

## SCHEDULE

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

### **Amendment of Part 10 (qualifying service and pensionable service)**

- 8.—(1) Part 10 is amended as follows.
- (2) In article 55 (qualifying service)—
- (a) after sub-paragraph (g) add—
- “(h) any period of service during the limited period in respect of which the person has paid the mandatory special period pension contributions; and
- (i) any period of service as a retained firefighter before 1st July 2000 which, if it had been a period of service during the limited period in relation to which mandatory special period pension contributions had been paid, would have been qualifying service in accordance with sub-paragraph (h).”.
- (3) In paragraph (1) of article 56 (reckoning of pensionable service)—
- (a) for “Subject to paragraph (5)” substitute “Subject to paragraph (5) and article 56A”;
- (b) after sub-paragraph (f) add—
- “(g) any period of service treated as accrued in accordance with article 84A of Part 12.”.
- (4) After article 56 (reckoning of pensionable service), insert—

### **“Reckoning of special pensionable service**

56A.—(1) Subject to paragraph (6), for the purposes of this Scheme, the special pensionable service of a special member accrues as special pension contributions or mandatory special period pension contributions are paid, and consists of—

- (a) any period in respect of which he has paid special pension contributions as a special firefighter member;
- (b) subject to paragraph (4), any period during the limited period which he is entitled to reckon as special pensionable service under article 66A (election to purchase service during the limited period) of Part 11;
- (c) any period which he is entitled to reckon as special pensionable service under article 59 (reckoning of maternity, paternity and adoption leave, etc) of this Part or articles 65 and 66 to 69 of Part 11;
- (d) any period of special pensionable service taken into account for the purposes of a lower tier ill-health award under article 12 of Part 3 where—
- (i) the award is cancelled under article 50 of Part 9; and
- (ii) he remains a member of this Scheme;
- (e) where the special member has transferred-in pensionable service from another pension scheme, the period of special pensionable service calculated in accordance with article 81(1) (calculation of transferred-in pensionable service ) of Part 12;
- (f) where the person was a member of the Firefighters' Pension Scheme(1), and the period of service used for determining his eligibility to an award under that Scheme, was transferred to his special membership of this Scheme under article 81A of Chapter 3A of Part 12, that period of service;

---

(1) See Annex to [SR 2007 No 144](#).

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

- (g) where the person was a standard member of this Scheme and converted the pensionable service accrued as a standard member of this Scheme to his membership of this Scheme as a special member, the special pensionable service that person is treated as having accrued under article 84B or 84C of Part 12;
  - (h) where a member has two pensions with special pensionable service in relation to the second pension under article 17 of Part 3 (entitlement to two pensions), the period of special pensionable service taken into account in calculating the first pension under that article;
  - (i) any period of absence without pay in respect of which he has paid special pension contributions in accordance with article 58 of Part 10.
- (2) Subject to paragraph (3), the special pensionable service of a special member may not exceed 30 years.
- (3) A special firefighter member may not buy additional service, except service during the limited period, if that service would increase his special pensionable service to more than 30 years by normal retirement age.
- (4) Any additional period of service purchased or in the process of being purchased under Part 11 is reckonable as special pensionable service where the appropriate special pension contributions are paid; but where only a portion of the special pension contributions payable in respect of a period of additional service have been paid, only the equivalent portion of the period is reckonable as special pensionable service.
- (5) Subject to paragraph (6), an additional period of service purchased under Part 11 is to be taken into account for the purposes of determining—
- (a) the amount of pension payable to the special firefighter member or to his survivors; and
  - (b) the amount of service a special firefighter member has or may accrue in the Scheme.
- (6) An additional period of service purchased under article 65 of Part 11 is not to be taken into account in assessing—
- (a) the amount of the higher tier ill-health pension included in a higher tier ill-health award under Part 3; or
  - (b) the amount of a death grant under article 35 of Part 5.
- (7) Subject to article 84C of Part 12 (converting membership from standard membership to special membership – special pension members), a period of service which is reckonable as special pensionable service is not reckonable as pensionable service under article 56 of Part 10.”.
- (5) In article 57 (non-reckonable service) after “not reckonable as pensionable service”, insert “or as special pensionable service”.
- (6) In article 58 (reckoning of unpaid period of absence” after “reckon as pensionable service” insert “or as special pensionable service”.
- (7) In article 59 (reckoning of maternity, paternity and adoption leave, etc) after paragraph (3) add—
- “(4) If the firefighter member was a special firefighter member immediately before any period which he is entitled to reckon under this article, he is entitled to reckon that period as special pensionable service.”.
- (8) In article 60 (calculation of pensionable service) after paragraph (6) add—
- “(7) Where the firefighter member is a special firefighter member, this article shall apply with the substitution of “special pensionable service” for “pensionable service” and with the substitution of “article 56A(2) and (3)” for “article 56(2) and (3)”.”.

*Document Generated: 2023-05-17*

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