme is permanently disabled, or able to undertake regular employment before making a determination as to whether a member is entitled to an ill-health award, and the determination has not been made before the member's transition date.

(2) If this paragraph applies, the member joins this scheme on whichever is the latest of—

- (a) the member's transition date;
- (b) if the member decides not to appeal, the expiry of 14 days beginning with the date on which the member received a copy of the IQMP's opinion which the Board is required to supply under article 66 (appeal against opinion on a medical issue) of Part H of the FPS;

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- (c) if the member withdraws the appeal, the date of the withdrawal of the appeal.

Repayment of contributions under the NFPS

39. If a transition member with continuity of service (T) opts out of this scheme and T has less than 3 months' qualifying service in the NFPS and this scheme—

- (a) T must be repaid pension contributions and special pension contributions and mandatory special period pension contributions paid under the NFPS; and
- (b) any further periodical payments for additional service to be paid under the NFPS cease to be payable.

Qualifying for retirement benefits under the NFPS

40. In determining whether a transition member with continuity of service qualifies for retirement benefits under the NFPS, the member's qualifying service includes the total of—

- (a) the member's qualifying service under the NFPS; and
- (b) the member's qualifying service under this scheme.

Qualifying for retirement benefits under the FPS

41. In determining whether a transition member with continuity of service qualifies for retirement benefits under the FPS, the member's qualifying service includes the total of—

- (a) the member's qualifying service under the FPS; and
- (b) the member's qualifying service under this scheme.

Final salary link not to apply again to a pension in payment under the NFPS

42. Where any element of a pension under the NFPS which is in payment under that Scheme has been calculated by reference to Schedule 7 (final salary link) to the 2014 Act, that element of the pension is not recalculated by reference to Schedule 7 in consequence of a subsequent period of pensionable public service (within the meaning of paragraph 3 of Schedule 7 to the 2014 Act).

Final salary link not to apply to a pension in payment under the FPS

43. Where any element of a pension under the FPS which is in payment under that Scheme has been calculated by reference to Schedule 7 (final salary link) to the 2014 Act, that element of the pension is not recalculated by reference to Schedule 7 (final salary link) to the 2014 Act in consequence of a subsequent period of pensionable public service (within the meaning of paragraph 3 to Schedule 7 to the 2014 Act).

PART 3D

Transfer of final salary benefits

Meaning of "final salary benefit"

44.—(1) In this Part, "final salary benefit" means benefit accrued under a final salary scheme, subject to sub-paragraph (2).

(2) Where only part of the pension entitlement payable under a final salary scheme in respect of that person which is based on the pensionable service of that person is or may be determined by reference to the person's final salary, "final salary benefit" means the benefit in respect of which the pension entitlement is so determined.

Acceptance of club transfer value payments

45. Any part of a club transfer value payment from another scheme that relates to a members final salary benefit must be paid into the NFPS.

Member of this scheme or the NFPS

46.—(1) This paragraph applies to a person who transfers final salary benefits into the NFPS.

(2) Unless the person is a protected member of the NFPS the person's service in relation to the final salary benefits which have been transferred into the NFPS is taken to be qualifying service for the purposes of this Scheme and, the person—

- (a) becomes a member of this scheme; and
- (b) is taken to be a transition member with continuity of service."

SCHEDULE 2

Article 3

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

1. In Part 1 (citation and interpretation), in article 2(1)—

(a) in the appropriate places insert—

““the 2014 Act” means the Public Service Pensions Act (Northern Ireland) 2014;

“the 2015 Regulations” means The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015;

“the 2015 Scheme” means The Firefighters' Pension Scheme (Northern Ireland) 2015 which is established in the Firefighters' Pension Scheme Regulations (Northern Ireland) 2015;

“connected member” has the meaning given in article 4C of Part 2;

“connected special member” has the meaning given in article 4D of Part 2;

“continued pension” has the meaning given in article 11B of Part 3;

“continuity of service” has the meaning given in paragraph 2 of Schedule 2 to the 2015 Regulations;

“equivalent amount to the NFPS lower tier ill-health pension” has the meaning given in regulation 73(5) of the 2015 Regulations;

“final salary link” means the final salary link which applies when the requirements of paragraph 1 or paragraph 2 of Schedule 7 to the 2014 Act are met;

“scheme closing date” means 31st March 2015;

“scheme employment” in relation to the 2015 Scheme has the meaning given in regulation 15 of the 2015 Regulations;

“tapered protection closing date” has the meaning given in paragraph 3 of Schedule 2 to the 2015 Regulations;

