
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 78

**The Firefighters' Pension Scheme
Regulations (Northern Ireland) 2015**

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Firefighters' Pension Scheme Regulations (Northern Ireland) 2015.

(2) These Regulations come into operation on 1st April 2015.

Establishment of Firefighters' Pension Scheme 2015

2.—(1) These Regulations establish a scheme for the payment of pensions and other benefits to or in respect of fire and rescue workers⁽¹⁾ who are firefighters in Northern Ireland.

(2) This scheme is to be known as the Firefighters' Pension Scheme 2015.

Interpretation

3. In these Regulations—

“the 1971 Act” means the Pensions (Increase) Act (Northern Ireland) 1971⁽²⁾;

“the Pension Schemes Act” means the Pension Schemes (Northern Ireland) Act 1993⁽³⁾;

“the 1999 Order” means the Welfare Reform and Pensions (Northern Ireland) Order 1999⁽⁴⁾;

“the 2004 Act” means the Finance Act 2004⁽⁵⁾;

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

“accrued added pension” has the meaning given in regulation 32(4) (calculation of amount of accrued pension for purpose of deferment or full retirement);

“accrued earned pension” has the meaning given in regulation 32(3) (calculation of amount of accrued pension for purpose of deferment or full retirement);

“active member” has the meaning given in regulation 28 (active membership);

“active member's account” means the account established under regulation 40 (establishment of active member's account);

(1) See paragraph 6 of schedule 1 to the Public Service Pensions Act (Northern Ireland) 2014 for the definition of fire and rescue workers.

(2) 1971 c.35. (NI)

(3) 1993 c.49.

(4) S.I 1999/3147 (NI 11)

(5) 2004 c.12.

“actuarial” means determined by the Department after consultation with the scheme actuary;

“actuarial guidance” means actuarial guidance issued by the Department after consultation with the scheme actuary;

“added pension election” means the election to make added pension payments;

“added pension payments” means periodical payments or a lump sum payment for added pension made to this scheme;

“additional adoption leave” means leave under Article 107B of the Employment Rights (Northern Ireland) Order 1996(6);

“additional maternity leave” means leave under Article 105 of the Employment Rights (Northern Ireland) Order 1996(7);

“additional paternity leave” means leave under the Additional Paternity Leave Regulations (Northern Ireland) 2010(8);

“age addition” has the meaning given in regulation 35(3) (determination of “the age addition”);

“allocation amount” means the amount of the pension allocated as a result of making an allocation election;

“allocation election” means an election under regulation 80(1) (allocation election);

“amount of accrued added pension” has the meaning given in regulation 32(4) (calculation of amount of accrued pension for purpose of deferment or full retirement);

“amount of accrued earned pension” has the meaning given in regulation 32(3) (calculation of amount of accrued pension for purpose of deferment or full retirement);

“amount of added pension” means the amounts credited to the added pension account under paragraph 11 or 14 of Schedule 1;

“annual allowance” has the meaning given in section 228 (annual allowance) of the 2004 Act(9);

“annual allowance charge” has the meaning given in section 227 (annual allowance charge) of the 2004 Act(10);

“assumed age addition” has the meaning given in regulation 36 (determination of “the assumed age addition”);

“assumed pensionable pay” has the meaning given in regulation 27 (meaning of “assumed pensionable pay”);

“award” means an award of a benefit under these Regulations;

“the beginning date”, in relation to a pension not attributable (directly or indirectly) to a pension credit, means the date on which the pension is deemed to begin for the purpose of section 8(2) (meaning of “pension” and other supplementary provisions) of the 1971 Act(11);

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- (6) [S.I. 1996/1919 \(NI 16\)](#) Article 107 B was inserted by the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(NI 2\)](#)), article 3.
- (7) [S.I. 1996/1919 \(NI 16\)](#) Article 105 was substituted by the Employment Relations (Northern Ireland) Order 1999 ([S.I. 1999/2790 \(NI 9\)](#)), article 9 and Schedule 4.
- (8) [S.R. 2010 No.297](#).
- (9) Section 228 was substituted by the Finance Act 2011, Schedule 17, paragraph 4 and was amended by the Finance Act 2013, section 49.
- (10) Section 227 was amended by the Finance Act 2009 (c. 10), Schedule 2, paragraphs 10 and 15 and the Finance Act 2011, Schedule 16, paragraph 45 and Schedule 17, paragraphs 1 and 3.
- (11) Section 8(2) was amended by the Pension (Miscellaneous Provisions) (Northern Ireland) Order 1990 ([S.I. 1990/1509 \(NI 13\)](#)) article 3(5) and Welfare Reform and Pension (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(NI 11\)](#)) article 36(1) and (3). Section 8(2) of the 1971 Act may be applied subject to such modifications, adaptations and exceptions as may be specified in regulations under section 5(3) of that Act.

