

SCHEDULE 1

Amendment of the Firefighters' Compensation Scheme Order (Northern Ireland) 2007

Amendment of Part 3 (awards on death: spouses and civil partners)

3.—(1) Part 3 is amended as follows.

(2) In rule 1 (special award for spouse or civil partner)—

(a) in paragraph (3)—

(i) for “or, as the case may be, his final pensionable pay”, in each place where the words occur, substitute “or his final pensionable pay or his final pay, as the case may be”;

(ii) in paragraph (3)(a)(ii), after “the New Firefighters' Pension Scheme (ill-health award)”, insert “or regulation 73 of the 2015 Regulations”;

(b) in paragraph (4), for “as the case may be, his final pensionable pay”, substitute “his final pensionable pay or his final pay, as the case may be”.

(3) In rule 4 (limitation where spouse or civil partner is living apart), for paragraph (1A)(1), substitute—

“(1A) Paragraph (1) does not apply to a person—

(a) who is a member of the New Firefighters' Pension Scheme;

(b) who first takes up employment with the Board on or after 6th April 2006 and is entitled to be a member of the New Firefighters' Pension Scheme, but elects not to pay pension contributions;

(c) who is a member of the 2015 Scheme; or

(d) who is eligible to be an active member of the 2015 Scheme and—

(i) exercises an option not to become an active member of that scheme in accordance with Chapter 2 of Part 3 of the 2015 Regulations; or

(ii) does not exercise an option to become an active member of that scheme in accordance with regulation 21 of the 2015 Regulations.”.

(4) In rule 5 (effect of new relationship), for paragraph (3), substitute—

“(3) Paragraphs (1) and (2) do not apply to a person—

(a) who is a member of the New Firefighters' Pension Scheme;

(b) who first takes up employment with the Board on or after 6th April 2006 and is entitled to be a member of the New Firefighters' Pension Scheme, but elects not to pay pension contributions;

(c) who is a member of the 2015 Scheme; or

(d) who is eligible to be an active member of the 2015 Scheme and—

(i) exercises an option not to become an active member of that scheme in accordance with Chapter 2 of Part 3 of the 2015 Regulations; or

(ii) does not exercise an option to become an active member of that scheme in accordance with regulation 21 of the 2015 Regulations.”.

(5) In rule 6 (amount of survivor's pension: special cases), for paragraph (1), substitute—

“(1) This rule applies in relation to a person—

(1) Paragraph (1A) of rule 4 of Part 3 was inserted by [S.R. 2008 No. 238](#).

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

- (a) who is a member of the New Firefighters' Pension Scheme on the day on which he dies;
- (b) in respect of whom an election under article 8(1) of Part 2 of the New Firefighters' Pension Scheme not to make pension contributions has effect on the day on which he dies;
- (c) who is a member of the 2015 Scheme on the day on which he dies; or
- (d) who is eligible to be an active member of the 2015 Scheme and—
 - (i) has exercised an option not to become an active member of that scheme in accordance with Chapter 2 of Part 3 of the 2015 Regulations which has effect of the day on which he dies; or
 - (ii) has not exercised an option to become an active member of that scheme in accordance with regulation 21 of the 2015 Regulations of the day on which he dies.”.