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“transition date” means—

- (a) if the firefighter member or the special firefighter member is a tapered protection member of this Scheme, the date after the tapered protection closing date for that member;
- (b) if the firefighter member or special firefighter member is not a full protection member of this Scheme or a tapered protection member of this Scheme, the date after the scheme closing date; or
- (c) the date on which the member ceased to be a full protection member of this Scheme;

“transition member” has the meaning given in paragraph 1 of Schedule 2 to the 2015 Regulations;”;

- (b) for the definition of “Scheme Actuary” substitute—

““Scheme Actuary” means the actuary appointed by the Department under regulation 158 (appointment of scheme actuary and actuarial valuations) of the 2015 Regulations;”;

- (c) for the definition of “special member” substitute—

““special member” means—

- (a) a special firefighter member,
- (b) a special deferred member,
- (c) a special pensioner member,
- (d) a connected special member;”.

- 2. In Part 2 (scheme membership, cessation and retirement)—

- (a) after article 4A(11) (special membership) insert—

“Cessation of firefighter membership and special firefighter membership

4B. A person ceases to be a firefighter member or a special firefighter member of this scheme—

- (a) where the member is not a full protection member of this Scheme or a tapered protection member of this Scheme, on the scheme closing date;
- (b) where the member is a tapered protection member of this Scheme on the tapered protection closing date, or if earlier, on the date on which the member ceases to be a tapered protection member;
- (c) where the member is a full protection member of this Scheme on the date on which the member retires from scheme employment in the 2015 Scheme, or if earlier on the date on which the member ceases to be a full protection member of this Scheme.

Standard membership of this Scheme after the transition date

4C.—(1) In the case of a standard member of this Scheme to whom article 4B applies and who joins the 2015 Scheme with continuity of service—

- (a) if that person (P) remains in pensionable service in that Scheme, P is a connected member of this Scheme in respect of the membership to which paragraph (4) applies;

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

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- (b) if P opts out of pensionable service in the 2015 Scheme or leaves scheme employment in the 2015 Scheme before reaching normal retirement age, P is a deferred member of this Scheme;
- (c) if P opts into the 2015 Scheme or takes up scheme employment in the 2015 Scheme and paragraph (2) applies, P is again a connected member of this Scheme.

(2) This paragraph applies if P re-enters pensionable service under the 2015 Scheme after a gap in pensionable service not exceeding 5 years.

(3) In the case of a standard member of this Scheme to whom article 4B applies and who joins the 2015 Scheme with a gap in pensionable service of more than 5 years, that member is a deferred member of this Scheme.

(4) This paragraph applies in relation to the active member's account of the 2015 Scheme to which the qualifying service of the membership of this Scheme was added for the purposes of regulation 66 (qualifying service) of the 2015 Regulations or, if the entries from the account were transferred to another active member's account under regulation 157 (transfer of pension account entries) of those Regulations, to that active member's account.

Special membership of this Scheme after the transition date

4D.—(1) In the case of a special member of this Scheme to whom article 4B applies—

- (a) if that person (S) was a special firefighter member of this Scheme who joins the 2015 Scheme immediately after article 4B applied to S, or who had joined this Scheme as a special member on or after the date on which article 4B applied to S, S is a connected special member of this Scheme in respect of the membership to which paragraph (2) applies;
- (b) if that person (D) was a special firefighter member of this Scheme who joins the 2015 Scheme with a gap in pensionable service after article 4B applied to D, or who had joined this Scheme as a special member with a gap in pensionable service after the date on which article 4B applied to D, D is a special deferred member of this Scheme in respect of the membership to which paragraph (2) applies;
- (c) if S opts out of pensionable service in the 2015 Scheme or leaves scheme employment under the 2015 Scheme before reaching normal retirement age, S is a special deferred member of this Scheme.

(2) This paragraph applies in relation to the active member's account of the 2015 Scheme to which the qualifying service of the membership of this Scheme was added for the purposes of regulation 66 (qualifying service) of the 2015 Regulations or, if the entries from the account were transferred to another active member's account under regulation 157 (transfer of pension account entries) of those Regulations, to that member's account.

Membership of this Scheme where ill-health award paid from 2015 Scheme

4E.—(1) A person who is entitled to the payment of an equivalent amount to the NFPS lower tier ill-health pension under the 2015 Scheme continues to be a connected member, or connected special member, of this Scheme.