“The Board” means The Northern Ireland Fire and Rescue Service Board established under Part 2, Chapter 1 of the Fire and Rescue Services (Northern Ireland) Order 2006(12);

“child-related leave” means—

- (a) ordinary adoption leave;
- (b) ordinary maternity leave;
- (c) additional maternity or adoption leave;
- (d) paternity leave;
- (e) additional paternity leave; or
- (f) a period of parental leave;

“closing date”, in relation to a transition member, has the meaning given in paragraph 1 of Schedule 2 (transitional provisions);

“club scheme” means a registered occupational pension scheme (other than a connected scheme) that has agreed to make and receive transfer value payments under the club transfer arrangements;

“club transfer” means a transfer to or from this scheme under the club transfer arrangements;

“club transfer arrangements” means arrangements approved by the scheme manager as providing reciprocal arrangements between this scheme and other registered occupational pension schemes for making and receiving transfer value payments;

“club transfer earned pension” means pension attributable to the receipt of a club transfer value payment;

“club transfer value”, has the meaning given in regulation 140 (interpretation in relation to Part);

“club transfer value payment” means payment of a club transfer value;

“cohabiting partner” has the meaning given in regulation 84 (meaning of “surviving partner”);

“the commutation amount” in relation to a pension means the amount of the pension exchanged for a lump sum as a result of the exercise of the commutation option;

“commutation option” means the option to exchange part of a pension for a lump sum—

- (a) exercisable under regulation 79 (option to commute part of pension) in relation to a retirement pension, or
- (b) exercisable under regulation 117 (commutation of part of pension) in relation to a pension credit member’s pension;

“connected scheme”, means another statutory pension scheme that is connected, within the meaning of section 4(6) of the 2014 Act, with this scheme;

“continuity of service”, in relation to a transition member, has the meaning given in paragraph 2 of Schedule 2;

“continuous period of pensionable service” in relation to this scheme, means a period of pensionable service under this scheme disregarding any gap in pensionable service not exceeding 5 years unless otherwise provided;

“death benefits” means any of the following—

- (a) a surviving partner’s pension,
- (b) an eligible child’s pension, or
- (c) a lump sum death benefit;

“deferred member” in relation to this scheme, has the meaning given in regulation 29 (deferred membership);

“deferred member’s account” has the meaning given in regulation 53 (establishment of deferred member’s account);

“deferred pension age”, is the same as a person’s state pension age, or 65 if that is higher;

“earned pension” means earned pension payable without actuarial reduction at normal pension age;

“eligible child” has the meaning given in regulation 93 (meaning of “eligible child”);

“eligible child’s pension” has the meaning given in regulation 92 (eligible child’s pension);

“eligible person” has the meaning given in regulation 16 (eligible persons);

“FPS” means the Firefighters’ Pension Scheme Order (Northern Ireland) 2007(13);

“financial year” means a period of one year beginning with 1st April and ending with 31st March next following;

“Firefighters’ Pension Scheme Advisory Board” means a board established under regulation 10 (Scheme advisory board (SAB): establishment);

“GMP age” means 65 in the case of a man or 60 in the case of a woman;

“guaranteed minimum” means the guaranteed minimum as defined in sections 10(14) (earner’s guaranteed minimum and 13(15) (minimum pensions for widows and widowers) of the Pensions Schemes Act;

(a) as increased in accordance with the requirements of section 105(16) of that Act (annual increase of guaranteed minimum pensions), and

(b) if a reduction has been made under section 11A(17) of that Act (reduction of guaranteed minimum in consequence of pension debit), as reduced in accordance with that section;

“higher tier ill-health pension” means a higher tier ill-health pension payable under regulation 73(2) (entitlement to lower tier ill-health pension and higher tier ill-health pension);

“ill-health award” means—

(a) a lower tier ill-health pension; and

(b) a higher tier ill-health pension where this has also been awarded;

“in-service revaluation index” in relation to a pension scheme, means the percentage increase or decrease by which the pensionable earnings of a person, or a proportion of those earnings accrued as a pension, are revalued whilst the person is in pensionable service in that pension scheme;

“independent qualified medical practitioner” (“IQMP”) means a medical practitioner holding a diploma in occupational medicine or an equivalent or higher qualification issued by a competent authority in an EEA State, or being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State; and for the

(13) [SR 2007 No 144](#).

