

SCHEDULE

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

Amendment of Part 5 (awards on death)

5.—(1) Part 5 is amended as follows.

(2) In article 35 (death grant)—

(a) in paragraph (2), after “paragraphs”, for “(3)” substitute “(2A)”;

(b) after paragraph (2) insert—

“(2A) In the case of a firefighter member who is a special firefighter member, paragraph (2) shall apply with the substitution of “twice” for “three times”.”;

(c) in paragraph (3)—

(i) for “Where” substitute “Subject to paragraph (3A), where”; and

(ii) in sub-paragraph (c), for “the product of the following formula is greater than three times that of” substitute “the product of the following formula is an amount greater than three times”;

(d) after paragraph (3) insert—

“(3A) In the case of a firefighter member who was a special firefighter member, paragraph (3) shall apply with the substitution of “twice” for “three times”, of “2” for “3” and “special pensionable service” for “pensionable service” where appropriate in the formula.”;

(e) in paragraph (4) for “Where the deceased” substitute “Subject to paragraph (4A), where the deceased”;

(f) after paragraph (4) insert—

“(4A) In the case of a firefighter member who was a special firefighter member, paragraph (4) shall apply with the substitution in sub-paragraph (a) of “twice” for “three times”, of “2” for “3” and “special pensionable service” for “pensionable service” where appropriate in the formula.”;

(g) in paragraph (5) for “Where the deceased” substitute “Subject to paragraph (5A), where the deceased”;

(h) after paragraph (5) insert—

“(5A) In the case of a firefighter member who was a special firefighter member, paragraph (5) shall apply with the substitution, in sub-paragraph (b)(i), of “twice” for “three times” and with the modifications to paragraphs (3) and (4) applied by paragraphs (3A) and (4A).”.

(3) After article 35 (death grant) insert—

“Death grant for limited period

35A.—(1) This article applies where a person—

(a) was employed as a retained firefighter on or after 1st July 2000; and

(b) continued in such employment until he died before 6th April 2006.

(2) Where the deceased was married, or a member of a civil partnership, at the time of his death, his spouse or civil partner may apply in writing to the Board for a death grant and any such application shall be made during the period ending on 31st March 2015.

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(3) Subject to paragraph (4), where the deceased was not married, or a member of a civil partnership, at the time of his death or where his spouse or civil partner has died since his death, a child of the deceased may apply in writing to the Board for a death grant and any such application shall be made during the period ending on 31st March 2015.

(4) A person shall not be eligible for a child's death grant under this article if he would not have been eligible for a child's pension by virtue of anything in article 29 of Part 4 at the time of the death of the deceased.

(5) The Board shall request from the person making the application under paragraph (2) or (3) such information required to enable the Board to determine the deceased's pensionable pay, or, where no information is provided, the Board shall determine the amount of pensionable pay from its records.

(6) The amount of the death grant shall be equal to the product of 2.5 and the amount of pensionable pay which the Board determine the deceased received in his last year of service.

(7) Where the Board determines that a death grant is payable, the Board shall pay the death grant during the period of three months beginning with the date on which the application for a death grant was received.

(8) Subject to paragraph (9) the Board may pay the death grant, in whole or in part, to such person, or persons as it thinks fit.

(9) The Board must not pay any part of the death grant to a person who is convicted of the murder or manslaughter of the deceased, but this is subject to paragraph (10).

(10) Where a conviction of the description mentioned in paragraph (9) is quashed on appeal, the Board may, if it has not then paid the death grant in full, pay all or part of it to the person whose conviction is quashed.

(11) Where this article applies, there is no entitlement to a death grant under article 35 (death grant) or a post-retirement death grant under article 36 or to a survivor's pension or a bereavement pension or a child's pension under Part 4 (survivors' pensions)."

(4) In paragraph (2) of article 36 (post-retirement death grant), for "Paragraphs (9) to (12)" substitute "Paragraphs (10) to (12)".