(2) A person who was entitled to an ill-health award under this Scheme or under the 2015 Scheme and who accepts an offer of employment referred to in article 50 of Part 9

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- of this Scheme or referred to in regulation 77(3)(b) of the 2015 Regulations, continues to be a connected member, or a connected special member, of this Scheme.”;
- (b) in article 6(**12**) (normal retirement age and normal benefit age) after paragraph (4) insert—
- “**(5)** The normal retirement age of connected members is 60.
- (6)** The normal retirement age of connected special members is 55.”;
- (c) in article 7 (last day of membership)—
- (i) in paragraph (1) for “Subject to paragraph (2)” substitute “Subject to paragraphs (2) to (5)”;
- (ii) after paragraph (2) insert—
- “**(3)** The last day of membership of a firefighter member or a special firefighter member, who is not a full protection member of this Scheme or a tapered protection member of this Scheme, shall be taken to be the scheme closing date.
- (4)** The last day of membership of a firefighter member or a special firefighter member, who is a tapered protected member of this Scheme, shall be taken to be the tapered protection closing date or if earlier, the date on which that member ceases to be a tapered protection member.
- (5)** The last day of membership of a firefighter member or a special firefighter member who is a full protection member of this Scheme shall be taken to be the date on which that member ceases to be a full protection member of this Scheme.”.
3. In Part 3 (personal awards)—
- (a) in article 11 (ordinary pension) after paragraph (1) insert—
- “(1A) Subject to paragraph (2), this article applies to a connected member of this Scheme who was a firefighter member of this Scheme and satisfies an eligibility condition and retires from scheme employment in the 2015 Scheme having reached normal retirement age under this Scheme.”;
- (b) in article 11A(**13**) (special member’s ordinary pension) after paragraph (1) insert—
- “(1A) Subject to paragraph (2), this article applies to a connected special member of this Scheme who satisfies a special eligibility condition and retires from scheme employment in the 2015 Scheme having reached normal retirement age.”;
- (c) after article 11A (special member’s ordinary pension) insert—

“Continued pension

11B. Where a connected member, or connected special member, is entitled to an equivalent amount to the NFPS lower tier ill-health pension under regulation 73(4)(a) (entitlement to lower tier ill-health pension and higher tier ill-health pension) of the 2015 Regulations and that member reaches normal retirement age under this Scheme, that member is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the NFPS lower tier ill-health pension.”;

- (d) in article 13(**14**) (deferred pension) after paragraph (1) insert—
- “(1A) Subject to paragraph (7), this article applies to a person who ceases to be a firefighter member or a special firefighter member under article 4B (cessation of firefighter membership and special firefighter membership) of Part 2.

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

(13) Article 11A was inserted by [S.R. 2015 No. 9](#).

(14) Article 13 was amended by [S.R. 2015 No. 9](#).

(1B) Subject to paragraph (7), this article applies to a connected member, or a connected special member, who—

- (a) opts out of pensionable service in the 2015 Scheme,
- (b) leaves scheme employment under the 2015 Scheme before reaching normal retirement age, or
- (c) ceases to be entitled to a lower tier ill-health pension or a higher tier ill-health pension under the 2015 Scheme in consequence of a review under regulation 77 (consequences of review) of the 2015 Regulations and declines an offer of employment made by the Board referred to in regulation 77(3)(b) of those Regulations.

(1C) This article ceases to apply to a connected member who re-joins the 2015 Scheme after a gap in pensionable service not exceeding 5 years.”;

(e) in article 14 (cancellation of deferred pension)—

- (i) in paragraph (1) for “Where” substitute “Subject to paragraph (4), where”;
- (ii) after paragraph (3) insert—

“(4) Where the person entitled to receive a deferred pension is not a protected member of this Scheme, the member may not instruct the Board to cancel the deferred pension.

(5) Where the person entitled to receive a deferred pension was a connected member of this Scheme and re-joins the 2015 Scheme after a gap in pensionable service not exceeding 5 years, the Board must cancel the deferred pension.”;

(f) in article 16(15) (pension on Board-initiated retirement) after paragraph (3) insert—

“(4) Where the Board is considering making a determination under regulation 70 (employer initiated retirement) of the 2015 Regulations that an active member of that scheme who has attained the age of 55 should receive the payment of a pension without the early payment reduction, the Board must also consider making a determination under paragraph (1).”;

(g) in article 17(16) (entitlement to two pensions) after paragraph (9) insert—

“(10) Where a person to whom this article applies is a person to whom paragraph (5B) of article 61 of Part 11 applies, this article applies with the substitution in paragraph (4) for “final pensionable pay to which he is entitled on the last day of his membership of the Scheme” with “final pensionable pay as modified by paragraph (5B) or (5C) of article 61 of Part 11”.”;

(h) in article 17C(17) (additional pension benefit: supplementary provisions)—

- (i) after paragraph (2) insert—

“(2A) Where article 4B of Part 2 applies to a person (P) who is not a connected member or entitled to the payment of an ill-health award under regulation 73 (entitlement to lower tier ill-health pension and higher tier ill-health pension) of the 2015 Regulations, additional pension benefit is payable at normal benefit age, paragraphs (4) to (6) of article 13 (deferred pension) shall apply in relation to that benefit as if it were a deferred pension to which P was entitled under that article.”;

- (ii) after paragraph (3) insert—

(15) Article 16 was amended by [S.R. 2015 No. 9](#).