(14) Section 10 was amended by the Pensions (Northern Ireland) Order 1995 ([S.I. 1995/3213 \(NI 22\)](#)) Schedule 3 paragraph 20 and Schedule 5 Part 3, the Social Security contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 ([S.I. 1999/671](#)) schedule 1 paragraph 41 and the Proceeds of Crime Act 2002 ([c. 29](#)) schedule 11 paragraphs 1 and 23.

(15) Section 13 was amended by the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 ([S.I. 1999/671](#)) schedule 1 paragraph 42, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 ([c. 4](#)) (NI) Schedule 5 paragraph 1 and Schedule 9 Part 3, the Pensions (Northern Ireland) Order 2005 ([S.I. 2005/255 \(NI 1\)](#)) Article 261(3), the Pensions Act (Northern Ireland) 2008 ([c. 1](#)) (NI) section 12(2), and [S.R. 2005 No.433](#).

(16) Section 105 was amended by the Pension (Northern Ireland) Order 1995 ([S.I. 1995/3213 \(NI 22\)](#)) Article 55 and [S.R. 2005 No.433](#).

(17) Section 11A was inserted by the Welfare Reform and Pensions (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(NI 11\)](#)) Article 29(3).

purposes of this definition “a competent authority” has the meaning given by section 55(1) of the Medical Act 1983(18);

“index adjustment” means—

- (a) in relation to the opening balance of earned pension for any scheme year, the change in earnings for the previous scheme year (19), and
- (b) in relation to the opening balance of club transfer earned pension for any scheme year, the in-service revaluation index that the sending scheme would have applied to the transferred pension for that scheme year, had it not been transferred;

“last active scheme year” means the scheme year in which an active member of this scheme ceases to be in pensionable service under this scheme;

“last day of pensionable service” means the last day of a continuous period of pensionable service under this scheme;

“leaving year” means the scheme year in which the relevant last day falls;

“lower tier ill-health pension” means a lower tier ill-health pension payable under regulation 73(1) (entitlement to lower tier ill-health pension and higher tier ill-health pension);

“member”, in relation to this scheme, means an active member, deferred member, or pensioner member of this scheme;

“member contributions” has the meaning given in regulation 118(8) (member contributions);

“NFPS” means the New Firefighters’ Pension Scheme Order (Northern Ireland) 2007(20);

“normal pension age”—

- (a) in relation to this scheme, is determined in accordance with section 10 of the 2014 Act; and
- (b) in relation to the FPS, has the meaning given in that scheme;
- (c) in relation to the NFPS, has the meaning given to “normal retirement age” in that scheme;

“occupational pension scheme” has the meaning given in section 1 of the Pension Schemes Act;

“opening balance”, in relation to a description of pension for a scheme year other than added pension, has the meaning given in regulation 44 (opening balance, index adjustment and age addition) and in relation to added pension, has the meaning given in regulation 49 (account to specify opening balance and PIA index adjustment);

“ordinary adoption leave” means leave under Article 107A of the Employment Rights (Northern Ireland) Order 1996;

“ordinary maternity leave” means leave under Article 103 of the Employment Rights (Northern Ireland) Order 1996(21);

“parental leave” has the meaning given in regulation 2(1) of the Maternity and Parental Leave etc. Regulations (Northern Ireland) 1999(22);

“partial retirement option” means the option exercisable under regulation 71 (exercise of partial retirement option);

(18) 1983 c.54; the definition of “competent authority” was inserted by S.I. 2007/3101.

(19) Under section 9 of the 2014 Act the change in earnings to be applied in a period is the percentage increase or decrease as a Department of Finance and Personnel order under that section may specify in relation to the period.

(20) SR 2007 No 215.

(21) S.I. 1996/1919 (NI 16). Article 103 was substituted by the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (NI 9)).

(22) S.R. 1999 No.471.

