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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for a new compensation scheme for firefighters in England. The new scheme is set out in Schedule 1 to the Order and, subject to provisions relating to rule 3 of Part 2, which have effect from 1st April 2000, has effect from 1st April 2006.

The power to provide for an order to have effect from a date that is earlier than that on which it is made is conferred by section 34(3) of the Fire and Rescue Services Act 2004.

Subject to the transitional provisions in articles 3 and 4 of the Order, the new Scheme supersedes corresponding provisions of the Firefighters' Pension Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 (S.I. 1992/129) ("the Pension Scheme"). Those corresponding provisions are listed in Schedule 2 to this Order.

The new scheme consists primarily of provisions relating to ill-health and injury awards in respect of firefighters, their spouses, civil partners, children and other dependants, that are similar to those contained in, but to be removed from, the Pension Scheme.

The new scheme also includes (in rule 3 of Part 2) provisions based on those that previously formed part of the conditions of service applicable to firefighters. The provisions relate to the payment of compensation in respect of firefighters who die or sustain seriously disabling injuries while on duty.

The broad effect of rule 3 of Part 2 is that, where the firefighter dies while on duty, compensation of a lump sum is payable to his or her dependants. The lump sum is equivalent to the amount that a person employed in the role of firefighter by the same fire and rescue authority would receive as five years' pensionable pay after four years' service, at the rate applying at the date of the incident. If there are no dependants, a flat-rate payment of £950 is made to the deceased's estate. Those amounts are subject to abatement depending on the amount of any damages or compensation received by the firefighter or his or her dependants, and any gratuities paid.

Article 3 of the Order enables a person whose position under the new scheme would be less favourable than that under the Pension Scheme to elect to retain benefits under that Scheme. Notice of election has to be given to the fire and rescue authority before 30th September 2006.