(16) Article 17 was amended by [S.R. 2015 No. 9](#).

(17) Article 17C was inserted by [S.R. 2008 No. 381](#).

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“(3A) Where the firefighter member is entitled to an ill-health award under regulation 73 of the 2015 Regulations, additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the NFPS lower tier ill-health pension is payable under the 2015 Scheme.”;

- (i) in article 19(18) (commutation: general)—
 - (i) in paragraph (1) for “Subject to paragraphs (3) and (4)” substitute “Subject to paragraphs (1B), (3) and (4)”;
 - (ii) after paragraph (1) insert—
 - “(1A) This article applies to an equivalent amount of the NFPS lower tier ill-health pension included in the annual rate of a retirement pension for the person under regulation 68(2)(ba) of the 2015 Regulations may commute a portion of it for a lump sum.
 - (1B) Where a person is entitled to a continued pension under article 11B, that person may not commute a portion of that pension under this article.”.
 - (j) in article 21 (allocation of pension) in paragraph (1) after “A firefighter member” insert “, a connected member or a connected special member”.
4. In Part 10 (qualifying service and pensionable service)—
- (a) in article 55 (qualifying service) after sub-paragraph (h) omit “and” and after sub-paragraph (i) insert—
 - “and
 - (j) any period of pensionable service for the active member’s account under the 2015 Scheme to which the person’s qualifying service had been added for the purposes of qualifying service in the 2015 Scheme.”;
 - (b) after article 57 (non-reckonable service) insert—

“Period after transition date

57A. A period of service or of leave or unpaid leave after a person’s transition date is not reckonable as pensionable service or as special pensionable service under this Scheme.”.

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.

(18) Article 19 was amended by [S.R. 2015 No. 9](#).

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(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**(19)** (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**(20)** (optional pension contributions during maternity and adoption leave)—

(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**(21)** (election to purchase service during the limited period)—

(i) after paragraph (7) insert—

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

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

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

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- “(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(22) 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(23) (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(24) (discontinuance and resumption of periodical contributions) after paragraph (6) insert—
- “(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.”.
6. In Part 12 (transfers into and out of the Scheme)—
- (a) in Chapter 1 (interpretation of Part 12 and entitlement to transfer value payment)—
 - (i) in article 71 (interpretation of Part 12) in the appropriate place insert—
““final salary benefit” means benefit accrued under a final salary scheme as defined in section 34 (general interpretation) of the 2014 Act;”;
 - (ii) in article 72 (entitlement to transfer value payment), in paragraph (2) for “A firefighter member” substitute “Subject to paragraph (2A) a firefighter member” and after paragraph (2) insert—
“(2A) A transition member (T), who is a connected member of this Scheme or has received a lower tier ill-health pension under the 2015 Scheme, is not entitled to require the payment of a transfer value in respect of the rights to benefits that have accrued to or in respect of T under this Scheme.”;

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

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

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

- (b) in Chapter 3 (transfers into the Scheme)—
- (i) in article 78 (application for acceptance of transfer value payment for another scheme) after paragraph (3) insert—
- “(4) A person who is a protected member of this Scheme, or a person who becomes an active member of the 2015 Scheme, may apply for a transfer value payment from another public service pension scheme which is a final salary scheme, or includes final salary benefit, to be accepted by the Board for the purposes of this Scheme.”;
- (ii) in article 79⁽²⁵⁾ (procedure for application under article 78) in paragraph (2) for “Subject to paragraph (4)” substitute “Subject to paragraphs (4) and (5),” and after paragraph (4) insert—
- “(5) Where the application is made by a person who joins this Scheme as a firefighter member (other than as a special firefighter member) the application must be made within one year of the person becoming a firefighter member of this Scheme or within one year of the person becoming an active member of the 2015 Scheme, as the case may be.”;
- (iii) in article 80 (acceptance of transfer value payments) in paragraph (1) for “Subject to paragraph (3)” substitute “Subject to paragraphs (3) and (4)” and after paragraph (3) insert—
- “(4) Where the application under article 78 is made by a person to whom paragraph (4) of that article applies, paragraphs (2) and (3) of article 56 (limit on maximum amount of pensionable service that can be accrued) of Part 10 do not apply to that transfer value payment and the Board must accept the transfer value payment unless paragraph (3) applies.”;
7. In Part 15 (miscellaneous provisions) after article 103 (annual benefit statements) insert—

“Actuarial valuations

103A. Where the scheme actuary is carrying out a valuation of the 2015 Scheme and is required to carry out a valuation of this Scheme, the Board must provide the scheme actuary with any data that the scheme actuary requires in order to carry out a valuation and prepare a report on the valuation.”.