“paternity leave” means leave under regulation 4 or 8 of the Paternity and Adoption Leave Regulations (Northern Ireland) 2002⁽²³⁾;

“pay period” means the period in respect of which the payment of pensionable pay is made;

“Pension Board” means a board established under regulation 5 (Northern Ireland Fire and Rescue Service Pension Board: establishment);

“pension credit” means a credit under Article 26(1)(b) of the 1999 Order;

“pension credit member” has the meaning given by regulation 30 (pension credit member);

“pension credit member’s account” has the meaning given in regulation 63 (establishment of pension credit member’s account);

“pension credit member’s pension” means a pension payable under regulation 113 (entitlement to pension credit member’s pension);

“pension credit rights” has the meaning given in Article 121(1) of the Pensions (Northern Ireland) Order 1995;

“pension debit member”, in relation to this scheme, means a person who is a member of this scheme whose benefits or future benefits under this scheme have been reduced under Article 28 of the 1999 Order (reduction of benefit);

“pensionable public service” means pensionable service under an existing scheme ⁽²⁴⁾ or an existing public body pension scheme as defined in paragraph 1 of Schedule 2;

“pensioner member” in relation to this scheme, means a person who is entitled to immediate payment of a retirement pension under this scheme;

“pension sharing order” means any provision or order specified in Article 25 of the 1999 Order;

“personal pension scheme” means a personal pension scheme as defined in section 1 of the Pension Schemes Act that is a registered pension scheme;

“PIA index adjustment”, in relation to the opening balance of added pension for any scheme year, means the amount by which the annual rate of a pension of an amount equal to the opening balance would have been increased in that year under the 1971 Act if—

(a) that pension were eligible to be so increased; and

(b) the beginning date for that pension were the first day of the previous financial year;

“protected member”, in relation to the FPS or the NFPS, has the meaning given in Schedule 2;

“provisional amount of deferred pension” has the meaning given in regulation 54 (provisional amount of deferred pension);

“qualifying service” has the meaning given in regulation 66 (qualifying service);

“reference pay”, in relation to the pay of a retained or volunteer firefighter for any period, means the whole-time equivalent pensionable pay for that period of a regular firefighter employed in a similar role and with equivalent qualifying service;

“registered”, in relation to a pension scheme, means registered under Chapter 2 of Part 4 (registration of pension schemes) of the 2004 Act;

“regular employment” means employment for at least 30 hours a week on average over a period of not less than 12 consecutive months beginning with the date on which the issue of the person’s capacity for employment arises;

“regular firefighter” means a person (P) employed (whether whole-time or part-time) by the Board—

⁽²³⁾ SR. 2002 No 377.

⁽²⁴⁾ See section 18(2) of the 2014 Act for the meaning of “existing scheme”.

- (a) as a firefighter, but not as a retained or volunteer firefighter,
- (b) on terms under which P is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to P's role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting); and

(c) otherwise than in a temporary capacity;

“the relevant last day” means—

- (a) for a partially retired member, the day on which the partial retirement option was exercised, and
- (b) otherwise, the member's last day of pensionable service;

“reserve forces” has the meaning given in section 1(2) of the Reserve Forces Act 1996(25);

“reserve forces service leave” means absence from duty because of being called out or recalled for permanent service in Her Majesty's armed forces pursuant to a call-out notice served, or a call-out or recall order made, under Reserve Forces Act 1996 or absence during training required under section 22 or permitted under 27 of that Act;

“retained firefighter” means a person (P) employed by the Board—

- (a) as a firefighter, but not as a regular firefighter or a volunteer firefighter,
- (b) on terms under which P is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to P's role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting),
- (c) otherwise than in a temporary capacity, and
- (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that P receives;

“retirement account” has the meaning given in regulation 59 (establishment of retirement account and other adjustments);

“retirement added pension” has the meaning given in regulation 60(3) (account to specify amount of retirement pension (active members));

“retirement amount of deferred pension” has the meaning given in regulation 55(3) (retirement amount of deferred pension);

“retirement benefits” means benefits payable under Part 5 (retirement benefits);

“retirement earned pension” has the meaning given in regulation 60(2) (account to specify amount of retirement pension (active members));

“retirement index adjustment”, in relation to an amount of accrued pension, has the meaning given in regulation 33 (calculation of “retirement index adjustment”);

“retirement pension” means—

- (a) in relation to a pensioner member who was an active member at the time of claiming a retirement pension, a retirement earned pension and a retirement added pension (if any),
- (b) in relation to a pensioner member who was a deferred member at the time of claiming a retirement pension, the retirement amount of deferred pension;

