
STATUTORY RULES OF NORTHERN IRELAND

2024 No. 130

The Firefighters' Pension Schemes and Compensation Scheme (Amendment) Regulations (Northern Ireland) 2024

Amendment to the New Firefighters Pension Scheme

3.—(1) The Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007(1) shall be amended as follows.

(2) In Part 1 (citation and interpretation)—

(a) in article 2(1) (interpretation)—

(i) in the definition of “child”(2), in paragraph (a)(iii) for “nominated partner” substitute “cohabiting partner”;

(ii) after the definition of child's pension(3) insert—

““cohabiting partner” has the meaning given by article 4(11) of Part 2;”;

(iii) omit the definition of “nominated partner”;

(b) after article 2 (interpretation), insert—

“Civil Partnership and Marriage of Same Sex Couples

2A. The application of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019(4) in relation to these Regulations is modified so that regulations 6(1) and (2) and 7(1) to (3) have effect.”.

(3) In Part 2 (scheme membership, cessation and retirement) in article 4 (scheme membership)—

(a) in paragraph (5)(b) for “nominated partner” substitute “cohabiting partner”;

(b) omit paragraphs (6) to (9); and

(c) after paragraph (10)(5) insert—

“(11) For the purposes of the article—

a “cohabiting partner” in relation to the scheme member is a person—

(a) who has been living with the scheme member, otherwise than as the scheme member's spouse or civil partner,

(b) at the date on which the question of the cohabiting partner's status in relation to the scheme member falls to be considered, is not the spouse or civil partner of any other person,

(c) is financially dependent on the scheme member, or is, with the scheme member, in a state of mutual financial dependency, and

(1) S.R. 2007 No. 215, amended by S.R. 2008 No. 381, S.R. 2012 No. 162, S.R. 2013 No. 84 and No. 172, S.R. 2014 No. 57 and No. 168, S.R. 2015 No. 9, No. 10, No. 355, No. 420 and No 422, S.R. 2022 No. 155 and S.R. 2023 No. 178.

(2) The definition of “child” was amended by S.R. 2008 No. 381 and S.R. 2015 No. 9.

(3) The definition of “child's pension” was inserted by S.R. 2015 No. 9.

(4) S.R. 2019 No 1514.

(5) Paragraph (10) was inserted by S.R. 2015 No. 422.

(d) is in a long-term relationship with the scheme member and could enter into a marriage or civil partnership with the scheme member;

“long-term relationship” means a relationship that has continued, to the exclusion of any other relationship, for a period of at least two years ending with the date on which the question of the person’s status in relation to the scheme member falls to be considered, or such shorter period as the Board may in any particular case think fit; and

“scheme member” means a firefighter member, a deferred member or a pensioner member.”.

(4) In Part 3 (personal awards)—

(a) in article 17 (entitlement to two pensions)(6)—

(i) in paragraph (2) for “paragraphs (3) and (4)” substitute “paragraphs (3), (3A) and (4)”; and

(ii) after paragraph (3) insert—

“(3A) The amount of the first pension determined under paragraph (3), is increased for each year before the firefighter’s last day of service by an amount equivalent to that which would apply if the first pension were a pension in payment commencing from the date that paragraph (1) first applied to the member, to which the Pensions (Increase) Act (Northern Ireland) 1971 applied.”;

(b) in article 21(2)(a) (allocation of pension) for “nominated partner” substitute “cohabiting partner”.

(5) In Part 4 (survivors’ pension)—

(a) in the heading to Chapter 1 and the heading to article 23, for “nominated partners”, on both occasions substitute “cohabiting partners”;

(b) in paragraphs (1), (2) and (3) of article 23, for “nominated partner” substitute “cohabiting partner”.

(6) In Part 6 (pension sharing on divorce), in article 38 (commutation of whole of pension credit benefits) in paragraph (1), for “In the circumstances described in regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000 (commutation of pension credit benefit: small pensions)” substitute “Where the amount of pension payable under this Part does not exceed the trivial commutation lump sum limit in paragraph 7 of Schedule 29 to the Finance Act 2004 (lump sum rule)(7)”.

(7) In Part 7 (reservists), in article 44(3) (awards on death or permanent disablement) for “nominated partner” substitute “cohabiting partner”.

(8) In Part 11 (pensionable pay, pension contributions and purchase of additional service) in article 61 (pensionable pay)—

(a) in paragraphs (5B)(8) and (5C) for “paragraph 33 of Schedule 2”, substitute “paragraph 32 of Schedule 2”;

(b) in paragraph (5C) for “paragraph 33(4) of Schedule 2”, substitute “paragraph 32(4) of Schedule 2”; and

(c) in paragraph (5D) for “paragraph 33(3) of Schedule 2”, substitute “paragraph 32(3) of Schedule 2”.

(6) Article 17 was amended by [S.R. 2008 No 381](#), [S.R. 2015 No. 9](#) and [S.R. 2015 No.420](#).

(7) [2004 c.12](#).

(8) Paragraphs (5B), (5C) and (5D) were inserted by [S.R. 2015 No. 420](#).

(9) In paragraph (2A)(b)(9) of article 62 (final pensionable pay), for “paragraph 33(4) of Schedule 2” substitute “paragraph 32(4) of Schedule 2”.

Commencement Information

- I1** Reg. 3(1) (2)(b) in operation at 5.7.2024 , see [reg. 1\(1\)](#)
- I2** Reg. 3(2)(a)(3)(4)(a)(b)(5)(7) in operation at 5.7.2024 with effect in accordance with reg. 1(3)
- I3** Reg. 3(6) in operation at 5.7.2024 with effect in accordance with reg. 1(5)
- I4** Reg. 3(8)(9) in operation at 5.7.2024 with effect in accordance with reg. 1(6)

Changes to legislation:

There are currently no known outstanding effects for the The Firefighters' Pension Schemes and Compensation Scheme (Amendment) Regulations (Northern Ireland) 2024, Section 3.