8. In Schedule 1⁽²⁶⁾ (ill-health pensions) after paragraph 6, insert—
- “7. Where a connected member or a connected special member of this Scheme is entitled to the payment of an equivalent amount to a lower tier ill-health pension, that amount shall be calculated in accordance with paragraph (1) of this Schedule.”.

SCHEDULE 3

Article 4

Amendments to the Annex to the Firefighters’ Pension Scheme Order (Northern Ireland) 2007

1. In Part A (general provisions and retirement)—
- (a) in article 2 (exclusive application to regular firefighters) in paragraph (1) for “Subject to paragraphs (3) to (5)” substitute “Subject to paragraphs (4) to (5A)” and after paragraph (5) insert—

⁽²⁵⁾ Article 79 was amended by S.R. 2015 No. 9.

⁽²⁶⁾ Schedule 1 was amended by S.R. 2015 No. 9.

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“(5A) This paragraph applies to a person who satisfies the requirements of paragraph (5) if that person ceases to be a person who is entitled to reckon service as a firefighter as pensionable service under article 46 (current service)—

- (a) where the person is not a full protection member of this Scheme or a tapered protection member of this Scheme, on the scheme closing date;
- (b) where the person is a tapered protection member of this Scheme on the tapered protection closing date, or if earlier, on the date on which the person ceases to be a tapered protection member;
- (c) where the person is a full protection member of this Scheme, on the date on which the member retires from scheme employment in the 2015 Scheme, or if earlier on the date on which the person ceases to be a full protection member of this Scheme.

(5B) Where paragraph (5A) applies, if the person remains in continuous pensionable service under the 2015 Scheme, or is treated as an active member of that Scheme, after the transition date without a break in that service or membership until the date on which that person retires or ceases to be an active member of that Scheme, and the pension account for that scheme employment was the account to which the pensionable service from this Scheme was added, the person is entitled to a pension under article 13A.

(5C) A person who is entitled to the payment of an equivalent amount to the FPS lower tier ill-health pension is treated as having been in continuous pensionable service under the 2015 Scheme for the purposes of paragraph (5B).

(5D) Where paragraph (5A) applies to a person who was entitled to an ill-health award under this Scheme or under the 2015 Scheme and who accepts an offer of employment made referred to in article 81(2)(b) or referred to in regulation 77(3)(b) of the 2015 Regulations, that person is treated as having been in continuous pensionable service under the 2015 Scheme for the purposes of paragraph (5B).

(5E) A person who refuses the offer of employment mentioned in paragraph (5D) becomes entitled to a deferred pension under article 16 and paragraph (5B) does not apply to that member.”;

- (b) after article 9 (normal pension age) insert—

“9A. The normal pension age for a regular firefighter to whom paragraph (5B) of article 2 applies is 55.”.

- 2. In Part B (personal awards)—

- (a) in article 13 (ordinary pension) in paragraph (2) after sub-paragraph (b) insert—

“or

- (c) a person to whom paragraph (5A) of article 2 applies.”.

- (b) after article 13 (ordinary pension) insert—

“Continuous service pension

13A.—(1) Where a person satisfies the requirements of paragraph (5B) of article 2, that person is entitled on retiring from scheme employment in the 2015 Scheme at or after normal pension age to a continuous service pension calculated in accordance with Part IIA of Schedule 2.

(2) A person to whom paragraph (1) applies is not entitled to a pension or award under article 13 (ordinary pension), article 14 (short service award), article 15 (ill-health awards) or article 16 (deferred pension).

(3) Where article 13 (ordinary pension) would have applied to a person to whom paragraph (1) applies if article 2(5A) (exclusive application to regular firefighters) had not applied to that person—

- (a) the age at which that person may retire is ascertained by applying article 13 to that person as if the reference to the “pensionable service” in paragraph (1)(b) included “2015 pensionable service”, and
- (b) in paragraph (1) “normal pension age” is to be read as “the age ascertained in accordance with sub-paragraph (a)”.

13B.—(1) A person to whom article 13A does not apply and to whom paragraph (5A) of article 2 does apply is entitled to a deferred pension under article 16 (deferred pension).