“retirement PIA index adjustment” in relation to an amount of accrued pension, has the meaning given in regulation 34 (calculation of “retirement PIA index adjustment”);

“role”, in relation to a firefighter, means the role in which the firefighter is for the time being employed, being a role set out in “Fire and Rescue Services Rolemaps” issued by the National Joint Council for Local Authority Fire and Rescue Services in August 2005**(26)**;

“this scheme” means the scheme established by these Regulations;

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

“scheme employer” has the meaning given in regulation 15 (scheme employment);

“scheme employment” means has the meaning given in regulation 15 (scheme employment);

“scheme manager” except where the context otherwise requires, has the meaning given in regulation 4 (scheme manager);

“scheme year” means a period of one year beginning with 1st April and ending with 31st March next following;

“sending scheme” means a club scheme which pays a club transfer value;

“specified proportion” has the meaning given in regulation 97 (specified proportion);

“statutory pay” means—

- (a) statutory adoption pay within the meaning of section 167ZL(1)(entitlement) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992**(27)**, or
- (b) statutory maternity pay within the meaning of section 160(1) (statutory maternity pay – entitlement and liability to pay) of the Social Security Contributions and Benefits Act (Northern Ireland) 1992,
- (c) ordinary statutory paternity pay within the meaning of section 167ZA(1) (entitlement: birth) or 167ZB(1) (entitlement; adoption) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992**(28)**, or
- (d) additional statutory paternity pay within the meaning of section 167EA(1) (entitlement to additional statutory paternity pay: birth) or 167ZEB(1) (entitlement to additional statutory paternity pay; adoption) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992**(29)**;

“surviving partner” has the meaning given in regulation 84 (meaning of “surviving partner”);

“surviving partner’s pension” means a pension payable to a surviving partner under regulation 86 (surviving partner’s pension payable on death of active member), regulation 87 (surviving partner’s pension payable on death of deferred member) or regulation 88 (surviving partner’s pension payable on death of pensioner member);

“survivor member” has the meaning given in regulation 61 (establishment of a survivor member’s account);

“tax year” means a period of one year which is the period of assessment for income tax purposes;

“total allocation amount”, in relation to an amount of retirement pension, means the total amount of that pension allocated under Chapter 6 of Part 5 (retirement benefits);

(26) A copy is available at http://www.local.gov.uk/c/document_library/get_file?uuid=326723e9-8192-4798-89bb-d152fb05fa5f&groupId=10180

(27) 1992 c.7. Section 167ZL was inserted by the Employment (Northern Ireland) Order 2002 (SI 2002/2836 (NI 2)) Article 6.

(28) Sections 167ZA and 167ZB were inserted by the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (NI 2)) section 5. Subsections (1) of those sections were amended by the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (NI 16)) Schedule 1 paragraphs 11 and 12.

(29) Sections 167ZEA and 167ZEB were inserted by the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (NI 16)) Articles 8 and 9.

“trade dispute” has the meaning given in Article 127 of the Trade Union and Labour Relations (Northern Ireland) Order 1995⁽³⁰⁾;

“transfer payment” means a transfer value payment or a club transfer value payment;

“transfer value” has the meaning given in regulation 140 (interpretation in relation to Part);

“transfer value payment” means the payment of a transfer value;

“transferred pension” means pension attributable to the receipt of a transfer value payment;

“transition date” has the meaning given in paragraph 1 of Schedule 2;

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

“the DFP Order”, in relation to a given period, means the order made by the Department of Finance and Personnel under section 9(2) of the 2014 Act that specifies a percentage increase or decrease in earnings in relation to that period;

“volunteer firefighter” means a person (P) who carries out operational firefighting for the Board—

- (a) as a firefighter, but not as a regular firefighter or a retained firefighter,
- (b) on terms under which P is, or may be, required to engage in fire-fighting or may be required to perform other duties appropriate to P’s role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting)
- (c) otherwise in a temporary capacity, and
- (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that P receives;

“weekly rate”, in relation to a guaranteed minimum pension, has the meaning given in regulation 55(2) of the Occupational Pension Scheme (Contracting-out) Regulations (Northern Ireland) 1996⁽³¹⁾.

⁽³⁰⁾ S.I. 1995/1980 (NI 12)

⁽³¹⁾ S.R. 1996 No.493; Regulation 55 was amended by SR 1997 No 160 and SR 2005 No 433.