(2) A person who is entitled to a deferred pension under paragraph (1) is not entitled to a pension or award under article 13A (continuous service pension), article 13 (ordinary pension), article 14 (short service award) or article 15 (ill-health awards).”;

(c) in article 14 (short service award)—

- (i) in paragraph (1) for “This article applies” substitute “Subject to paragraph (3), this article applies”;
- (ii) after paragraph (2) insert—

“(3) This article does not apply to a person to whom paragraph (5A) of article 2 applies.”;

(d) after article 14 (short service award) insert—

“Continued pension

14A. Where a person to whom paragraph (5B) of article 2 applies is entitled to an equivalent amount of FPS lower tier ill-health pension under regulation 73(4)(b) (entitlement to lower tier ill-health pension and higher tier ill-health pension) of the 2015 Regulations and that person reaches normal pension age under this Scheme or the age for retirement ascertained in accordance with article 13A(3)(a), that person is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the FPS lower tier ill-health pension.”;

(e) in article 15 (ill-health awards)—

- (i) in paragraph (1) for “This article applies” substitute “Subject to paragraph (1A), this article applies”;
- (ii) after paragraph (1) insert—

“(1A) This article applies to a person if paragraph (5A) of article 2 applies to that person and the requirements of paragraph (5B) of that article are not satisfied.”;

(f) in article 16 (deferred pension) after paragraph (1) insert—

“(1A) This article applies to a person to whom paragraph (5A) of article 2 applies if paragraph (5B) of that article does not apply to that person.”;

(g) in article 16A(27) (entitlement to two pensions) after paragraph (8) insert—

“(9) Where a person to whom this article applies is a person to whom paragraph (13) of article 56 applies, in paragraph (3) for “E is the firefighters’ average pensionable pay for the year ending with his last day of service” substitute “E is the firefighters’ average

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pensionable pay as modified by paragraph (13) of article 56 for the year ending with his last day of service in the 2015 scheme”;

- (h) in article 16D**(28)** (additional pension benefit: supplementary provisions)—
- (i) in paragraph (1) for “Subject to paragraphs (2) and (3)” substitute “Subject to paragraphs (1A), (2) and (3)”;
 - (ii) after paragraph (1) insert—
 - “(1A) Where additional pension benefit under article 16B or 16C**(29)** is payable to a person, who is entitled to a continuous service pension under article 13A, it is payable from normal pension age or at the age ascertained in accordance with paragraph (3)(a) of article 13A if that is earlier.”;
 - (iii) after paragraph (2) insert—
 - “(2A) Where a person to whom paragraph (5A) of article 2 applies is not entitled to a continuous service pension under article 13A or to an ill-health award under regulation 65 of the 2015 Regulations, paragraph (2) applies to that person as if that person were a firefighter who had resigned or been dismissed or made and election under article 59.”;
 - (iv) after paragraph (3) insert—
 - “(3A) Where the firefighter is entitled to an ill-health award under regulation 73 of the 2015 Regulations additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the FPS lower tier ill-health pension.”;
- (i) in article 18**(30)** (commutation – general provision)—
- (i) after paragraph (1) insert—
 - “(1A) This article also applies to a pension under article 13A and to the equivalent amount to the FPS lower tier ill-health pension where that amount is included in the annual rate of a retirement pension for a person under regulation 68(2)(ba) (annual rate of retirement pension (active members)) of the 2015 Regulations.”;
 - (ii) in paragraph (2) for “Subject to paragraph (3)” substitute “Subject to paragraphs (3) and (3A)” and after paragraph (3) insert—
 - “(3A) Where a person is entitled to a continued pension under article 14A, that person may not commute a portion of that pension under this article.”;
 - (iii) in paragraph (6) for “Subject to paragraph (6A)” substitute “Subject to paragraphs (6A) and (6B)” and after paragraph (6A) insert—
 - “(6B) In the case of a person who is entitled to a pension under article 13A or to the equivalent amount to the FPS lower tier ill-health pension where the annual rate of a retirement pension (active members) under regulation 68(2)(ba) of the 2015 Regulations includes that amount, the reference to “pensionable service” in sub-paragraph (a) of paragraph (6) includes “2015 pensionable service”.”;
- (j) in article 20 (allocation) after paragraph (1) insert—
- “(1A) This article applies to a pension under article 13A.”;

3. In Part C (awards on death – spouses or civil partner) in article 25 (spouse’s or civil partner’s ordinary pension) in paragraph (1) for “This article applies” substitute “Subject to paragraph (1A) this article applies” and after paragraph (1) insert—

(28) Article 16D was inserted by [S.R. 2008 No. 382](#) and amended by [S.R. 2014 No. 169](#).

(29) Article 16B and article 16C were inserted by [S.R. 2008 No. 382](#) and amended by [S.R. 2014 No. 169](#).

(30) Article 18 was amended by [S.R. 2014 No. 169](#).

“(1A) This article does not apply to a person who dies leaving a spouse or civil partner while serving as a regular firefighter if paragraph (5A) of article 2 applied to that person.”.

4. In Part D (awards on death – children) in article 33 (child’s ordinary allowance) in paragraph (1) for “This article applies” substitute “Subject to paragraph (1A) this article applies” and after paragraph (1) insert—

“(1A) This article does not apply to a person who dies leaving a child while serving as a regular firefighter if paragraph (5A) of article 2 applied to that person.”.

5. In Part E (awards on death – additional provisions)—

(a) in paragraph (1) of article 37 (lump sum death grant) for “On the death of” substitute “Subject to paragraph (1A) on the death of” and after paragraph (1) insert—

“(1A) This article does not apply to a person who dies while serving as a regular firefighter if paragraph (5A) of article 2 applied to that person.”;

(b) in paragraph (1) of article 38 (dependent relative’s gratuity) for “This article applies” substitute “Subject to paragraph (1A) this article applies” and after paragraph (1) insert—

“(1A) This article does not apply to a person who dies while serving as a regular firefighter if paragraph (5A) of article 2 applied to that person.”.

(c) in paragraph (1) of article 39 (payment of balance of contributions to estate) for “This article applies” substitute “Subject to paragraph (1A) this article applies” and after paragraph (1) insert—

“(1A) This article does not apply to a person who dies while serving as a regular firefighter if paragraph (5A) of article 2 applied to that person.”;

(d) in paragraph (1) of article 43A(31) (bereavement pension: children) for “This article applies” substitute “Subject to paragraph (1A) this article applies” and after paragraph (1) insert—

“(1A) This article does not apply where the deceased died while serving as a regular firefighter if paragraph (5A) of article 2 had applied to the deceased.”.

6. In Part F (pensionable service and transfer values)—

(a) in article 46 (current service)—

(i) in paragraph (2) after sub-paragraph (a) insert—

“(ab) any period of service as a regular firefighter beginning with the day on which paragraph (5A) or article 2 applies to that person, or;”;

(ii) after paragraph (7) insert—

“(8) A person to whom paragraph (5B) of article 2 applies is entitled to reckon as 2015 pensionable service any continuous pensionable service in relation to the active member’s account in the 2015 Scheme to which pensionable service in this Scheme was added for the purpose of regulation 66 (qualifying service) of the 2015 Regulations for the period whilst paragraph (5B) of article 2 continues to apply.”;

(b) in article 55 (payment of transfer values)—

(i) in paragraph (1) for “Subject to paragraphs (2) to (9)” substitute “Subject to paragraphs (1A) to (9)”;

(ii) after paragraph (1) insert—

“(1A) A transfer value may not be paid if—

(a) paragraph (5A) of article 2 applies to the person, and

(31) Article 43A was inserted by [S.R 2014 No. 169](#).

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(b) paragraph 1(1) of Schedule 7 of the 2014 Act applies to that person by virtue of the person's pensionable service in the 2015 Scheme so that person's final salary falls to be determined by reference to paragraph 1(2) of that Schedule.

(1B) A transfer value may not be paid if paragraph (5B) of article 2 applies to the person and that person is receiving payment of the equivalent amount to the FPS lower tier ill-health pension from the 2015 Scheme under the 2015 Regulations.”.

7. In Part G (pensionable pay and contributions)—

(a) in article 56(32) (pensionable pay and average pensionable pay)—

(i) in paragraph (1) for “Subject to paragraphs (2) and (12)” substitute “Subject to paragraphs (2), (12) and (13)”;

(ii) after paragraph (12) insert—

“(13) Where paragraph (5A) of article 2 (exclusive application to regular firefighters) applies to a regular firefighter and paragraph 1 of Schedule 7 (final salary link) to the 2014 Act applies to that person, paragraph (1) does not apply and the average 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 34 of Schedule 2 to those Regulations, derived from service in the 2015 Scheme is to be regarded as derived from service in this Scheme.

(14) Where paragraph (13) and paragraph 34(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 34 of Schedule 2 to those Regulations for the last year of pensionable service before the reduction in pensionable pay.

(15) Where the pensionable pay under the 2015 Regulations is the pensionable pay of the person employed as a retained firefighter or as a volunteer firefighter for the purposes of paragraphs (13) and (14) the pensionable pay under the 2015 Regulations is that of a wholtime regular firefighter employed in a similar role and with equivalent qualifying service.

(16) Where paragraph 34(3) of schedule 2 to the 2015 Regulations applies to a person to whom paragraph (5A) of article 2 applies, average pensionable pay is determined in accordance with paragraph (4) and paragraph (13) does not apply in the case of that person.

(17) Subject to paragraph (16), where paragraph (13) applies—

(a) in sub-paragraph (a) of paragraph (9) “the date of the person's last day of service as a regular firefighter” is to be read as “the date of the person's last day of service in scheme employment in the 2015 Scheme”;

(b) in sub-paragraph (b) of paragraph (9) “in a period during which contributions were payable under article 57” is to be read as “in a period during which member contributions were payable under regulation 118 of the 2015 Regulations”; and

(c) in sub-paragraph (e) of paragraph (7) where any unpaid period of additional maternity leave or adoption leave is within a period for which the pensionable pay derived from 2015 scheme service is treated as pensionable pay derived from this Scheme, “contributions have been paid

(32) Article 56 was amended by [S.R. 2014 No. 169](#).

under article 58” is to be read as “where contributions have been paid under regulation 121 of the 2015 Regulations”.

(18) In a case where paragraphs (1) and (14) apply, in sub-paragraph (a) of paragraph (9) “the date of the person’s last day of service as a regular firefighter” is to be read as “the date of the person’s last day of service in scheme employment in the 2015 Scheme before the reduction of pensionable pay”.”;

(b) in article 58 after paragraph (3) insert—

“(3A) Where the regular firefighter returns to work, or ceases to be employed, after the date on which paragraph (5A) or article 2 applies to that person, the election under paragraph (3) may only be made in respect of the period before paragraph (6) applied to that person.”;

(c) in article 63 (payment of periodical contributions for increased benefits) after paragraph (3) insert—

“(4) In the case of a person to whom paragraph (5B) of article 2 applies—

(a) periodical payments continue to be payable whilst paragraph (5B) applies;

(b) where the person is entitled to the payment of an equivalent amount to the FPS lower tier ill-health pension under regulation 73 of the 2015 Regulations and following review of that award under regulation 76 of those Regulations, accepts the offer of employment, the contributions again become payable.”;

(d) in article 64 (effect of payment for increased benefits) in sub-paragraph (a) of paragraph (1) after “pension under article” insert “13A” and after “16 (” insert “continued”.

8. In Part I (glossary of expressions) of Schedule 1 (interpretation) in the appropriate places insert—

““The 2014 Act” means The Public Service Pensions Act (Northern Ireland) 2014;

“The 2015 Regulations” means The Firefighters’ Pension Scheme Regulations (Northern Ireland) 2015;

“2015 pensionable service” Construe in accordance with article 14A;

“The 2015 Scheme” means The Firefighters’ Pension Scheme (Northern Ireland) 2015 which is established in the Firefighters’ Pension Scheme Regulations (Northern Ireland) 2015;

“Continued pension” Construe in accordance with article 14A;

“Continuous service pension” Construe in accordance with article 13A;

“Equivalent amount to the FPS lower tier ill-health pension” Construe in accordance with regulation 73(5) of the 2015 Regulations;

“Full protection member of this Scheme” means a person who is a full protection member of this Scheme by virtue of paragraph 9 of Schedule 2 to the 2015 Regulations;

“Scheme closing date” is 31st March 2015;

“Tapered protection closing date” Construe in accordance with paragraph 3 of Schedule 2 to the 2015 Regulations;

“Tapered protection member of this Scheme” means a person who is a tapered protection member of this Scheme by virtue of paragraph 15 of Schedule 2 to the 2015 Regulations;”.

9. In Schedule 2—

(a) after Part II insert—

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“PART IIA

Continuous service pension

1. Subject to Parts IV and VII the amount of a continuous service pension of a member of this Scheme to whom paragraph (5B) of article 2 applies, or has applied, is—

$$A / 60 \times B / C \times APP$$

Where—

APP is the person’s average pensionable pay,

B is the period in years of the person’s pensionable service until the day before his transition date,

C is the period in years of his pensionable service and his 2015 pensionable service (subject to a maximum of pensionable service of 40 years),

A in the sum of $E + (F \times 2)$ and must not exceed 40 years

Where—

E is the period in years of his pensionable service and of his 2015 pensionable service up to 20 years,

F is the period in years by which his pensionable service and his 2015 pensionable service exceeds 20 years.”;

(b) in Part IV—

(i) in paragraph 1 after sub-paragraph (b) insert—

“(ba) continuous service pension under Part IIA,”;

(ii) after paragraph 2 insert—

“3. Where the award listed in paragraph 1 is a continuous service pension, the reference to “pensionable service” in paragraphs 1 and 2 includes 2015 pensionable service.”.